



***MODIFICATION REQUEST:
Site 4B, Sydney Olympic Park
(MP06_0273 MOD 3)***

Description of Modification Request

- Relocation of two basement levels from southern building to northern building.
- Reduction in overall height of northern building from 38.4 metres to 34.6 metres (including roof plant).
- Revised building core arrangement.
- Confirmation of development staging.
- Delete condition B20 regarding Sydney Water requirements.

Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

December 2012

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1. BACKGROUND

1.1 The Site

Site 4 is a corner site at Olympic Boulevard and Herb Elliott Avenue, within Sydney Olympic Park (SOP). Site 4 is divided into two sections, named Site 4A and Site 4B respectively, separated by an area dedicated for public domain space. The project location is shown in Figure 1.

Figure 1: Project Location

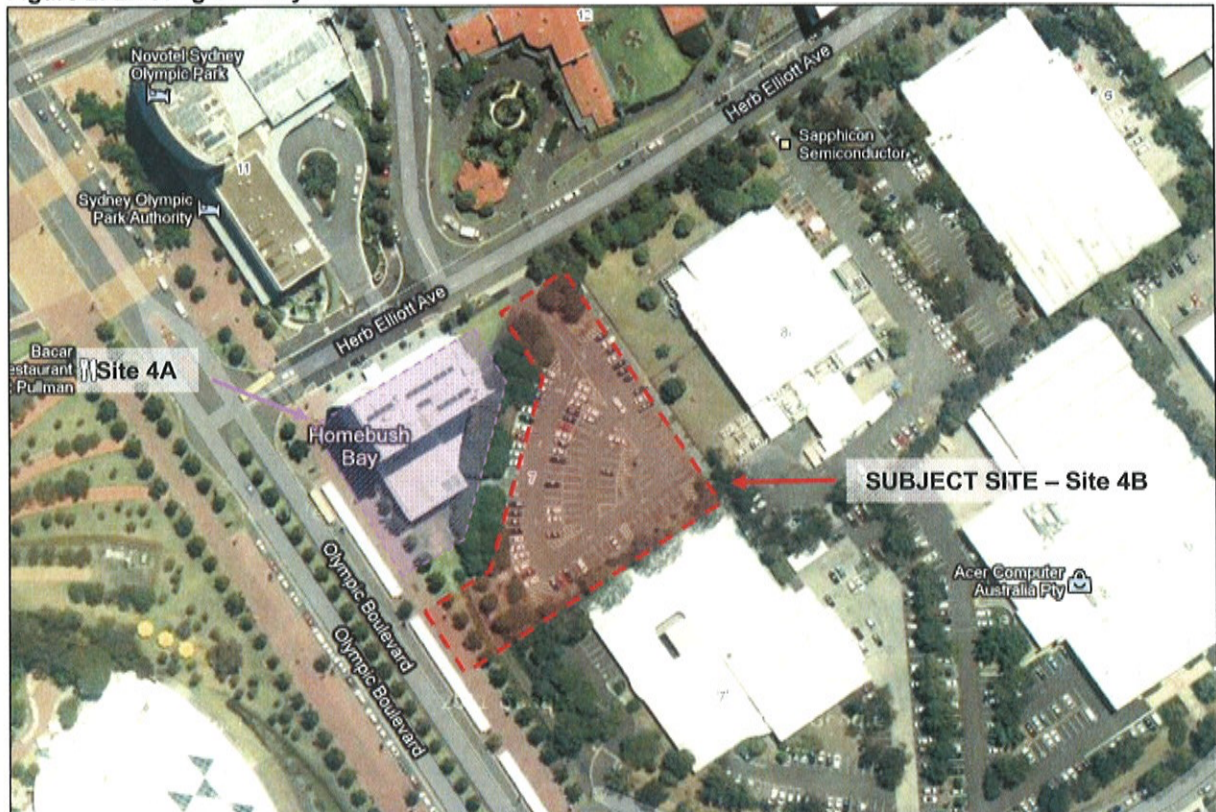


The subject site is known as Site 4B, which occupies the south eastern portion of Site 4, is legally described as Lot 60 in DP 786296 and Part Lot 50 in DP1045522 and is under the ownership of the Sydney Olympic Park Authority (SOPA). Site 4B has street frontages to both Herb Elliott Avenue and Olympic Boulevard, with Site 4A occupying the north western corner (see Figure 2).

Site 4A is fully developed and contains the Pullman Hotel. The hotel was developed in accordance with the project approval of MP05_0056, granted by the then Minister for Planning on 31 July 2006. The proposal was originally approved as an 18-storey Sofitel Hotel, however, the hotel was subsequently developed as the Pullman Hotel.

Site 4B is currently utilised as a 98 space public car park within walking distance of sporting and recreational facilities and the Olympic Park Railway Station. There are also a number of bus stops on Olympic Boulevard and Herb Elliott Avenue.

Figure 2: Existing Site Layout



1.2 Approval History

On 19 October 2007, the then Minister for Planning, approved MP06_0273 for the construction of a 7 storey commercial office building, comprising café, lobby and loading dock at ground level and six levels of commercial office space above, and the construction of 5 basement car park levels for 369 parking spaces and associated landscaping and public domain works.

On 12 August 2011, the Director-General, as delegate for the Minister, approved a modification request (MP06_0273 MOD 1) for the reconfiguration and redistribution of floor space to create two separate building towers (see Figure 3). The approved modification request comprised:

- staged construction of two commercial buildings comprising an eight storey building fronting Herb Elliot Avenue (northern building) and a 10 storey building fronting Olympic Boulevard (southern building)
- additional gross floor area of 1,956 sqm as a result of an increase in gross floor area and building height from seven storeys to 8/10 storeys
- 735 sqm increase in landscaped area to a total of 2,545 sqm as a result of the proposed deletion of the atrium entrance/lift lobby
- removal of 17 trees, whereas 22 were previously approved for removal resulting in net increase of trees retained from four to nine
- reconfiguration of the basement car park with the provision of 273 parking spaces provided over five basement levels resulting in a reduction of 96 car spaces.

Figure 3: Northern and Southern Building



On 29 August 2012, the A/Director, Metropolitan and Regional Projects South, approved a modification request (MP06_0273 MOD 2) to insert a new condition prescribing a date to which the approval is liable to lapse under section 75Y(1) of the EP&A Act.

To date, building works have not commenced on the approved development.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification request (MP06_0273 MOD 3) lodged by FDC on behalf of Fitzpatrick Investments Pty Limited (the proponents) seeks approval for:

- relocation of two basement levels from southern building to northern building and rearrangement of southern building basement
- reduction in overall height of the northern building from 38.4 metres to 34.6 metres (or 33.4 metres to 32 metres excluding roof plant) to the finished ground level
- revised building core arrangement for the northern building
- confirmation of development staging

- delete condition B20 regarding Sydney Water requirements.

The proposed amendments are discussed in detail below.

Relocation of basement levels to northern building and rearrangement of southern building basement

The original approval included a three level basement car park below what was originally one building (northern and southern building combined). This building was subsequently modified to separate the buildings into two with a five level basement included as part of the southern building only.

The proponent is of the opinion that separate basements are important to the commercial attractiveness of the proposed buildings to tenants and therefore is seeking approval to construct a two level basement car park below the northern building. Two levels will be consequently deleted from the five levels of basement currently approved below the southern building. The two level northern building basement will accommodate 71 car spaces, 58 bicycle spaces with associated amenities and other building infrastructure to service the northern building. The approved basement driveway will be redesigned to provide access to the northern building basement in the short-term, with the capacity to provide access to the future southern building basement.

The proposed re-inclusion of a two level basement below the northern building results in necessary modifications to the layout and arrangement of the approved basement levels below the southern building. Across the site, the number of car spaces remains the same as that already approved – i.e. a total of 273 car spaces has been maintained, with 71 car spaces provided below the northern building and 202 car spaces provided below the southern building. The modifications have resulted in the provision of 100 bicycle parking spaces for the southern building and 58 below the northern building, which is in excess of the approved scheme. However, this revised number is required to achieve the necessary points to achieve 5 star Green Star.

The layout of amenities and associated building plant rooms has also changed to accommodate the re-inclusion of the northern basement.

Reduction in height of northern building

The proposed modifications involve reducing the overall height of the northern building from 38.4 metres to 34.6 metres (including roof plant) to the finished ground level. This largely relates to a proposed reduction in the rooftop plant room structure from five metres to 2.6 metres high. It also relates to a reduction of 200 mm from each floor within the building.

Revised building core arrangement for northern building

The approved building core for the northern building is proposed to be rationalised to efficiently provide adequate space for all services, stairs, amenities and lifts serving floors above. The location of the core has not changed meaning very few external visual changes are anticipated. This core has also been designed to comply with the

provisions of both SOPA's Access Guidelines and relevant provisions of the Building Code of Australia. This includes the provision of compliant accessible amenities on each floor and refuges within each fire stair.

Service access has been provided to the rear of proposed retail space at ground floor as a result of the rationalised building core.

Development staging

The proponents propose to construct the northern building as the first stage of the overall development based on interest expressed by a number of potential tenants. The proposed modification involving the construction of two basement levels as part of the northern building will ensure that it can operate independently of the proposed southern building. This approach will also result in less disruption to the operation of the northern building during construction of the southern building in the future.

A Staging Plan was been prepared to illustrate the extent of works proposed as part of Stage 1. This plan nominates the extent of approved public domain works to be constructed with the northern building. Remaining areas will be turfed so that permanent works are not affected by the construction of the southern building in Stage 2.

Condition B20 – Sydney Water

The first paragraph of condition B20 currently reads as follows:

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act, 1994 (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

The proponent has provided correspondence from Sydney Water that confirms that the Notice of Requirements is no longer required prior to the issue of a Construction Certificate, and therefore is asking that the condition be changed to "*prior to the issue of an Occupation Certificate*".

However, this requirement already exists in the approval in condition F4:

A Compliance Certificate issued under Part 6, Division 9, Section 73 of the Water Board (Corporatisation) Act, 1994 shall be submitted to the PCA prior to the issue of the Final Occupation Certificate.

Condition B20 can therefore be deleted in its entirety.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal involves modifications to the external built form of the building and internal reconfigurations, the modification will require the Minister's approval.

3.2 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this modification as the proponent had addressed the key issues in the modification request.

3.3 Delegated Authority

On 14 September 2011, the Minister delegated his powers and functions under section 75W of the EP&A Act, effective from 1 October 2011, to Directors in the Major Projects Assessment Division, where:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 10 public submissions in the nature of objection.

Auburn City Council has not objected to the proposed modification, a political donations disclosure has not been made in relation to the proposed modification application and no public submissions have been received. Accordingly, the Director, Metropolitan and Regional Projects North can therefore determine the modification under delegated authority.

3.4 Environmental planning instruments (EPIs) **State Environmental Planning Policy (Major Development) 2005**

The site is within SOP which is identified as a State significant site pursuant to Schedule 3 of the MD SEPP.

The MD SEPP identifies maximum building heights and maximum floor space ratios that apply to development within SOP. Pursuant to clause 18 of Part 23 of Schedule 3 of the MD SEPP, two maximum building height limits apply to the subject site, being 33 metres and 122 metres (excluding plant). The proposed modifications to the approved development seek approval for a reduction in the height of the northern building, which will be fully compliant with the height controls in the MD SEPP.

Clause 19 of Part 23 of Schedule 3 of the MD SEPP identifies the subject site as having a maximum floor space ratio of 6.5:1. The proposed modifications to the development will not change approved the gross floor area.

Clause 26 of Part 23 of Schedule 3 of the MD SEPP stipulates that consent must not be granted for development within the SOP site to which a master plan applies unless the consent authority has considered that master plan. In this regard, Sydney Olympic Master Plan 2030 was adopted by the then Minister for Planning on 10 March 2010 and duly considered during the assessment of this proposal.

Sydney Olympic Park Masterplan

The original project approval was considered under both the Sydney Olympic Park Master Plan 2002 (Master Plan 2002) and the Sydney Olympic Park Draft Master Plan 2025 (Master Plan 2025). The guidelines contained within Master Plan 2002 envisaged Site 4B, located within the Town Centre Precinct, as a commercial land use, built to a maximum 8 storeys, with basement parking that fronts both Herb Elliot Avenue and Olympic Boulevard and accommodates a public thoroughfare between Sites 4A and 4B. These Master Plans were subsequently replaced by the Sydney Olympic Park Master Plan 2030.

SOP Master Plan 2030 provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure.

The proposed modifications are of a minor nature and the development will continue to comply with the requirements and controls of the SOP Master Plan 2030 as assessed in detail in MP06_0273 MOD 1 (see Table 1).

Table 1: Masterplan 2030 Controls

No.	Control	Proposal	Complies
<i>Section 4 – General Controls and Guidelines</i>			
4.6	<i>Building Form and Amenity</i>		
	Building Depth Control – 25 metres	No change proposed	✓
	Building Height Control – 8 storeys	Proposed 7 storeys – No change proposed other than a minor reduction in height largely attributed to a reduction of the rooftop plant enclosure.	✓
	<i>Rooftop Services</i>		
	- Maximum rooftop service zone height is 5 metres	Proposed reduction from 5 metres to 2.6 metres	✓
	- Setback 3 metres from parapet		✓
	- Maximum 80% footprint of building	Proposed 10.2 metres Proposed under 80% of roof top – including proposed expansion.	✓
	Building Setbacks	Setbacks consistent with original approval and master plan.	✓
4.7	<i>Access and Parking</i>		
	Vehicle Access and Servicing	No changes proposed.	✓
	Vehicle Parking	Proposed modification – 71 proposed for northern building. Remaining 202 spaces to be constructed within southern building.	✓
	Commercial – 1 space / 80m ²		
	Retail – 1 space / 50m ²		
	Bicycle Parking 1 space / 150m ²	Proposed 58 bicycle spaces proposed. Remaining 100 spaces to be constructed within southern building.	✓
4.8	<i>Transport Strategies and Infrastructure</i>	A Work Place Travel Plan will be prepared and submitted prior to the issue of an Occupation Certificate for the approved building.	✓

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X(2)(f) of the EP&A Act and clause 8G of the EP&A Regulations, the modification request was made available on the department's website for 14 days and notification letters were sent to adjoining properties. The modification request was also referred to SOPA and Auburn City Council for comment.

A submission was received from SOPA on 20 November 2012, which did not object to the proposed modification, however, some general comments were provided regarding the adequacy of the revised plans submitted for approval as part of the modification application. Specifically, SOPA sought confirmation on staging, finished ground levels, tree removal and landscaping in the public domain. SOPA also stated that floor to ceiling heights should be matched in both the north and south building.

The department forwarded SOPA's submission to the proponent on 21 November 2012. As a consequence, the proponent submitted revised plans to clarify issues raised by SOPA on 27 November 2012. The department is satisfied that issues raised by SOPA has been satisfactorily addressed in the submission response provided by the proponent, with relevant key issues discussed in section 5 of this report.

Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received.

5. ASSESSMENT

An assessment of the key issues associated with the proposed modification application is outlined below.

5.1 Building Height and Design

The proposed modification involves reducing the overall height of the northern building from 38.4 metres to 34.6 metres, mostly due to a proposed reduction in the rooftop plant room structure from 5 metres to 2.6 metres high. It also relates to a reduction of 200 mm in floor to ceiling height for each floor within the northern building. This will result in a building that appears slightly lower in the streetscape and casts marginally less shadow on adjoining properties.

In their submission SOPA expressed an opinion that the floor to ceiling heights in both buildings on the site should be consistent. No reason was given for this desire.

In response the proponent detailed that at this point no changes are proposed to the southern building and the modification relates only to stage 1 of the development. The proponent anticipates that more comprehensive design changes to the southern building will take place prior to its construction sometime in the future, necessitating a further modification to the project approval. It is at this time that floor to ceiling heights can be modified (if necessary) to match the constructed northern building.

The department agrees that it is not appropriate at this time to impose additional constraints on the approved southern building, especially considering that this building will be stage 2 of the redevelopment of Site 4B and further design changes are likely in the future before it is actually built. Further, from viewing the elevations

submitted with the modification application, it is apparent that both buildings still complement each other in terms of design and scale, even with the slightly different floor to ceiling heights within each structure.

A service corridor has been incorporated into the ground floor design of the northern building so that service access can be provided to the rear of retail space. This redesign has been undertaken to satisfy SOPA's requirements for service access thereby avoiding impacts to the streetscape and public domain.

5.2 Parking and Traffic

The development was originally approved with a total of 369 car parking spaces and 76 bicycle parking spaces within three basement levels. MOD 1 allowed the deletion of 96 parking spaces from the approved development, reducing the number of spaces provided to 273 in five basement levels solely below the southern building. The revised parking provisions for the development were considered satisfactory given the site's close proximity to SOP Railway Station. Public parking for visitors or particular peak demand services is also available within the vicinity of the subject site. MOD 1 also increased the number of bicycle parking spaces to a total of 150.

The modifications proposed under MOD 3 will not impact on the number of parking spaces provided or the accessibility of the site or development. The proposed northern basement will accommodate 71 car spaces and 58 bicycle parking spaces, and to ensure consistency with the approved development, 202 car spaces and 100 bicycle parking spaces have been retained for the southern building.

The approved loading bay forms part of the southern building and will not be constructed within the first stage of development. However, a temporary at-grade loading / unloading area will be provided adjacent to the southern elevation of the northern building. This area will provide an opportunity for delivery vehicles to be parked without blocking the proposed driveways whilst being loading and unloaded. This area will also enable delivery vehicles to enter and exit the site, onto Herb Elliot Avenue, in a forward direction (see Figure 4 for basement B1 plan and Figure 5 for the ground floor plan for the northern building showing the driveway entry and loading dock).

Figure 4: Basement B1 Plan

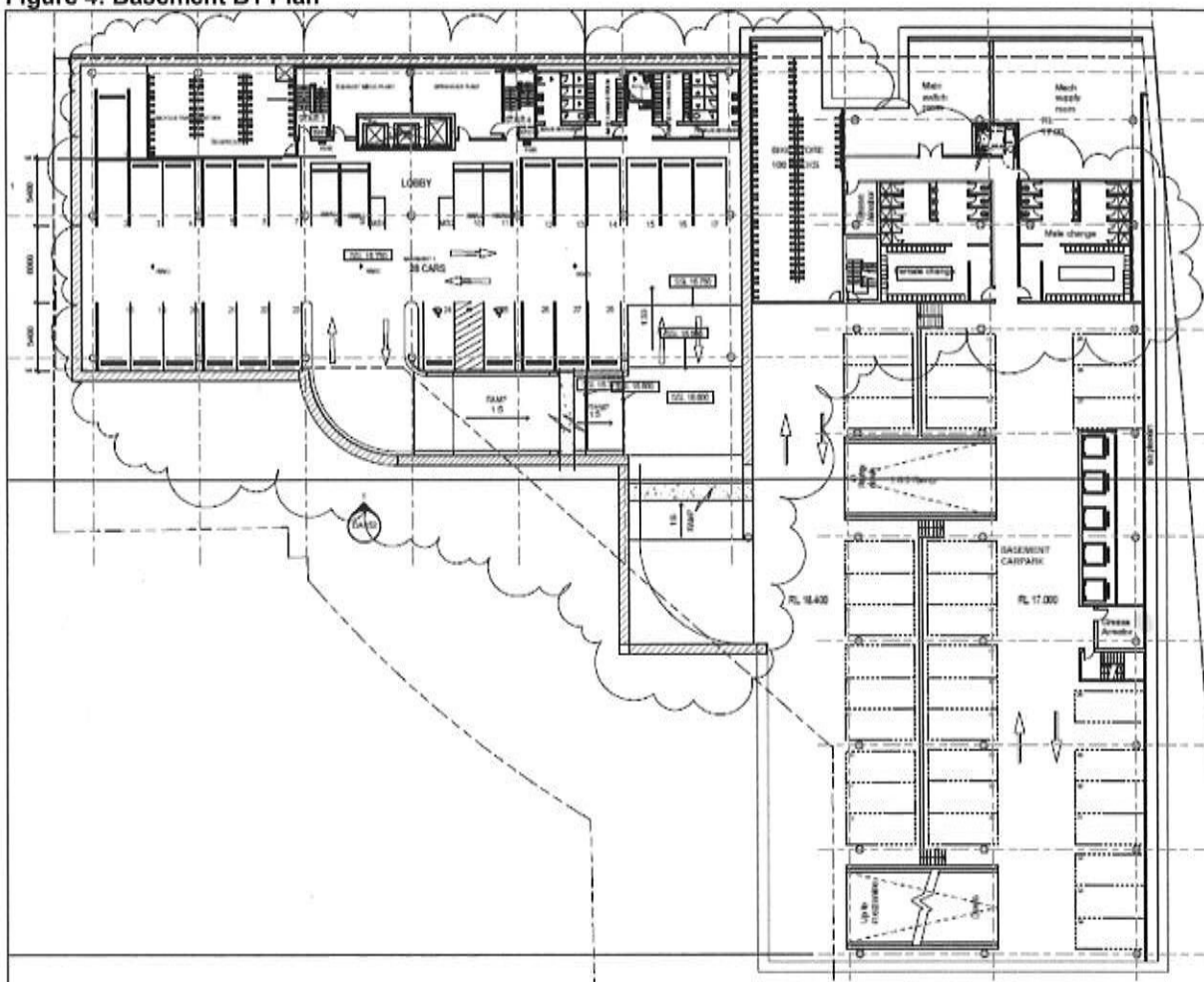
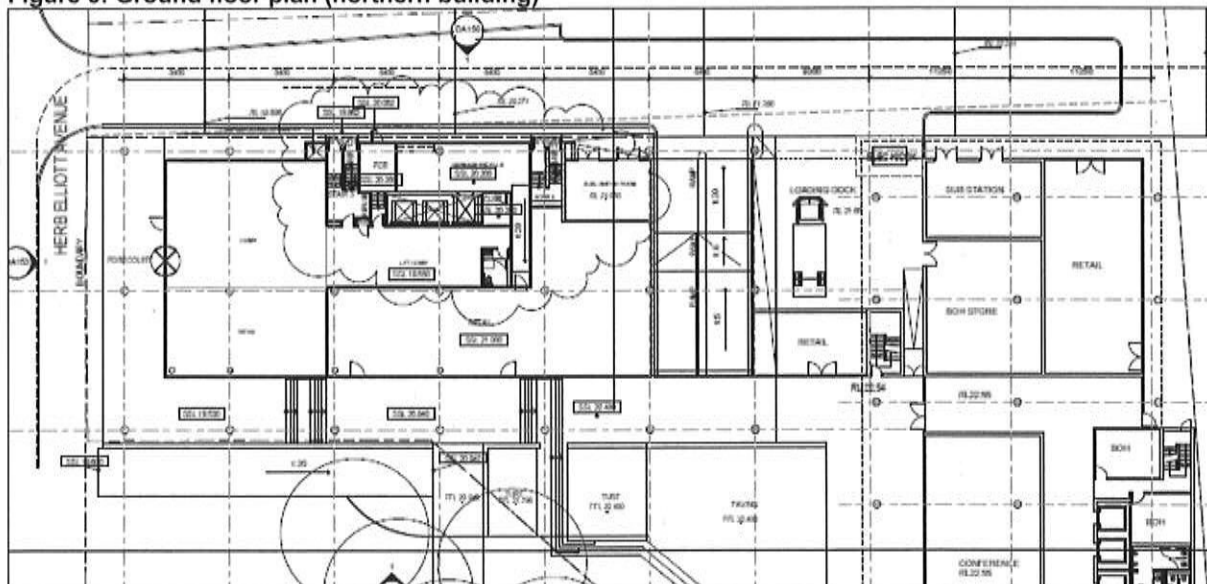


Figure 5: Ground floor plan (northern building)



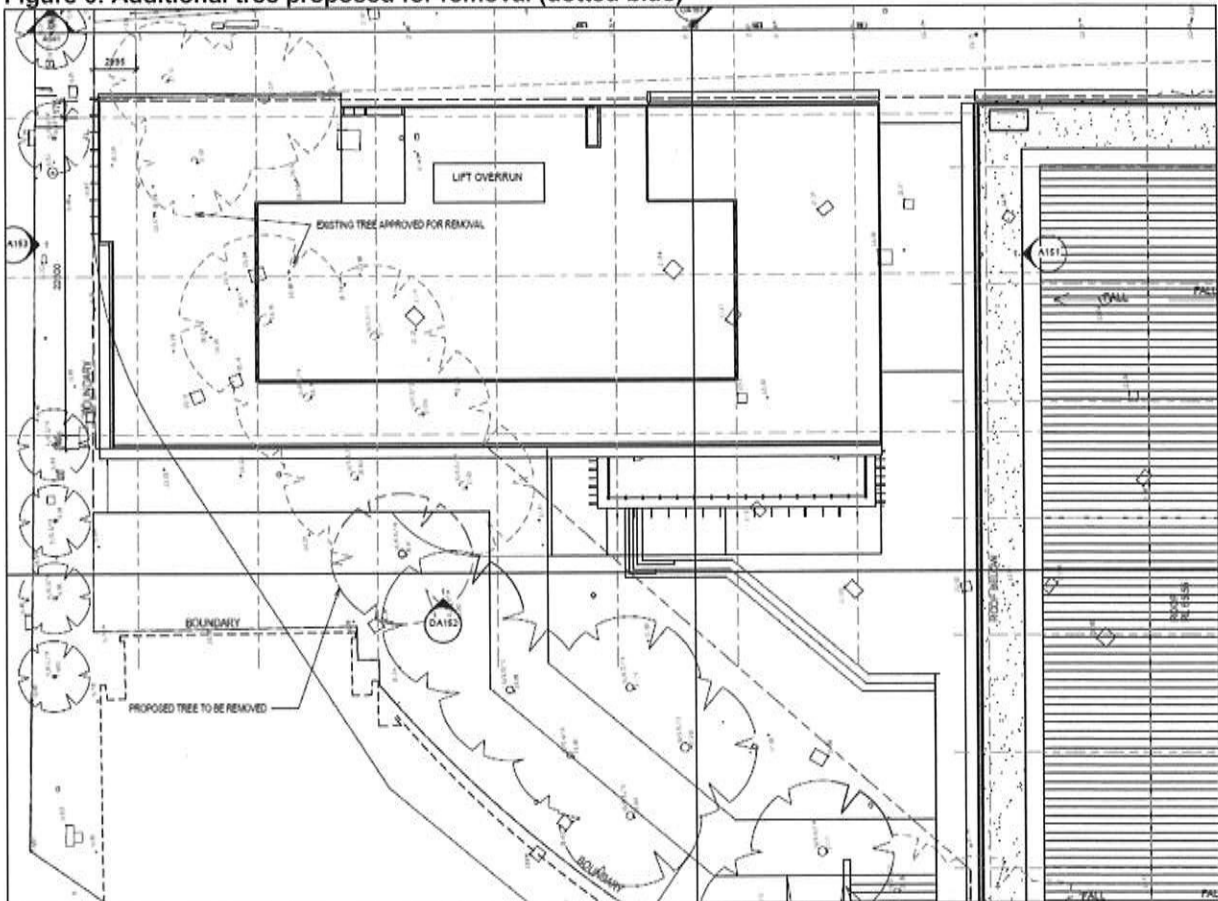
The relocation of two basement levels from one building to another will not change the anticipated traffic generation to and from the site from that already approved. A separate basement (for the northern building) will also provide a significant benefit during the construction of future stages, ensuring that all parking and associated

amenities (bicycle facilities) can be accommodated with minimal disruption caused by future construction works.

5.3 Landscaping and Public Domain

Landscaping in the public domain will still be required to be in accordance with the landscape plans approved as part of MOD 1, which are not proposed to be amended as part of this modification application. However, one additional Brushbox tree may need to be removed as a consequence of the impact of the northern building basement on the root structure of the tree (see Figure 6). This tree was one of 22 Brushbox trees approved for removal in the original approval (MP06_0273), however MOD 1 reduced this number to 17 trees and this tree was proposed to be retained in the MOD 1 approved landscape plans.

Figure 6: Additional tree proposed for removal (dotted blue)



The proponent has agreed to remove this tree and replace it elsewhere on the site, within the public domain. A new condition is recommended accordingly. In this regard, the number of trees proposed to be removed remains at 17 as per MOD 1, with the approved landscape plans remaining unchanged in the instrument of approval.

5.4 Staging

Approval was granted in MOD 1 for different staging options to cater for flexibility, including construction of the entire development at once, construction of the northern building first or construction of the southern building first. At the time the preferred

option was to undertake construction of both buildings at the same time, however, due to unknown future tenants and market conditions, the approval catered for two alternative options that provide greater flexibility should either building be constructed prior to the other.

The staging proposed by the proponent in MOD 3 clarifies that the northern building will be constructed as the first stage of the overall development, based on interest expressed by a number of potential tenants. The construction of two basement levels as part of the northern building as per MOD 3 will ensure that it can operate independently of the approved southern building. This approach will also result in less disruption to the operation of the northern building during construction of the southern building in the future will enable the subject site to be developed in an orderly manner, and subject to commercial demand.

The proposed staging of the public domain works is also considered acceptable, with sufficient works carried out in stage 1 (northern building) to service the occupants of the northern building and in accordance with the approved landscape plans.

6. CONCLUSION

The proposed modifications are considered to be minor and will not result in any additional environmental impacts. The modifications are required to ensure that the development can be staged appropriately and respond directly to the needs of future commercial tenants. Accordingly, the department recommends that the modification request be approved, and the project approval be amended accordingly.

6. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) **Consider** the findings and recommendations of this report
- b) **Approve** the modification, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act 1979*, and
- c) **Sign** the attached instrument of modification approval (**TAG A**).

Prepared By:


4/12/12

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