



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

Description of Modification Request

- modification to the northern building ground floor layout and finished floor levels
- amendments to mechanical plant arrangements
- amendments to basement car parking and layout
- expansion of rooftop plant enclosure.

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

April 2013

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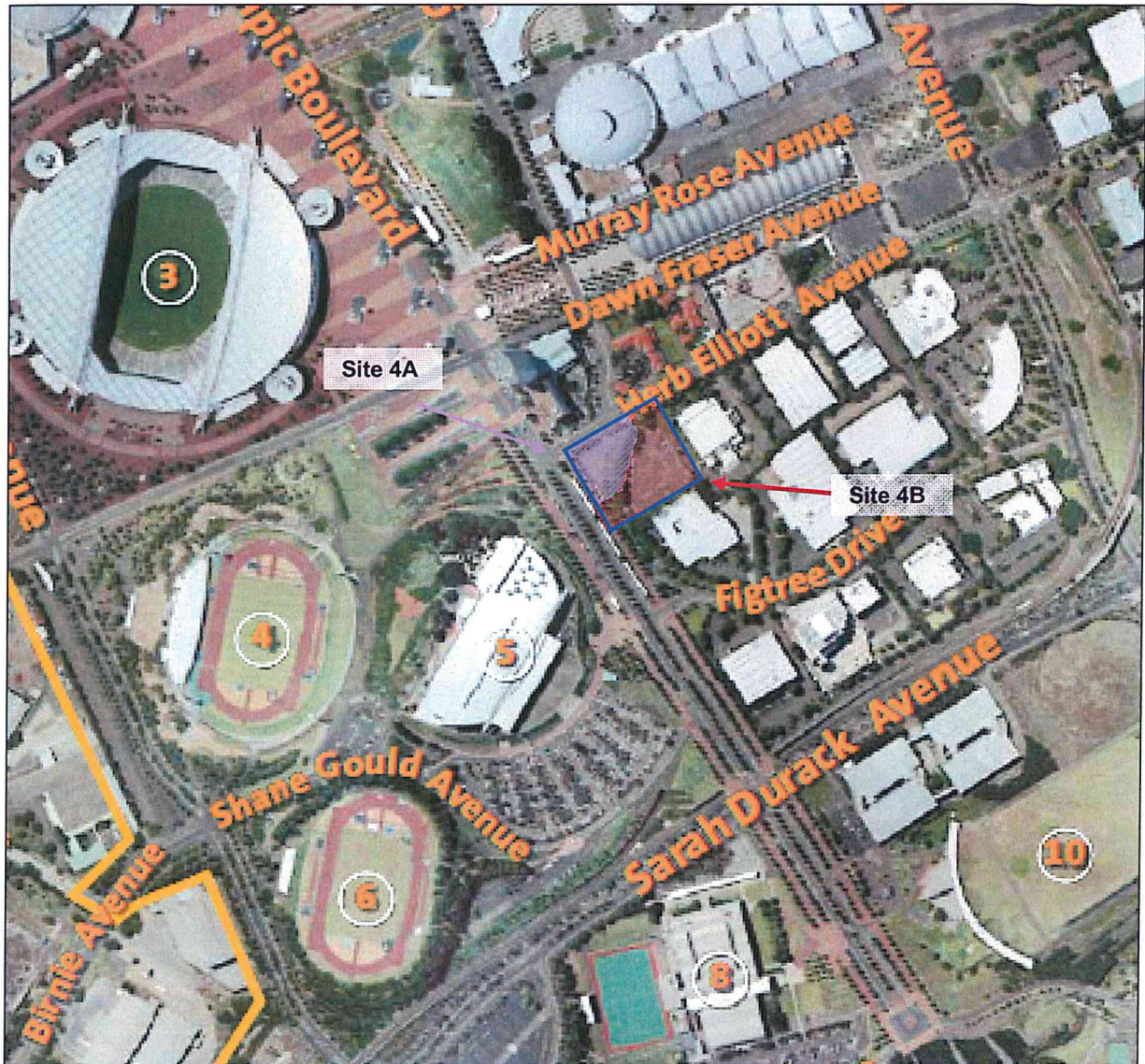
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1. BACKGROUND

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

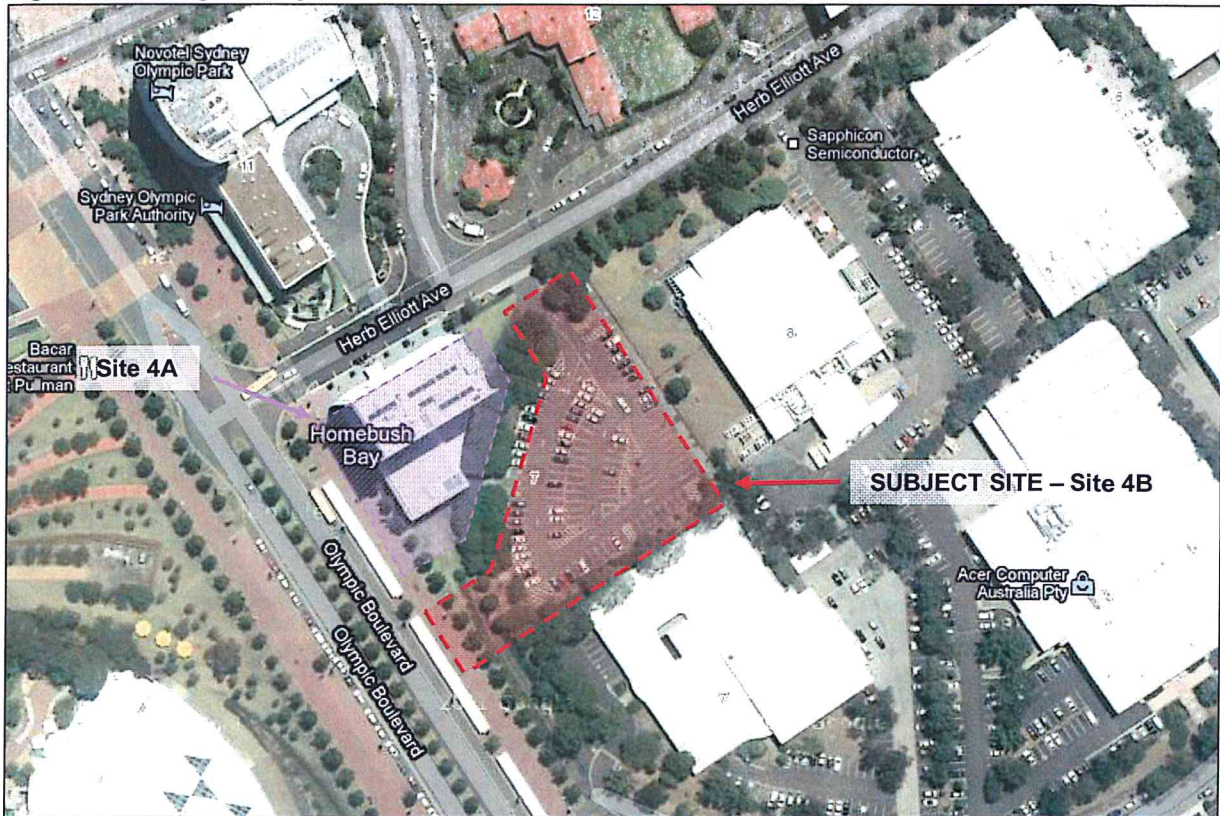


The subject site is known as Site 4B, which occupies the south eastern portion of Site 4, is legally described as Lot 60 in DP 786296 and Part Lot 50 in DP1045522 and is under the ownership of the Sydney Olympic Park Authority (SOPA). Site 4B has street frontages to both Herb Elliott Avenue and Olympic 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 was until recently utilised as a 98 space public car park. However, the construction site fencing has since been erected.

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. 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 GFA of 1,956 sqm as a result of an increase in GFA (total of 26,099 sqm) and building height from 7 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.

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.

On 5 December 2012, the Director, Metropolitan and Regional Projects North, as delegate for the Minister, approved a modification request (MP06_0273 MOD 3) for:

- relocation of two basement levels from the southern building to the northern building and rearrangement of the 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
- deletion of condition B20 regarding Sydney Water requirements.

To date, building works have not commenced.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification request (MP06_0273 MOD 4) lodged by FDC on behalf of Fitzpatrick Investments Pty Limited (the proponent) seeks approval for modifications, consisting of:

Ground Floor

- modification to the northern building ground floor layout of retail spaces and revised commercial entry lobby to the public domain
- modification to the northern building ground floor levels
- recessed façade to new building entry and associated architectural entry features of northern building
- installation of hydrant booster assembly resulting in replacement of glazing with pre-cast concrete to meeting BCA fire rating obligations
- installation of second kiosk substation to satisfy Ausgrid requirements within southern building
- installation of mechanical plant platform within void above basement vehicle ramp including associated louvres for screening to public domain.

Basement

- relocation of two accessible spaces from basement level B2 to B1
- conversion of 'Exhaust Mechanical Plant Room' to a 'Sprinkler Pump Room' and 'Store Room' behind life core (B2)
- relocation of bicycle parking to behind lift core (B2) and provision of five additional accessible spaces to B1
- addition of one car space increasing total spaces provided from 273 to 274.

Roof

- expansion of rooftop plant enclosure.

The proposed amendments are discussed in detail below.

Modification to Ground Floor Levels and Building Entry

The modification request seeks to amend the finished levels of the ground floor of the northern building, increasing the finished floor level (FFL) of the retail tenancy footprint and the commercial entry lobby by 1.58 m and 1.4 m, respectively. The proposed floor level amendments are sought due to the design levels of SOPA's adjacent future north-south road, the need to provide adequate risers spaces for services and to make the internal FFL's consistent with the adjacent public domain FFL's to improve access and use.

The proposed ground floor layout amendments are sought to the retail tenancy footprints to improve their functionality and relationship with the adjacent public domain. The location of the commercial entry lobby is also proposed to be relocated from its approved Herb Elliot Avenue frontage to an internal site location, fronting the central public domain, creating a more defined role to the space and to better activate the central public domain area.

Hydrant Booster Installation and Associated Design Changes

The modification request seeks approval for the installation of a hydrant booster assembly to achieve BCA compliance and to satisfy NSW Fire and Rescue requirements. The hydrant booster is proposed to be installed on the eastern façade of the northern most retail tenancy, along the future north-south road frontage to satisfy compliance requirements. Further, building elements adjacent to the proposed location will also require appropriate fire rating, necessitating glazing elements of the eastern façade being amended to pre-cast concrete.

Installation of Kiosk Substation

Following a review of the detailed building design and service requirements, it was apparent that additional power would be required. Accordingly, the proposed modification seeks approval for the installation of an additional 1000KVA substation kiosk adjacent to the location of the kiosk substation within the southern building. Consequential amendments to basement car parking arrangements are also required.

Installation of Mechanical Plant Platform and Associated Louvres

The proposed modification seeks to install a new mechanical plant platform in the void area above the basement vehicle ramp to discretely house mechanical plant associated with the retail tenancies. The proposed modification also seeks approval for the installation of associated louvres at the ground level of the eastern façade to screen the plant platform and basement ramp.

Expansion of Rooftop Plant Enclosure

The modification request proposes to increase the rooftop plant enclosure area and enclose the areas north and south of the building core, which will be visible from the eastern elevation of the building.

Modification to Basement Levels and Parking

The proposed modifications to make provision for the proposed installation of an additional kiosk substation result in the loss of two parking spaces from both basement levels B2 and B3, reducing the basement car parking total of the southern building from 202 spaces to 198 spaces.

Amendments proposed to the northern building basement levels include the relocation of two accessible parking spaces from B2 to B1, relocation of northern building bicycle parking to behind the lift core and provision of four additional parking spaces (stacked) on B1, and provision of one additional parking space (stacked) and conversion of exhaust mechanical plant room to a sprinkler pump room and store room on B2. The proposed amendments to the northern building basement levels increase the total of basement car parking from 71 spaces to 76 spaces.

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

Amendments proposed to the northern building basement levels include the relocation of two accessible parking spaces from B2 to B1, relocation of northern building bicycle parking to behind the lift core and provision of four additional parking spaces (stacked) on B1, and provision of one additional parking space (stacked) and conversion of exhaust mechanical plant room to a sprinkler pump room and store room on B2. The proposed amendments to the northern building basement levels increase the total of basement car parking from 71 spaces to 76 spaces.

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and 122 metres (excluding plant). The proposed modifications to the approved development do not propose to modify the approved building heights.

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 approval must not be granted for development within the SOP site to which a master plan applies unless the approval 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 eight 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. The minor increase to the rooftop enclosure area increases the area of rooftop plant that is flush with the eastern elevation. However, this is not considered significant and does not detrimentally add to the northern building's bulk and scale, considering the approved height reduction of the rooftop plant enclosure from 5 m to 2.6 m under MOD 3.

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 also referred to SOPA and Auburn City Council for comment.

A submission was received from SOPA on 4 March 2013, which did not object to the proposed modification, however, some general comments were provided regarding disabled access to the amended ground floor layout, and recommended conditions to clarify the staging of landscaping and public domain plans.

The department forwarded SOPA's submission to the proponent for their information and response. The proponent submitted a response to SOPA's comments on 25 March 2013, providing details of an alternative solution that demonstrates the proposal's ability to comply with the *Disability Discrimination Act 1992* (DDA). The department is satisfied that comments raised by SOPA have been satisfactorily addressed in the proponent's response, 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

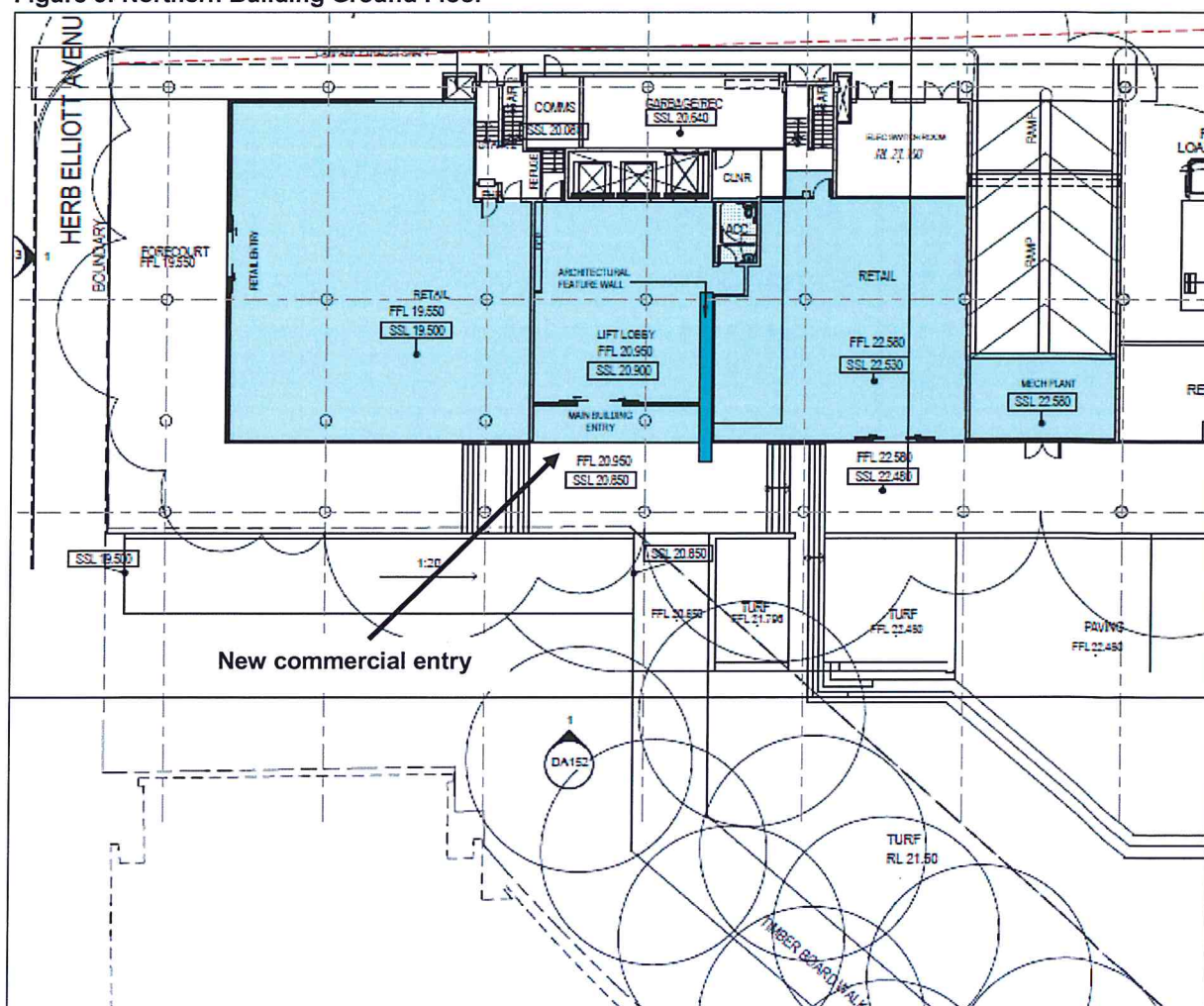
An assessment of the key issues associated with the proposed modification application is outlined below.

5.1 Building Layout and Design

The proposed modification to the layout and FFL's of the ground floor of the northern building will not significantly change the appearance of the building from Herb Elliot Avenue or the future north-south road. The proposed amendments are considered to provide more functional retail tenancy footprints and improve their relationship with the public domain through the provision of a level transition between the different spaces.

The proposed relocation of the northern building commercial entry lobby from Herb Elliot Avenue to the proposed central location adjacent to the internal public domain area (see Figure 3), in conjunction with the retail tenancies, will assist in providing and promoting good surveillance for pedestrians and users of the space. The proposed recessed treatment of the lobby's façade and protruding architectural feature wall will ensure that the space is better defined as a separate function to the adjacent retail tenancies.

Figure 3: Northern Building Ground Floor



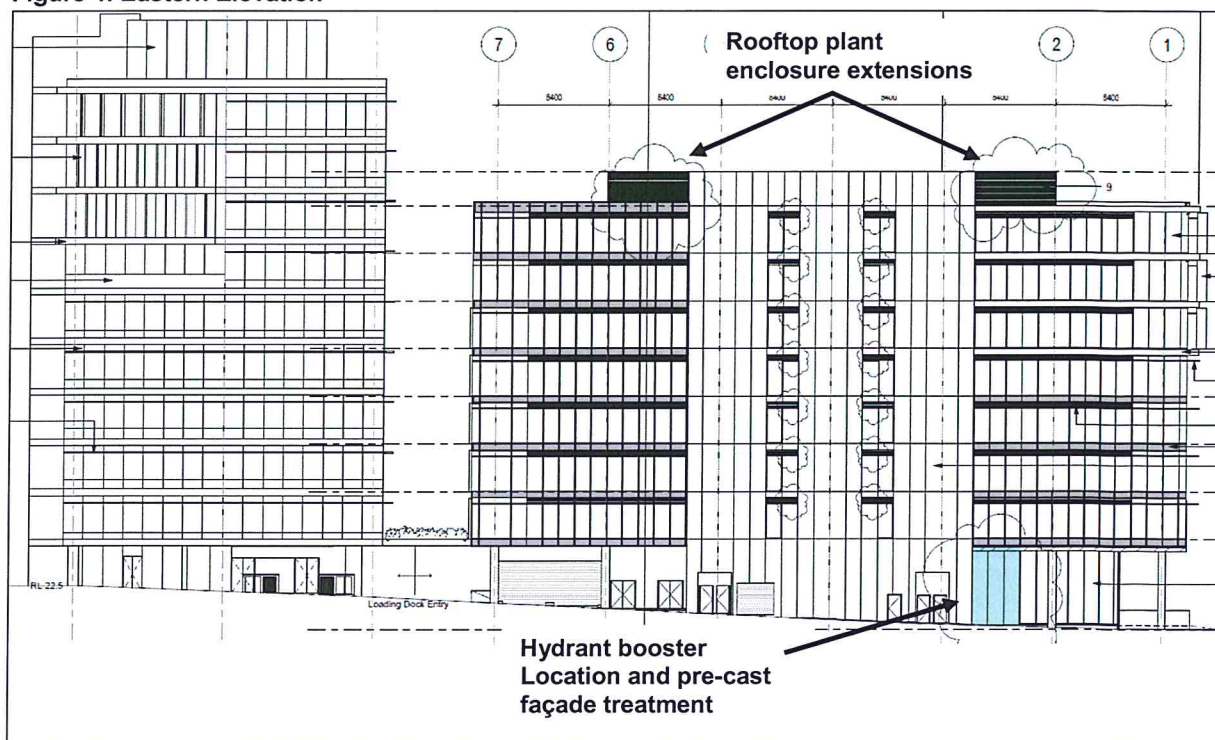
The proposed installation of the hydrant booster and associated pre-cast concrete façade material change will not have a detrimental impact on the design and character of the northern building (see Figure 4). Similarly, the proposed introduction of louvres to the basement vehicle ramp will provide a façade treatment to suitably screen the service area and proposed new plant platform.

The built form of the proposed expanded rooftop plant enclosure will become more visible along the eastern elevation of the northern building. Notwithstanding, the expansions north and south of the building core, proposed to be screened using powder coated aluminium louvres, will not significantly change the appearance and character of the approved building design.

It is noted that the rooftop plant enclosure approved under MOD 1 was approximately 45 m in length, 5 m in height and setback approximately 5 m from the eastern elevation. MOD 3 had previously reduced the plant enclosure's height from 5 m to 2.6 m and reduced its length to approximately 34 m. In this respect, the increased roof coverage is not significant to that which was approved under MOD 3 and still of less impact than that previously approved under MOD 1.

The department considers the proposed changes to the internal layout, FFL's, external façade treatments and rooftop plant enclosure to be minor and will not impact on the building's appearance within the SOP setting.

Figure 4: Eastern Elevation



5.2 Accessibility

The proposed floor layout and FFL amendments to the northern building retail tenancies and commercial entry lobby would provide limited access for disabled persons, particularly due to the staged construction of the northern and southern buildings (and associated public domain).

SOPA commented on the proposed amendments, advising that the revised floor levels would fail to comply with the requirements of the DDA and SOPA's Accessibility Guidelines, particularly the access provided between the lobby, southern most retail tenancy and the public domain.

In response the proponent has provided a statement from an access consultant, inclusive of indicative sketches detailing access options during construction and operation, concluding that compliant access can be provided for each stage of development.

Compliance with these standards would require the temporary installation of a wheelchair platform lift to provide access between the northern building lobby and southern most retail tenancy during construction of the southern building and require minor design amendments to the public domain to accommodate an additional access ramp. The resultant impacts to the public domain are not considered detrimental to its design or functionality, and SOPA have also advised that these changes to accommodate improved access are supported. Furthermore, condition B14 also requires the proponent to submit a final landscape and public domain plan for final approval prior to the release of the construction certificate for the public domain.

The department considers the measures proposed to be acceptable and will ensure that suitable access is provided during all stages of construction. In accordance with the access consultant's recommendations, a new condition will be included requiring the preparation of an operational management plan to facilitate the use of the wheelchair platform lift during the time of its installation.

5.3 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.

Basement car parking arrangements were further modified under MOD 3, amending the basement layout and parking arrangements from solely beneath the southern building, to three levels of basement parking beneath the southern building (accommodating 202 parking spaces and 100 bicycle parking spaces) and two levels of basement parking beneath the northern building (accommodating 71 parking spaces and 58 bicycle parking spaces).

The proposed modifications (coloured blue in Figures 5 and 6), increase the total number of parking spaces to 274 spaces and make minor amendments to the layout and location of accessible spaces. Whilst the total number spaces located within the basement levels of the southern building is proposed to decrease by four due to the location of the proposed new kiosk substation, a compensatory increase within the northern building basement levels will satisfactorily cater for any loss. The department considers the minor amendments to the layout and parking arrangements to be satisfactory.

Figure 5: Basement Level 2

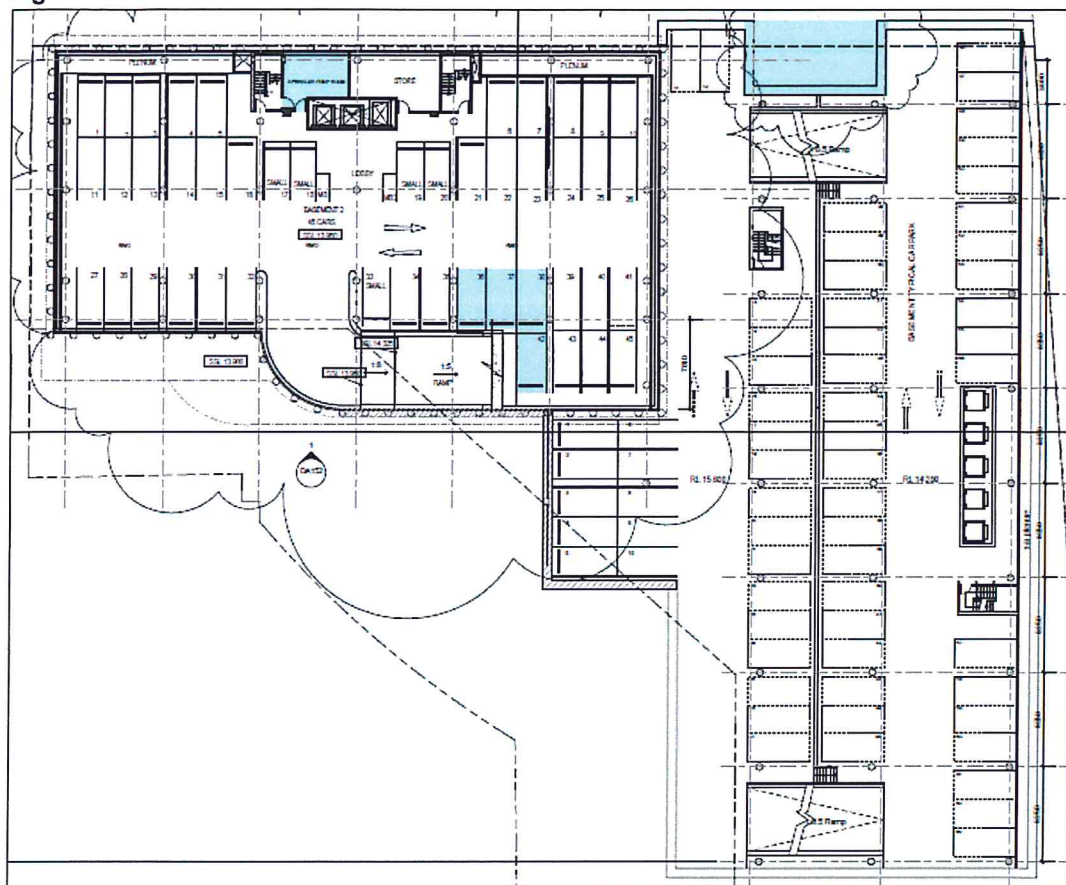
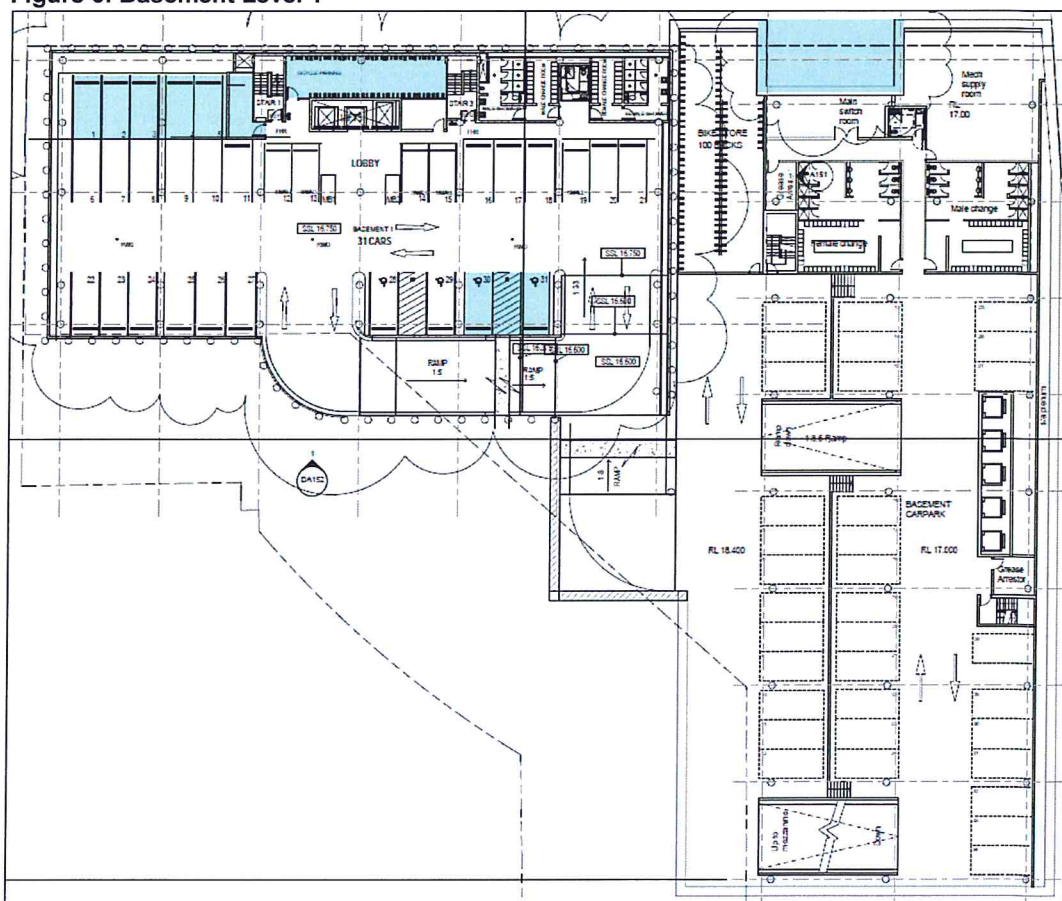


Figure 6: Basement Level 1



5.4 Staging

As part of MOD 3, the proponent provided greater clarity on the staging of the development, nominating that construction of the northern building and associated public domain works would occur first (as detailed on the approved Stage 1 and Stage 2 plans), and subsequently the southern building would be constructed.

Notwithstanding its approval under MOD 3, SOPA have requested that conditions B14 Landscaping and B15 Public Art, which require the proponent to submit additional details prior to construction certificates being issued, be amended to reflect the approved staging. A number of other conditions would also benefit from amendments to reflect the previously approved development staging. The department has recommended changes to the conditions accordingly.

6. CONCLUSION

The proposed modifications are considered to be minor and will not result in any significant additional environmental impacts. The modifications will ensure that the northern building operates effectively and efficiently during the construction of the southern building. The proposed amendments to the ground floor layout will enable the provision of more attractive retail tenancies that will assist in activating the public domain. 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:



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Senior Planner

Metropolitan and Regional Projects North

Endorsed by:



David Gibson

Team Leader

Metropolitan and Regional Projects North

APPENDIX A MODIFICATION REQUEST

See disk attached and the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5649

APPENDIX B SUBMISSIONS

See disk attached and the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5649

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
