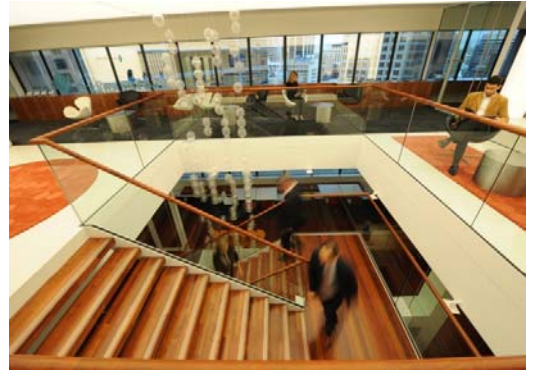


# Section 75W Modification (MOD 5)



**For:**  
Proposed Modifications to an Approved  
Commercial Development with Associated  
Basement Car Parking

**At:**  
Site 4B, Sydney Olympic Park  
Lot 13 in DP1125680

Application Number: MP06\_0273

**FDC**



**FDC Construction and Fitout Pty Ltd**

22 – 24 Junction Street

Forest Lodge, NSW 2037

PO Box 425

Camperdown, NSW 1450

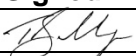
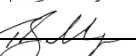
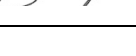
**Telephone: 02 9566 2800**

Facsimile: 02 9566 2900

[timb@fdcbuilding.com.au](mailto:timb@fdcbuilding.com.au)

[www.fdcbuilding.com.au](http://www.fdcbuilding.com.au)

ABN 44 120 295 034

<b>Document Control</b>					
<b>Version</b>	<b>Date</b>	<b>Author</b>		<b>Purpose</b>	
		<b>Name</b>	<b>Initials</b>	<b>Comment</b>	<b>Signed</b>
1	21/08/2013	Tim Bainbridge	TB	SOPA Review	
2	10/09/2013	Tim Bainbridge	TB	DoPI Submission	
3	27/09/2013	Tim Bainbridge	TB	Revised Submission	
4					

*FDC Construction and Fitout Pty Ltd. This document (in whole or part) belongs to FDC Construction and Fitout Pty Ltd and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form by any person without the prior written consent of FDC Construction and Fitout Pty Ltd.*

## Executive Summary

---

This Environmental Assessment report has been prepared by FDC Construction and Fitout Pty Ltd on behalf of Fitzpatrick Investments Pty Ltd. Fitzpatrick Investments has signed an Agreement for Lease (AFL) with Sydney Olympic Park Authority (as land owner) to develop Site 4B in Sydney Olympic Park.

The northern building on site is currently under construction. This application proposes modifications to the northern building including the construction of a residential apartment dwelling on the rooftop and the re-arrangement of roof top plant and associated screening. The approved southern building is not being constructed as part of the initial stage and will therefore remain unchanged by this application.

This application has been prepared under the provisions of (the now deleted) *Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act)*. While these provisions no longer exist within the Act, modifications of approvals issued under Part 3A continue to be assessed using this mechanism as indicated by *Schedule 6A of the EP&A Act*.

This Section 75W application seeks to modify consent MP06\_0273, granted by the Minister for Planning and Infrastructure on 19 October 2007 (and subsequently modified) for the construction of:

*A seven (7) storey commercial building comprising a retail / commercial ground level and 6 levels of commercial office floor space, with a total GFA of 24,143m<sup>2</sup>, 5 levels of basement car parking containing 369 spaces and landscape and public domain works at Site 4B, Sydney Olympic Park.*

The following modifications form part of this application with further detail provided in Section 3 of this report:

- *Rooftop Apartment Dwelling*

The proposal involves the construction of a three bedroom residential dwelling on the rooftop of the northern building. The proposed dwelling will have north-westerly aspect and involves extending one lift to the rooftop to provide access as illustrated by the attached architectural plans.

- *Rooftop Plant and Enclosure*

As a result of the proposed dwelling, the rooftop plant would be re-orientated to the south-eastern end of the roof to provide adequate floor space for the necessary building plant and equipment. Detailed service investigations have also confirmed the need for a fire sprinkler tank at roof top level. This tank will therefore be installed on the approved lift riser.

This Environmental Assessment has been prepared to outline the proposed modifications and to undertake a detailed assessment of any potential environmental impacts resulting from such modifications. The proposed modifications have also been considered in the context of the relevant legislative and policy framework for the local and regional area.

This information is further supplemented by the following amended architectural plans prepared by Leffler Simes Architects.

- *Basement B2 Plan*                      *Drawing DA101 [C]*
- *Eighth Floor Plan*                      *Drawing DA110 [G]*
- *Nineth Floor Plan*                      *Drawing DA111 [G]*
- *North East Elevation*                      *Drawing DA150 [H]*
- *South West Elevation*                      *Drawing DA152 [H]*
- *North West Elevation*                      *Drawing DA153 [H]*
- *Section A-A*                      *Drawing DA160 [H]*
- *Line of Sight Images*                      *Drawing DA300 [A]*
- *Line of Sight Perspectives*                      *Drawing DA301 [A]*
- *Shadow Diagrams*                      *Drawing DA400*

This report and associated information concludes that the proposed modifications are appropriate in the context of the approved development. FDC trusts that the information provided within this Environmental Assessment provides the Department with sufficient information upon which to base an assessment of the relevant issues.

The proposed modifications should therefore be considered favourably by the Department of Planning and Infrastructure and supported.

## Table of Contents

---

<b>EXECUTIVE SUMMARY .....</b>	<b>3</b>
<b>TABLE OF CONTENTS .....</b>	<b>5</b>
<b>1.0 INTRODUCTION .....</b>	<b>6</b>
1.1 BACKGROUND .....	6
1.2 CONSULTATION WITH SOPA .....	8
1.3 FDC CONSTRUCTION AND FITOUT PTY LTD .....	8
1.4 PROJECT TEAM .....	9
<b>2.0 THE SITE .....</b>	<b>11</b>
2.1 SYDNEY OLYMPIC PARK .....	11
2.2 SITE 4B HERB ELLIOT AVENUE .....	11
<b>3.0 THE PROPOSED MODIFICATIONS .....</b>	<b>13</b>
3.1 ROOFTOP APARTMENT .....	13
3.2 ROOFTOP PLANT AND ENCLOSURE .....	13
<b>4.0 PLANNING FRAMEWORK .....</b>	<b>15</b>
4.1 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011 ..	15
4.2 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005 .....	15
4.3 SYDNEY OLYMPIC PARK MASTER PLAN 2030 .....	18
<b>5.0 ENVIRONMENTAL ASSESSMENT .....</b>	<b>22</b>
5.1 BUILT FORM AND URBAN DESIGN .....	22
5.2 TRANSPORT AND ACCESSIBILITY .....	22
5.3 OVERSHADOWING .....	22
5.4 WIND AND REFLECTIVITY .....	22
5.5 ECOLOGICALLY SUSTAINABLE DEVELOPMENT .....	23
5.6 HERITAGE CONSERVATION .....	23
5.7 CONTAMINATION .....	23
5.8 ACCESSIBILITY .....	23
<b>6.0 CONCLUSION .....</b>	<b>24</b>
<b>APPENDIX 1 – REVISED ARCHITECTURAL PLANS .....</b>	<b>25</b>
LEFFLER SIMES .....	25

## 1.0 Introduction

---

This Environmental Assessment report has been prepared by FDC Construction and Fitout Pty Ltd on behalf of Fitzpatrick Investments Pty Ltd. Fitzpatrick Investments have now signed an Agreement for Lease (AFL) with Sydney Olympic Park Authority (as land owner) to develop Site 4B in Sydney Olympic Park.

The proposed modifications forming part of this application are the result of continued design development as part of constructing the approved northern building on site. Such changes are required to resolve matters identified during detailed review of the site, building requirements and compliance matters that were not fully identified or understood during the conceptual design phase. The approved southern building is not being constructed as part of the initial stage and will therefore remain unchanged by the proposed modifications.

This application has been prepared under the provisions of (the now deleted) *Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act)*. While these provisions no longer exist within the Act, modifications of approvals issued under Part 3A continue to be assessed using this mechanism as indicated by *Schedule 6A of the EP&A Act*.

This Section 75W application seeks to modify consent MP06\_0273, granted by the Minister for Planning and Infrastructure on 19 October 2007 (and subsequently modified) for the construction of:

*A seven (7) storey commercial building comprising a retail / commercial ground level and 6 levels of commercial office floor space, with a total GFA of 24,143m<sup>2</sup>, 5 levels of basement car parking containing 369 spaces and landscape and public domain works at Site 4B, Sydney Olympic Park.*

The following modifications form part of this application with further detail provided in Section 3 of this report:

- *Rooftop Apartment Dwelling*

The proposal involves the construction of a three bedroom residential (apartment) dwelling on the rooftop of the northern building. The proposed dwelling will have north-westerly aspect and involves extending one lift to the rooftop to provide access as illustrated by the attached architectural plans.

- *Rooftop Plant and Enclosure*

As a result of the proposed dwelling, the rooftop plant would expand in a southerly direction in order to provide adequate floor space for the necessary plant and equipment. Detailed service investigations have confirmed the need for a fire sprinkler tank at roof top level. This tank will therefore be installed on the lift riser.

### 1.1 Background

Bovis Lend Lease (BLL) were originally engaged by Colonial First State to prepare a Part 3A Project Application (MP06\_0273) for submission to the Department of Planning. This scheme was based on accommodating the Commonwealth Bank as

the sole tenant of the complex. This application included an extensive list of documentation describing existing site conditions and assessing the proposed development, most of which remains relevant. On 19 October 2007, the Minister for Planning granted approval, subject to conditions, for the following development:

- *construction of an “A” grade, 7 storey commercial office building;*
- *5 basement car park levels with approximately 369 parking spaces;*
- *ground floor comprising retail, quasi-commercial lobby and loading;*
- *six (6) levels of commercial office space with a gross floor area of 24,143 sqm (which translates to a floor space ratio of 6.05:1);*
- *landscape treatment of the public domain between the subject site and the Sofitel Hotel which is currently under construction on Site 4A, as set out in the Public Domain Plan prepared by Aspect Sydney; and*
- *the removal of 22 trees.*

Following the subsequent decision by Commonwealth Bank not to occupy the proposed development, Colonial First State (through BLL) decided to modify the design to reflect, ‘current market trends’ which indicated the building should be modified to accommodate multiple tenants (instead of one tenant).

BLL subsequently lodged a Section 75W Application with the Department to modify the development as outlined below:

- *construction of two (2) “A” grade commercial buildings, comprising an 8 storey building which addresses Herb Elliott Avenue (hereinafter referred to as the North Building) and a 10 storey building which is oriented to Olympic Boulevard (South Building);*
- *additional 1,956sqm GFA resulting in a total GFA of 26,099sqm and a corresponding FSR of 6.48:1;*
- *735sqm increase in the landscaped area including the through-site link (total now provided 2,545sqm);*
- *removal of 17 trees (which represents a net increase in the number of existing trees retained from 4 to 9); and*
- *reconfiguration of the basement car park which results in the provision of 273 parking spaces provided over 5 basement levels (a net reduction of 96 spaces from the approved scheme).*

This application was approved by the Director General on 12 August 2012.

Following discussions with the Department, Colonial First State (through Helen Mulcahy Urban Planning) submitted a further Section 75W Application in order to clarify the lapsing period of the approval in accordance with Section 75Y(1) of the Act. This approval was issued by the Department on 29 September 2012. The approval now lapses on 19 October 2015 unless substantially commenced.

FDC then submitted an application to modify the consent further as outlined below:

- Relocation of two basement levels from southern building to northern building;
- Reduction in height from 38.4 metres to 34.6 metres;
- Revised building core arrangement;
- Confirmation of development staging; and
- Proposed change to Condition B20.



This application was approved by the Department on 5 December 2012. Construction subsequently commenced on site as of 21 January 2013.

A further application to modify the building was lodged on the 18<sup>th</sup> February 2013 and included a series of detailed design changes, most notably changing the position of the main building entry. This application was approved by DoPI on the 9<sup>th</sup> April 2013.

## **1.2 Consultation with SOPA**

Fitzpatrick Investments and FDC have both formally and informally discussed the proposed modifications (including the rooftop apartment) with SOPA over a number of months. A formal meeting was arranged with Darren Troy and Ben Woods (of SOPA) on the 10<sup>th</sup> May 2013 to discuss the proposal, particularly in relation to the permissibility of the proposed dwelling in the context of the SOP Masterplan 2030.

SOPA confirmed that while the site was categorised as a 'commercial' site under the Masterplan, the commercial activity was fulfilled by the approved building and would therefore remain as the 'principal purpose' on the site. The proposed dwelling represented a very small component of the overall development and would therefore be considered acceptable by SOPA, particularly as it is a permitted use under the principle environmental planning instrument (State Environmental Planning Policy [Major Projects] 2005) within the B4 Mixed Use zone.

On the basis of this advice, FDC commenced architectural documentation of the proposed modifications and the preparation of this application.

## **1.3 FDC Construction and Fitout Pty Ltd**

FDC Construction and Fitout Pty Ltd (FDC) is one of Australia's most awarded construction, refurbishment and fitout companies, specialising in the delivery of commercial, industrial and retail projects.

Facilities Design and Construct (FDC), was founded in February 1990 with an initial focus on the design and construction of high-tech installations such as computer rooms and communications facilities. Realising potential outside of this specialised niche, and acknowledging the fundamental integration of technology to most contemporary construction and fitout projects, FDC embarked on strategic expansion into the commercial fitout and building refurbishment market.

FDC now has three separate operating divisions under the banner of FDC Building Services Pty Ltd which include:

- FDC Construction and Fitout;
- FDC Technologies; and
- FDC Mechanical

Each business has developed in sustainable, manageable increments over the last 20 years and now boasts a total annual project turnover in excess of \$440 million. FDC is proud of its history and believes that this approach has resulted in our ability to maintain financial stability while also retaining key personnel.

FDC's multi-disciplinary team offers expertise across all fields within the building industry. These disciplines include but are not limited to:



- Property and investment analysis;
- Design and Construction Services;
- Town Planning and Government Liaison;
- Construction Management;
- Position of Head Contractor;
- Design and installation of electrical, voice, data, security & mechanical systems;

FDC's internal quality procedures have been honed over many years, improving our deliverables as we learn from each experience. Those processes are now the foundation of our fully certified Quality Assurance Management System (ISO 9001:2000), an integral part of our fully Integrated Management System (IMS). FDC has also recently received certification by the Federal Safety Commission.

The most recent and similar example of FDC's capability is the delivery of 400 Docklands Drive, Docklands. This facility has now been completed and consists of a 7 storey, 5 star Green Star and 4.5 star NABERS Energy targeted facility, anchored by global IT Company CSC. FDC has now also completed the construction of a similar building at 7 Murray Rose Avenue, Sydney Olympic Park which is now occupied by Thales.

On this basis, FDC is in a strong position to achieve a high quality development solution backed by a solid financial and delivery capability. Importantly FDC is able to deliver what we say we can and have a proven track record in similar projects.

## 1.4 Project Team

FDC has assembled a team to manage the design, planning and documentation phase of the project. This team is outlined below:

Project Director:	Ben Cottle (Managing Director)
Project Coordinator:	Jamie Stewart (Development Manager)
Project Manager:	Shane Cevenini (Project Manager)
Planning:	Tim Bainbridge (Planning Manager)

Bovis Lend Lease were responsible for preparing the original application and subsequent modification applications on behalf of Colonial First State.

FDC will move forward with the approved documentation but have engaged different consultants to prepare different aspects of the detailed design process. The following consultants are likely to be engaged, while others are yet to be determined:

Role	Consultant	Contact
Architecture	Leffler Simes	Steve Nelson
		Robert Galati
Sustainability	Cundall	Hannah Morton
Access	Access Associates Sydney	Robyn Thompson
Traffic and Parking	Parking and Traffic Consultants	Andrew Morse
Noise and Vibration	SLR - Heggies	Lee Hudson
Building (BCA)	Blackett Maguire + Goldsmith	Dean Goldsmith

Role	Consultant	Contact
Fire	Raw Fire	Sandro Razzi
Structural Engineering	Northrop Engineers	Jamie Shelton
Civil Engineering	Northrop Engineers	Kevan Meldrum
Hydraulic Services	Northrop Engineers	German Romo

## **2.0 The Site**

---

The following section provides information about the site and its surrounds.

### **2.1 Sydney Olympic Park**

Sydney Olympic Park is located in Western Sydney approximately 14 kilometres west of the Sydney Central Business District and 8 kilometres east of Parramatta. It occupies a site of approximately 635 hectares between the Parramatta River and the M4 Motorway with nearly two thirds of the site is reserved as parkland.

Sydney Olympic Park is serviced by train, bus and ferry services and is in close proximity to regional shopping locations such as Burwood, Strathfield, Parramatta, and Rhodes. Over 8.5 million people visit Sydney Olympic Park on an annual basis with this number expected to grow.

It is most recognised for having Australia's largest concentration of international standard sporting/recreational facilities but continues to evolve as an important economic centre and urban parkland at the centre of metropolitan Sydney.

The Olympic Park Precinct has been developed over the past 13 years and comprises a mixture of modern office, warehouse and commercial buildings with a "high-tech" influence. The area now has over 60 businesses operating which employ around 6,000 employees. It provides an opportunity to establish a 'best practice example of sustainable urban development' with numerous examples of internationally recognised initiatives in energy and water management, green building design, and sound economic and ecological management.

### **2.2 Site 4B Herb Elliot Avenue**

Site 4B is an irregularly shaped land parcel surrounding the Pullman Hotel at the intersection of Herb Elliot Avenue and Olympic Boulevard. The site has street frontages to both Olympic Boulevard and Herb Elliot Avenue and has a site area of approximately 5,310.3m<sup>2</sup>. The site was previously utilised as a public car park with parking for 98 vehicles.

The site is legally described as Lot 13 in DP1125680. The site is owned by Sydney Olympic Park Authority (SOPA) but is subject to an Agreement for Lease (AFL) to Fitzpatrick Investments.



Figure 2.1: Site 4B, Sydney Olympic Park

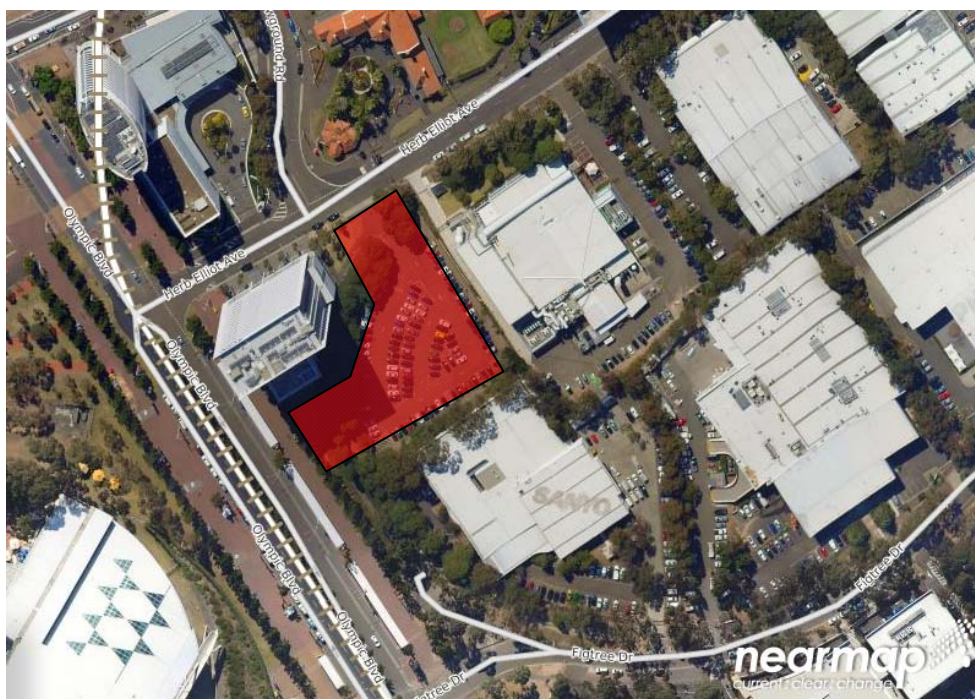


Figure 2.2: Aerial Image of Site (Dated 6 September 2012 - Nearmap)

## **3.0 The Proposed Modifications**

---

The proposed modifications forming part of this application primarily relate to the approved northern building as this will be constructed as the first stage in the overall development. The southern building will remain unchanged as this building is not being constructed as part of current works.

### **3.1 Rooftop Apartment**

This application involves the construction of a three bedroom rooftop apartment on the approved northern building. The apartment has been designed as an integrated part of the building to ensure that it is in character with the commercial nature of development on site. The main structure has been setback from the external facades of the building to reduce the perception of an additional storey and to minimise the extent of bulk and scale increases to the building.

The apartment will be constructed as a light weight structure on the approved rooftop level. The main living / dining room and deck will have a north-westerly aspect to take advantage of views and to maximise the availability of natural light. The apartment will be accessed via an extended lift shaft (one lift car only). This floor will be secured with access provided to future residents and service personnel only.

The proposed elevations will be characterised by glazing, concrete and prefinished metal cladding. The extended lift shaft and mechanical plant enclosure will be constructed of reinforced concrete. The southern wall of the apartment will be acoustically treated to eliminate potential noise impacts from adjoining rooftop plant and equipment.

The proposed apartment will involve reallocating two car spaces (currently allocated for commercial floor space) for the proposed dwelling. This will effectively result in a neutral traffic impact as two cars, previously accessing the site as commercial tenants, will be replaced by two cars associated with the proposed dwelling. Given that the apartment is unlikely to be occupied on a fulltime basis, these two vehicle movements would occur less frequently compared to vehicle movements associated with any commercial activity.

The proposed apartment will be retained by Fitzpatrick Investments and used by family members or friends on an as needs basis. While there are no plans to occupy the dwelling on a full time basis at this point in time, this may change. Fitzpatrick Investments may also choose to lease the dwelling should this be considered appropriate at any point in the future.

### **3.2 Rooftop Plant and Enclosure**

The proposal also involves expanding the approved roof top plant area towards the southern end of the building, to make up for roof space occupied by the proposed apartment. This involves relocating the approved three metre high screen to the outer footprint of the expanded plant area as illustrated on the attached architectural plans.

Detailed investigation of service provision in the area has also revealed that a fire sprinkler tank will be required on the rooftop to provide adequate water supply for the building's fire protection system. This tank will be located on the on top of the



originally approved lift shaft (i.e. the two lift shafts not being extended in height) to provide a compliant level of water pressure for the fire sprinkler system throughout the building.



## 4.0 Planning Framework

---

The following section provides a summary of the relevant policy and legislation pertaining to the site and proposed development. Relevant documents include:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Major Projects) 2005;
- Sydney Olympic Park Master Plan 2030;

### 4.1 State Environmental Planning Policy (State and Regional Development) 2011

*State Environmental Planning Policy (State and Regional Development) 2011* was gazetted following the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979*. Its main purpose involves identifying State Significant development and sites that require assessment by the Minister for Planning and Infrastructure rather than the relevant local authority.

Schedule 2 indicates that development in excess of \$10 million within Sydney Olympic Park is considered State Significant Development. However, as the proposed modifications relate to an existing Part 3A approval, the approval process for this modification continues to be Section 75W. Further details of SEPP (Major Projects) 2005 is provided below.

### 4.2 State Environmental Planning Policy (Major Projects) 2005

Up until the repeal of Part 3A, *State Environmental Planning Policy (Major Projects) 2005* provided the relevant provisions for identifying important projects and critical infrastructure which required assessment and approval by the Minister for Planning and Infrastructure.

Sydney Olympic Park is listed in Part 23 of Schedule 3 as a State Significant Site. Subsection 5 of Part 23 indicates that projects with a Capital Investment Value in excess of \$10 million must be determined by the Minister for Planning under Part 3A of the Act. The project was originally valued in excess of \$10 million and was therefore determined by the Minister for Planning.

As outlined previously, although the provisions of Part 3A no longer exist within the Act, modifications of approvals issued under Part 3A continue to be assessed using this mechanism as described by *Schedule 6A* of the *Environmental Planning and Assessment Act 1979*.

The site is zoned *B4 Mixed Use* by the SEPP. The proposed 'dwelling' is considered permissible with the consent of the relevant authority.

The following relevant design requirements are listed in Part 23 of Schedule 3 and are addressed in relation to the proposed modifications below:



**Table 4.1: SEPP Design Requirements**

No.	Requirement	Proposed Modifications	Complies
18	<i>Height of Buildings – Max. 33 metres</i>	The application involves a change in height from 34.8 metres to a maximum height of 36.37 metres (at Herb Elliot Ave frontage). While this continues to represent an exceedance of the nominated height limit, it is unlikely to result in any significant impacts on the locality, principally due to the height and character of adjoining buildings (both existing and approved). It also remains lower than the originally approved roof plant screen under MOD 2 which involved a 5 metre high plant enclosure. Further justification of the proposed height exceedance is provided below.	X
19	<i>FSR – Max. 6.5:1 (Maximum 34,516.95m<sup>2</sup>)</i>	Northern Building (GFA) – 9,474m <sup>2</sup> Southern Building (GFA) – 16,625m <sup>2</sup> Total – 26,099m <sup>2</sup> Site Area – 5310.0m <sup>2</sup> FSR – 4.9:1 Proposed Residential GFA – 295m <sup>2</sup>	✓
24	<i>Major Events Capability</i>	No change proposed	N/A
25	<i>Promote Use of Public Transport, Walking and Cycling</i>	No change proposed	N/A
26	<i>Compliance with Masterplan</i>	The proposed modifications to the rooftop plant area do not effect compliance with the Masterplan. The Masterplan indicates that the site should support commercial land use activities rather than residential development. However, discussions with SOPA have confirmed that the proposed apartment remains consistent and permissible because the 'principal purpose' of the site remains commercial and is therefore consistent with the objectives of the Masterplan.  Further matters of Masterplan compliance are addressed below in Section 4.3.	✓
30	<i>Design Excellence</i> a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> b) <i>whether the form and external appearance of the building will improve the quality and amenity of the public domain,</i> c) <i>whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and</i>	The proposed modifications are not likely to affect the standard of architectural design already approved.  The proposed apartment has been designed to ensure that it is in character with the approved commercial building. The incorporation of high quality and contemporary materials, consistent with the approved building ensure that proposed apartment is an appropriate addition for the site.	✓

No.	Requirement	Proposed Modifications	Complies
	water efficiency, d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.	No changes are proposed with regard to aspects of sustainability, wind, reflectivity, visual or acoustic privacy, safety and security, resources, energy and water efficiency.	
31	Heritage Conservation	No changes proposed that would affect heritage significance of surrounding sites / localities. Such impacts were considered and assessed as part of previous applications.	✓
35	Environmentally Sensitive Areas	No change proposed	N/A

The previous approval (see below), before being modified by Fitzpatrick Investments, included a rooftop plant enclosure that stood 5 metres high from the rooftop (a total height of 38.4m). The proposed modification remains lower than this height.

As outlined above, the proposed modification will involve an exceedance of the permitted height limit nominated within the SEPP. The nominated height limit is 33 metres while the approved building height is currently 34.8 metres (reduced from previous approval of 38.4m). The proposed modification involves a new height of 36.37 metres which is 1.57 metres higher than that already approved.



**Figure 4.1: Approved Eastern Elevation (MOD 2)**

The proposed variation in the height limit is further justified when consideration is given to the existing and proposed context. As demonstrated above, the Pullman building remains much higher than the approved buildings. The approved southern building stands at a height of 43 metres and therefore also exceeds the nominated height within the SEPP.

On this basis, the proposed variation in height by an additional 1.57 metres is considered marginal and therefore acceptable in the context of this locality.

### 4.3 Sydney Olympic Park Master Plan 2030

The Sydney Olympic Park Master Plan 2030 is a 22 year vision for the sustainable development of Sydney Olympic Park. It builds on the Sydney Olympic Park Vision 2025, the Sydney Olympic Park Master Plan 2002 and complements the Metropolitan Strategy.

The Master Plan aims to:

- *provide a comprehensive approach to the development of Sydney Olympic Park;*
- *ensure Sydney Olympic Park becomes an active and vibrant town centre within Metropolitan Sydney;*
- *protect the role of Sydney Olympic Park as the premier destination for cultural, entertainment, recreation and sporting events;*
- *protect and enhance the public domain;*
- *protect and enhance the Sydney Olympic Park parklands;*
- *provide detailed planning and design principles and controls to encourage development that responds to unit's context and contributes to the quality of the built environment and the future character and cultural significance of the site.*

The Master Plan provides a series of planning principles and development controls for new development in the park. It also splits the area into nine (9) precincts each with specific design guidelines that must be considered for development. Site 4b is located within the Central Precinct, which is predominantly a central business precinct incorporating a mix of commercial, retail and residential activities.

The Masterplan nominates the site within the 'Commercial' category which does not list residential land uses as permissible activities. However, as outlined in Section 1.2, SOPA has confirmed that the proposed apartment is permissible in the commercial category because the 'principal purpose' of the site remains commercial and is therefore consistent with the objectives of the Masterplan.

The proposed dwelling represents a very small component of the overall development and would therefore be considered acceptable by SOPA, particularly as it is a permitted use under the principle environmental planning instrument (State Environmental Planning Policy [Major Projects] 2005) within the B4 Mixed Use zone

The following table provides commentary of the proposed modifications in the context of relevant controls and guidelines listed within Section 4:

**Table 4.2: Relevant General Controls and Guidelines; SOP Masterplan 2030**

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 9 storeys – The proposed apartment results in an additional storey from that permitted by the Masterplan. The previously approved rooftop plant enclosure stood at a height of 5 metres (total height of 38.4m) before being reduced by	✗

No.	Control	Proposal	Complies
		<p>Fitzpatrick Investments to the current height (34.8m). Therefore, the proposed apartment remains within the previously approved building envelope.</p> <p>Furthermore, the approved southern building on site contains 10 storeys despite the provisions within the Masterplan. This establishes a precedent for varying the development control.</p>	
	Rooftop Services		
	- Maximum rooftop service zone height is 5 metres	The proposed screen stands at a height of 3 metres	✓
	- Setback 3 metres from parapet	Plant and equipment will be screened from view from surrounding areas and buildings. The plant area footprint is less than 80 percent of the building footprint.	✓
	- Maximum 80% footprint of building		
	Building Setbacks	Setbacks consistent with original approval and master plan.	✓
4.6.15	<p>Noise Control –</p> <p><i>Residential Development</i></p> <p>Residential and hotel developments are not permitted in the orange areas shown in the Noise Plans. In the Substantial Noise Mitigation and Minor Noise Mitigation Zones, residential uses will only be permitted where they can comply with the maximum internal noise criteria in Table 4.7 of the Masterplan.</p> <p>Resolve conflicts between noise, outlook and views with appropriate barriers, including double glazing, operable screens, screened balconies and terraces.</p> <p>Where residential development is located in the area marked 'Substantial Noise Mitigation Require', air conditioning and double glazed windows and doors are required to reduce noise impact at certain times by closing all doors and windows.</p>	<p>The site is located in an area defined as requiring both 'Substantial Noise Mitigation required' and Some Noise Mitigation required (as a building in excess of 25 metres). It is not located in an area where residential development is restricted.</p> <p>The proposed dwelling will be designed to achieve the nominated noise criteria for both living areas and bedrooms. This can be included as a condition of consent if required.</p> <p>The apartment has been designed for the future occupant (and not on speculative basis) and as such achieving an appropriate level of internal amenity is absolutely critical.</p> <p>Double glazing will be incorporated into northern and western facades to achieve both environmental and acoustic criteria.</p> <p>Air conditioning and double glazing will be incorporated into the detail design of the proposed dwelling to ensure that windows and doors can be closed at certain times to reduce noise impacts.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
4.6.17	<p>Residential Building Controls:</p> <p><i>Minimum Apartment Size</i></p> <p>3 Bedroom Apartment – Minimum 110m<sup>2</sup> including balcony</p> <p><i>Balconies</i></p> <p>Provide each apartment with a</p>	<p>295m<sup>2</sup> internal floor space + 92.5m<sup>2</sup> balcony: Total = 387.5m<sup>2</sup></p> <p>Balcony provided with access to main</p>	<p>✓</p> <p>✓</p>

No.	Control	Proposal	Complies
	primary balcony that is directly accessible from the main living room or kitchen with a minimum area of 15m <sup>2</sup> - as per Table 4.13 for 3 bedroom apartment.	living room. The proposed balcony is 92.5m <sup>2</sup> in size and is therefore compliant.	
	Provide a northern, eastern or western aspect;	Primary balcony has a mainly northern and eastern aspect.	✓
	A minimum depth of 1.5 metres is required for primary balconies;	A minimum depth of 1.8 metres is proposed along the northern elevation at the balcony's narrowest point.	✓
	Secondary balconies are encouraged as service areas;	A secondary balcony is not proposed	
	Provide an eave, awning or weather protection sufficiently wide to shelter the aperture and enable it to remain open during rain.	An eave is proposed so that an appropriate level of weather protection is provided to the balcony area	✓
	<i>Visual Privacy</i>		
	Design building layouts to minimise direct overlooking from apartments to other rooms and private open space	The proposed apartment will not overlook any other rooms or private open space as there are no adjoining apartments within the building.	✓
	Incorporate screening devices to retain views and privacy from rooms and outdoor spaces	There is no need for any screening devices to maintain privacy from rooms or outdoors spaces as there are no adjoining apartments within the proposed building.	✓
	Stagger doors, windows and primary balconies to block direct views between apartments;	There is no need to stagger doors, windows and primary balconies.	✓
	<i>Solar Access</i>		
	Provide a minimum of three hours of direct sunlight per day to living rooms and private open spaces in at least 75 percent of dwellings within a residential development on 30 June;	The proposed apartment will have access to more than 3 hours of sunlight per day to living spaces and private open space.	✓
	<i>Daylight Access</i>		
	All residential apartments must have daylight access to habitable rooms;	Daylight access will be available to all habitable rooms within the apartment.	
	Limit the depth of single aspect apartments to maximum 10 metres;	The proposed apartment has multiple aspects. This is not applicable.	✓
	Limit the number of south facing apartments and provide generous windows;	The proposed apartment is not south facing.	
	<i>Mail Boxes</i>		
	Provide lockable mail boxes close to the street and building	A lockable mail box will provided at ground level adjacent to commercial mail boxes.	✓
	<i>Storage and Clothes Drying Facilities</i>		
	Provide 10m <sup>2</sup> of storage – for three bedroom apartments.	Approximately 3.6m <sup>2</sup> of cupboard space provided within unit. Over 10m <sup>2</sup> of storage space proposed with Basement 2 – adjacent to residential car spaces.	✓
	Ensure storage separated from apartments is secure for individual use.	Basement storage will be secured by chain wire mesh or suitable alternative.	✓

No.	Control	Proposal	Complies
	Provide a screened outdoor clothes drying area either as a private service balcony or designated common drying areas for each dwelling;	A screened outdoor area is not proposed given the size of the proposed balcony. Clothes drying can occur on the balcony largely out of site from the public domain.	✓
4.9.1	<i>Landscaping and Site</i>		
	Minimum open space provision for 3 bedroom apartments is 15m <sup>2</sup>	Proposed Balcony – 92.5m <sup>2</sup>	✓
	Provide direct, well lit access between car parks and dwellings, lift lobbies and to all apartments.	Direct and secure lift access is provided from the basement to the apartment. Unauthorised access to the apartment level will not be permitted.	✓
	Provide communal open space to all residential apartment buildings at a minimum size of 60m <sup>2</sup> with a minimum dimension of 6 metres.	Adequate communal open space is provided at ground level for use by dwelling occupants. Sydney Olympic Park provides more than adequate public open spaces areas within the immediate vicinity of the site that can also be utilised by future occupants.	✓
4.7	<i>Access and Parking</i>		
	Vehicle Access and Servicing	No change proposed.	✓
	Vehicle Parking		
	Residential 1.5 spaces required for 3 bedrooms apartments;	2 car spaces to be reallocated from commercial use to the proposed apartment.	✓
	Bicycle Parking – 1.5 spaces required for 3 bedroom apartments	Adequate space to be provided as dedicated bicycle parking for the proposed apartment within basement.	✓
	Residential – 3 Bedroom - 1.5 space	Proposal involves reallocating two commercial car spaces for residential purposes.	



## 5.0 Environmental Assessment

---

The following section provides an environmental risk analysis to identify and consider potential environmental impacts that may result from the proposed modifications.

### 5.1 Built Form and Urban Design

The proposed rooftop apartment will result in changes to the appearance of the approved northern building. The proposal involves the construction an additional storey at the north-western end of the floor plate. The apartment has been designed to ensure that it is consistent with the commercial nature of the building through the use of materials such as concrete, glazing and pre-finished metal cladding.

The proposed apartment has been setback from the perimeter of the rooftop to minimise the perception of building height and bulk at ground level within close proximity of the site. In fact, the proposal will not be visible on site within close proximity to the building as demonstrated by the attached architectural *Line of Site* images (*Drawing DA300 [A]*). The proposed structure will only become visible from ground level at a much greater distance from the site where it may be possible to see some extent of elevations and the roof form, all of which are in keeping with the approved building. On this basis, the proposal is unlikely to result in the creation of an excessively high or bulky development.

The proposed apartment will be most visible from within the Pullman hotel. The proposed apartment and associated roof top (plant) screen will positively affect this outlook by providing an attractive structure and metal roof located on top of the northern building thereby resulting in the relocation of plant and equipment to the south-eastern end of the rooftop. This will significantly improve the appearance of the rooftop when viewed from the Pullman Hotel.

### 5.2 Transport and Accessibility

The proposed apartment will not result in any increase to the level of traffic generated by the facility. Two car spaces are proposed to be reallocated from the approved commercial floor space for the proposed dwelling. A replacement of two vehicles associated with commercial floor space with two vehicles associated with the apartment will therefore not generate any additional traffic impact.

The proposal is therefore unlikely to affect local traffic within the immediate locality or the broader Sydney Olympic Park area.

### 5.3 Overshadowing

The proposed modifications will not significantly change the overshadowing impacts caused by the approved building.

### 5.4 Wind and Reflectivity

The proposed modifications are unlikely to change the outcomes of previous investigations into potential wind and reflectivity impacts. These reports concluded that the proposed development was suitable for the site and locality.



## **5.5 Ecologically Sustainable Development**

Fitzpatrick Investments Pty Ltd is obliged, under both the existing Agreement for Lease and Condition B12 of the approval, to achieve a minimum 5 star (v3) Green Building Council of Australia commercial office design rating and 5 star NABERS commercial office design rating.

## **5.6 Heritage Conservation**

The proposed modifications do not alter the physical or spatial relationship of the development on Site 4B with the heritage precinct and as a consequence, are not expected to result in any additional impact.

## **5.7 Contamination**

The proposed modifications will not change the outcomes of previous investigations into potential contamination on site. No further consideration or investigation is considered necessary as part of this application.

## **5.8 Accessibility**

The proposed modifications will not affect the building's ability to comply with the relevant statutory requirements and guidelines with regard to accessibility.

## 6.0 Conclusion

---

This report has been prepared as part of a Section 75W Application to modify an existing approval (MP06\_0273). The assessment has demonstrated that it will have very few adverse environmental impacts that cannot be managed or mitigated.

The proposed modifications have been assessed with consideration of the relevant environmental and legislative requirements applicable to the site and proposed development. The proposed modifications are compliant with the relevant statutory provisions and result in very few environmental impacts for the site or locality.

FDC trusts that the information provided within this report provides the Department with sufficient information upon which to base an assessment of the relevant issues.

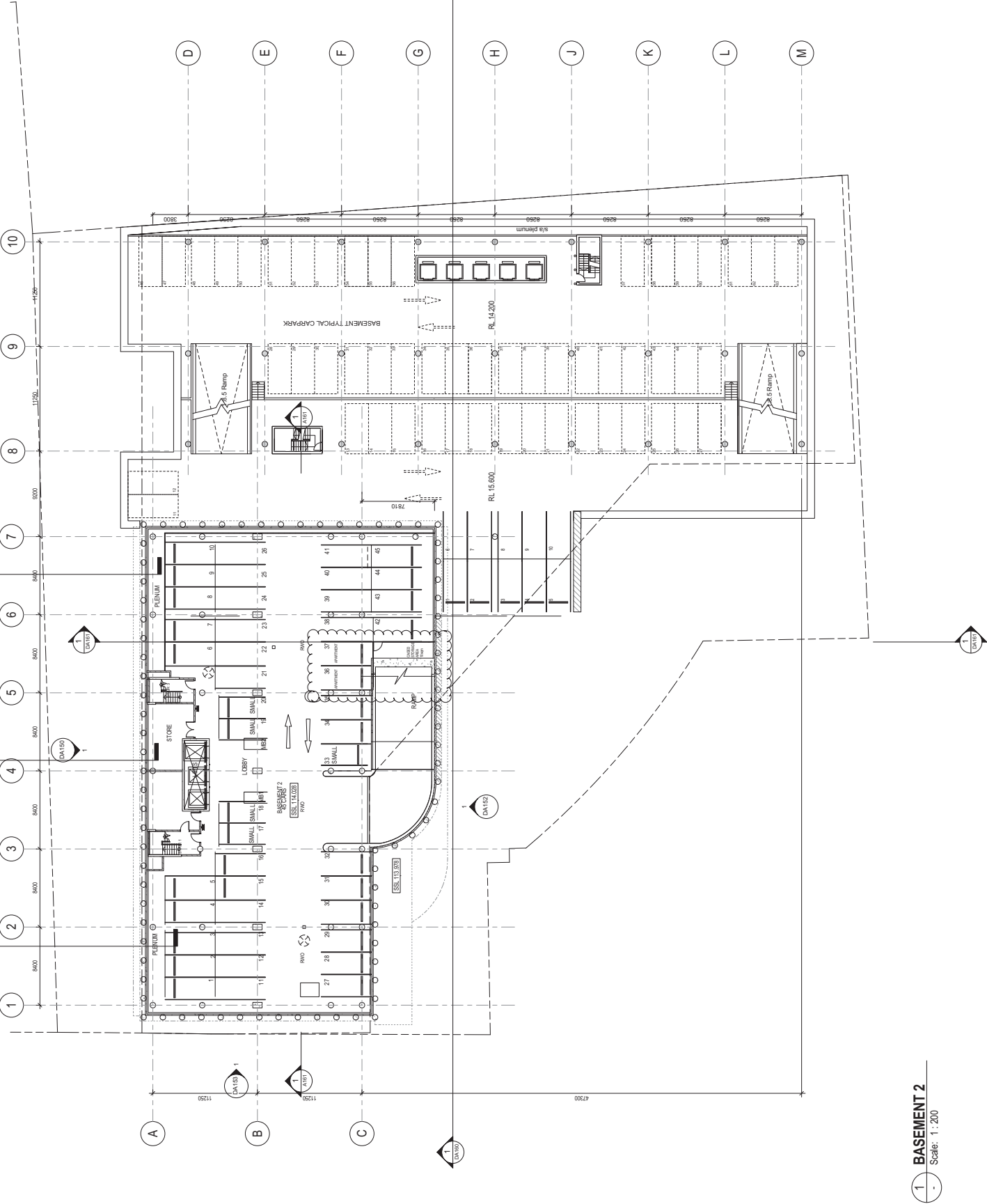
The proposed modifications should therefore be considered favourably by the Department of Planning and Infrastructure and supported.

---



## **Appendix 1 – Revised Architectural Plans**

---

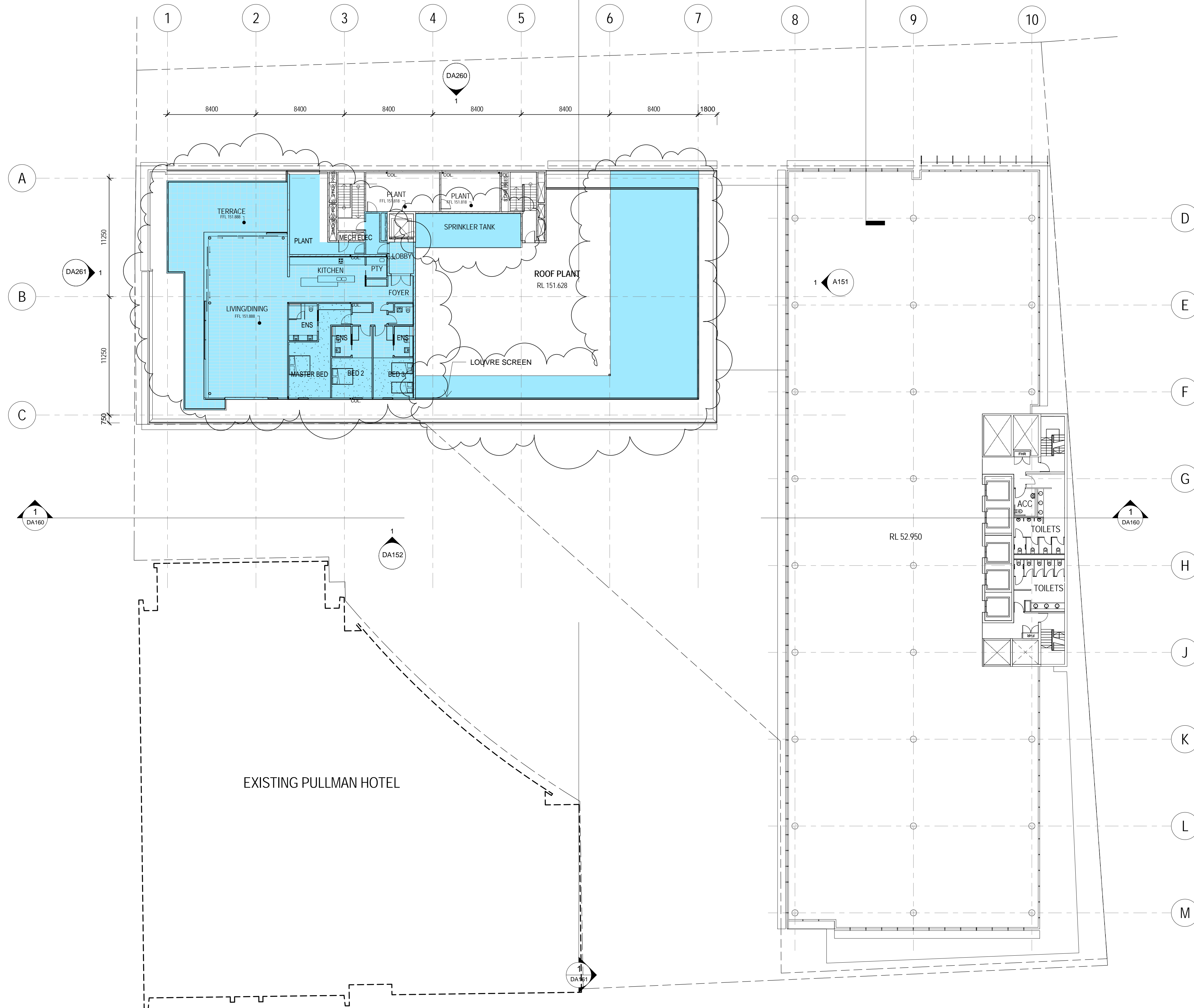


PARKING SCHEDULE		
LABEL	NORTH BUILDING	SOUTH BUILDING
B1 MEZZANINE	-	38
B1	31	34
B2	-	63
B3	-	63
SUBTOTAL	76	198
TOTAL CARS	274	

THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
BASEMENT B2 PLAN

ISSUE	AMENDMENT	DATE
A	PRELIMINARY ISSUE	04/10/12
B	ISSUE FOR 75W SUBMISSION	12/10/12
C	ISSUE FOR 75W SUBMISSION	14/01/13
D	75W SUBMISSION	27/05/13
E	ISSUE FOR INFORMATION	26/07/13
F	ISSUE FOR INFORMATION	02/08/13
G	ISSUE FOR 75W SUBMISSION	14/08/13

33

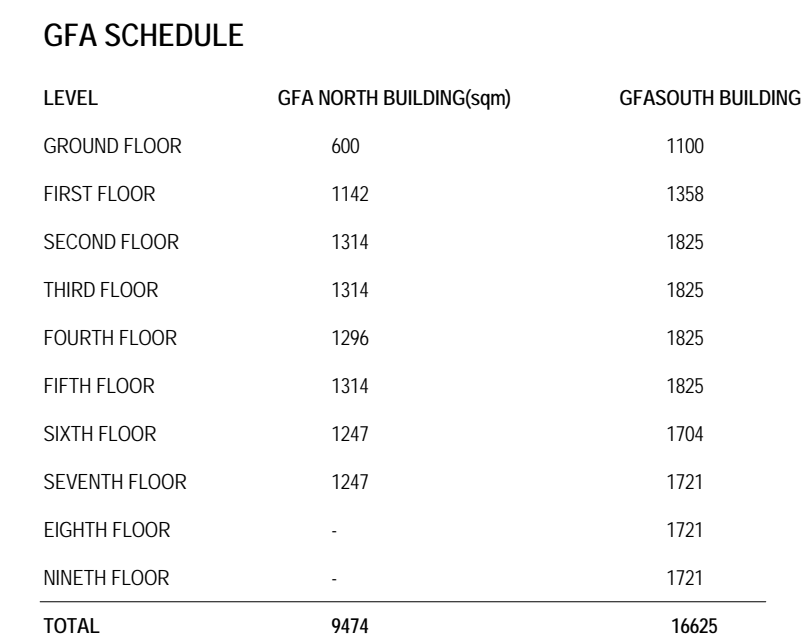


1 EIGHTH FLOOR PLAN  
A150 Scale: 1 : 200

GFA SCHEDULE		
LEVEL	GFA NORTH BUILDING(sqrm)	GFA SOUTH BUILDING
GROUND FLOOR	600	1100
FIRST FLOOR	1142	1358
SECOND FLOOR	1314	1825
THIRD FLOOR	1314	1825
FOURTH FLOOR	1296	1825
FIFTH FLOOR	1314	1825
SIXTH FLOOR	1247	1704
SEVENTH FLOOR	1247	1721
EIGHTH FLOOR	-	1721
NINTH FLOOR	-	1721
TOTAL	9474	16625

THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
EIGHTH FLOOR PLAN



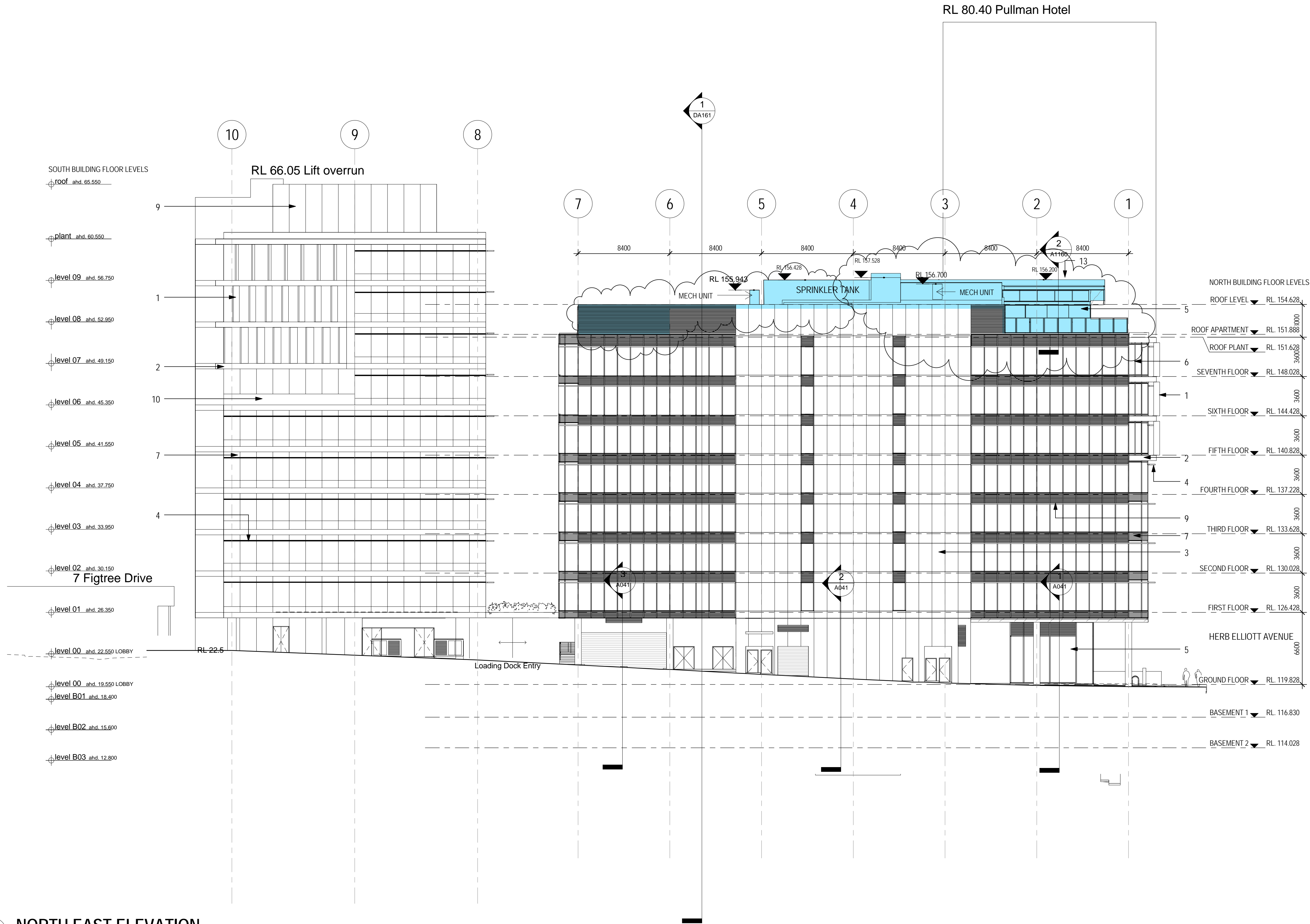
3

Scale: 1 : 200



ISSUE	AMENDMENT	DATE
A	PRELIMINARY ISSUE	04/10/12
B	ISSUE FOR 75W SUBMISSION	12/10/12
C	RE-ISSUE FOR 75W SUBMISSION	23/11/12
D	ISSUE FOR 75W SUBMISSION	14/01/13
E	75W SUBMISSION	27/05/13
F	ISSUE FOR INFORMATION	26/07/13
G	ISSUE FOR INFORMATION	02/08/13
H	ISSUE FOR 75W SUBMISSION	14/08/13

33



**EXTERNAL FINISHES LEGEND**  
1. VERTICAL TIMBER (OR SIMILAR) LOUVER  
2. CONCRETE (OR SIMILAR) SLAB EDGE  
3. CONCRETE (OR SIMILAR) CLADDING  
4. HORIZONTAL ANODISED ALUMINIUM SUN SHADE  
5. ALUMINIUM FRAMES CLEAR GLASS SHOPFRONT GLAZING  
6. DOUBLE GLAZED UNIT, COLOUR CRYSTAL GREY (OR SIMILAR)  
7. GLASS SPANDREL WITH DARK ALUMINIUM BACK PANEL  
8. ANODISED ALUMINIUM CLADDING TO PARAPET  
9. POWDERCOATED ALUMINIUM LOUVER  
10. GLAZED BALUSTRADE  
11. METAL FACADE CLADDING  
12. REINFORCED CONCRETE WALL  
13. METAL ROOF SHEETING

THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
NORTH EAST ELEVATION

4m 8m 20m 40m

SCALE: 200 @ A1



SYDNEY  
MELBOURNE  
BRISBANE

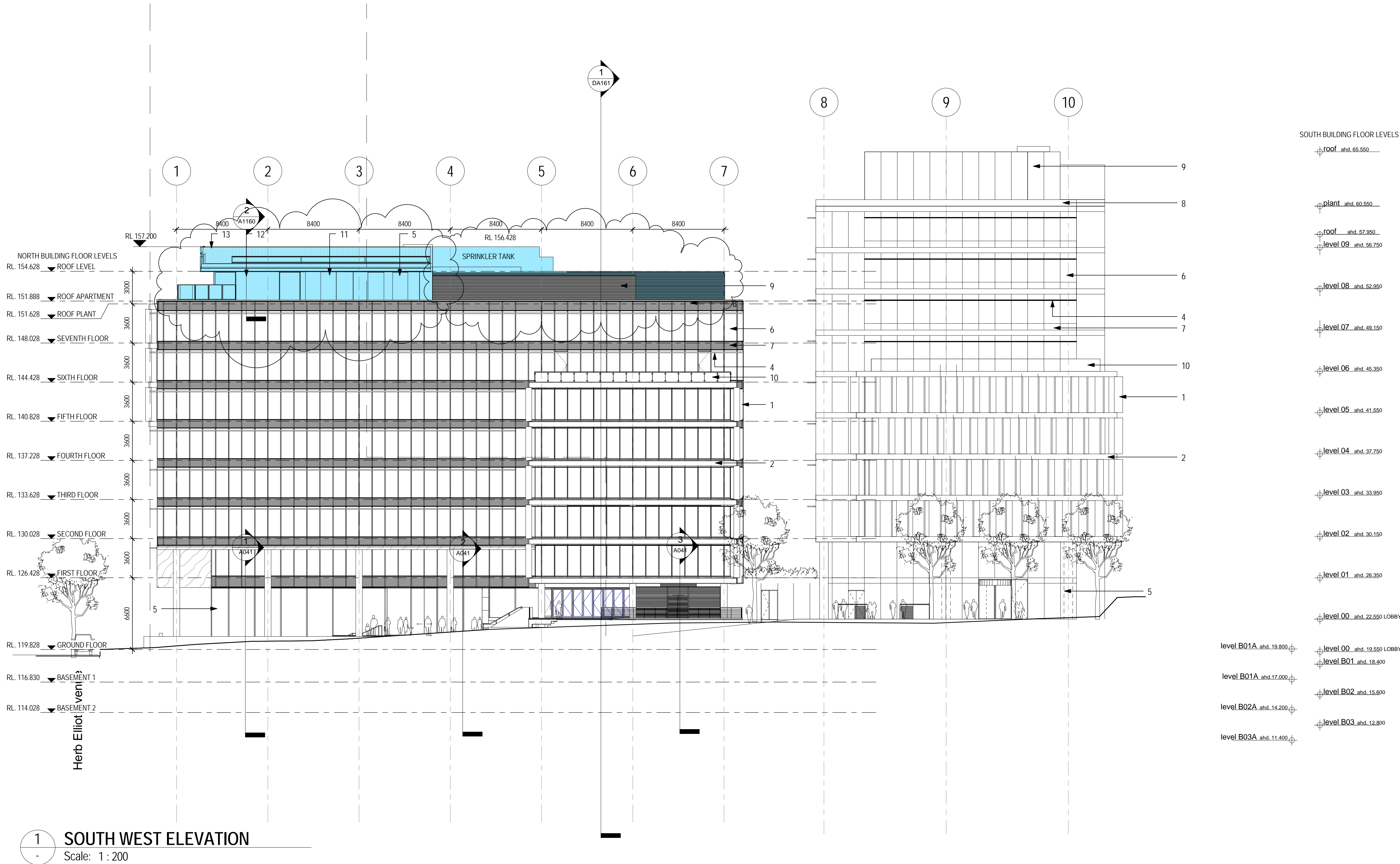
7 YOUNG ST NEUTRAL BAY NSW 2089 T: +61 2 99093344  
LEVEL 2 - 18 OLIVER LANE VIC 3000 T: +61 3 96546344  
2 - 290 BOUNDARY ST SPRING HILL QLD 4004 T: +61 7 31235544

PROJECT 3487  
DATE 14/08/13  
DRAWN RGG

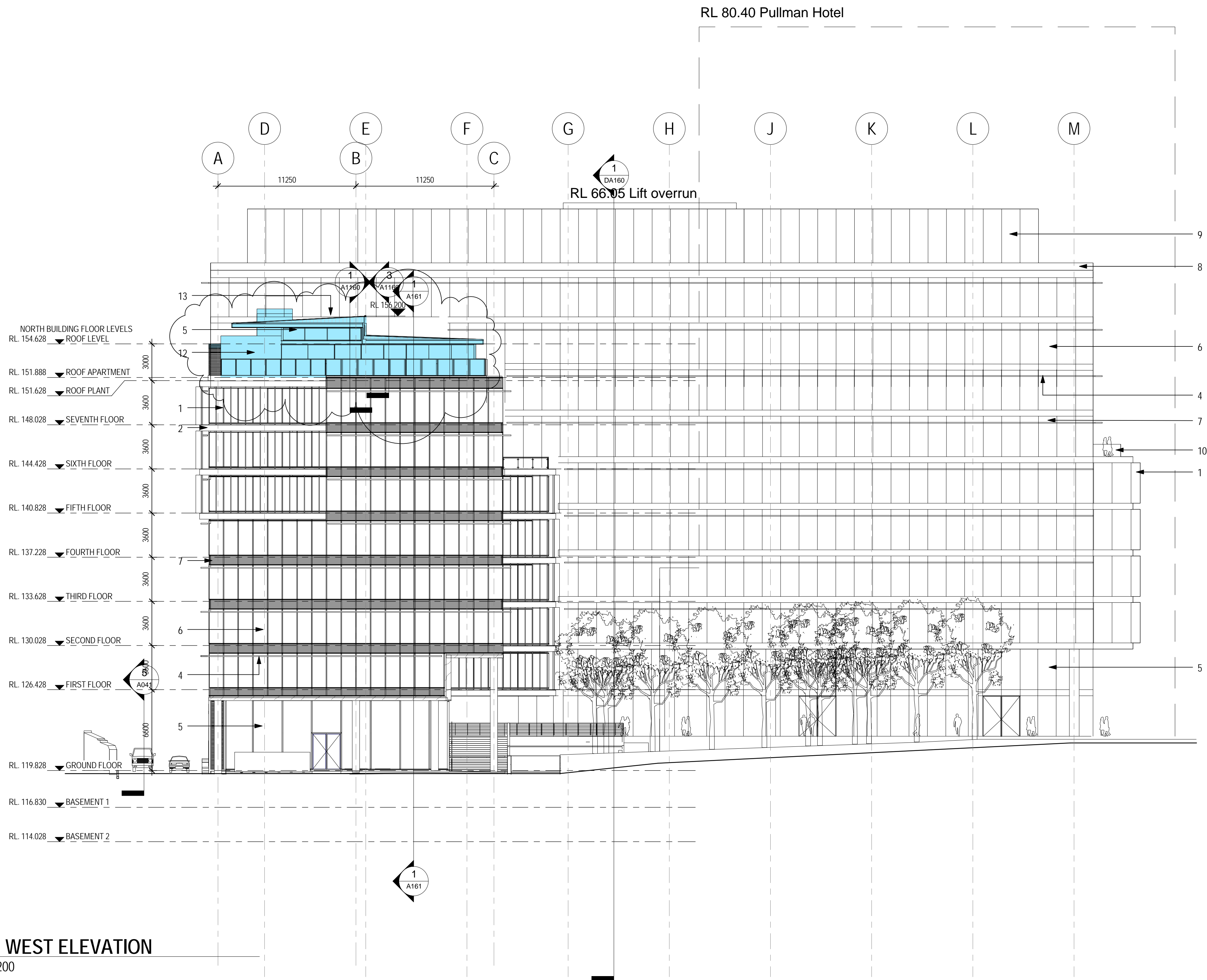
DWG NO.  
DA150 H

LEFFLER SIMES ARCHITECTS





ISSUE	AMENDMENT	DATE
A	PRELIMINARY ISSUE	04/10/12
B	ISSUE FOR 75W SUBMISSION	12/10/12
C	RE-ISSUE FOR 75W SUBMISSION	23/11/12
D	ISSUE FOR 75W SUBMISSION	14/01/13
E	75W SUBMISSION	27/05/13
F	ISSUE FOR INFORMATION	26/07/13
G	ISSUE FOR INFORMATION	02/08/13
H	ISSUE FOR 75W SUBMISSION	14/08/13



1 NORTH WEST ELEVATION  
A045 Scale: 1 : 200

SOUTH BUILDING FLOOR LEVELS

Roof	ahd. 65.550
plant	ahd. 60.550
Roof	ahd. 57.950
level 09	ahd. 56.750
level 08	ahd. 52.950
level 07	ahd. 49.150
level 06	ahd. 45.350
level 05	ahd. 41.550
level 04	ahd. 37.750
level 03	ahd. 33.950
level 02	ahd. 30.150
level 01	ahd. 26.350
level 00	ahd. 22.550 LOBBY
level B01M	ahd. 19.800
level B01A	ahd. 17.000
level B02A	ahd. 14.200
level B03	ahd. 11.400

EXTERNAL FINISHES LEGEND

1. VERTICAL TIMBER (OR SIMILAR) LOUVER
2. CONCRETE (OR SIMILAR) SLAB EDGE
3. CONCRETE (OR SIMILAR) CLADDING
4. HORIZONTAL ANODISED ALUMINIUM SUN SHADE
5. ALUMINIUM FRAMES CLEAR GLASS SHOPFRONT GLAZING
6. DOUBLE GLAZED UNIT, COLOUR CRYSTAL GREY (OR SIMILAR)
7. GLASS SPANDREL WITH DARK ALUMINIUM BACK PANEL
8. ANODISED ALUMINIUM CLADDING TO PARAPET
9. POWDERCOATED ALUMINIUM LOUVER
10. GLAZED BALUSTRADE
11. METAL FACADE CLADDING
12. REINFORCED CONCRETE WALL
13. METAL ROOF SHEETING

THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
NORTH WEST ELEVATION

4m 8m 20m

SCALE: 200 @ A1



SYDNEY  
MELBOURNE  
BRISBANE

7 YOUNG ST NEUTRAL BAY NSW 2089 T: +61 2 99093344  
LEVEL 2 - 18 OLIVER LANE VIC 3000 T: +61 3 96546344  
2 - 290 BOUNDARY ST SPRING HILL QLD 4004 T: +61 7 31235544

PROJECT 3487  
DATE 14/08/13  
DRAWN RGG

DWG NO.  
DA153 H

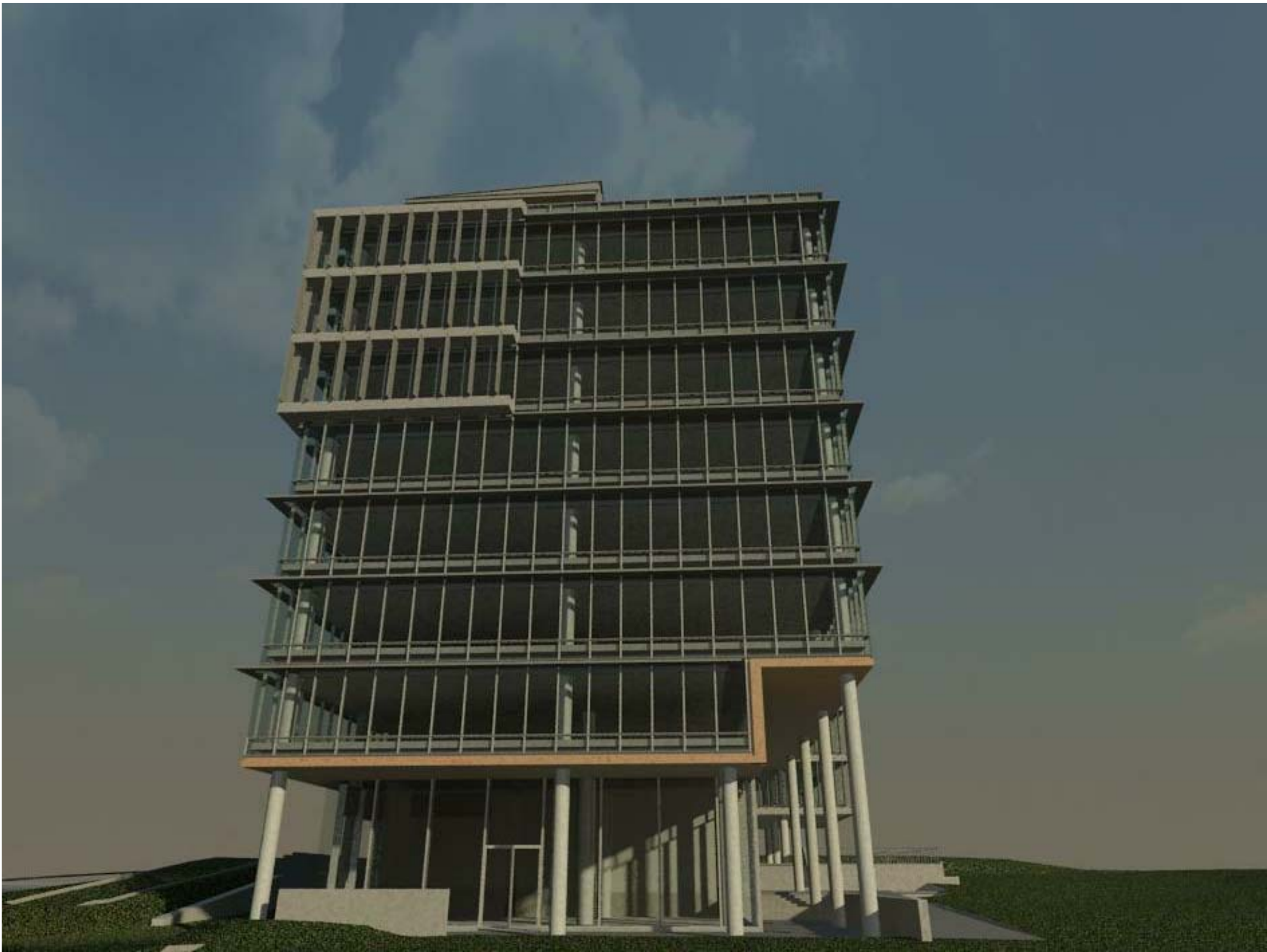
LEFFLER SIMES ARCHITECTS



33

Scale: 1 : 200





ISSUE	AMENDMENT	DATE
A	ISSUE FOR 75W SUBMISSION	14/08/13

3



THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
LINE OF SIGHT IMAGES

SCALE:



SYDNEY  
MELBOURNE  
BRISBANE

7 YOUNG ST NEUTRAL BAY NSW 2089 T: +61 2 99093344  
LEVEL 2 - 18 OLIVER LANE VIC 3000 T: +61 3 96546344  
2 - 290 BOUNDARY ST SPRING HILL QLD 4004 T: +61 7 31235544

PROJECT 3487  
DATE 14/08/13  
DRAWN RGG

DWG NO.  
DA300 A

LEFFLER SIMES ARCHITECTS





3

THE AVENUE, SITE 4B  
10 HERB ELLIOT AVE  
SYDNEY OLYMPIC PARK  
LINE OF SIGHT  
PERSPECTIVES

SCALE:



SYDNEY  
MELBOURNE  
BRISBANE

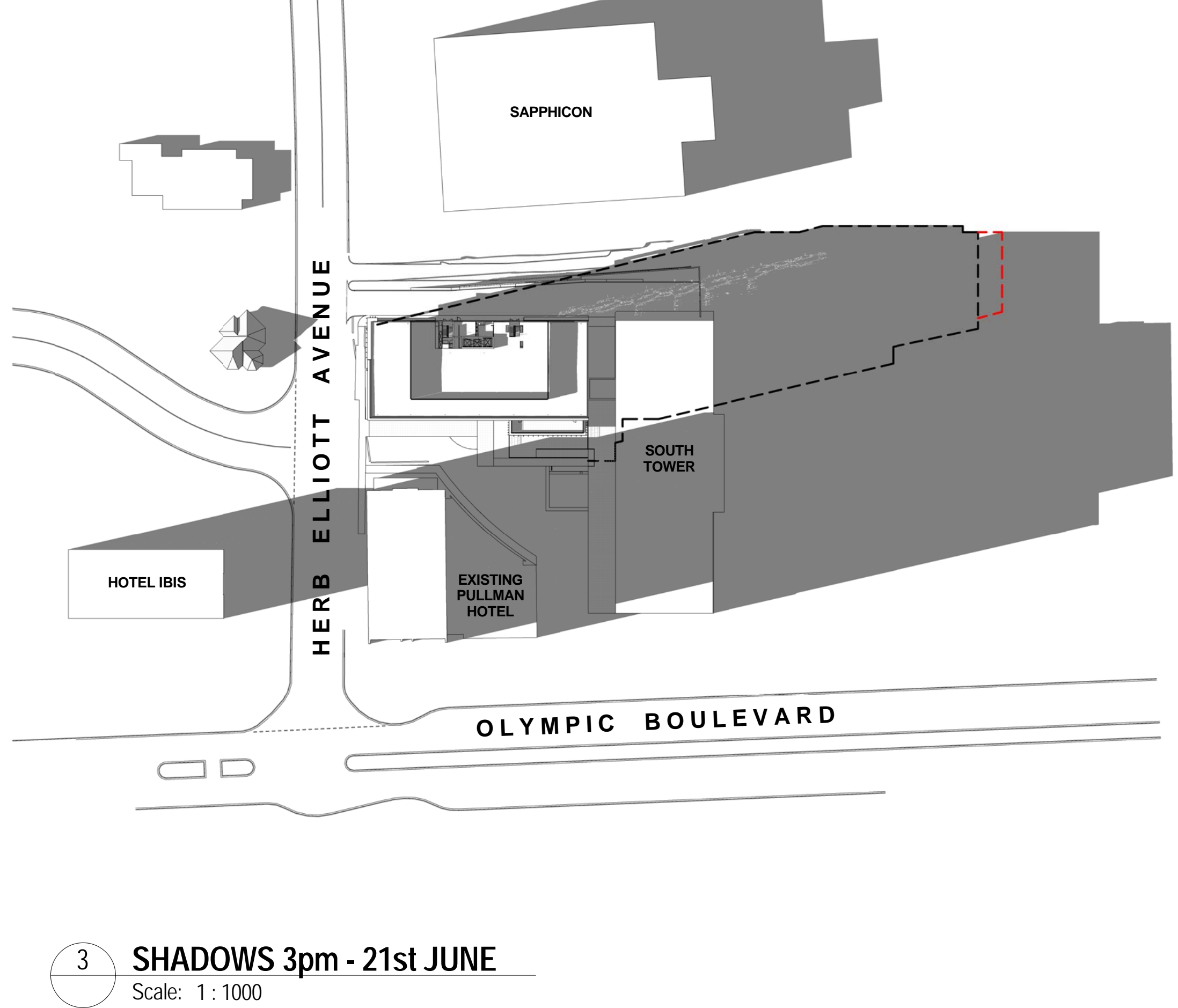
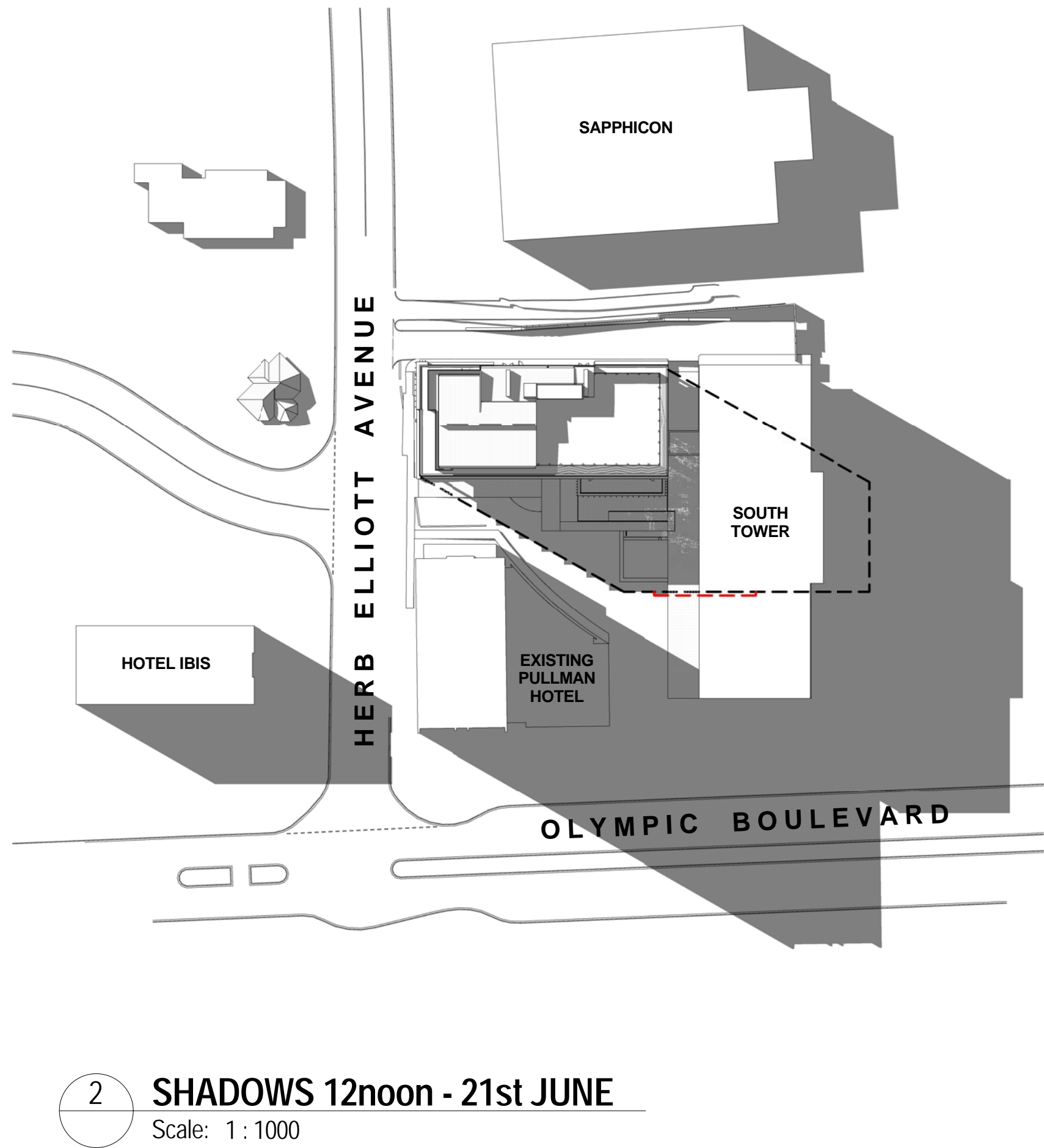
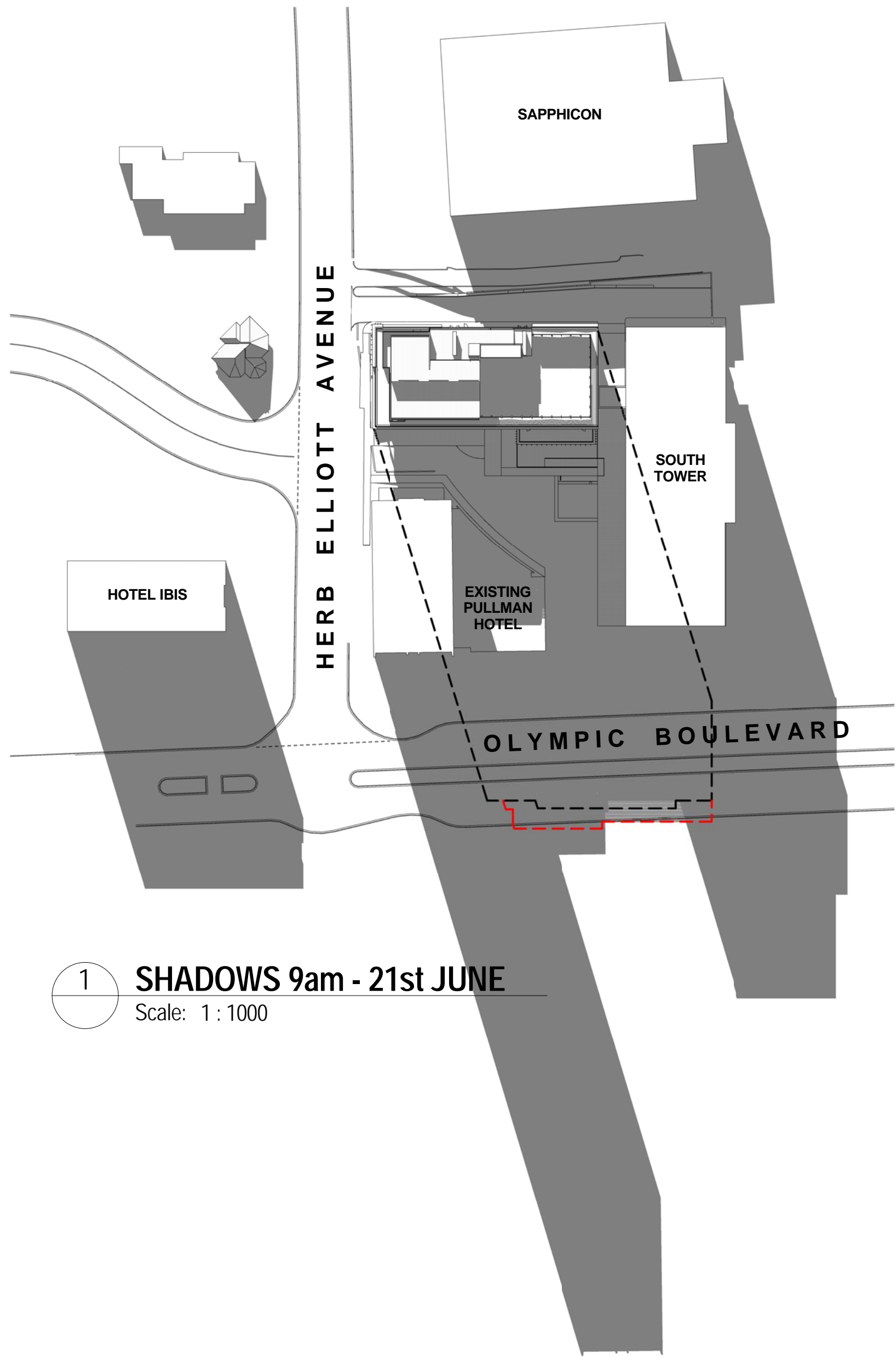
7 YOUNG ST NEUTRAL BAY NSW 2089 T: +61 2 99093344  
LEVEL 2 - 18 OLIVER LANE VIC 3000 T: +61 3 96546344  
2 - 290 BOUNDARY ST SPRING HILL QLD 4004 T: +61 7 31235544

PROJECT 3487  
DATE 30/09/13  
DRAWN RGG

DWG NO.  
DA301 A

LEFFLER SIMES ARCHITECTS





**LEGEND**

--- BUILDING SHADOW WITHOUT ROOF APARTMENT

--- APARTMENT ADDITION AND ALTERED ROOF ENCLOSURE SCREEN

SITE 4B  
SYDNEY OLYMPIC PARK  
SHADOW DIAGRAMS  
WINTER SOLSTICE

