



Strategic Sites and Urban Renewals, Urban Assessments

Planning Assessment Report

Application to Modify Development Consent

MOD 86-7-2006 modifying DA 80-4-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application Modification number MOD 86-7-2006 modifying DA 80-4-2004 under Section 96(2) of the Act lodged by Bovis Lend Lease on 12 July, 2006.

The application seeks to modify Development Application DA 80-4-2004 approved by the Minister on 27 January 2005.

The site is located at an area identified as sites 6 & 7, Dawn Fraser Avenue and a portion of Park Street, Sydney Olympic Park.

Under the instrument of delegation dated 5 April 2006, the application can be determined by the Executive Director, Strategic Sites and Urban Renewals.

It is recommended that the application be **approved**.

1.1 Relevant development approvals / modifications:

DA 80-4-2004 was approved on 27 January 2005. It proposed:

- Subdivision of land into four (4) separate parcels (3 lots for the proposed buildings and one separate lot for the creation of the existing Stockroute Park into one lot);
- Construction of three retail/commercial office buildings over sites 5, 6, and 7. The approval included 46,003 sqm (GFA) of office space, and 7,434sqm GFA of retail area spread out over the three buildings (total GFA is 53,437 sqm);
- Associated basement parking including a total of 892 retail/ commercial car spaces across buildings 5, 6 & 7 and 239 public car parking spaces for building 6 & 7.
- Landscaping and public improvement works.

MOD 95-7-2005

A previous modification (MOD 95-7-2005) approved the following amendments on 26 August, 2005:

Building 5:

- Restrict public access through the originally approved pedestrian link within Building 5 (which linked the Abattoir Precinct with Stockroute Park) by replacing the openable doors with security controlled glazed doors;
- Widen the originally approved pedestrian link within Building 5 to 4 metres as per the original DA consent, together with the provision of double height spaces on level 2 and associated design changes to the eastern façade of Building 5. These were incorporated to further enhance the visibility and amenity of the space;
- Removal of half a basement level of Building 5 along with other minor changes within the basement level, thereby reducing basement car parking by 19 spaces, resulting in a total parking provision of 400 spaces;

- Relocate the sub station, LV switch room, and loading dock from the lower ground level to the upper ground level (now referred to as level 1);
- Replace the area formerly occupied by a sub station, LV switch room, and loading dock (now referred to as level G) with car parking, bike racks, staff amenities, required space for additional storage and communication facilities;
- Reduction in the depth of a retail tenancy fronting Dawn Fraser Avenue due to provision of these facilities and “in house” cafeteria for tenants;
- Increase to the commercial component of Building 5 floor space, with the total floor space reduced by 1,084m²;
- External changes to the Herb Elliott Avenue frontage due to relocation of sub station, LV switches room, and loading dock. The balance of space adjacent to these facilities will be used for training and conference facilities and will be linked to a conference space located on the Dawn Fraser Avenue frontage on the same level. The notional area for a themed pub shown within original application was deleted; and
- Install additional roof-top plant on building 5 for back up power and air conditioning purposes.

For whole of Site 5, 6, and 7:

- Approval was sought to permit SOPA to allow extended business operating hours and loading times. Condition G5 of the original allowed for deliveries and dispatches between 7am and 6pm, Monday to Friday and 7am to 1pm, Saturdays, and Sundays between 7am and 11am. No specific condition was made determining commercial operating hours. Accordingly the following commercial operating hours were incorporated into the modification:

b) Commercial – Sites 5, 6 and 7 (excluding deliveries)

The hours of operation shall be restricted to between:

<i>Day</i>	<i>Day</i>	<i>Night - provided no audible noise above 3dB at site boundary.</i>
<i>Monday to Friday</i>	<i>7am to 7pm</i>	<i>7pm to 7am</i>
<i>Saturday and Sunday</i>	<i>7am to 7pm</i>	<i>7pm to 7am</i>

The deliveries and dispatches condition was modified to allow the extension of hours of operation and deliveries and dispatches as identified above are permitted for both special events and business operations on the site with the written approval of SOPA.

MOD 151-9-2005

MOD 151-9-2005 was approved on 1 December, 2005. The approved modification to Building 5 was as follows:

- The inclusion of an atrium at the western end of building 5 including “shaped edges” and balconies to the building’s western end and the provision of a recessed glazed element between the wings with two sliding door openings to Marshall Road;
- The provision of foot bridges within the atriums at levels 3 – 6;
- The use of the western end of level 1 as a cafeteria, (relocated from ground level). This cafeteria included a street front component to Herb Elliot Avenue;

- Alterations to the south west fire stairs to exit at grade and rationalisation of the levels in the north west public stair;
- Deletion of the stairs in the through site link and the widening of the ramps;
- The deletion of the indoor / outdoor planters and the addition of a wide central access stair to connect Marshall Road with the proposed atrium;
- The inclusion of a new storage area within ground level;
- Design amendments to the basements to improve the efficiencies of the car parking resulting in a loss of 10 spaces;
- Design amendments to the facades of the building to fit with the comments of the SOPA Design Review Panel;
- Amendments to the soft landscaping to the interface area between site 5 and the Heritage precinct; and
- The approved amendments increase the commercial floor space by approximately 840 square metres, with a corresponding reduction in retail space. This increase was primarily related to the atrium and is therefore not usable office or retail space.

1.2 The proposed modifications the subject of this application

The following modifications to the original DA are proposed:

- Increase the height of buildings 6 and 7 from six (6) to eight (8) storeys;
- New all level atriums to buildings 6 and 7;
- The two additional levels for both buildings will result in an increase in commercial floor area from 10,247m² to 16,329m² on Site 6, and from 14,077m² to 21,769m² on Site 7;
- Increasing the number of basement car parking from 700 to 820 spaces;
- Increase the site coverage of each of Buildings 6 and 7 by approximately 96 sqm with the resultant narrowing of Park Street from 12.5 metres (kerb to kerb) to 6.5 metres (kerb to kerb);
- Opening Park Street to through traffic with the deletion of the traffic barrier on the northern side of the street;
- Relocation of the loading facilities from the Park Street frontage to Herb Elliot Avenue;
- Two 5.2 metre wide double storey aerial pedestrian bridges between building 6 and 7 from levels 2/3 and 6/7 respectively;
- Reconfiguration of the approved ground floor retail components;
- Minor changes to the facade including additional sun shading devices, incorporation of full height atrium glazing, modified treatment to the spandrels, and addition of metal framing elements.
- Alterations to the Dawn Fraser Avenue elevation, including a reduction of the full height colonnade on building 7 and addition of an awning element to this elevation.

In summary, the modification proposal will increase the approved GFA from 24,342m² to 38,098m².



Approval is sought for two aerial pedestrian bridges connecting buildings 6 and 7. Each of these are two levels high.

Approval is sought for two additional commercial levels with the upper most setback 3.0 metres along the southern and northern elevations.

Figure 1: View of a photomontage of the proposal looking south along Australia Avenue.

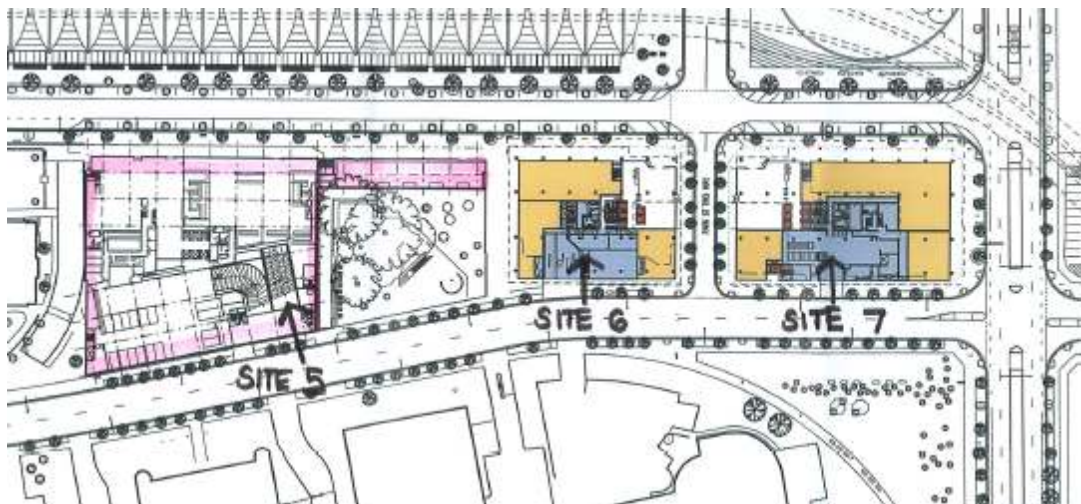


Figure 2: Site Plan indicating extent of site encompassed by original approval.

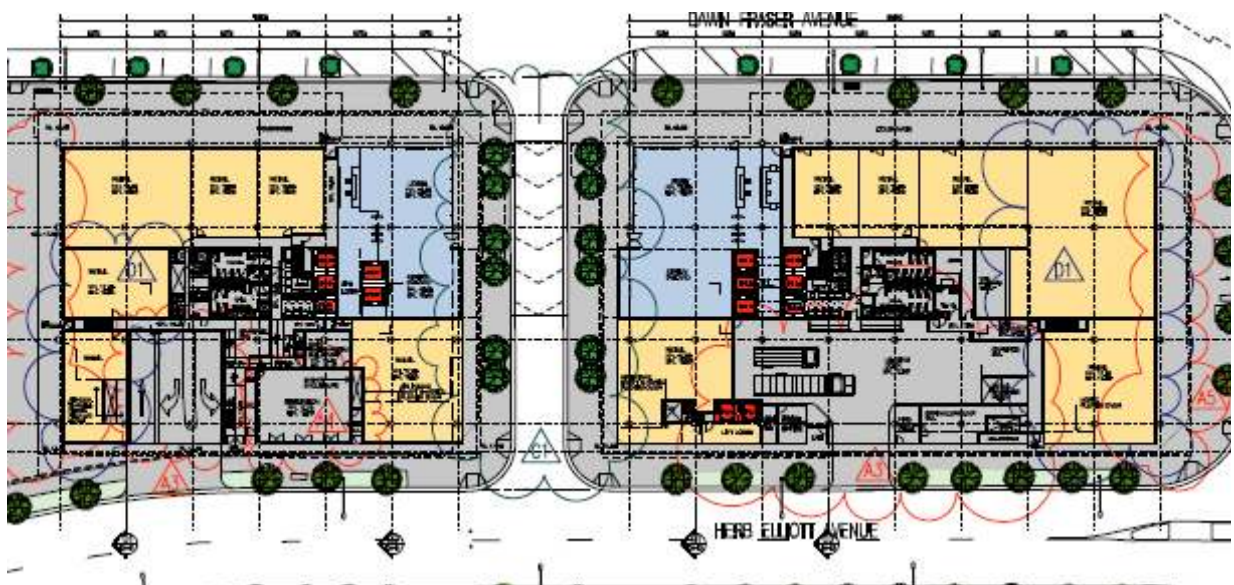


Figure 3: Proposed Ground Floor Plan.

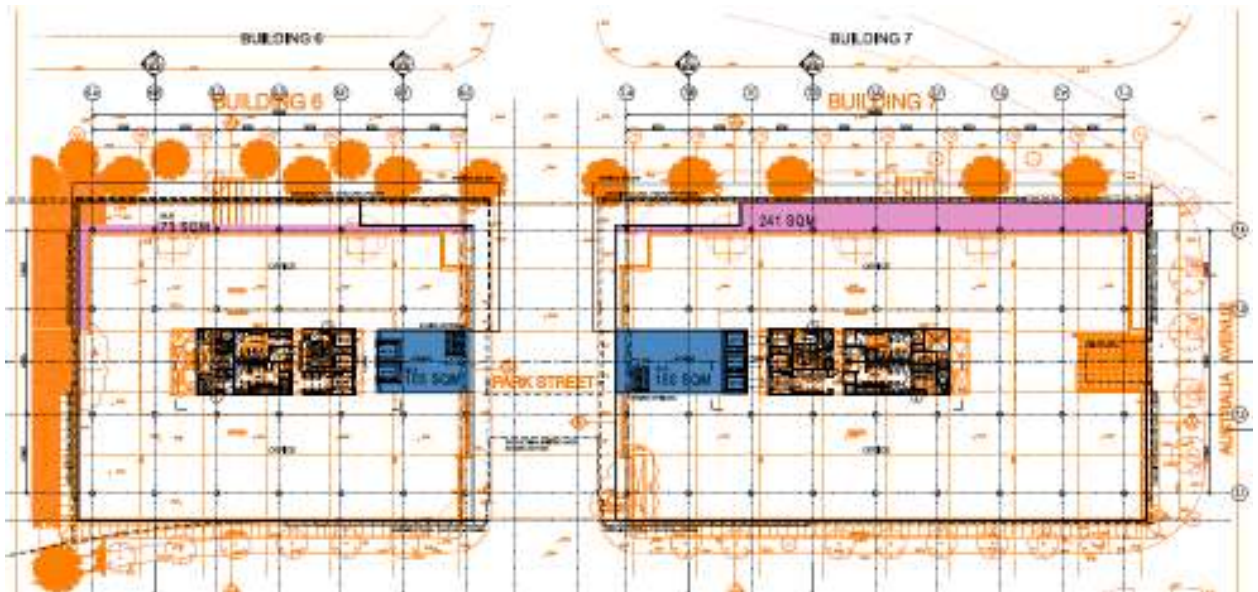


Figure 4: Proposed Level 1 plan illustrating increased size of floorplate (orange represents original footprint, pink represents proposed final footprint).

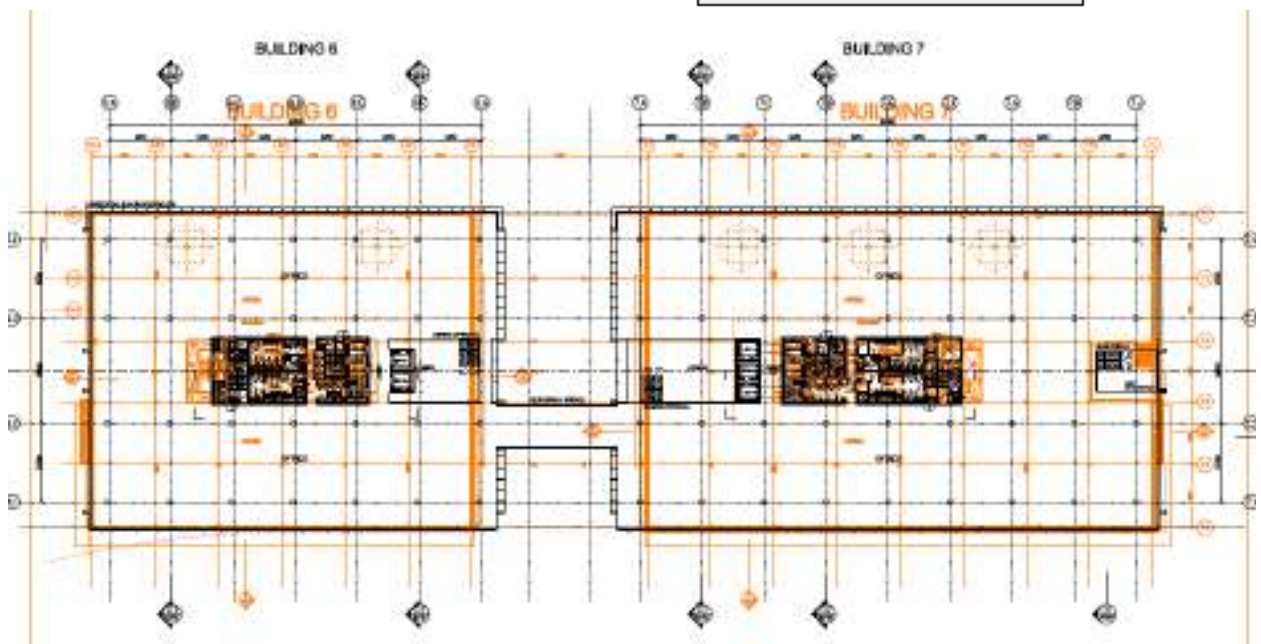


Figure 5: Proposed Level 2 floor plan (depicted in black) overlaid on approved Level 2 floor plan (depicted in orange).

1.3 Amendments to the proposed modification

During the course of assessment, concern was raised about the loss of active street frontage to Herb Elliot Avenue as a result of the proposal. The applicant submitted modified plans amending the scheme as follows:

- Additional architectural cladding on the ground floor elements for both buildings 6 & 7 fronting Herb Elliot Avenue;

- The proposed gas metre room has been shortened and relocated within building 7; and
- The proposed dock masters office was relocated within building 7.

1.4 Statement of permissibility

The *Sydney Olympic Park Authority Act 2001* confers upon the Sydney Olympic Park Authority (SOPA) the ability to provide planning controls for the site. The *Sydney Olympic Park Authority Master Plan 2002* is the document that provides the framework for future development on the Olympic Park Site. The proposed modification is permissible with consent under this document.

1.5 Instrument of consent and other relevant planning instruments

See Section 2.1 below.

1.6 Legislative context

- *Sydney Olympic Park Act, 2001*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 11 – Traffic Generating Development*;
- *Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport*;
- *Sydney Regional Environmental Plan No. 24 – Homebush Bay Area*; and
- *Sydney Olympic Park Master Plan 2002*.

2 CONSULTATION / PUBLIC EXHIBITION

The proposal was exhibited between 10/08/2006 to 24/08/2006. SOPA, RTA, RailCorp, and Auburn Council made submissions regarding the modification. Three (3) submissions from land owners were received. Issues raised were as follows:

Sydney Olympic Park Authority (SOPA)

SOPA reviewed the documentation and responded on 29 August, 2006 with the following comments:

- The proposal must demonstrate ESD innovation through a Design Environmental Management Plan (DEMP);
- The proposed changes to the colonnade along Dawn Fraser Avenue are not supported;
- The roof height should be amended to minimise bulk and scale of plant structure;
- The sunshields on the eighth floor must be either deleted or not encroach on the required three (3) metre setback;
- The footbridges should be reduced from 4.5 metres to 3.5 metres in width;
- Ground floor retail uses must be identified as such; and
- The width of car park entrances must be reduced with a resultant increase in street activation to Herb Elliot Avenue.

SOPA provided a further submission on 19 December 2006 in regard to the proposed modification, as follows:

- That the increased GFA should not be achieved at the expense of the overall appearance or bulk of either building.
- The proposed deletion of the second storey colonnade is in conflict with both the Master Plan 2002 and the draft Master Plan 2025. SOPA considers that the two storey

colonnade is an important architectural aspect to Dawn Fraser Avenue and is already reflected in the Site 5 Building as constructed.

- The proposed Floor Plate overhang from Level 2 to Level 7 (ie. Level 1 to Level 6 as named in this report) adjacent to Stockroute Park creates a 'pinch point' between the Park and the building, and should be deleted.

Subsequent to these comments the applicants entered into a series of discussions with SOPA about the proposed changes to the colonnade. These discussions involved several presentations to the SOPA Design Review Panel and resulted in the proponent amending the design to retain the two storey colonnade to building 6 and part building 7, with a screen element to the remainder of building 7 continuing the 2 storey colonnade alignment. SOPA and the Design Review Panel have agreed to these changes as an acceptable solution and as preferable to that of the previous proposal. No further issues were raised in relation to the relationship of building 6 with Stockroute Park.

RailCorp

RailCorp was consulted in relation to the modification and responded on 25 August 2006. There are no new areas of concern as a consequence of the proposed amendments. However the comments previously provided for the original DA 95-7-2005 and DA 80-4-2004 apply. Their comments are as follows:

- Property and title searches and survey information of Rail's Facilities were required as part of the development approval;
- Services searches were required for structures such as pipes and cables for the site. Where physical intrusion into the corridor is required (e.g. stormwater connection, rock anchors), confirmation is required that the Developer identify the existence of any Rail services and structures within the affected corridor;
- Dilapidation surveys were required for construction and installation activities that impact on the Rail Facilities;
- Noise and vibration treatments were required in accordance with the relevant requirements;
- Stray currents and electrolysis from rail operations must be adequately considered;
- Geotechnical and structural stability and integrity require examination;
- Demolition, excavation and construction impacts;
- Cranes and other aerial operations must be considered;
- Environmental conditions must be considered; and
- Drainage must also be considered.

These elements were all dealt with by conditions in the original consent.

Auburn Council

Auburn Council were consulted in relation to the modification and responded on 28 August, 2006. Issues raised were as follows:

- Width of Park Street between the buildings on the subject site does not match the remainder of Park Street;
- There may be a loss of pedestrian activity as a result of the proposed aerial walkways and reduction of pedestrian activity at street level on the surrounding streets;
- The location of all loading facilities in one building will not provide adequate loading facilities to the remaining building. It is likely that informal deliveries, particularly to the retail components, will take place; and
- A single access point for all eight hundred and twenty (820) cars may cause traffic congestion particularly at peak morning and evening times. It is anticipated that the swipe card access arrangements will result in additional traffic congestion.

It is noted that the width of Park Street between the buildings does not match the remainder of Park Street, however this does not result in any detrimental planning outcome for the site. Whilst the aerial walkways will facilitate ease of movement between the two buildings, it is unlikely that they will significantly reduce pedestrian activity at street level in such a manner as to result in a negative impact upon the locality through loss of activation of the street. The location of the loading facilities and single point entry to the car park are discussed under Part 3 of this report and are considered satisfactory.

Roads and Traffic Authority

The Roads and Traffic Authority (RTA) reviewed the proposal at the Sydney Regional Development Advisory Committee on 14 August, 2006. The proposal was considered satisfactory. The RTA did not make any further written submission.

Adjoining Landowners

Issues raised by adjoining land owners are as follows:

- Additional FSR should not be allocated to the subject site at the expense of surrounding sites and commercial floor space potential of other landholders will be reduced;
- A development floor space “cap” has been set for Sydney Olympic Park. The development cap will mean that floor space increases on the subject site will likely reduce the potential floor space of other commercial sites within Sydney Olympic Park.
- Concern about the relocation of the existing loading and parking access from Park Street to Herb Elliot Avenue, and a preference that the loading and parking access remain as currently approved; and
- The visual impact of the loading, parking, and non-active ground floor frontages to Herb Elliot Avenue.
- The proposed modifications to the DA are significant and cannot qualify as modifications for the purposes of Section 96 of the EP&A Act 1979.

The adjoining landowner issues have been addressed in detail in part 3 of this report.

2.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Consideration is also given to relevant provisions of *Sydney Regional Environmental Plan No 24* (Homebush Bay Area SREP 24). The proposed modification is generally consistent with the aims stipulated at Section 3 and the Objectives stipulated at Section 12 of the Homebush Bay Area SREP 24. The Sydney Olympic Park Master Plan (SOPA Master Plan) was adopted by the Minister for Planning on 31 May, 2002. This is the main control that applies to the site. It is considered that the proposed development adheres to the aims and objectives of the Master Plan.

Relevant issues requiring further consideration are addressed below:

3 ISSUES

3.1 Consideration of the application under s.96

Issue	Whether the Minister can consider this application under s.96 of the EP&A Act, 1979.
Raised by	Adjoining Land Owner
Consideration	Concern was raised by GPT as an adjoining land developer, that the proposed modification is unable to be considered as substantially the same development as that which was originally approved, as required under

Section 96 of the Act. Deacons, on behalf of GPT submitted a legal opinion on this issue dated 6 December 2006 supporting this claim.

The applicant had submitted a legal opinion on this issue prepared by Mallesons Stephen Jaques (Mallesons) dated 30 November 2006. This opinion concludes that it is reasonably open to the consent authority to be satisfied that the development is substantially the same.

Advice was sought from the Department's Legal Services Branch with respect to the legal advice from both Deacons and Mallesons on the question of whether the Minister can consider the application under s.96. A summary of their advice is that the proposed modifications do not radically transform the development; and that it is reasonably open for the Minister, based on the facts, to form the view that the modified development will be substantially the same development as that which was originally approved.

Resolution

The Department has formed the view that the proposed modification is substantially the same development as that which was originally approved considering all aspects of the original development and nature of the modifications and having regard for the total scope of the original approval which was for 4 buildings. The modifications propose no changes to building 5 or the pavilion building and result in buildings 6 and 7 still being clearly retained as 2 buildings with the same uses as approved. Further the development will not alter substantially as perceived by the public, and the impacts of the changes are substantially the same as the original approved development, the basement car parking is retained and the ground / land interface is similar. Furthermore, the relationship of the buildings to their street frontages and the adjacent pedestrian pathway is largely unchanged by the proposal. Therefore the Minister is able to consider the proposal as a Section 96 application.

3.2 Increased height

Issue Increased height
Raised by Department of Planning

Consideration Approval is sought for the addition of 2 levels of commercial floor space for both buildings 6 and 7. The maximum proposed RL will be 55.55, increasing a total of 8.55 metres from the previously approved maximum RL of 47.0 (plant level). Proposed Level 7 mirrors the same floor plate as approved Level 6, however proposed Level 8 is setback 3 metres along the northern and southern elevations and 2 metres on the western elevation of building 6, and two metres on the eastern elevation of building 7. These setbacks have been incorporated to:

- reduce the perceived bulk and scale of the building; and
- provide a more cohesive relationship with the approved site 5 building, which is located at a slightly higher position than the site 6 and 7 buildings.

Desired Future Character

The relevant controls for the site are at Section 5.3.4 of the SOPA Master Plan and require a maximum number of storeys as shown in Figure 5.3.11 of 6 storeys, however there are no specific objectives provided in relation to the height control. The proposal breaches this height control by two (2) storeys.

The Desired Precinct Character for the Town Centre Precinct found at Section 5.3.2 of the control stipulates that the Town Centre should reflect its

role as the urban heart of Sydney Olympic Park. In order to achieve this, dense urban development comprising commercial office space is encouraged. In this regard, whilst the proposal breaches the numerical height control, the proposal does not result in any detrimental impacts upon the locality and achieve the desired future character of the Town Centre Precinct, in that it will ensure the Town Centre develops as the focus of the Sydney Olympic Park.

Visual Impacts

The applicant has provided photomontages, showing the additional heights as proposed. This additional height has been reviewed by SOPA. They advised that notwithstanding the plant rooms, the height is acceptable and fits within the future character of the site as expressed in *Draft Sydney Olympic Park Master Plan 2025* (it is noted that this Draft has not been exhibited publicly at the time of writing). The Department has considered the proposed increase to the height of the buildings, and due to the unique context of the subject buildings, that being the Sydney Olympic Park, the height is considered acceptable as it does not generate any additional significant detrimental impact upon the area.

Shadow Impacts

Control 6.2.6 of the SOPA Master Plan describes Passive Solar Design controls for the site. These require that new buildings maintain solar access to residential buildings and open spaces. Shadow diagrams were submitted with the application. These show the following shadow impacts:

- June 22: From 9:00am additional shadow impacts will fall across Herb Elliot Avenue and towards the Australia Centre Precinct. This precinct currently has commercial uses and a park located to the south of the site, at the intersection between Australia and Herb Elliot Avenues. Additional shadows as a result of the additional levels will fall on the commercial buildings and the park from 12:00 midday onwards.
- March 22: Additional shadow impacts at 9:00am are minimal at this time. Similarly by 12:00pm the proposal will result in shadow impacts to the street. However by 3:00pm there will be additional shadow impacts to the existing park at the corner of Australia and Herb Elliot Avenues.
- December 22: At 9:00am the proposal will result in minor additional shadowing to the pocket park next to Building 6. By 12:00 midday the proposal will result in minor shadowing to Herb Elliot Avenue. By 3:00pm, the proposal will result in overshadowing to Australia and Herb Elliot Avenues.

In summary the proposal is considered satisfactory from an overshadowing perspective. The proposal will result in some additional overshadowing to the adjoining parks, however for the majority of the time, the proposal will either overshadow roadway, or commercial buildings to the south of the site.

Resolution

The proposed variation to the maximum permissible height is minimal relative to the overall context of the site and proposed building and does not generate an excessive increase in the bulk and scale of the development, nor will the proposed non-compliance be discernible on the

site. Further, the non-compliance does not prevent the development from achieving compliance with the solar access controls for the site. Therefore, given the reasonable nature of the variation to the height controls and the mitigation of impacts upon the locality, strict compliance with the height control is considered unreasonable and unnecessary in this instance, and as such the proposed variation to height is considered acceptable.

3.3 Increased GFA

Issue Increased GFA

Raised by Department of Planning

Consideration Approval is sought for an increase in GFA of 12,064 sqm for buildings 6 and 7 only. The approved GFA was for sites 5, 6, 7 and the pavilion building. Part of the proposed increase in floor area will be offset by the loss of 1,565 sqm of GFA due to the creation of an atrium through all floors of both buildings 6 and 7. The increase represents an approximate increase of 30% to the existing GFA approved.

The *Sydney Olympic Park Master Plan 2002* (SOPMP) has identified relevant controls for sites 6 & 7 as follows:

Control 5.3.2 Desired Precinct Character

The subject sites are located in the Town Centre Precinct. The Desired Precinct Character for this area is for a Town Centre Precinct that reflects its role as the urban heart of Sydney Olympic Park. The control encourages a dense urban development comprising commercial amongst other uses. The proposed increase in GFA is consistent with the desired precinct character, which encourages dense urban development.

Control 5.3.3 Land Uses

Commercial and other land uses are encouraged in the Town Centre Precinct. Concentration of commercial development to a total of 110,000 sqm is encouraged to reinforce the primacy of the Town Centre as a focal point around the existing railway station. The control incorporates an indicative floor space calculation for the various sites in the Town Centre Precinct. The table at Figure 2 below demonstrates compliance with this control.

The proposal will exceed the indicative commercial GFA for sites 6 and 7 (as identified in the control) by 7,293 sqm and the approved GFA for sites 6 and 7 by 12,064 sqm. It is noted that commercial floor space for the identified sites 1-2 and 4-8 in the town centre have not been developed yet (site 3 is identified for residential with ancillary ground floor child care). Accordingly, the 110,000 sqm commercial floor space threshold has not been achieved as yet. The numeric departure is considered satisfactory, as it will still meet the desired future Precinct Character in the following ways:

- It will provide for an intensive urban development along the identified streets of the Town Centre Precinct;
- It will provide for a use that is in line with the envisaged 'campus' style approach to the proposed Bank tenants; and
- It will provide more floor area to sustain the objective of having vibrant ground floor retail and other ancillary uses.

With further development to occur at Sydney Olympic Park it is possible that in the future there will be a proposal to breach the 110,000 sqm threshold which would need to be considered based on the individual circumstances of the case and planning merits.

It is also noted that *Sydney Olympic Park Master Plan 2025* is currently being drafted by SOPA. The Draft document, places major emphasis on the creation of a vibrant town centre. The current Master Plan 2002 identifies a GFA of some 110,000 sqm, however in Master Plan 2025 as currently drafted envisages this increasing to 190,000 sqm. Preliminary traffic reports undertaken by SOPA have confirmed that the proposed increase in GFA is sustainable. It is acknowledged that the draft Master Plan does not have any status currently but represents the vision for the future development of SOP over the next 18 years. The proposal is consistent with this future vision.

Resolution

The proposed increase in GFA will:

- Satisfy urban design parameters for the site, including a better visual integration with the existing building at site 5;
- Reinforce the primacy of the Town Centre as a commercial hub;
- Improve the long term viability of the approved retail development at ground floor;
- Be consistent with the future draft Master Plan for the site and surrounds;
- Not result in significant additional physical impacts (shadowing, wind, reflectivity, overlooking etc); and
- Not result in additional parking and traffic impacts (refer to Section 4.3).

SOPA supports the additional GFA on this site.

Site No.	Indicative commercial floor space (sqm) Control 3.3 – SOPA Master Plan 2002	Approved Commercial Floor Space	Proposed Commercial Floor Space
Site 5	20,000	24,149	24,149 (no change)
Site 6	12,000	10,220	15,569
Site 7	17,000	14,009	20,724
Total	49,000	48,378	60,442

Figure 6: Indicative, approved, and proposed GFA for Sites 5,6 & 7.

3.4 Changes to the activation of Ground Floor along Herb Elliot Avenue

Issue Changes to the approved Ground Floor Land Uses

Raised by Adjoining land owners, Department of Planning

Consideration The approved plans allocated a series of retail uses along Dawn Fraser Avenue. These uses included retail, newsagency, pharmacy, café, hairdresser, a fresh food market, and a medical centre. As described in Section 1.2, approval is sought to modify the retail components. These modifications include:

Building No. 6

- Deletion of the medical centre fronting Herb Elliot Avenue and replacement with plant rooms, garbage areas, and vehicular ramps; and

- Deletion of the newsagent on the corner of Dawn Fraser Avenue and Park Street, and replacement with a Lobby area for the commercial uses at upper floor;

Building No. 7

- Additional floor area at ground floor fronting Herb Elliot Avenue for a loading dock with the associated reduction in the size of the area approved for a fresh food market;
- Deletion of the hairdresser and health food retail tenancies fronting Dawn Fraser Avenue and replacement with the Lobby area on the corner of Dawn Fraser Avenue and Park Street for the commercial uses at upper floor;
- Additional retail space fronting Dawn Fraser in the position of the approved lobby.

The proposed modifications to the ground floor elements have been largely undertaken to accommodate the reconfigured vehicular access and loading arrangements. The approved lobbies for both buildings 6 and 7 have been relocated. Retail components have been reinstated in the originally approved positions of the lobbies and in some cases enlarged. The enlarged tenancies will provide greater future flexibility in attracting a range of retail tenants.

As described above, the retail elements that will be lost include a newsagent, fresh food market, and medical centre. The retail study that accompanies the s.96 documentation provides a retail strategy for the overall development of Buildings 5, 6, and 7. Whilst building No. 5 is not subject to this application, the retail strategy incorporates a staged provision of retailing across all three buildings (5, 6, and 7) as shown in **Figure 3**.

The retail study and staging plan mentioned above provides a retail justification for the staged supply of these retail units, based on existing retail and anticipated demand increases on site, and from surrounding areas. Based on this analysis, the medical centre and fresh food centre originally approved will not provide appropriate demand. However an orderly provision of retail over time will meet expected retail demand, as buildings 5, 6, and 7 are sequentially occupied by commercial tenants.

Resolution

Amended plans were submitted by the applicant in response to this issue. Details of the amendments have been described in Section 1.3 above. These changes largely relate to the ground floor façade elements fronting Herb Elliot Avenue. The amendments provided by the applicant satisfactorily address the issue of street activation along Herb Elliot Avenue.

	<i>Stage I</i> <i>Building 5 and pavilion</i>	<i>Stage II</i> <i>Building 6</i>	<i>Stage III</i> <i>Building 7</i>
Total retail added at each stage	1028	760	1045
Total retail (cumulative sqm)	1028	1788	2833

Figure 7: Retail staging Plan for Buildings 5, 6, and 7.

3.4 Relocation of vehicular access points and loading areas

Issue	Relocation of vehicular access points and loading areas
Raised by	Department of Planning, Adjoining Land Owners
Consideration	As described above, the proposal seeks to relocate vehicular access from Park Street to Herb Elliot Avenue from Building 6. This will result in the reconfiguration of approved retail areas. This has been discussed in detail above in Section 3.3. The proposal: • Provides adequate queuing space along proposed ramps; • Provides two lanes for left in and out manoeuvres; • Has adequate circulation measures; • Provides control point measures to account for peak period traffic management; and • Incorporates appropriately graded ramps.
Resolution	The proposed amended plans are considered satisfactory.

3.5 Changes to the façade

Issue	Changes to the façade
Raised by	Department of Planning, SOPA, Adjoining Land Owners
Consideration	<i>Width of Pedestrian bridges</i> The pedestrian bridges are proposed at Levels 2/3 and 6/7. These bridges are both proposed to be 5.5 metres in width and have been eccentrically placed relative to each other, so that one appears recessed when viewed from the northern and southern elevations. It is noted that SOPA pre-lodgement advice required the reduction in width and scale of these pedestrian bridges from the initially proposed 7.2 metres. The reduction in width: • facilitates urban design objectives of reducing prominence, bulk, and scale of the proposal. This is because the double deck pedestrian bridges are eccentrically placed on the northern and southern sides of the building respectively. This will ensure that they are visually recessive relative to the approved buildings on the site; • not result in any significant overshadowing impacts to surrounding property; The proposal will improve physical connectivity between Buildings 6 & 7 and provides a visual link between the two buildings. This is appropriate considering that both buildings will have the same commercial tenant. The wind report that accompanies the proposal notes that there are also minor wind benefits in that wind loads from the north east and south will be reduced along Park Street. <i>Changes to Street elevations</i> The proposal incorporates some reconfiguration of ground floor uses. These changes largely relate to the relocation of the approved lobbies, loading, and vehicular entry points from Park Avenue to the Herb Elliot Avenue, with the resultant reconfiguration of approved retail and lobby areas. These proposed modifications are the subject of a submission from

an adjoining land owner, located on the southern side of Herb Elliot Avenue. The content of the submission is that the proposed modification will reduce activity along the streetscape. The applicant was advised of this concern and have revised their plans as follows:

- New light weight architectural panel cladding on the ground floor elements of building 6 and 7 facing Herb Elliot Avenue;
- Relocation of the dock Masters office from the outer wall of building 7 to within building No. 7; and
- A reduction in size and relocation of the gas metre room to within the building.

These amendments do not result in a decrease in the width of openings for vehicles. It will however result in greater architectural modulation of the ground floor façade.

Consideration of the Planning controls relating to the changes

Section 5.3.7 of the *SOPA Master Plan 2002* describes the status of Herb Elliot Avenue as having a secondary frontage, suited to commercial entries and foyers. In contrast, Dawn Fraser Avenue is seen as the commercial focus of the precinct, with commercial, convenience retail, and hospitality land uses located at ground level. Accordingly the proposed access and loading dock areas for buildings 6 and 7 respectively are consistent with the Masterplan road hierarchy and are satisfactory.

Resolution

The proposed relocation of loading docks reflects the desired street and land use hierarchy for this area. The proposed modifications negotiated with the applicant, make reasonable concessions to the issue raised by the submission, whilst ensuring that the street hierarchy is maintained as required. It is further noted that the RTA have raised no issues in relation to these proposed changes.



Figure 4: View of Building 7 looking west across Australia Avenue. Note the location of the reconfigured retail components at ground floor for both building 6 and 7.

3.6 Increased Car Parking

Issue Increased car parking

Raised by Department of Planning, RTA, Council

Consideration The existing approved development comprises 717 car parking spaces located in 5 levels of basement car parking, situated under both Buildings 6 and 7, including 239 public parking spaces. Approval is sought for an increase of 88 on site car spaces, providing a total of 805 spaces. Of these, the proposal seeks to allocate 210 as public car spaces. Public parking will be ticketed and a boom-gate installed to control access and egress.

The proposed additional car parking is anticipated to generate an additional 25-50 vehicles per hour compared with the approved development during peak hours. This would translate to one additional vehicle every one to two minutes during peak times. The proposal was referred to the Regional Traffic Committee of the RTA who gave consideration to the capacity of roads and signalised intersections such as Australia Avenue, Herb Elliot Avenue, and Parkview Drive. These roads have spare capacity to cater for the additional traffic loads. The Committee found the proposal satisfactory as it adheres to the overall traffic planning envisaged in the *SOPA Master Plan 2002* for the precinct and raised no concerns in relation to car parking.

Resolution The additional car parking is considered acceptable.

3.7 *Narrowing of Park Street*

Issue	Narrowing of Park Street
Raised by	Council
Consideration	As described above in Section 1.2, approval is sought for the opening of Park Avenue to through traffic, with a narrowing of the kerb from 12.5 metres (kerb to kerb) to 6.5 metres (kerb to kerb). The narrowing is satisfactory for the following reasons: • Vehicle access and loading is now sought from Herb Elliot Avenue; • The road narrowing can still accommodate event buses for the nearby sporting facilities; and • The pedestrian pavements have been retained. Comments have been garnered from the Regional Traffic Committee for the RTA. The proposed opening of Park Street to through traffic and narrowing is considered satisfactory.
Resolution	The proposed narrowing is considered satisfactory.

3.8 *Future allocation of Height and Floor Space*

Issue	Future allocation of floor space
Raised by	Adjoining Land Owner (GPT Group)
Consideration	Concern was raised by an adjoining land owner GPT on the impact of proposed increase in height and FSR on adjoining sites. In particular concern was raised about the resultant impact on the FSR and height of adjoining sites given there are controls dictating the maximum FSR across the entire Sydney Olympic Park site. It is acknowledged that there is a cap on Floor Space in the <i>SOPA Master Plan 2002</i>. This cap is described in Section 3.3 of the Master Plan and stipulates an indicative maximum of 110,000 sqm (GFA) of commercial floor space in the Town Centre Precinct. The control specifies that actual floor space allocations will be confirmed through 'detailed design and development approval process' (sic). The control also notes that any substantial change to the actual extent of development is contingent upon: • Satisfying the regional and metropolitan planning objectives of PlanningNSW with regard to Parramatta and other surrounding subregional centres such as Burwood and Strathfield; • Capacity limitations on surrounding arterial roads; • Appropriate public transport infrastructure and service levels; and • Enhancement of the amenity and viability of Sydney Olympic Park. The proposal satisfies the above considerations in the following ways: • The proposal has considered subregional planning, particularly as it relates to retail planning, in adjoining subregional areas; • The proposal's impact on the surrounding arterial road system has been considered by the RTA and the Department; • A traffic assessment has been made and is satisfactory; and • The proposed increase in FSR will further increase the viability of

the commercial components of the SOPA Town Centre, thus improving its overall viability.

In this regard the proposal is considered satisfactory.

Impact of the Proposed Master Plan on GPT land holdings

SOPA have provided background on their current dealings with GPT on the proposed revised draft Master Plan 2025 for the site. A meeting was held on 18 September, 2006 between GPT and SOPA. At this meeting it was advised that GPT's commercial potential would be reduced from 87,000 sqm to 79,862 sqm. This represents a reduction of some 7,152 sqm of commercial floor space. However in actual terms, the level of commercial floor space permitted under draft Master Plan 2025 is still 1,288 sqm more than the actual floor space that GPT have chosen to develop on their five existing sites within the precinct. In addition to the above 'commercial' floor space allocation, GPT will potentially benefit from an estimated new 'residential' floor space allocation of between 47,000 sqm and 99,000 sqm under the new Draft Master Plan, depending on whether they chose to redevelop the existing site within the Sydney Olympic Park known as the QUAD buildings. SOPA advised the following by a letter to the Department of Planning dated 11 October, 2006 that:

- in overall space terms, if and when the new Master Plan is adopted, GPT will significantly increase its development potential at Sydney Olympic Park from its current floor area of 87,000 sqm to 179,000 sqm;
- The proposed increase in floor space on sites 6 & 7 will have implications for the remainder of the commercial sites within the precinct. Impacts will be shared across all commercial development sites in the precinct. It is estimated that the proposed additional floor space of 7,293 sqm (above what was envisaged by the Master Plan 2002) for sites 6 & 7 will represent only 4% of the total quantum of commercial floor space under Draft Master Plan 2025;
- The higher mode share transport assumptions (i.e. 25% public transport: 75% private car) and the mixed use nature of the new Master Plan (i.e. to include residential, educational and other compatible uses which do not have significant impacts on the peak hour road capacity) will mean that the precinct delivers a significantly larger development capacity than might be expected in similar areas across the Metropolitan area. GPT along with other lessees will benefit from this additional development capacity.

Resolution

The future allocation of floor space is likely to be subject to a new Draft Master Plan which is being developed by SOPA in consultation with existing landowners. This master plan is in draft form only and has not been exhibited. The proposal is consistent with the controls applicable to the site as they currently stand. Any non-compliance with the 110,000 square metre maximum would be subject to a detailed assessment and would need to be considered on its merits.

3.9 Removal of the two storey colonnade

Issue

Removal of the second level colonnade from the northern façade of Buildings 6 and 7.

Raised by	SOPA, Urban Assessments
Consideration	The original consent provided for a two-storey colonnade along the northern façade of Building 6 and 7, on Dawn Fraser Avenue. The amended plans accompanying the modification indicate the reduction of the two-story colonnade to only one level, however this amendment was not expressly highlighted nor was it addressed in the applicant's assessment of the modification. This issue was raised with the applicant and the view expressed that the amendment is not appropriate and would not be supported on the basis that the two-storey Colonnade is an important architectural aspect to Dawn Fraser Avenue and is already reflected in the Site 5 Building as constructed. Approval of a colonnade of only one-storey in height would not be consistent with the Master Plan 2002 and the draft Master Plan 2025, which requires colonnades around the railway station to be of a consistent height and appearance and to be continuous. Following this the applicant commenced discussions and negotiations with SOPA and the SOPA Design Review Panel, presenting a series of amended plans. The final outcome of these discussions is a proposal to retain the two storey colonnade for the full length of Building 6 and to retain a part of the two storey colonnade at the western end of Building 7 for a length of approximately 16.5 metres. A screen will continue along the remainder of the elevation at the same height as the colonnade to continue the visual alignment and reinforce the connection with buildings 5 and 6. This outcome will ensure consistency between building 5 (already constructed with a two storey colonnade) and building 6 and 7. In addition, a consistent screen is proposed at the height of the two storey colonnade extending across the length of the Dawn Fraser Avenue elevation of building 7. The applicant has submitted amended plans reflecting the above amendments and these are included as the final approved plans for this modification application. SOPA has provided written confirmation of their support of the design amendments to the colonnade as reflected in the amended plans submitted to the Department.
Resolution	The amended plans have been included in the schedule of approved documents and the proposed amendments to the design of the colonnade, negotiated with SOPA and their Design Review Panel are acceptable.

3.10 ESD Principles

Issue	Consideration of ESD principles.
Raised by	SOPA, Urban Assessments
Consideration	There are five accepted ESD principles: (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle); (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as

- a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
 - (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
 - (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the proposed modification in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – the proposal will have economic benefits to the redevelopment of Sydney Olympic Park, introducing a large commercial precinct. The environmental impacts have been addressed through the previous conditions of consent and in the specific documents provided with this application. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others. The proposal's location of a key commercial building in close proximity to the railway station and consequent promotion of good public transport access is very important and is supported.
- **Precautionary Principle** – Following an assessment of the proposed modification it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The modification is to an existing approved building on the site, which has been extensively developed for some time and has a low level of environmental sensitivity. There is little natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats.
- **Inter-Generational Principle** – It is considered that the proposed development represents a sustainable use of a site which was originally developed to serve the Sydney Olympic Games, and is now being developed with a number of uses to ensure its ongoing viability. The proposed commercial building, located in close proximity to the railway station, will utilise existing infrastructure and make more efficient use of the site by providing two additional levels to the buildings. It is considered that the redevelopment of this site within the broader Sydney Olympic Park precinct will have positive social, economic and environmental impacts and as a result

will maintain the environment for the benefit of future generations.

- **Biodiversity Principle** – Following an assessment of the information submitted with the application it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposed modification. As stated earlier, the site has been extensively developed for some time and the site has therefore a low level of environmental sensitivity. There is little natural vegetation on the site and the site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.
- **Valuation Principle** – The approach taken for this modification has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

Conditions B17 and B18 of the original consent required the development to achieve a 4.5 star Australian Building Greenhouse Rating (ABGR) and enter into a commitment agreement with Department of Energy, Utilities and Sustainability (DEUS), previously SEDA. In addition, the applicant has submitted with this application an 'Innovation Statement' in relation to ESD principles to be adopted, as well as a Final ESD Report prepared by Ove Arup. The reports detail a number of measures that have been implemented to ensure that the ABGR rating of 4.5 is achieved including low e double glazing, extensive external shading, chilled beam system, swirl diffusers with increased fresh air delivery, high efficiency plant equipment and lighting. Further, a number of measures are proposed to ensure the building also achieves a 4 star Greenstar rating.

On this basis it is concluded that the applicant, as a consequence of the original conditions of consent and specific requirements of SOPA, is committed to ESD principles to ensure that high environmental performance is delivered and the modification is consistent with these principles.

3.11 Floor Plate overhang – north-western corner

Issue	The incorporation of a Floor Plate overhang on the north-western façade of Building 6, adjacent to Stockroute Park.
Raised by	SOPA, Urban Assessments
Consideration	The original consent allowed for a floor plate on the north-western façade of Building 6 to be incorporated from Level 2 upwards. Concern was raised by SOPA that the modified plans include a floor plate overhang on the north-western facade of Building 6, adjacent to Stockroute Park, at Level 1 creating a potential "pinch-point" for the pedestrian path between the building and Stockroute Park.

Resolution The amended plans have actually increased the setback of Building 6 from the pedestrian path at the ground floor level which increases the width available for this pathway. A minor increase in floor area is proposed to the north-western elevation of Building 6, in the north-western corner, to make it consistent with the remainder of the western elevation alignment at level 1. Elevations and sections of Building 6 and its relationship to the public pathway and Stockroute Park have confirmed that the minor increase in floor space in this section of the building, in combination with the proposed greater setback at ground level, will not result in the creation of a “pinch-point” to the pedestrian pathway. There is sufficient height and clearance between the pathway and underside of the structure to ensure that the space does not feel enclosed. SOPA is satisfied with the amended plans and no longer have an issue with this aspect of the proposal.

On this basis, this issue has been resolved by the amended plans and is acceptable.

4 CONSIDERATION

4.1 Section 96

The application meets the prerequisites of Section 96(2) of the Act in that:

- The proposal is substantially the same development as previously approved and previously modified;
- Consultation with the relevant public authorities has taken place and their submissions considered;
- The application has been notified in accordance with the relevant controls; and
- Submissions have been considered during the course of assessment.

4.2 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Consideration has been given to Homebush Bay Area SREP 24 and the SOPA Master Plan 2002 as amended. It is considered that the proposed development is consistent with the statutory controls and the relevant aims and objectives.

5 CONCLUSION

The Minister for Planning or his delegate is consent authority for modifications to consents he has granted.

The proposed development as modified is considered to be substantially the same development as that originally approved.

The application has been considered with regard to the matters raised in Section 79C of the Act.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that the proposed development as modified is acceptable and should be approved.

6 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was aware of the amended conditions which reflect the altered floor area and amended plan details submitted by the applicant. No objections were raised to them.

7 DELEGATION

Under the instrument of delegation dated 5 April, 2006, the Minister has delegated to Executive Director, Strategic Sites and Urban Renewals his functions under Section 96(2) of the Act relating to modifying development consents, such as that proposed.

8 RECOMMENDATION

It is recommended that the Executive Director, Strategic Sites and Urban Renewals in accordance with the Instrument of Delegation issued by the Minister for Planning, on 5 April, 2006, pursuant to Section 96(2) of the *Environmental Planning and Assessment Act, 1979* and Clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (tagged “A”), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Prepared by:

Endorsed by

Josephine Wing
A/Team Leader, Urban Assessments

Heather Warton
Director, Urban Assessments

Jason Perica
**Executive Director,
Strategic Sites and Urban Renewals**