

9 March 2009

Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Mr Shayne Watson

Dear Sir,

**Re: Site 3, Australia Avenue, Sydney Olympic Park – MAJOR PROJECT No. 06_0127
Section 75W amendments**

We refer to our earlier discussion requesting some minor modifications to the development approval issued by the Department for the above property. We confirm that Site 3 Development Co. Pty Limited wishes to make some alterations to the plans for the proposed building as well as seek modification of some of the DA conditions.

Whilst the modification to the drawings is not necessarily within the scope of Section 75W, we have, nevertheless, included them in our submission so that the changes can be incorporated in the final set of drawings for the development.

Please find attached four (4) sets of plans that highlight the changes together with supporting architectural and BASIX documentation and our cheque in the amount of \$750 for the application fee.

The changes to the DA plans include the following:-

1. Increased floor to ceiling heights,
2. changes to the colour of the glazing and the use of double glazing,
3. revision of the balcony treatment on the eastern elevation,
4. modify the 3-bed units to form 2 1-bed units on levels 7-13,
5. modify the 2-bed units on levels 17-20 by relocation of the living area,
6. modify the 1 bed units on level 3-15 (Tower B) to include a small study,
7. removal of the lap pool at Level 1,
8. removal of the gym at Level 1,
9. additional balcony to Unit B15.04,
10. addition of roof terraces to Units A16.04 and A16.05,
11. provision of 3 additional car spaces, and;
12. amendment of the ground floor design.

With regard to the DA Consent; we wish to reword the description of some of the consent conditions to reflect the above changes and some other conditions that relate to site activities as discussed with Sydney Olympic Park Authority.

A detailed explanation including any environmental issues of the requested amendments is listed below.

1 MODIFICATION TO THE DRAWINGS

1.1 Increased floor to ceiling heights

The ceiling heights from Levels 1-23 have been increased to incorporate the current depths of the concrete structure as well as the required ductwork and equipment sizes for the air conditioning within the units, both of which had not been finalised previously. It also accommodates increased insulation depths for acoustic compliance and better thermal performance. The increase is 100mm typically and 200mm where terraces occur over habitable rooms.

Overall this equates to Tower A part of the building being 2.6 m higher and Tower B part 1.7 m higher. In relation to the original approximate building heights of 80.65 m (A) and 55.6 m (B) the increase is minor and does not cause any significant loss of amenity to its surroundings. On 22 June the shadow of Tower A would increase by only 4.1 m at 12pm and 7.8 m longer at 9am/ 3pm. Tower B's shadow would increase by only 2.7 m at 12pm and 5.1 m at 9am/ 3pm on the same date.

The proposed increased total building heights are still lower than the approved Stage 1 Master Plan heights. The overall building envelope is also both within and outside of the Stage 1 envelopes in the same locations as previously approved, however the minimal encroachments outside the envelope are balanced by being substantially within the envelope in other locations. Please refer to Envelope Analysis DA037, Section DA051, Elevations DA100-103 and Shadow Diagrams DA151.

1.2 Changes to glazing

All the glazing, including the selection of the glass colour, has been reviewed in consultation with the ESD consultant Ecospecifier (David Baggs and Martin Pinson) to improve thermal performance, minimise reflectivity and ensure product availability. As such all doors and windows are now double glazed which will increase their thermal and acoustic performance. Typically the double glazing comprises an external tinted performance glazing, a 12mm air gap, and an internal 6mm clear glazing. The double glazing sits within aluminum frames with thermal breaks which maintains the overall thermal performance of the glazing unit.

The selection and location of the colour of the glazing relates the building form to the orientation and required thermal performance of the glass. The single Gold glazing to the east and north has been replaced with the Blue tinted performance double glazing that creates a distinctive form addressing the expansiveness of Bicentennial Park beyond and the sky that merges around the Tower. Grey tinted performance double glazing is used where the glazing is in the same alignment as the predominant wall plane or where there is not full shading of the glazing such as on the west elevation of Towers A/B – it provides the best insulation against solar gain. Non tinted double glazing is used in all other situations where it is behind external shading, has a balcony overhead providing shading, or is not affected by solar gain issues. In all cases the glazing colour relates to the overall building forms and is distributed across entire building element so that it reinforces each building form. Please refer to Elevations DA100-103.

1.3 Revised East elevation

The balcony treatments to Levels 02 – 11 units on the east elevation of Tower A have been revised to satisfy Railcorp's consent conditions for balconies within 20m of the rail line, essentially requiring them to be enclosed so that no substantially sized items can be easily thrown from them. In the case of windows within 20m these had already been designed as awning types with restricted winders. Railcorp accepted the balcony treatment originally proposed for Levels 12 – 23 which enclose them with operable clear glass louvered screens and suggested that this solution be used for the remaining subject balconies.

Other solutions were explored which either failed to satisfy Railcorp's requirements or were architecturally inferior in appearance. Therefore the operable clear glass louvers were adopted as they had the least visual impact and provided the best view, ventilation, screening and solar access amenity to the balconies.

Due to some concerns raised by SOPA it was necessary to articulate the projecting balconies into 3 distinct groups and maintain a lighter expression at the upper floors, 3 treatments are used that do not conflict with the varying (and changed) unit mix they relate to and do not require columns to be introduced into balconies beyond 2.4m in depth. At the upper Levels 12-23 the glass louvers are in front of the balcony slab edges so that they run as a continuous element over those floors and are the predominant material expression. At the lower Levels 2-4 the glass louvers are in alignment with the balcony slab edges and run floor to ceiling with the slab edge expressed so that, though contained within an overall treatment, each floor is expressed. In contrast the middle Levels 5-11 have strongly

expressed masonry spandrels approximately 1.4 m high that as a group counterpoises the lighter expression of the upper floors.

This is further reinforced by recessing the glass louvres back 450mm from the spandrel edge so that the masonry expression predominates. In combination the 3 treatments will successfully articulate the balconies whilst providing the best amenity and maintaining logical relationships to the varying and changed unit mix behind them. Please refer to Elevations DA101-103.

1.4 Modify 3 Bed unit into 2 x 1 Bed units Levels 7-13 Tower A Northeast

At the northeast of Tower A at Levels 7-13, 7 x 3 bedroom units have been converted to 14 x 1 bedrooms units in order to increase the number and range of affordable apartments. Overall the number of units in the development increases from 208 to 216 units (including 1 additional unit at Level 1). Please refer to Plans DA013, 015, 018.

1.5 Modify layout 2 Bed units Levels 17-20 Tower A Southwest

The layout of the 2 Bed units A17.04 - A20.04 at Levels 17-20 on the southwest corner of Tower A have been modified to relocate the living areas to the corner, opening onto a new balcony. This provides the living areas with multiple aspects to West, South and East compared to the original west only aspect. This will improve the view, solar access and cross ventilation amenity for these apartments as they benefit from an excellent aspect over Bicentennial Park.

1.6 Modify layout of 1 Bed units Levels 3-15 Tower B Northwest

At the northwest corner of Tower B at Levels 3-15, 13 x 1 bedroom units have been converted to 13 x 1 bedrooms units with a small study in order to further increase the range of affordable apartments. This does not increase the number of units but does provide a more flexible choice in apartment layout.

1.7 Removal of lap pool at Level 1

Sydney Olympic Park contains a range of premier sporting venues and recreational facilities that new residents should be encouraged to use as they are one of the principle benefits of this locality and would generally be expected to be superior to that provided in a private residential development in terms of scale, services and variety.

Therefore it is not regarded as detrimental that the small lap pool and associated plant room and changing facilities have been removed at the Level 1 Communal Courtyard. It will increase the acoustic and visual amenity of adjacent apartments in Tower B that face east over the courtyard as it's better suited to a landscaped outlook space with opportunities for quiet recreation than a noisier active recreation area. The landscaped solution provides softer landscaping and treats the planting as a series of garden beds rather than planter boxes. Nestled within the garden are a number of seating platforms that look east beyond the railway line. The increased planting provides a better visual buffer to the railway line and an improved visual foreground for the east apartments in Tower B.

The associated plant room and changing facilities have been replaced with a new 1 bed apartment. Access to the communal courtyard is still maintained at the same width beside the new unit.

1.8 Removal of gym at Level 1

Similarly the removal of the small gym at Level 1 is not regarded as detrimental given the opportunities for physical exercise and facilities in Sydney Olympic Park. The space has been converted into a small Commercial suite that may arguably provide more benefit to residents if it provides a new service in the area eg consultation rooms, solicitor, accountant.

1.9 Additional balcony to unit B15.04

Previously a large area of the balcony to unit B14.04 was uncovered and the full height windows and sliding doors to the Dining, Kitchen and Bedroom 1 were exposed and unprotected from the weather. With the full height windows to B15.04 overlooking this balcony there was also a potential privacy issue that was solved with external louvered screens to B15.04.

However it is now proposed to continue a narrow balcony around to the southeast of unit B15.04 to provide additional weather protection and privacy to unit B14.04 below. This also provides better amenity to B15.04, allowing the windows and doors to the Living areas to be unscreened and connecting the principle external space adjacent to the Living Room with the Dining Room and Kitchen.

1.10 Addition of roof terraces to units A16.04 and A16.05

Roof terraces have been added for units A16.04 & A16.05 where there is an existing trafficable roof for Tower B. They are secondary balconies and won't have any adverse amenity impacts.

1.11 Provision of 3 additional car spaces

Within the 3 Basements the Plant, Waste and Service areas have been minimized after confirmation of services and equipments sizes. Through the reorganization of the car-parking spaces contained in the 3 Basements and at Ground, 3 additional car spaces have been provided increasing the total to 287 including 1 carwash bay. There are also now 9 x 2 tandem car spaces within this total which will be allocated to the largest units.

Changes to satisfy Part B Conditions – Prior to issue of Construction Certificate

1.12 B2 Amended Ground Floor Design

The Ground floor parking layout has been amended to provide pedestrian access to the Child Care Centre from the ground floor designated child care centre car parking spaces, separate from the vehicular thoroughfare as required by Condition B2 of the DA. Please refer to Ground Floor Plan DA006.

2 MODIFICATION TO THE DA CONDITIONS

There are a few conditions in the DA that relate to the total unit numbers and configuration that are affected by the changes to the drawings and it is proposed to change these to reflect the drawings.

There has also been a significant amount of discussion with SOPA regarding the trees on the site and recent roadworks in Parkview Drive. The conditions relating to these aspects are also proposed to be change to reflect the out come of our discussions with SOPA.

On this basis we request that the Department amend the following conditions:-

Condition A1

DEVELOPMENT DESCRIPTION

(1) Development approval is granted only for the construction a mixed use residential apartment building that is part 24 storeys and part 16 storeys with three basement levels comprising the following:

- 208 apartments including a mix of studios, 1, 2 and 3 bedroom apartments and 1 live/ work unit;
- 4 commercial / retail units located on the corner of the building, Australia Avenue;
- a child care centre located on Parkview Drive; and
- 283 car-parking spaces over 3 basement levels.

(2) The fit out, hours of operation and detailed operations of the retail and commercial tenancies including the child care centre and building signage do not form part of this approval and shall be subject to separate development applications lodged with SOPA.

(3) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

(4) These conditions of approval do not relieve the Proponent of its obligations under any other Act

Based on the changes to the plan for the 3-bed and 2-bed units and deletion of the live/work unit the condition would be changed as follows:-

A1 DEVELOPMENT DESCRIPTION

(1) Development approval is granted only for the construction a mixed use residential apartment building that is part 24 storeys and part 16 storeys with three basement levels comprising the following:

- **216** apartments including a mix of studios, 1, 2 and 3 bedroom apartment;
- **5** commercial / retail units located on the corner of the building, Australia Avenue;
- a child care centre located on Parkview Drive; and
- **286** car-parking spaces over 3 basement levels and 1 car wash bay.

(2) The fit out, hours of operation and detailed operations of the retail and commercial tenancies including the child care centre and building signage do not form part of this approval and shall be subject to separate development applications lodged with SOPA.

(3) Development must be carried out consistently with the Statement of Commitments (attached Schedule 3) except as amended by the conditions of approval.

(4) These conditions of approval do not relieve the Proponent of its obligations under any other Act

Condition B12

CAR PARKING SPACES AND DIMENSIONS

Approval is given for 283 car parking spaces of which 10 spaces on the ground floor are to be allocated to the child care centre (maximum of 5 allocated to staff), and 4 spaces are to be allocated to the retail tenancies (1 space on the ground floor and the remaining 3 spaces in the basement) such that each tenancy has 1 space allocated to it.

The design including a bicycle storage area, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off- street car parking. The details must be submitted to and approved by the Certifying Authority prior to the Construction Certificate for each Stage being issued.

Based on the changes to the plan for the 3-bed and 2-bed units and deletion of the live/work unit the condition would be changed as follows:-

B12 CAR PARKING SPACES AND DIMENSIONS

Approval is given for **286** car parking spaces of which 10 spaces on the ground floor are to be allocated to the child care centre (maximum of 5 allocated to staff), and **5** spaces are to be allocated to the retail / **commercial** tenancies (1 space on the ground floor and the remaining **4** spaces in the basement) such that each tenancy has 1 space allocated to it.

The design including a bicycle storage area, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off- street car parking. The details must be submitted to and approved by the Certifying Authority prior to the Construction Certificate for each Stage being issued.

Condition B13

LANDSCAPING OF THE SITE

Prior to the issue of a Construction Certificate for Stage 2, a detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, shall be submitted to and approved by the Certifying Authority. The tree/plant species to be planted along the rail corridor shall be demonstrated to be to the satisfaction of RailCorp and that where access to the corridor is required for planting works, prior Railcorp approval must be obtained. The plan is to include:

- (i) Location of existing and proposed structures on the site including existing trees (if applicable);
- (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
- (iii) Location, numbers and types of plant species;

- (iv) *Details of planning procedure and maintenance;*
- (v) *Details of drainage and watering systems;*
- (vi) *Details of the design, location and size of any deck areas; and*
- (vii) *A maintenance plan/regime.*
- (viii) *Details regarding the transplanting of the 2 Morton Bay Fig trees on the site, 1 must be to a new location on the subject site, and the other to a temporary holding area off site to be transplanted elsewhere.*

We have had extensive discussions with SOPA regarding the condition of the fig trees on site and the practicality of transplanting the trees or retention on site. The outcome of the discussions has found that the trees are suitable to be relocated within close proximity to the site and that retention of one tree on site in a deep planting zone is not practical given the restricted root growing zone. It has been suggested by SOPA that both trees be removed off site to a nominated location adjacent to the Brick pits area.

SOPA have also identified that the Port Jackson fig (Tree No.3) being one of the remaining two figs will need to be removed from the site and that the remaining tree (Tree No.4) be transplanted to the southern end of the site as part of the stage 2 development. Based on this suggestion, we request that the condition be amended as follows:-

B13 LANDSCAPING OF THE SITE

Prior to the issue of a Construction Certificate for Stage 2, a detailed landscape plan, drawn to scale, by a landscape architect or approved landscape consultant, shall be submitted to and approved by the Certifying Authority, The tree/plant species to be planted along the rail corridor shall be demonstrated to be to the satisfaction of Railcorp and that where access to the corridor is required for planting works, prior Railcorp approval must be obtained. The plan is to include:

- (ix) *Location of existing and proposed structures on the site including existing trees (if applicable);*
- (x) *Details of earthworks including mounding and retaining walls and planter boxes (if applicable);*
- (xi) *Location, numbers and types of plant species;*
- (xii) *Details of planning procedure and maintenance;*
- (xiii) *Details of drainage and watering systems;*
- (xiv) *Details of the design, location and size of any deck areas; and*
- (xv) *A maintenance plan/regime.*
- (xvi) *Details regarding the transplanting of the 3 Morton Bay Fig trees on the site and removal of the Port Jackson Fig Tree. **Two trees must be transplanted elsewhere off site (or to a temporary holding area off site) as directed by SOPA and one tree is to be transplanted to the southern end of the site. The Port Jackson Fig is to be removed from the site.***

Condition B29

ON-STREET CHILD CARE DROP OFF CAR SPACES

Five (5) restricted parking kerbside car parking spaces are to be provided within the parking lane in Parkview Drive, to service the child care facility as a dedicated pick up and set down area. Details of the location of these spaces, all necessary signage and any other works or required traffic measures relating to the provision of these spaces, are to be approved by SOPA prior to issue of a Construction Certificate for Stage 1.

SOPA has commissioned a new set of traffic lights at the intersection of Australia Avenue and Parkview Drive. As a result of these works and the proximity of the nominated kerb side parking to the intersection, there is not enough room to provide the parking on the same side of the street. It will be necessary to provide some parking on the opposite side of the street and therefore we request that the condition be amended as follows:-

B29 ON-STREET CHILD CARE DROP OFF CAR SPACES

Five (5) restricted parking kerbside car parking spaces are to be provided within Parkview Drive, to service the child care facility as a dedicated pick up and set down area. Details of the location of these spaces, all necessary signage and any other works or required traffic measures relating to the provision of these spaces, are to be approved by SOPA prior to issue of a Construction Certificate for Stage 1.

3 RAILCORP APPROVAL

Whilst we acknowledge that the interests of adjoining landowners and stakeholders is necessary to ensure the development does not negatively impact on adjoining properties, we do not believe that a third party should be given the power to delay the issue of the construction certificate beyond a reasonable time period. In this instance, there are a number of DA conditions that require Railcorp's approval prior to the issue of the construction certificate.

The information to satisfy these conditions was delivered to Railcorp (and application fees paid) last August 2008. We are still to receive feedback from Railcorp and, so far, the issue of the Construction Certificate has been delayed by over 6 months.

We request that an additional condition be added to the consent to allow the Principal Certifier to issue a Construction Certificate 1 month after the Section 75W is issued, irrespective if Railcorp has finished its' assessment of the project or not. Railcorp has already had the opportunity to review the original DA documentation and request conditions to be imposed on the DA. The review of the details is merely an opportunity to ensure that their initial requirements have been met and should not take 9 months to review. We feel that it is within the Departments' power to impose such a condition as the matter had already undergone extensive reviews by Railcorp at the DA assessment stage. We respectfully suggest that the following condition be added to the consent:-

B34 RAILCORP APPROVAL

The Principal Certifier shall not withhold the issue of a Construction Certificate for Stage 1 on the basis that Railcorp has not responded to the submissions made to satisfy the conditions herein within 1 month from the issue of the Section 75W.

4 CONCLUSION

The amendments described above are mostly relatively minor. In all situations various options have been explored to find the best outcome given the varying parameters and issues being dealt with. Many of the design changes are a result of opportunities to improve the environmental performance of the building and the amenity of the units and their external balconies and terraces.

Changes to the building façade on the eastern elevation, however, were a direct result of the need to satisfy Railcorp's consultation process. Without Railcorp's approval the development would not be able to proceed.

Whilst it is not a condition of consent, the proposed cogeneration plant, to be used as a form of alternative energy supply, has been substituted with solar collection panels to be mounted on the roof of the building behind the façade. The solar units will be supplement by gas fired heat banks.

This combination was found to be more efficient than the cogeneration plant. Our research indicated that the cogeneration plant would require regular servicing for 5 to 7 hours at a time, and during such times, alternative power supply would have to be sourced to maintain services within the building, thus not effectively providing a real alternative source of energy. The cogeneration plant was being used as a duplication of services rather than a different form of energy as compared with the use of a solar system.

A revised BASIX assessment has been carried out and shows that proposal still maintains the high rating level originally promised for the proposed building. A copy of the report by the ESD consultant Ecospecifier is attached for your reference. The proposed amendments will not cause a significant loss of amenity to surrounding sites and are viewed as making a positive contribution to the development.

We trust the details of our request are clear however if you require any further clarification or wish to discuss the above please contact our office.

Yours faithfully,

Site 3 Development Co. Pty Limited



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