



**MODIFICATION REQUEST:  
Site 4B, Sydney Olympic Park  
(MP06\_0273 MOD 1)**

***Description of Modification Request***

- Staged construction of an 8 storey and 10 storey commercial building.
- Additional GFA of 1,998sqm resulting in a total GFA of 26,141sqm and corresponding FSR of 6.48:1.
- 735sqm increase in landscaped area, including through-site link.
- Removal of 17 trees, representing net increase in trees to be retained from 4 to 9.
- Reconfiguration of basement car park resulting in provision of 273 spaces over 5 basement levels.

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

August 2011

© Crown copyright 2011  
Published August 2011  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

**Disclaimer:**

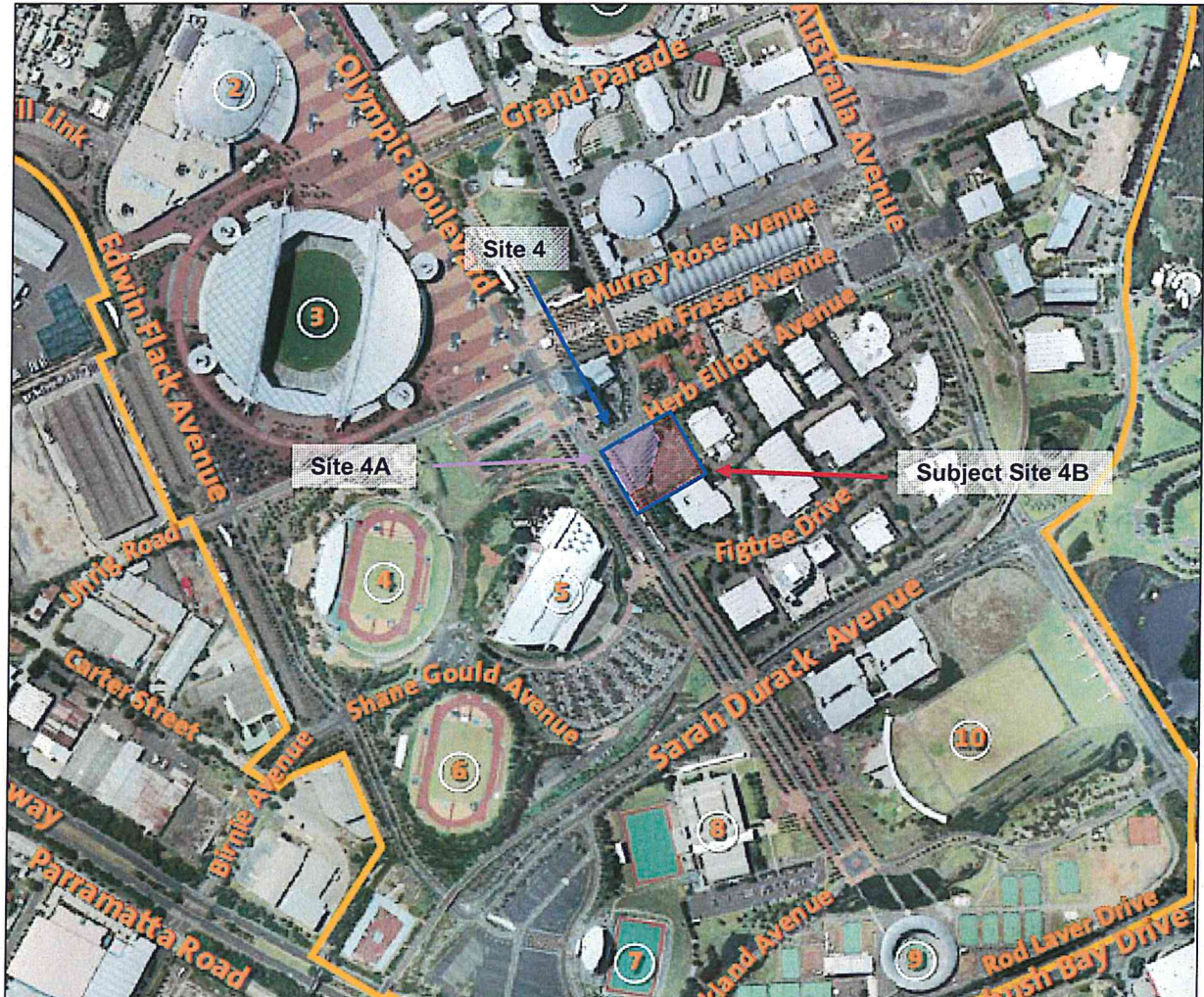
While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

# 1. BACKGROUND

## 1.1 SITE CONTEXT AND LOCATION

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

Figure 1: Project Location

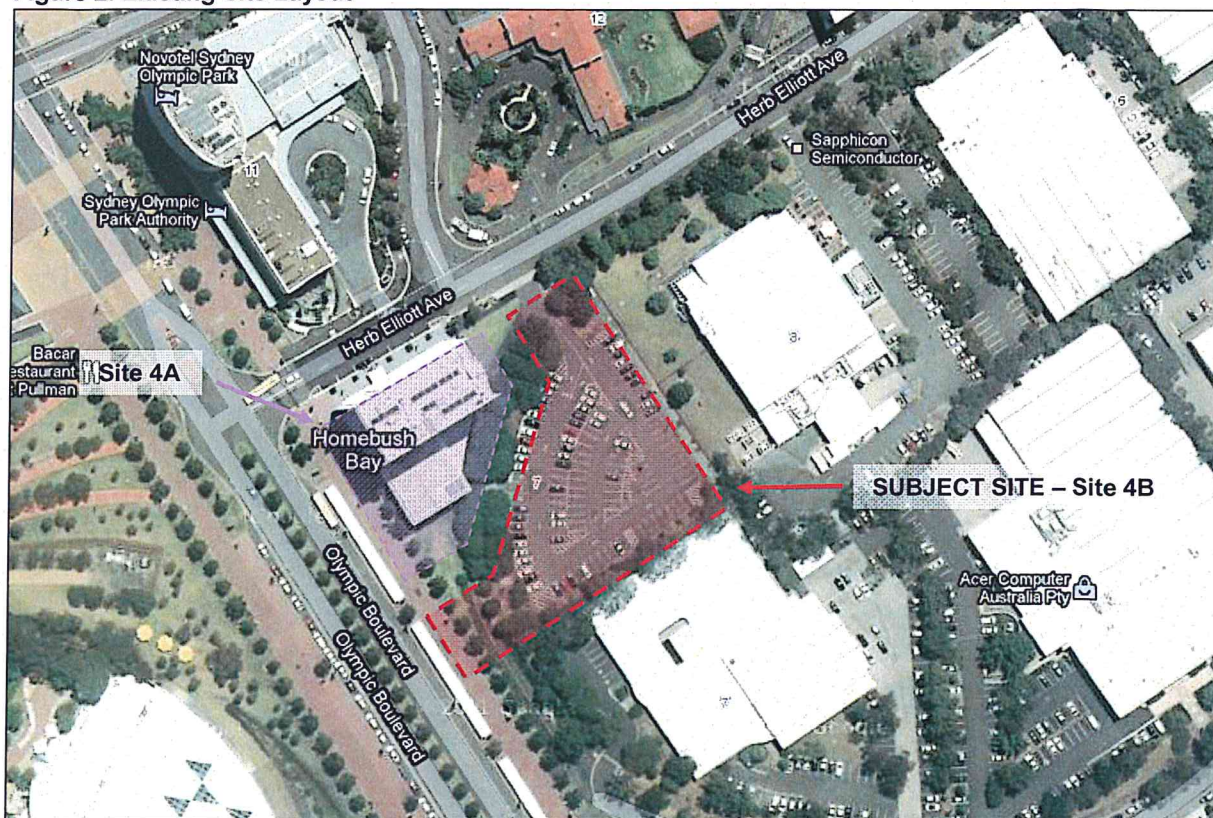


The subject site is known as Site 4B, which occupies the south eastern portion of Site 4, is legally described as Lot 60 in DP 786296 and Part Lot 50 in DP1045522 and is under the ownership of the Sydney Olympic Park Authority (SOPA). Site 4B has street frontages to both Herb Elliott Avenue and Olympic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

Site 4A is fully developed and contains the Pullman Hotel. The hotel was developed in accordance with the project approval of MP05\_0056, granted by the then Minister for Planning on 31 July 2006. The proposal was originally approved as an 18-storey Sofitel Hotel, however, the hotel was subsequently developed as the Pullman Hotel.

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

Figure 2: Existing Site Layout



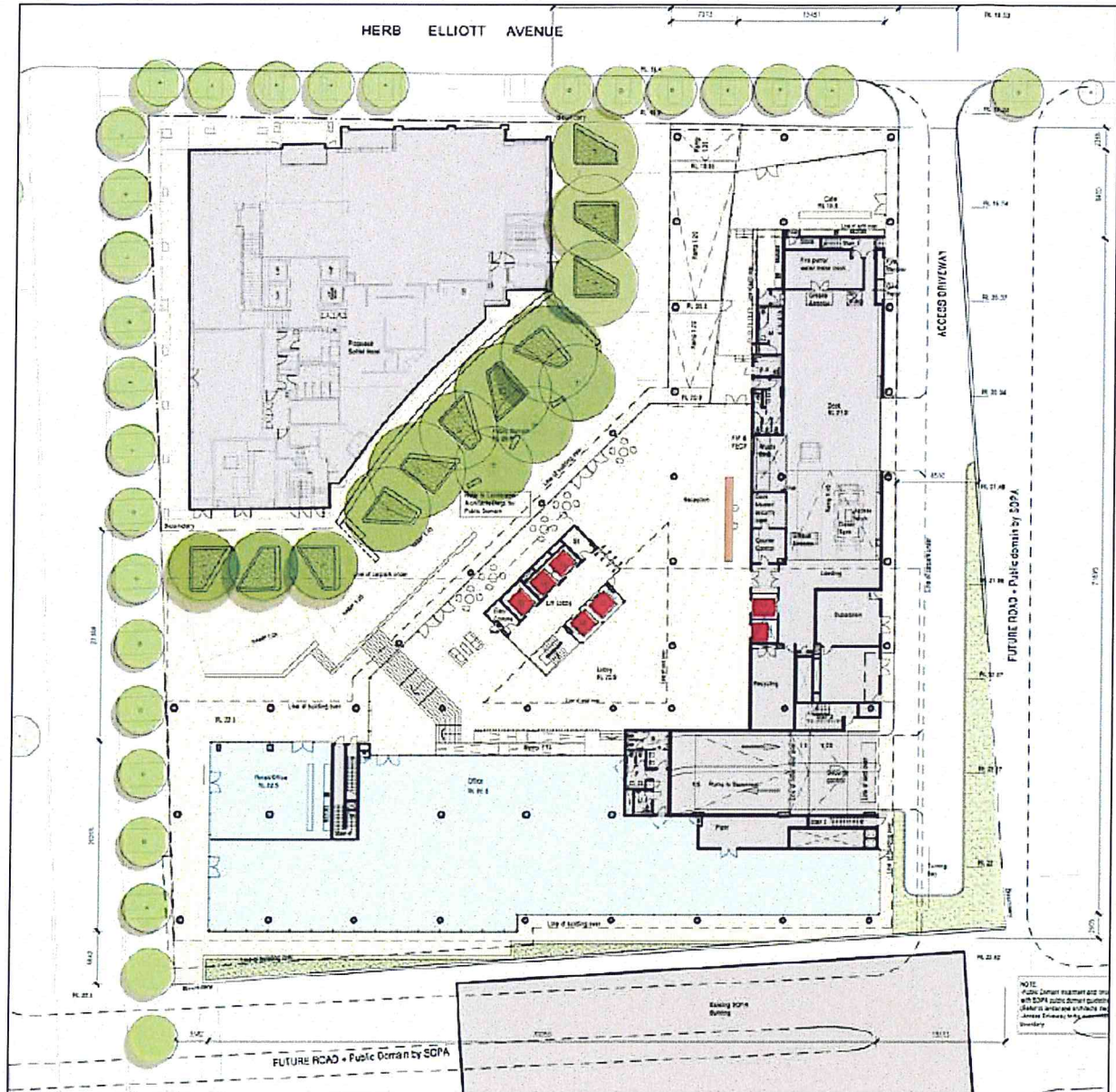
## 1.2 EXISTING APPROVAL

Bovis Lend Lease (the Proponent) proposes to modify Project Application MP06\_0273, originally approved by the then Minister for Planning on 19 October 2007, for the construction of a 7 storey commercial office building at Site 4B, corner of Olympic Boulevard and Herb Elliot Avenue, Sydney Olympic Park ("the proposal"). The project approval involved:

- Construction of a 7 storey commercial building comprising a café, retail/commercial space, lobby and loading dock at ground level and 6 levels of commercial office space with a gross floor area of 24,143sqm (equating to a net lettable area of approximately 21,100sqm);
- 5 basement car park levels with 369 car parking spaces;
- Landscape treatment of the public domain between the subject site and the Sofitel Hotel (developed as the Pullman Hotel) at Site 4A; and
- Removal of 22 trees.

No works to the approved project have commenced and the site still functions as a car park. A copy of the original approval is provided at **Tag C**. Refer to Figure 3 for the original approved project layout.

Figure 3: Approved Project Layout



## 2. PROPOSED MODIFICATION

### 2.1 MODIFICATION DESCRIPTION

The Proponent seeks approval to modify the approved project application, involving the reconfiguration and redistribution of the floor space to create two separate commercial buildings within the footprint of the existing project approval, consisting of an 8 storey building. The modification involves:

- Staged construction of two commercial buildings comprising an 8 storey building fronting Herb Elliot Avenue (North Building) and a 10 storey building fronting Olympic Boulevard (South Building);
- Additional gross floor area of 1,998sqm as a result of an increase in gross floor area and building height from 7 storeys to 8/10 storeys;
- 735sqm increase in landscaped area to a total of 2,545sqm as a result of the proposed deletion of the atrium entrance/lift lobby;

- Removal of 17 trees, whereas 22 were previously approved for removal resulting in net increase of trees retained from 4 to 9; and
- Reconfiguration of the basement car park with the provision of 273 parking spaces provided over 5 basement levels resulting in a reduction of 96 car spaces.

The proposed modified layout is shown in Figures 5 and 6.

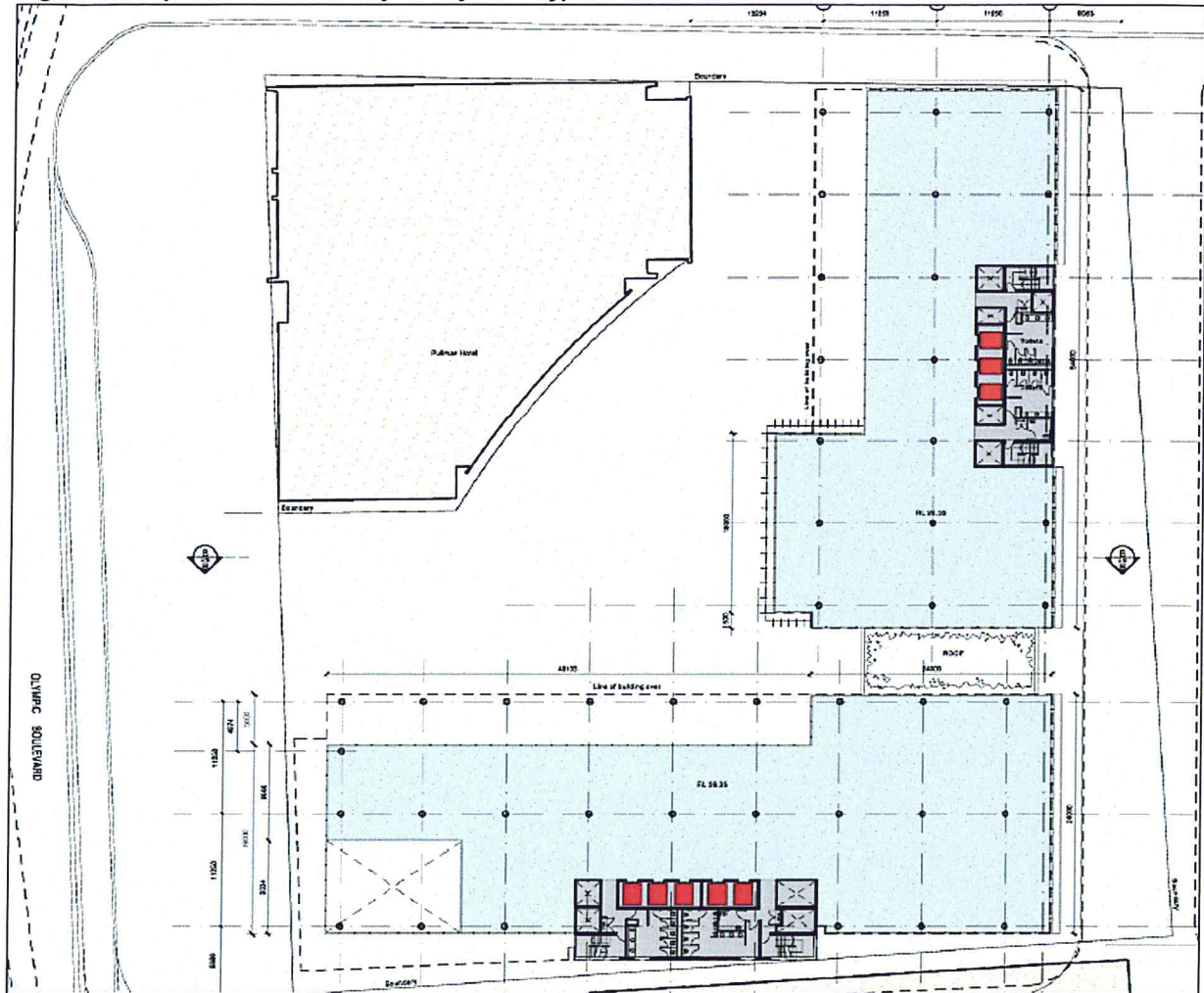
The original project approval was designed to form part of the Commonwealth Bank (CBA) campus of SOP. However, following a re-evaluation of the required space by CBA, it was determined that they no longer required the floor space of the approved development, with its existing operations at 4 and 2 Dawn Fraser Avenue. Following further consideration of future tenancy requirements and current market trends, as detailed by the Proponent, the design approach evolved to meet those changed requirements.

The key proposed design change to the approved commercial development involves the separation of the built form into two separate commercial buildings (though still connected at ground level by the proposed loading dock, servicing both the North and South Buildings) and deletion of the large atrium entrance/lift lobby spanning between.

Figure 5: Proposed Modified Project Layout – Ground Floor Plan



Figure 6: Proposed Modified Project Layout – Typical Lower Floor Plan



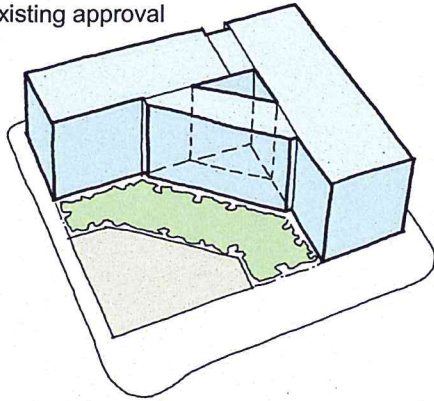
In conjunction with the deletion of the atrium entrance/lift lobby through the separation of the built form elements, the modification proposal seeks an increase in building height from 7 storeys to 10 storeys, involving a redistribution and net increase in GFA by 1,998sqm. A review of the building design was undertaken to improve the efficiency and flexibility of the development and improve its future functionality, involving a process of redistributing the GFA as illustrated in Figure 7.

Entrances to the two North and South Buildings are proposed at their respective street frontages, with retail shells fronting onto the internal public domain space between the subject site and existing Pullman Hotel (see Figure 8 and 9). Loading dock facilities and the basement car park entrance are retained and accessed from the existing approved temporary access driveway via Herb Elliot Avenue.

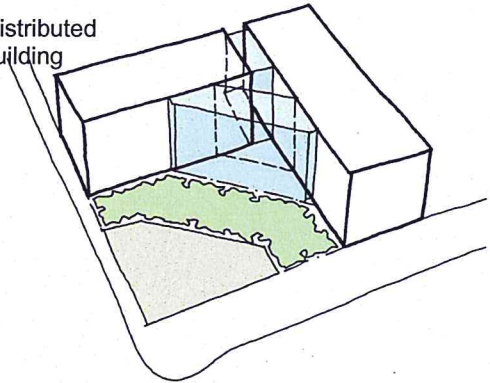
The basement car park is located generally within the same footprint as approved, located under the position of the proposed South Building. Access to the basement car park is via a combined driveway that services both the loading dock and car park. Car parking numbers are proposed to be reduced from 369 spaces to 273 spaces (less 96), but includes the provision of an additional 75 new permanent and visitor bicycle parking spaces, totalling 150 spaces, and associated change rooms and amenities in accordance with the SOP Master Plan 2030.

**Figure 7: Revised Building Massing Evolution**

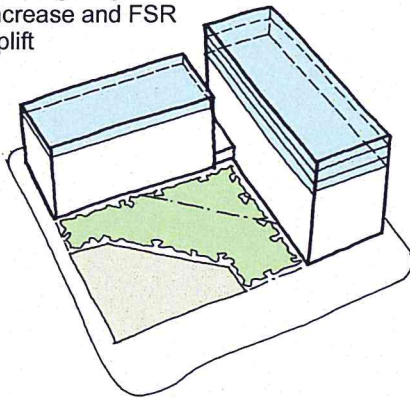
Existing approval



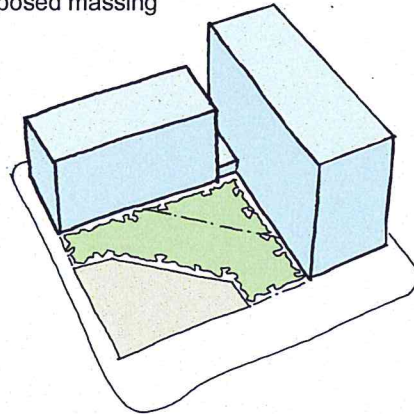
Floorspace redistributed  
as additional building  
height



Building height  
increase and FSR  
uplift



Proposed massing



**Figure 8: Olympic Boulevard Perspective**



Figure 9: Herb Elliot Avenue Perspective



The proposed modification also involves a revision to the approved landscaping, making use of the additional area created by the removal of the atrium entrance/lift lobby. The revised landscape scheme provides for improved opportunities for passive recreation and seating opportunities, a significant green outlook for the future occupants of the proposed buildings and strengthens the connections to other open space areas via the through-site link.

The modification proposal also seeks to enable the proposed staged construction of the development. The Proponent has identified different staging options, including the staged construction of the proposed North Building first, with a temporary at-grade car park provided within the foot print of the South Building, with vehicle entry movements via Herb Elliot Avenue or the new side road, with exit via a one-way gate at Olympic Boulevard. Alternatively, construction would commence on the South Building first, with parking, truck movements and materials handling to occur within the foot print of the North Building. This matter is addressed further below in Stage 5.5 of this report.

### **3. STATUTORY CONTEXT**

---

#### **3.1 MODIFICATION OF THE MINISTER'S APPROVAL**

A Section 75W modification request is appropriate as the proposal involves a change to the built form but does not result a radical transformation of the approved project consistent with the approved gross floor space and proposed uses.

#### **3.2 DELEGATED AUTHORITY**

On 28 May 2011, the Minister for Planning and Infrastructure delegated responsibility for the determination of project applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Planning Assessment Commission where:

- the application is not for major infrastructure development and the proponent is not a public authority (other than a local authority), or
- a statement has been made disclosing a reportable political donation in relation to the project, or
- a statement has been made disclosing a reportable political donation in connection with any previous concept plan or project application.

Under the Instrument of Delegation dated 28 May 2011 from the Minister for Planning and Infrastructure to the Planning Assessment Commission (PAC), the PAC is the determining authority for Part 3A major project applications of this type. However, the delegation also works in conjunction with the delegations given to senior Department staff under the Ministerial Delegation issued 25 January 2010. This delegated responsibility for the determination of project applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Director-General where:

- there are fewer than 25 submissions in the nature of objections in respect of the project application; and
- the project is not a critical infrastructure project under section 75C of the EP&A Act.

The Minister for Planning and Infrastructure has confirmed this delegation, subject to the local council not objecting to the proposal. Auburn City Council has not objected to the proposal.

The modification proposal received fewer than 25 submissions in the nature of objections, and is not a critical infrastructure project. The Director-General can therefore determine the project under delegated authority.

#### **3.3 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)**

##### **3.3.1 State Environmental Planning Policy (Major Development) 2005**

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

The MD SEPP identifies maximum building heights and maximum floor space ratios that apply to development within SOP. Pursuant to clause 18 of Part 23 of Schedule 3 of the MD SEPP, two maximum building height limits apply to the subject site, being 33m and 122m (see Figure 10). The proposed modifications to the approved development seek approval for two buildings with maximum building heights of

30.4m (North Building) and 38.05m (South Building), with the South Building exceeding the 33m development standard.

Figure 10: Sydney Olympic Park Height of Buildings Map (extract)

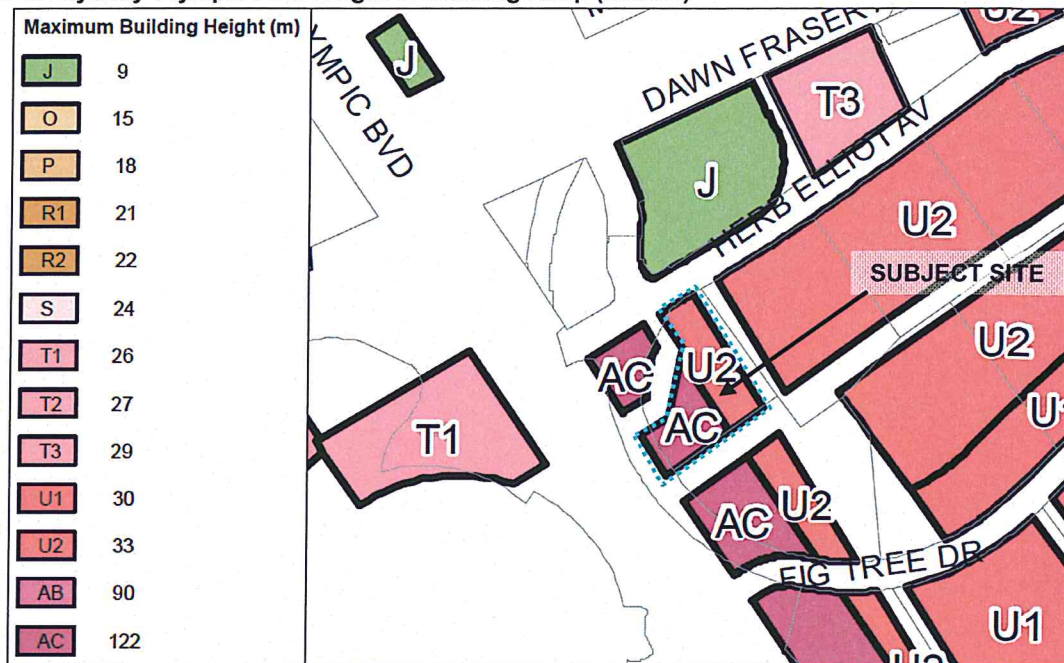
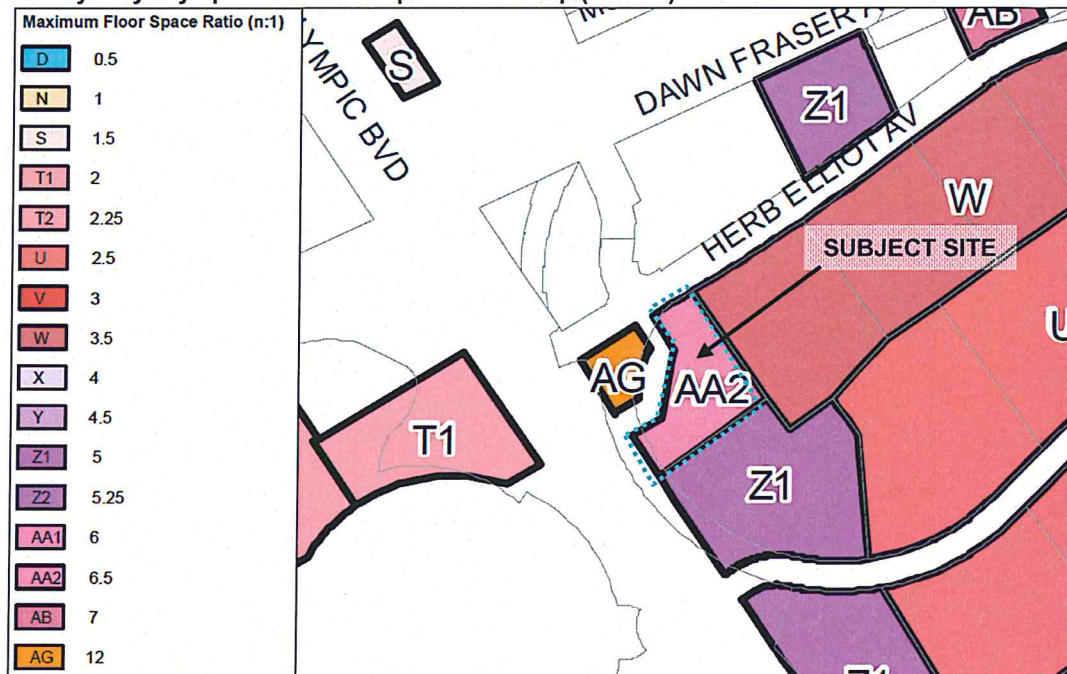


Figure 11: Sydney Olympic Park Floor Space Ratio Map (extract)



However, the Director-General may allow a non-compliance with the development standard pursuant to clause 21, Part 23, Schedule 3 of the MD SEPP if compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify the non-compliance. This matter is considered in Section 5.1 of this report.

Clause 19 of Part 23 of Schedule 3 of the MD SEPP identifies the subject site as having a maximum floor space ratio of 6.5:1 (see Figure 11). The proposed modifications to the approved development increase the gross floor area of the

development to 26,141sqm, which represents an FSR of 6.48:1, thereby complying with the development standard.

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

### **3.4 SYDNEY OLYMPIC PARK MASTER PLAN**

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

SOP Master Plan 2030 provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure. The site is identified as being within the Central Precinct. Key controls that that apply include:

- Floor space ratio;
- Building height;
- Building zone and setback;
- Access and parking;
- Sustainability;
- Event access and closures; and
- New facilities and infrastructure.

These development controls are considered below within Section 5 of this report.

## **4. CONSULTATION AND SUBMISSIONS**

---

### **4.1 EXHIBITION**

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The Department publicly exhibited the modification request from 2 March 2011 to 1 April 2011 (31 days):

- on the Department's website; and
- at the Department of Planning information centre, Auburn Council and Sydney Olympic Park Authority.

The modification request was also advertised in the Sydney Morning Herald and Daily Telegraph on Wednesday, 2 March 2011 and notified landholders, and relevant State and local government authorities in writing.

The Department received five submissions during the exhibition of the modification request – three submissions from public authorities and two submissions from the general public.

A summary of the issues raised in submissions is provided below.

### **4.2 PUBLIC AUTHORITY SUBMISSIONS**

Three (3) submissions were received from public authorities, including the SOPA, RTA and Sydney Water. No objections were raised to the proposed modifications, with general comments provided from Sydney Water in relation to servicing requirements and SOPA on further matters that the Department should consider during its assessment.

#### **4.2.1 Sydney Olympic Park Authority (SOPA)**

SOPA advised that the Authority raises no objection to the proposal, but provided comments relating to the height of the South Building, building design and the proposed staging for the Department's further consideration during the assessment, as summarised below:

##### *Height of South Building*

- The South Building at its eastern end exceeds the 33 metre height limit by approximately 2 storeys. The documentation provided does not address this aspect of the modification. The Proponent should provide justification for the additional height.

##### *Building Design*

- Consideration should be given to the provision of shutters or folding doors to improve the appearance of the new combined loading dock/car park entrance from the public domain;
- Retail tenancies should be provided with a service corridor for management of garbage and general loading. Service access via building lobby areas is not supported;
- Continuous sheltered access should be provided along the southern elevation of the building;
- The Olympic Boulevard colonnade should have a width of 4 metres in accordance with the Master Plan;

- The revolving door on the Olympic Boulevard frontage should not project into the colonnade zone as it presents a hazard to the visual and mobility impaired; and
- The Statement of Commitments should include a requirement that all public domain interfaces meet the standards of the UDEM 2008.

#### *Proposed Staging*

- The Site Establishment Plan details a one way truck exit point onto Olympic Boulevard. Given this is a high use pedestrian street, and subject to road closures particularly during major events, it is considered that alternative arrangements should be conditioned accordingly.

#### **4.2.2 Roads and Traffic Authority**

No objections to the proposal were raised by the RTA.

#### **4.2.3 Sydney Water**

No objections were raised to the proposed modifications. General comments were provided and are summarised below:

- The developer will need to design and construct a connection to the available 250mm water main on the southern side of Herb Elliot Avenue in accordance with the *Water Supply Code of Australia (Sydney Water Edition WSA 03-2002)*;
- In the event that trade wastewater is generated, the property owner is required to submit an application for permission to discharge; and
- Sydney Water will further assess the impact of the development when the Proponent applies for a Section 73 Certificate.

#### **4.3 PUBLIC SUBMISSIONS**

Two (2) submissions were received from the public.

One submission objected to the proposal on the grounds that the Construction Noise and Vibration Management Plan, originally submitted as an accompanying appendix to the Environmental Assessment Report prepared for the original Project Application (MP06\_0273), fails to adequately consider manufacturing operations conducted on their adjoining site.

The second submission neither objected nor supported the proposed modifications, but raised concern at not being properly consulted by the Proponent as an adjoining land holder, and requested an explanation as to how the proposal constituted a modification. Following the exhibition period, the Proponent consulted with the adjoining property owner to present the proposed changes in the approved scheme and nature of the amendments.

#### **4.4 RESPONSE TO SUBMISSIONS**

In response to submissions received during the exhibition of the Modification Application, the Proponent submitted a Preferred Project Report (PPR), in June 2011, which provides a response to the submissions received and issues raised, particularly from the Department and SOPA, a revised set of Statement of Commitments (originally approved under MP06\_0273 as part of the Project Application), a design report prepared by Bates Smart Architects and a Construction Vibration Management Plan.

The revised Statement of Commitments includes new commitments relating to compliance with SOPA's Urban Design Elements Manual 2008 and the requirement for the Construction Traffic Management Plan to include alternative arrangements for Major Events and submitted to SOPA to their satisfaction.

The PPR also provided a response to the adjoining land holder's query in relation to how the proposal constitutes a modification, explaining that Part 3A is not constrained by the Part 4 requirement that modifying a development needs to be 'substantially the same' as originally approved. Notwithstanding this, the Proponent believes that the proposal, as amended, remains substantially the same. Further to the Proponent's explanation, section 75W of the EP&A Act 1979 provides that a proponent may request the Minister to modify the Minister's approval, meaning:

*"...changing the terms of a Minister's approval, including:*

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval".*

In this regard, the proposed amendments to the approved development constitute a modification under sect 75W of the EP&A Act.

#### **4.4.1 Sydney Olympic Park Authority (SOPA)**

Following the receipt of the PPR for the proposed modification application, SOPA were consulted to ensure that its concerns had been satisfied. In response, SOPA reiterated a number of issues raised within its initial submission, but did however, provide support for the proposed development.

##### *Support of Development*

- SOPA supports the proposed development and believes that the proposal generally complies with and contributes to the vision of creating a vibrant township outlined in the SOP Master Plan 2030.
- The proposed modification to the original Major Project approval has reduced the building footprint, and produced a superior design. On this basis, the additional height is considered acceptable.

##### *Retail Tenancies*

- The absence of back of house/service corridors to retail tenancies has had adverse impact on the public domain at other SOP sites. It is highly likely and desirable that these tenancies will be restaurant/café premises which generate frequent fresh food deliveries and putrescibles waste. Deferment until fitout stage will be highly problematic and difficult to retrofit. As such the Authority recommends that this matter be resolved prior to approval.

##### *Public Domain*

- The revolving door intrudes into the colonnade zone and will likely obstruct pedestrian traffic.
- Given the constraints of the site, the tapered design of the Olympic Boulevard colonnade is acceptable subject to a min. width of 3.5m, the colonnade face aligning with the Pullman Hotel colonnade and recessing the revolving door.
- The external levels on the south-eastern frontage do not match those set out in the street concept plans of the Master Plan. The levels are between 400mm – 800mm below future footpath levels. The Proponent should provide

for stairs/ramps/retaining walls to resolve the interface with the future street. All costs of the works are to be met by the Proponent.

- The design should include a goods lift to provide direct access to the loading dock without transit through the public domain.

*Loading dock and Car Park Access*

- The drawings indicate a roller shutter to the car park entry only. This should be amended to indicate the same treatment for the loading dock.
- It appears that the loading dock only accommodates one vehicle. The width of the loading dock should be reduced.
- The driveways to the loading dock and car park entry should be separated to minimise footpath and pedestrian impact.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

## 5. ASSESSMENT

The Department considers the key issues relating to the proposed modification to be:

- Built form and urban design;
- Transport and parking;
- Construction vibration;
- Sustainability;
- Staging; and
- Developer contributions.

### 5.1 BUILT FORM AND URBAN DESIGN

#### 5.1.1 Height

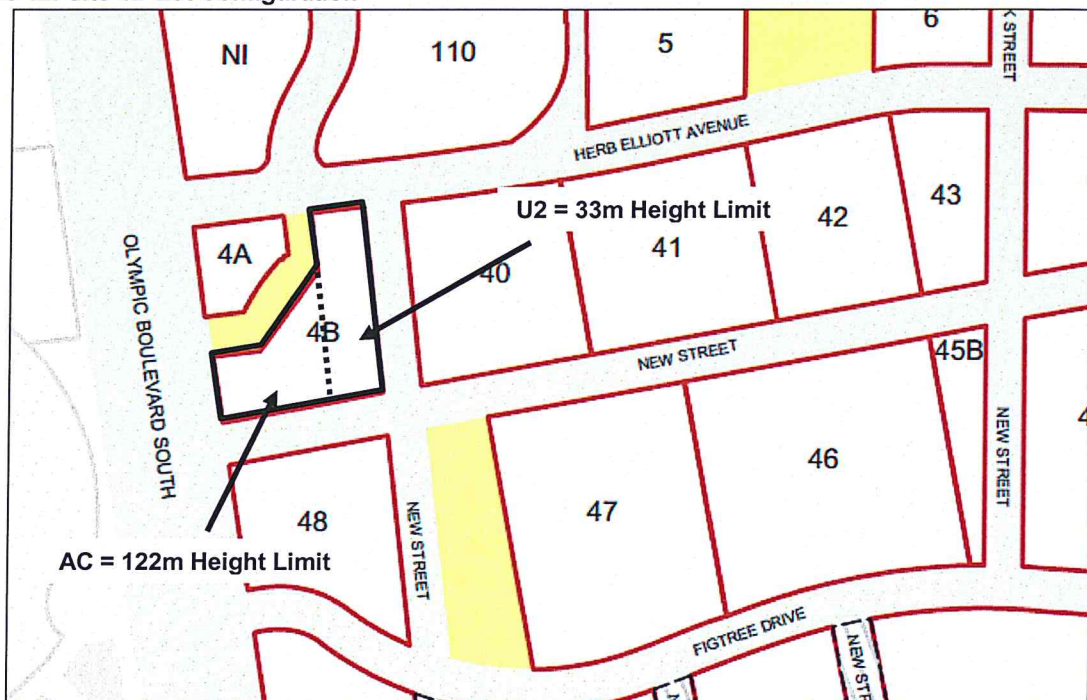
The proposed modification involves an increase in building height, with the original development approved at a height of 7 storeys or 34.5m (excluding plant), as permitted under the then SOP Master Plan 2002 controls. The proposed modifications seek to increase the maximum building height, proposing heights of 8 storeys and 10 storeys to the North Building and South Building respectively.

Part 23 of Schedule 3 of the MD SEPP defines *building height* within Sydney Olympic Park as follows:

*'building height (or height of building) means the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the highest habitable floor (including above ground car parking) of the building, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.'*

In accordance with the above definition, the proposed building heights of the North Building and South Building are 30.4m and 38.05m respectively. Additional height, in the form of a 'plant zone', is permitted under the Master Plan to a maximum 5m in height. The Proponent has confirmed that the proposed 'plant zone' for each building will comply with the maximum requirement.

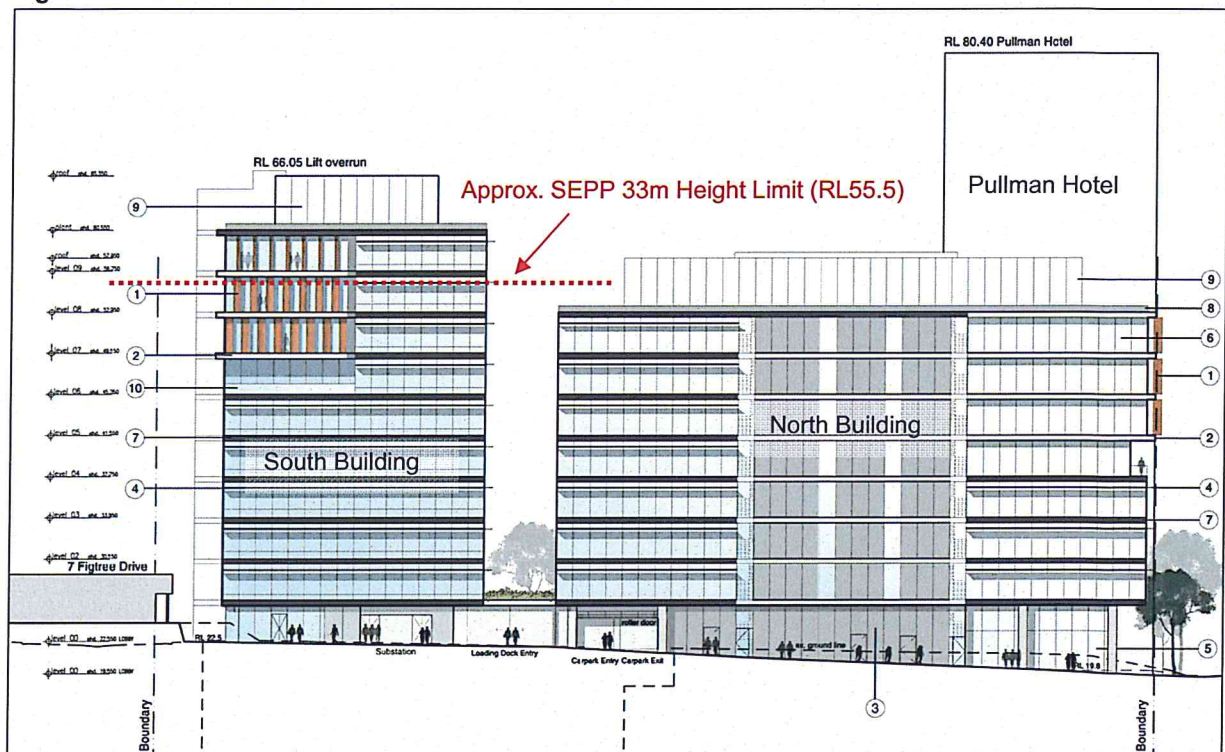
Figure 12: Site 4B Lot Configuration



As detailed in Figures 10 and 12, the development site is subject to two maximum building height controls, with buildings fronting Olympic Boulevard restricted to a maximum height of 122m (20-32 Storeys Tower Zone), while development fronting Herb Elliot Avenue is restricted to a height of 33m (8 Storeys).

In this respect, the proposed modification results in a non-compliance with the maximum 33m building height for the subject site pursuant to clause 18 of Part 23 of Schedule 3 of the MD SEPP. Specifically, an eastern portion of the South Building, measuring approximately 24m in length, exceeds the maximum height by approximately 5m (see Figure 13) or by two storeys under the maximum 8 storey height control of SOP Master Plan 2030.

Figure 13: Eastern Elevation



Notwithstanding the above, clause 21 of Part 23 in Schedule 3 of the MD SEPP provides that Part 3A projects may be granted exemption if the Director-General is of the opinion that “compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify exempting the development from that development standard”, as described below.

**21 Exceptions to development standards—Part 3A projects**

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within the Sydney Olympic Park site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General.*

Further, Section 4.6.4 of the SOP Master Plan 2030 notes that minor increases to the heights nominated in the Building Heights Plan may be considered if:

- *special site conditions make strict compliance with the controls unworkable;*
- *there are demonstrable improvements to urban form and height transition;*
- *resident amenity in terms of privacy and solar access is not adversely affected; and*
- *there is no impact on public open space and parklands.*

In determining whether compliance with the development standard is unreasonable or unnecessary, consideration has been given to the planning principles established in *Veloshin v Randwick Council* [2007] NSWLEC 248 for the assessment of height and bulk, those being:

- The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:

*Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)*

*How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

- Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are:

*Does the area have a predominant existing character and are the planning controls likely to maintain it?*

*Does the proposal fit into the existing character of the area?*

- Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is:

*Is the proposal consistent with the bulk and character intended by the planning controls?*

- Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is:

*Does the proposal look appropriate in its context?*

Having regard to the above, the proposed additional height of the southern building is not considered to have an impact on residential amenity, with the nearest residential development located approximately 100m south-east of the subject site on Figtree Drive. Furthermore, a shadow analysis undertaken by the Proponent (see Figures 14 – 17) demonstrates that any increase in afternoon shadows cast across the future public open space, located diagonally opposite, between a compliant 8 storey built form or the proposed 10 storey built form, would be negligible.

Figure 14: Proposed – March @ 3:00pm

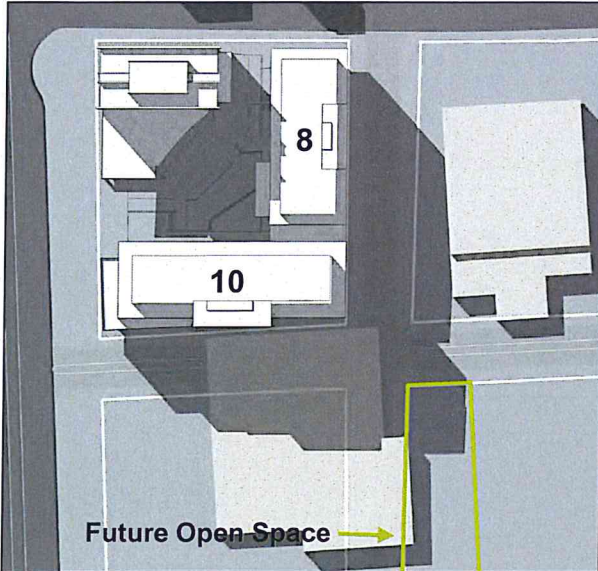


Figure 15: SEPP Compliant – March @ 3:00pm

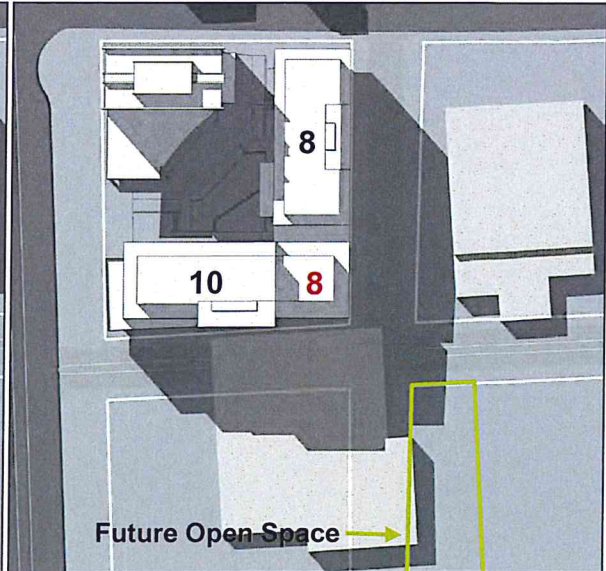


Figure 16: Proposed – June @ 3:00pm

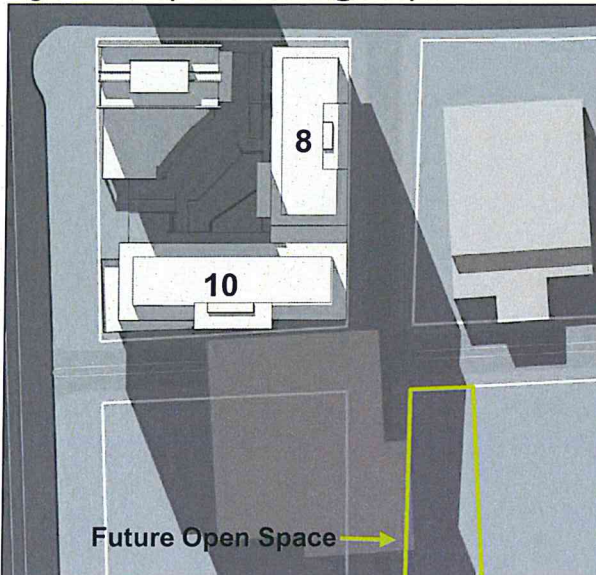
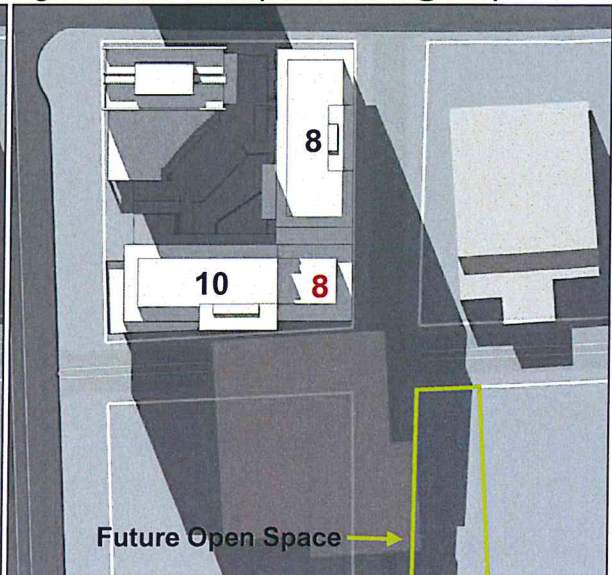


Figure 17: SEPP Compliant – June @ 3:00pm



As desired under the subject site's current planning controls, the 'tower zone' encourages the siting of building bulk towards the western edge of the site to create a dominant tower built form (up to 122m in height) along Olympic Boulevard and an eight storey built form along the eastern edge of the site, adjacent to the future road. In this respect, the modified built form proposes to increase the height of the built form from 7 storeys up to 10 storeys on Olympic Boulevard, providing greater presence within the envisaged character of the tower zone streetscape. The proposed 8 storey height of the Northern Building will also reinforce the maximum 8

storey height character along the eastern elevation of the site, particularly when viewed from Herb Elliot Avenue, with the area of non-compliance occupying a small section of the elevation. In addition, the proposed 10 storey height in the south-east of the site would help in reinforcing the corner and assist in the transition in the built form from the adjoining sites to the 'tower zone' along Olympic Boulevard.

Further, permitting the proposed height increase will not detrimentally impact on the character of built form envisaged along the new North South Street in SOP Master Plan 2030. In particular, Lot 48, located adjacent to the south (see Figure 12) is subject to the same maximum building heights, with a 122m 'tower zone' fronting Olympic Boulevard and a maximum 33m height restriction along the future North South Street. The site, however, is subject to a smaller 5:1 floor space ratio control. However, in maximising the potential that the 122m maximum height control allows, the site's 5:1 FSR control may result in building bulk being concentrated along Olympic Boulevard and, therefore, it would be unlikely that the western elevation of Lot 48, along the future North South Street, would be developed to the permitted height of 8 storeys.

Notwithstanding the fact that the built form character envisaged under the SOP Master Plan 2030 has not yet been fully developed, it is considered that the proposed building height non-compliance within the south-eastern corner of the Southern Building would not have a significant impact on the desired future character of the area. The bulk and character of the proposal is considered to be consistent with the master plan controls and satisfactorily achieves a built form envisaged under the master plan.

Further, the proposed deletion and floor space redistribution of the atrium spanning between the North and South Buildings has enabled the design of the through-site link to be improved and further embellished through the retention of additional established mature vegetation. The character of the through-site link's urban form will be similarly improved, with retail tenancy floor space proposed at the ground level fronting the internal public domain, helping to create an active and vibrant area.

As outlined above, the Department considers that the proposed additional height will not significantly impact on adjacent land uses or on the future character of the Central Precinct. Further, SOPA has not raised an objection to the additional height of the Southern Building, noting that the reduced building footprint and superior design satisfactorily justify the departure. The Department considers that compliance with the development standard is unnecessary and that there are sufficient environmental planning grounds to justify the non-compliance. In this regard, it is recommended that the Director-General issues a certificate to this effect, pursuant to clause 21 of Part 23 in Schedule 3 of the MD SEPP.

### **5.1.2 Bulk and Scale**

The main modification to the approved development involves the redistribution of built form resulting in the approved commercial building being separated into two separate buildings comprising the proposed 8 storey North Building and 10 storey South Building. While an increase in the height of the overall development is sought from 7 to 10 storeys, the separation in built form assists in reducing bulk and provides visual relief within the site and surrounds.

Figure 18: Northern Elevation

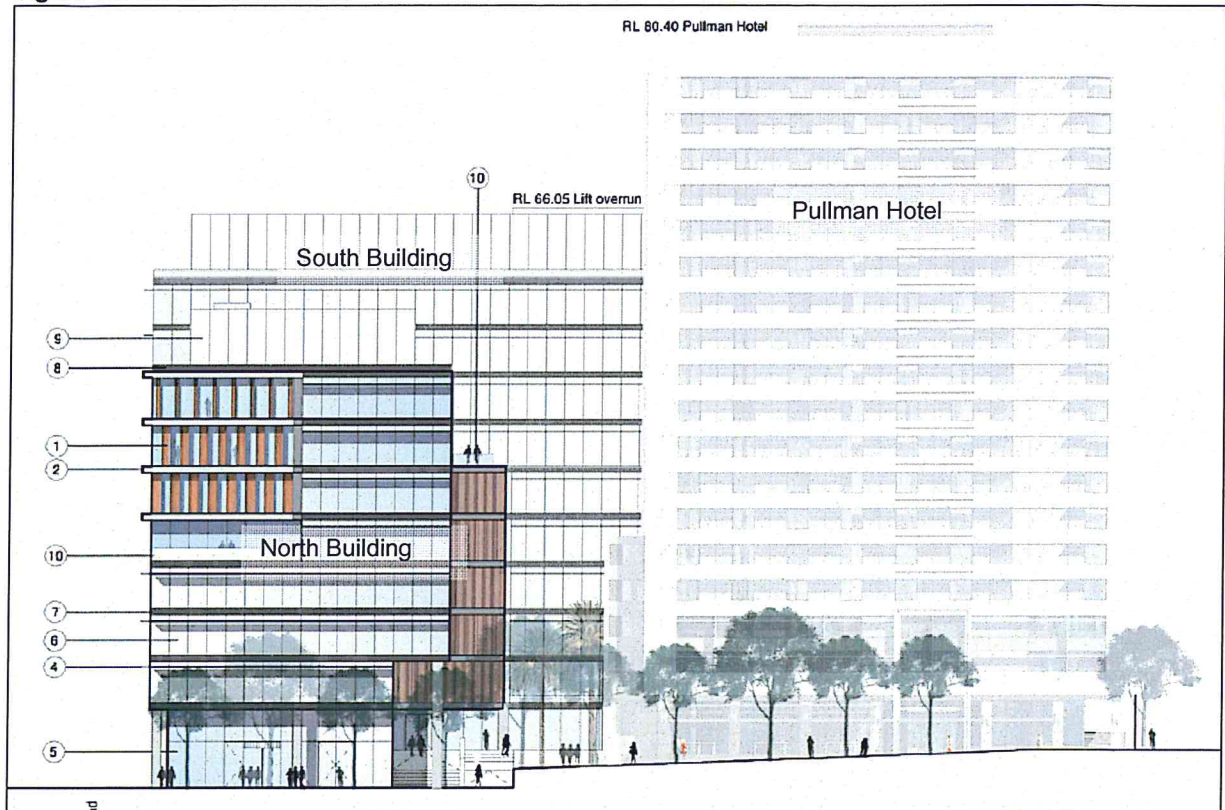


Figure 19: Olympic Boulevard Photomontage



The proposed redistribution of the building floor space results in a net increase in GFA of 1,998sqm, resulting in a maximum GFA across Site 4B of 26,141sqm. This equates to a compliant FSR of 6.48:1, with an FSR of 6.5:1 being the maximum permitted under the MD SEPP. As shown in Figure 18, the redistribution of bulk within the modified proposal provides an improved transition between the proposed modified development and the existing scale of the adjacent Pullman Hotel.

The modifications to the proposed building design have also enabled the introduction of a 'pop-out' or podium element to the western and southern façades of the South Building (see Figure 19), absent from the original approval, with the upper floors of the building setback between approximately 5.2m and 4m. The podium provides a built form element consistent with the adjacent Pullman Hotel, while also retaining the colonnade below as prescribed by the SOP Master Plan 2030. Further, the introduction of the podium element to the Olympic Boulevard elevation of the development in conjunction with materials and finishes proposed has provided for greater articulation and an improved interest to the façade design of the South Building.

As outlined above, minimal impacts are generated by the proposed modifications to the built form, with the redesigned and redistributed bulk of the proposal maintaining satisfactory solar access to the surrounding built environment.

### 5.1.3 Urban Design

A key modification to the approved development is the proposed deletion of the atrium entrance/lobby area and creation of new building entrances at the street frontages of both the North and South Buildings to provide access to the upper commercial floor levels. At the ground level, the introduction of retail floor space will ensure that the internal through-site link is activated, whilst also maximising the passive surveillance of the public domain.

Figure 20: Landscape Plan



Figure 21: Landscape Plan Section



The deletion of the atrium has also enabled the size, quality and design of the through-site link (see Figure 20) to be improved, with a series of terraced landscaped areas introduced that will step down from the ground level retail areas (see Figure 21). The reduced building footprint would also ensure that additional vegetation is retained, with the revised design of the public domain retaining an additional 5 trees that were previously approved for removal.

Notwithstanding the improvements to the design of the public domain, SOPA have recommended that the proposed retail tenancy shells be provided with service corridors to reduce potential operational impacts on the future public domain and that the revolving door within the Olympic Boulevard frontage be recessed to within the building façade so as to not obstruct pedestrian traffic. SOPA also advised that should the revolving door be recessed to within the building façade, this would alleviate initial concerns about the reduced Olympic Boulevard colonnade width.

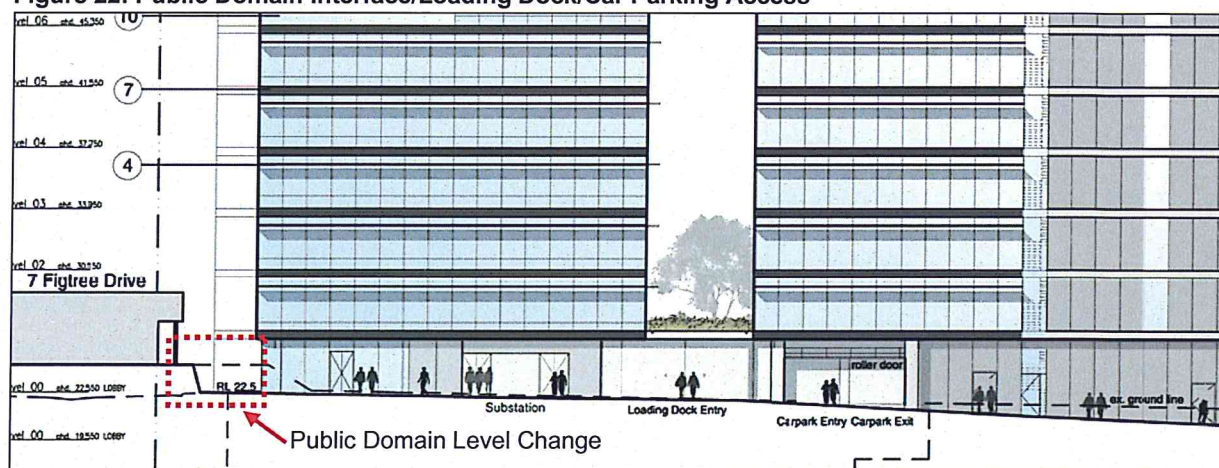
In response, the Proponent has advised that by virtue of the size of the proposed retail tenancies, it is not likely that future retail land uses would generate high volumes of deliveries or waste and therefore do not require dedicated back of house service corridors. The Department considers this would not be appropriate for the retail tenancies proposed within the North Building given the proposed floor area and impact that a service corridor would have on the future leasable area of the retail shell. However, the South Building retail floor areas, particularly those located towards the western edge of the building, are larger and would benefit from back-of-house servicing. Accordingly, the Department recommends a condition requiring the South Building ground floor retail uses be provided with back-of-house servicing, to the satisfaction of SOPA and the Principal Certifying Authority. In addition, a Post Occupation condition is recommended requiring that all deliveries and waste management are scheduled outside of core business hours and to minimise their impact on the public domain.

With respect to the proposed projection of the revolving doors at the entrances of the North and South Building, the Proponent has provided a statement from an accessibility consultant to justify the projection, noting that sufficient circulation space will remain around the doors for wheelchair users. Notwithstanding this, the Department considers that recessing the revolving door to within the façade of the western elevation of the Southern Building would not detrimentally impact on the integrity of the design or its function. Further, the provision of an unobstructed space would also enable the reduced colonnade width of 3.5m to be maximised.

Accordingly, the Department recommends that a new condition be imposed, requiring the revolving door of the Southern Building to be recessed to within the façade of the building to preserve unobstructed pedestrian access and a minimum colonnade width of 3.5m.

SOPA have also recommended that the Proponent provide for stairs, ramps and retaining walls to resolve issues surrounding the 400mm – 800mm change in levels at the interfaces between the southern and eastern elevations with the public domain/footpath and future East West Street (see Figure 22). To ensure that future road works and pedestrian access is not compromised, the Department considers the recommended works necessary. Accordingly, the Department recommends a condition requiring the public domain works to the footpath/new East West Street interface be designed and completed to the satisfaction of SOPA.

**Figure 22: Public Domain Interface/Loading Dock/Car Parking Access**



The Department considers the proposed modifications to the public domain to be satisfactory, subject to recommended conditions, with suitable access and shelter provided to ensure that the public domain surrounding the proposed development is active and vibrant. It should also be noted that the Proponent has provided a new commitment to ensure that all future public domain interface works are undertaken in accordance with the standards outlined within SOPA's *Urban Design Elements Manual 2008*.

## 5.2 TRANSPORT AND PARKING

### 5.2.1 Parking

The proposed modification seeks to reduce the number of car parking spaces to be provided within the basement car park. The proposal was originally approved with a total of 369 car parking spaces (6 retail, 358 commercial and 5 disabled spaces) and 76 bicycle parking spaces within 5 basement levels, based on a maximum rate of 1 car parking space/55sqm, as stipulated within the then draft Transport Management and Accessibility Plan (TMAP) 2002.

Under the current SOP Master Plan 2030, which superseded the 2002 Draft TMAP, the maximum parking provision is calculated based on a rate of 1 space/80sqm for commercial floor space and 1 space/50sqm for local retail floor space. The amended proposal generates a maximum parking limit of approximately 339 spaces.

The Proponent proposes to reduce the number of parking spaces originally approved by 96, seeking approval for a total of 273 spaces (14 retail spaces and 259 commercial spaces). The revised parking provisions for the development, while below the maximum parking provision for the proposed development, are considered satisfactory given the site's close proximity to SOP Railway Station. Public parking for visitors or particular peak demand services is also available within the vicinity of the subject site.

Further, the proposal also seeks to increase the number of bicycle parking spaces to a total of 150. The increased provision of secure bicycle parking facilities and associated showers and change room facilities within the proposed development will support and, encourage the use of non-private transport modes and support the Governments objectives in increasing the mode share of non-private motor vehicles.

### **5.2.2 Traffic and Access**

As originally approved, access to the proposed development will be via a temporary access road from Herb Elliot Avenue, until such time as the future North South Street is constructed. The modification proposal seeks to provide access to the 5 level basement car park and loading dock via a consolidated vehicle entry, reducing its impact and dominance on the eastern ground level elevation of the proposal.

Concerns were raised by SOPA that the proposed roller shutter door treatment to the car park entrance was not going to be provided to the loading dock opening. Within the Proponent's PPR submission, it was advised that the loading dock would have the same treatment. SOPA also recommended that the loading dock entry be reduced in width and the driveway of the car park entry and loading dock be separated to provide for improved pedestrian amenity and safety. With regard to the roller shutter door treatment, the Department recommends an appropriate new condition be imposed to ensure that the finish is consistent.

Further, having regard to the approximate 20m width of the consolidated car park/loading dock driveway, it is reasonable to expect that pedestrian safety would be adequately catered for within the design. Notwithstanding this, the Department recommends that a condition be imposed requiring the construction of a pedestrian refuge at the wall separating the car park entry and loading dock. The provision of a pedestrian refuge will ensure that pedestrians traversing the driveway will have opportunity to safely break the journey mid way should it be necessary.

SOP Master Plan 2030 requires the preparation and implementation of a Work Place Travel Plan (WTP). However, there was no requirement under the original proposal or a commitment to prepare a WTP. Notwithstanding this, the proposed modification seeks to increase the GFA of the development and reduce the car parking provisions for the development in accordance with the Master Plan 2030 controls. In this regard, it is considered appropriate that the Proponent also be required to prepare a WTP in accordance with the requirement under the Master Plan.

It should be noted that the original proposal was also subject to developer contributions in accordance with the SOP Development Contributions Strategy, which requires a portion of the contributions to contribute towards the future employment of a Work Place Travel Plan Officer over a five year period, to assess, endorse and implement the WTP. Accordingly, the Department recommends that future tenants of

the building be required to prepare a WTP, in consultation with SOPA, prior to the occupation of the development.

In conjunction with the future implementation of a WTP for the development, the reduced parking capacity of the modified proposal will have a positive impact on traffic generation effects for the surrounding street network. Based on a traffic generation of up to 0.6 vehicles per hour two-way per parking space, the proposed modified development would have a traffic generation of approximately 170 vehicles per hour, reduced from 220 vehicles per hour, as per the original approval.

The Department considers that the proposed modified development will not detrimentally impact on the surrounding road network and that the provision of 273 car parking spaces and 150 bicycle parking spaces would satisfactorily cater for the proposal.

### **5.3 CONSTRUCTION VIBRATION**

Concerns were raised by an adjoining land user, Silanna Semiconductor, a manufacturing company, regarding the potential impact from the construction phases of the development on sensitive operations that are undertaken, particularly vibration impacts. In response, the Proponent has prepared a Construction Vibration Management Plan (CVMP). The management plan identifies potential sources of vibration (including excavators, drill/bored piling, rock ripper and truck movements), specifies the criteria for the proposed works, describes measures and actions that can be implemented to comply with vibration criteria, describes monitoring processes and outlines procedures to handle complaints.

The CVMP notes that vibration impacts that create a disturbance to humans are subject to more stringent criteria than impacts on building contents and structures, and therefore compliance with the criteria for human disturbance would ensure compliance with the lesser criteria for building contents and structures.

To address the specific concerns of the adjacent premises, the Proponent undertook consultation with Silanna Semiconductor, wherein the Proponent was advised of the vibration limits for the sensitive equipment adjacent. Within the CVMP the Proponent notes that given the distance separation between the adjacent premises and location of proposed construction activities on Site 4B, generally most construction equipment and activities will meet the identified vibration limits, except activities associated with drilling/bored piling rig. However, the CVMP states that site specific vibration emission levels will need to be determined on site prior to heavy continuous use to verify specific distance separation requirements.

Further to buffer distances being established on site for vibration emitting activities, a number of vibration management control measures are recommended, including:

- implementation of a vibration management plan;
- implementation of a management procedure to deal with complaints, including subsequent investigations and amelioration recommendations;
- carrying out vibration testing on equipment on site prior to construction works commencing; and
- carrying out periodic vibration monitoring where required.

The Department considers that the initial investigations and preparation of a CVMP has satisfactorily addressed the concerns raised by the adjoining land user. The

vibration management measures outlined within the submitted CVMP will ensure that all appropriate steps are taken to ensure that vibration impacts from the proposed development are minimised and where necessary, appropriate amelioration measures are implemented. Notwithstanding this, *Condition C3 – Noise and Vibration Management Plan*, is not proposed to be deleted from the original Instrument of Approval in that the submitted CVMP focuses on mostly on mitigating and managing impacts from construction on Silanna Semiconductor. In this regard, the requirements of the original condition will ensure that any potential impacts and appropriate measures for other properties surrounding the proposed development (e.g. Pullman Hotel) are considered.

#### **5.4 SUSTAINABILITY**

The original approved development was subject to the requirements of Condition B18 that required the development achieve a 4.5 star rating under the NSW Department of Energy, Utilities and Sustainability's (DEUS) Australian Building Greenhouse Rating. Under the revised building design, the proposal has been designed in accordance with the sustainability requirements in Sydney Olympic Park Master Plan 2030 that requires all commercial office designs to achieve a minimum 5 star v3 Green Star commercial office design rating and 4.5 star NABERS rating, above that of the original 4.5 Australian Building Greenhouse rating.

As detailed within the Proponent's revised ESD Report, and committed to within their revised Statement of Commitments, the modified proposal seeks to achieve a minimum 5 star v3 Green Star commercial office design rating and 5 star NABERS rating. Further energy modelling is proposed to be carried out throughout the design development phase of the proposal to ensure that the development is delivered to its full environmental potential.

The Department is satisfied that the revised sustainability initiatives and commitment will ensure that the modified proposal is developed to its full environmental potential and that sustainability remains at the forefront of design and construction within SOP. In this regard, Condition B18 will be amended accordingly to reflect the revised sustainability measures and Proponent's updated ESD report and revised commitments.

#### **5.5 STAGING**

The Proponent seeks to stage the construction process, with approval sought for different options to cater for flexibility, including construction of the entire development at once, construction of the North Building first or construction of the South Building first. The Proponent has advised that their preferred option is to undertake construction of both buildings at the same time, however, due to unknown future tenants and market conditions, the Proponent has catered for two alternative options that provide greater flexibility should either building be constructed prior to the other.

Consistent within the Proponent's submitted standing plan is the proposed entry of all construction vehicles from Herb Elliot Avenue and potentially via the new side road to the east of the site, with all parking and materials handling to occur at the ground level on site. Under the proposed option to construct the North Building first, the Proponent notes that construction truck exiting movements would be via an alternative exit point to Olympic Boulevard for the demolition and excavation phases.

SOPA has requested that alternative arrangements be made to the proposed truck exit onto Olympic Boulevard, given that this point is subject to road closures during major events and is a high use pedestrian street. In response, the Proponent has committed to further consultation with SOPA prior to the finalisation of their construction traffic management plan, wherein alternative arrangements will be employed during identified major events and times of increased pedestrian activity to ensure that minimal disruption is caused. Further, the Proponent has committed to not undertaking any proposed construction works on special event days as specified by SOPA.

The Department raises no objections to the staging the proposal, with the Proponent satisfactorily considering the implications of the different construction options available. The options proposed will ensure that all works, handling and parking occurs on site, minimising potential impacts on adjoining land users and SOP users. The Department also recommends that a new condition be included requiring the Proponent to prepare a final staging plan prior to the issue of any construction certificate to the satisfaction of the certifying authority. The final staging plan will also need to be prepared in consultation with SOPA to ensure that final access arrangements to and from the site during construction are to SOPA's satisfaction, as per the Proponent's commitment.

## 5.6 DEVELOPER CONTRIBUTIONS

Condition B22 of the Instrument of Approval requires the Proponent to make a monetary contribution of \$882,910 to SOPA under the Sydney Olympic Park Development Contributions Strategy (Version.11, 2002), as adopted by the then Minister for Planning on 31 May 2002. The contribution rates applicable to the proposal are based on a rate per 100sqm of floor space. Accordingly, given the increase in total GFA, the contribution requirement for the proposal is required to be amended, based on the original rate and subject to indexation. Table 1 below outlines the increase.

Sydney Olympic Park Development Contributions Strategy

Contribution Category	Rate of Contribution	Approved Amount	MOD 1 Amount
Childcare	\$573 per 100sqm	\$138,339.39	149,547.27
Public Transport – Railway Station	\$1,445 per 100sqm	\$348,866.35	377,130.55
Public Transport – Transitway	\$362 per 100sqm	\$87,397.66	94,478.38
Roads & Traffic Management	\$1,152 per 100sqm	\$278,127.36	300,660.48
Workplace Travel Plans	\$28 per 100sqm	\$6,760.04	7,307.72
Streetscapes	\$97 per 100sqm	\$23,418.71	25,316.03
<b>TOTAL</b>		<b>\$882,910</b>	<b>\$954,440</b>

Condition B22 of Instrument of Approval is recommended to be amended accordingly.

## 6. CONCLUSION AND RECOMMENDATIONS

The proposed modifications to the approved major project at Site 4B seek to amend the approved 7 storey commercial building, comprising a total GFA of approximately 24,143sqm and 369 car parking spaces within 5 basement levels, and reconfigure and redistribute the floor space to create two separate commercial buildings comprising an 8 storey building fronting Herb Elliot Avenue and a 10 storey building fronting Olympic Boulevard. Additional GFA and the reduction in car parking including the reconfiguration of the basement car parking levels is also proposed.

The Department has considered the relevant provisions and development standards of Part 23 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and the *Sydney Olympic Park Master Plan 2030*. Key issues identified, including built form and urban design, transport and parking, vibration impacts, sustainability, staging and developer contributions were thoroughly considered and it is recommended that the proposed modifications be approved.

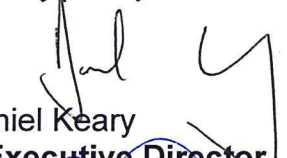
In considering the proposed modification, the Department also recommends that the Director-General issue a certificate pursuant to clause 21 of Part 23 in Schedule 3 of the MD SEPP to confirm that compliance with the clause 18 maximum building height development standard is unnecessary under the circumstances of the case and that sufficient planning grounds exist to justify exemption from the development standard.

It is recommended that the Director-General:

- a) Consider the findings and recommendations of this report;
- b) Approve the modification request;
- c) Signs and issues the attached certificate, pursuant to clause 21 of Part 23 in Schedule 3 of the MD SEPP (**TAG A**); and
- d) Sign the attached modifying instrument (**TAG B**)



Heather Warton  
**Director**  
**Metropolitan and Regional Projects North**

3/8/11  
 5/8/11  
Daniel Keary  
**A/Executive Director**  
**MAJORS PROJECTS ASSESSMENT**

 10/8/11  
Richard Pearson  
**Deputy Director-General**  
**DEVELOPMENT ASSESSMENT AND SYSTEMS PERFORMANCE**

## **APPENDIX A    MODIFICATION REQUEST**

---

Provided on disk or see the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4460](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4460)

## **APPENDIX B SUBMISSIONS**

---

Provided on disk or see the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4460](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4460)

**APPENDIX C SEPP (MAJOR DEVELOPMENT) 2005 CERTIFICATE**

# Certificate

## *State Environmental Planning Policy (Major Development) 2005*

I, the Director General, under Clause 21 of Part 23 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (MD SEPP), am satisfied that:

- a) compliance with the development standards referred to in Schedule 2 to this Certificate is unreasonable or unnecessary in the circumstances of the development referred to in Schedule 1 to this Certificate, and
- b) there are sufficient environmental planning grounds to justify exempting the development referred to in Schedule 1 to this Certificate from that development standard referred to in Schedule 2 to this Certificate.

*Sam Haddad*

Sam Haddad  
Director General

Sydney, *12<sup>th</sup> August* 2011

---

### SCHEDULE 1

**Application Number:** MP 06\_0273 MOD 1  
**Proponent:** Bovis Lend Lease  
**Approval Authority:** Minister for Planning and Infrastructure  
**Land:** Lot 60 DP 786296 and Part Lot 50 DP 1045522  
Site 4B, Sydney Olympic Park  
**Project:** Site 4B Commercial Development, Sydney Olympic Park

---

### SCHEDULE 2

**Development standards:** **Clause 18 of Part 23 of Schedule 3 of MD SEPP** – The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the Height of Buildings Map or the Reduced Level Map, whichever is applicable.

---

**APPENDIX D RECOMMENDED MODIFYING INSTRUMENT**

---