



**Planning &
Infrastructure**

**MAJOR PROJECT ASSESSMENT:
8B Murray Rose Avenue
Sydney Olympic Park
MP10_0214**



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

September 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	FDC Construction and Fitout Pty Ltd for SOP8B Pty Ltd
RtS	Response to Submissions

Cover Photograph: Proposed Building and Signage

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EXECUTIVE SUMMARY

This report is an assessment of an application by FDC Construction and Fitout Pty Ltd for SOP8B Pty Ltd (the proponent), seeking approval for the construction of a new 6 storey commercial building, including two basement levels of car parking, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The development site (known as Site 8B) is currently utilised as an open, at-grade car park and has an existing basement car park entry/exit ramp at the eastern edge of the site shared with Site 8A. The site has a maximum area of 1,170sqm and is located within the Central Precinct of Sydney Olympic Park, within the Auburn Local Government Area. The site is located on the northern side of Murray Rose Avenue, immediately north of the Olympic Park Railway Station and approximately 500m east of ANZ Stadium.

The Project Application seeks approval for the construction of a new 6 storey commercial building, with a total GFA of 6,313.5sqm, including ground floor retail and 5 storeys of commercial floor space, two storey basement car park, building identification signage, subdivision, and associated public domain and landscaping works.

The Capital Investment Value (CIV) for the project is \$15.377 million.

Site 8B is zoned B4 (Mixed Use), under State Environmental Planning Policy (Major Development) 2005. The project consists of commercial and retail land uses and subdivision, and is permissible under the SEPP.

The EA was exhibited between 1 June 2011 and 1 July 2011. The department received 5 submissions from public authorities, including the Sydney Olympic Park Authority, RTA, RailCorp, Department of Transport and Sydney Water, and 1 submission from the public. Matters raised within the submissions related to the design of the proposal and FSR non-compliance, consideration of existing RailCorp infrastructure and imposition of appropriate conditions and impact of the proposal on the use of the existing 6m vehicular right-of-way at the rear of the site.

On 25 July 2011 the proponent submitted a Preferred Project Report (PPR) and final Statement of Commitments. The PPR was provided in response to the matters raised in submissions received during the project's exhibition.

The department has assessed the merits of the proposal, and considers the key issues to be built form and urban design, transport, Sydney Olympic Park Major Events, environmental amenity, ecologically sustainable development, RailCorp infrastructure, business identification signage and developer contributions. These issues have been addressed in detail and the department is satisfied they can be mitigated and managed, pursuant to section 75J of the EP&A Act.

The department is satisfied that the subject site is suitable for the proposed development and that it will provide further employment and support for future economic growth within Sydney Olympic Park and is consistent with key strategic planning and other policy objectives. The department therefore considers the project to be in the public interest and recommends that the Project Application be approved, subject to conditions.

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1. BACKGROUND

1.1 SITE CONTEXT AND LOCATION

The proponent proposes to construct a new 6 storey commercial building with two basement levels of car parking, associated plant, signage and subdivision of Lot 8b, having a total gross floor area of 6,313.5sqm, at Site 8B Murray Rose Avenue, Sydney Olympic Park, forming part of the larger parcel, being Lot 2001 in DP1147230. The project location is shown in Figure 1.

The development site, under the control of the Sydney Olympic Park Authority (SOPA), is located on the northern side of Murray Rose Avenue along the northern edge of the Sydney Olympic Park 'Central Precinct', as identified within the Sydney Olympic Park (SOP) Master Plan 2030. The subject site is located within the Auburn Local Government Area (LGA). It is 14km west of Sydney CBD and 8km east of Parramatta CBD. Sydney Olympic Park has an area of approximately 640 hectares of which approximately 190 hectares comprises sporting venues, the town centre and 425 hectares of public open space. The site is located immediately north of the Olympic Park Railway Station and approximately 500m east of ANZ Stadium.

Figure 1: Project Location



1.2 SITE DESCRIPTION AND FEATURES

The site is rectangular in shape and has a total area of approximately 1,170sqm and a frontage of 58.6m to Murray Rose Avenue and is currently used as an at-grade car park (see Figures 2 and 3). Vehicular access to the site is provided from Murray Rose Avenue and an existing service lane at the rear of the site for access to services and garbage room facilities (see Figure 4). The site is flat and absent of any vegetation, apart from existing trees along the Murray Rose Avenue. As part of the adjacent development at Site 8A, a basement car park ramp was constructed on Site 8B, which is proposed to provide access to the basement car parks of both Site 8A and 8B.

Figure 2: Existing Site Layout

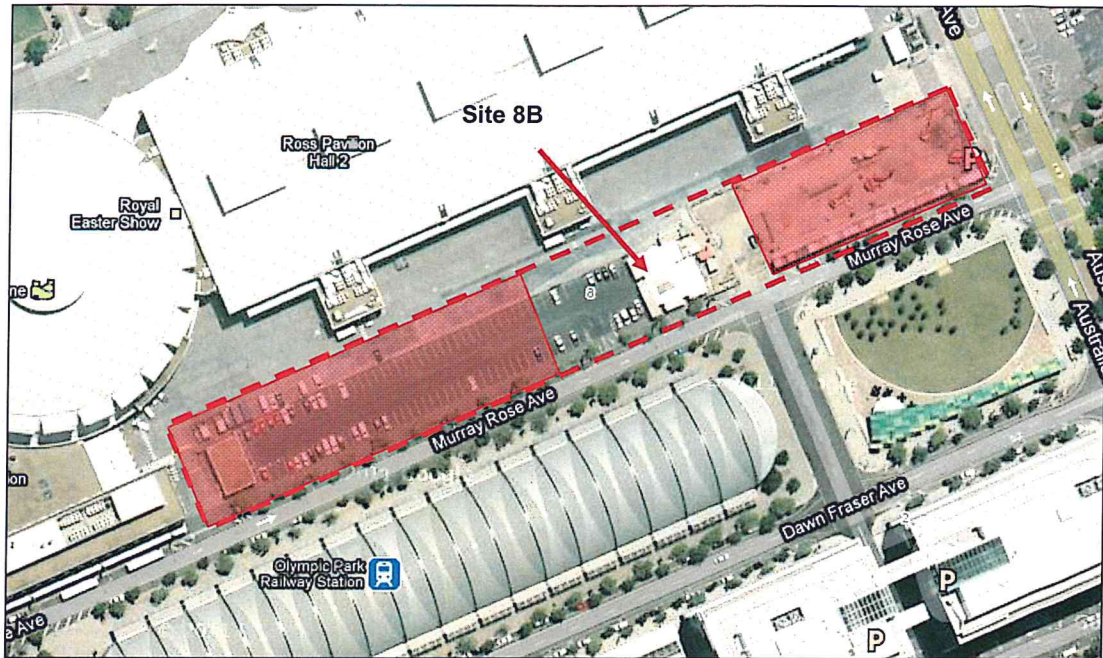


Figure 3: Subject Site – Existing Use



Figure 4: Existing Rear Access Lane



1.3 SURROUNDING DEVELOPMENT

The site is located immediately to the north of Olympic Park Railway Station and adjacent to the south of the NSW Royal Agricultural Society Exhibition Halls (see Figures 2, 3, 5 and 6). Immediately adjacent to the east is an existing 6 storey commercial development at Site 8A, while diagonally to the south east is Jacaranda Square and an existing 10 storey commercial development, currently occupied by the Commonwealth Bank (see Figures 7 and 8).

Figure 5: Olympic Park Railway Station



Figure 6: RAS Exhibition Halls



Figure 7: Jacaranda Square



Figure 8: CBA 10 Storey Commercial Building



West of the site is the Parkview Precinct. The SOP Master Plan 2030 identifies this area as being subject to future residential, commercial and community development, including new road patterns that will integrate with the adjacent Central Precinct.

1.3.1 Site 8A, Sydney Olympic Park

On 26 May 2008, the then Minister for Planning approved MP06_0175 for the construction of a 6 storey commercial building (including ground floor retail) at Site 8A (adjacent to the east) and 2 basement levels of car parking for 121 vehicles. The proposal was considered under the superseded SOP Master Plan 2002 and has a maximum building height of 24.7m and total gross floor area of 7,311sqm (FSR of 5.24:1) (see Figure 9).

Figure 9: Site 8A Commercial Building



1.4 STRATEGIC CONTEXT

1.4.1 NSW State Plan

The NSW State Plan seeks to achieve better connected and improved urban environments and deliver attractive and sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The proposed commercial development will support key visions of the NSW State Plan, with the proposed development continuing the growth and development of Sydney Olympic Park, post Olympics. The proposed development will increase employment within an established centre, outside of the Sydney CBD, with suitable access to public transportation. Further, the design of the proposed development exhibits high standards of environmental design and is proposed to meet a minimum 5 star GreenStar rating for commercial office buildings.

1.4.2 Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 vision seeks to create a sustainable, affordable, liveable, equitable and networked city that supports the continued economic growth of Sydney and enhances its standing as a global city. The Plan identifies that Sydney's future growth will require the establishment of approximately 760,000 more jobs, half of which will be required to be located within Western Sydney.

The proposed development within Sydney Olympic Park, identified as a 'Specialised Centre', will create a number of employment opportunities, including construction jobs and those created by future tenants. The proposal will also continue to support the growth of SOP as a sporting and recreational centre undergoing renewal following the Sydney Olympic Games in the year 2000, through the clustering of businesses around areas with existing transport capacity.

Further, the proposed development has been designed to achieve a minimum 5 star GreenStar rating for commercial office buildings, thereby addressing issues of climate change and sustainability.

The department considers the proposal to be consistent with the key strategies and directions of the Metropolitan Plan for Sydney 2036.

1.4.3 Draft West Central Subregional Strategy

The draft West Central Subregional Strategy identifies Sydney Olympic Park as a specialised centre able to provide support for future economic development between Macquarie Park and Parramatta. The proposed development is considered to be consistent with relevant directions within the draft strategy, including:

- Providing local employment opportunities within the Auburn LGA;
- Providing new commercial development within a well connected and well established locality;
- Represents growth in commercial and residential development opportunities within the 'Specialised Centre' in Sydney Olympic Park; and
- The construction of the proposed building will provide additional commercial floor space within a locality where vacancy rates are close to zero.

2. PROPOSED PROJECT

2.1 PROJECT DESCRIPTION

The Project Application seeks approval for the construction of a new commercial building, comprising of the following components:

- 6 storey building (22.2 metres), with a total GFA of 6,313.5sqm, including ground floor retail space and 5 storeys of commercial/office floor space;
- 2 level basement car park providing 53 spaces;
- Building identification signage;
- Subdivision of Site 8B (within Lot 2001 in DP1147230); and
- Associated public domain and landscaping works.

The site will also share a common car park entry/exit ramp with neighbouring Site 8A, accessible from Murray Rose Avenue, constructed during the development of Site 8A. The project layout is shown in Figure 10. The key components of the project are listed in Table 1.

Figure 10: Project Layout



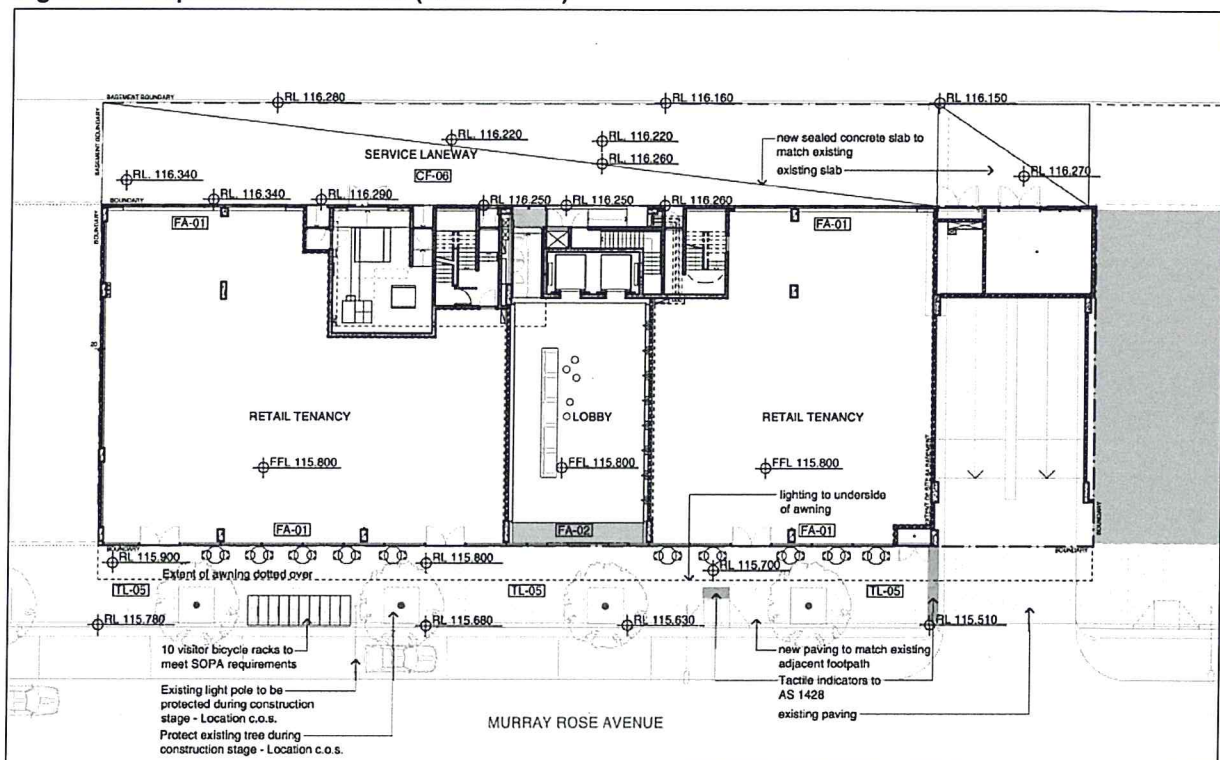
Table 1: Key Project Components

Aspect	Description
Construction of a 6 storey commercial building	• Site area: 1,170sqm • Total height: 22.2m • Total GFA: 6,313.5sqm (Commercial GFA: 5602.4sqm / Retail GFA: 711.1sqm). • FSR: 5.39:1 • Predominantly commercial use with some retail facilities on ground floor.
Construction of a 2 level basement car park	• Construction of a 2 level basement car park with provision of 53 car parking spaces, 39 bicycle parking spaces and associated change room facilities. • Entrance to the car park will be shared with neighbouring Site 8A via existing right of carriage way.

Aspect	Description
Subdivision of Site 8B within Lot 2001 in DP1147230	Subdivision to create Site 8B as a separate allotment from Site 8A and 8C (Lot 2001 DP1147230).
Public Domain and Landscaping Works	- Replacing existing temporary asphalt footpath with suitable paving. - Retention of existing street trees and the addition of appropriate public furniture.

The proposed development provides for two retail tenancy opportunities within the ground floor that open directly onto the existing public domain that will activate the frontage of the development. The ground floor design also includes a central lobby area that provides access, via the lift core at the rear of the building, to the commercial floorspace above.

Figure 11: Proposed Ground Floor (as amended)



Access to the 2 level basement car park from Murray Rose Avenue is proposed via an existing 9.235m wide basement entry/exit ramp, previously constructed during the development of the adjacent building at Site 8A and to be shared by both buildings. A total of 53 car and 39 bicycle parking spaces are proposed within the basement and male and female change room facilities. Disabled parking spaces are suitably located adjacent to the lifts.

A 6m wide right of carriage way provides access to proposed services and the rear of the site from Australia Avenue. The rear right of carriage way also provides the RAS, as a benefited user over the easement under the 88B instrument on the title, access during the period of the Royal Easter Show. Removable fencing along the boundary of Site 8 is removed to make the right-of-way accessible for the RAS and used in combination with vehicle access from Gate 13 from Australia Avenue. This right of access will remain unaffected by the proposed development.

Floors 1 to 5 contain the commercial floorspace of the development and have been designed as open plan shells for flexibility for future fitout (see Figure 12). The proposed lift core at the rear of the building provides both stair and lift access to all floors and male and female amenities.

Figure 12: Typical Upper Commercial Floor (as amended)

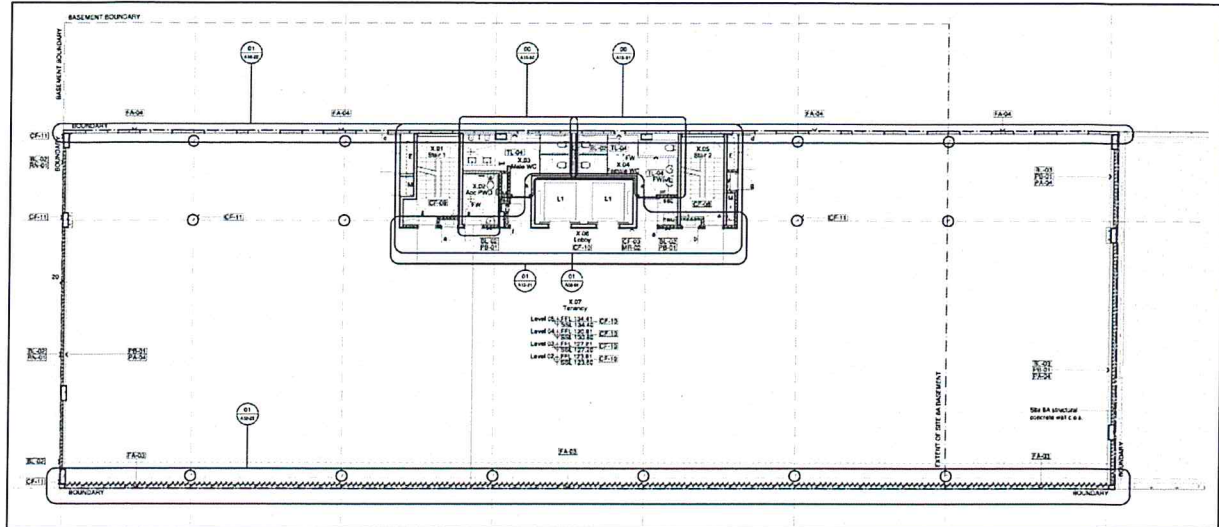
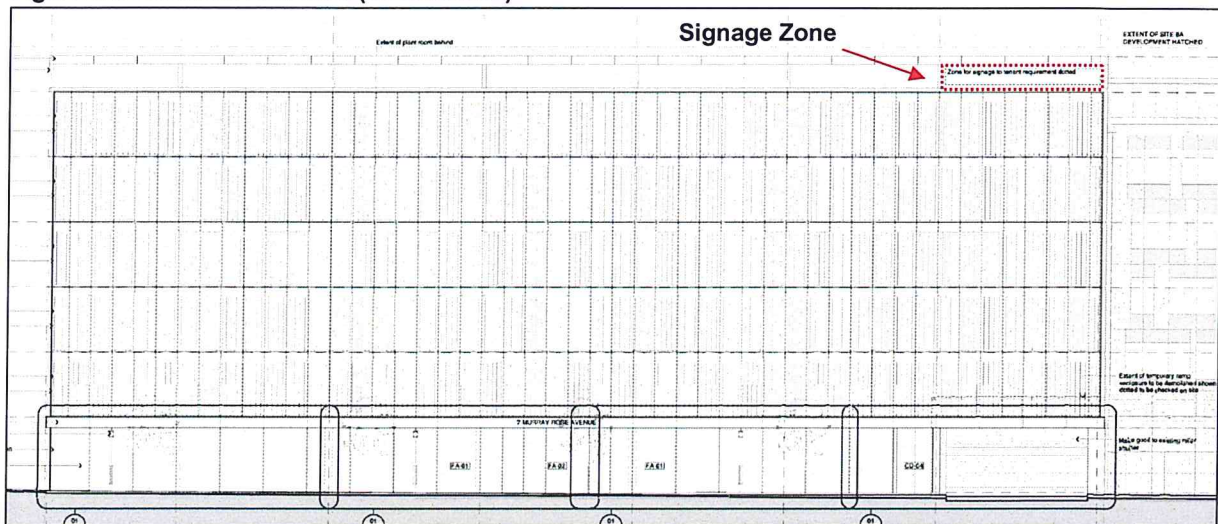


Figure 13: Southern Elevation (as amended)



The development includes an open frame architectural roof feature that visually aligns with the height of the adjoining commercial development at Site 8A (see Figure 13). The southern façade of the Site 8B building is proposed to be treated with a glazed architectural element and visually activated by internal adjustable vertical screens. The northern façade comprises of smooth faced precast panels with double glazed floor to ceiling glass windows (see Figure 14).

Business identification signage (tenant yet to be nominated) is proposed on the southern elevation, adjacent to the existing development at Site 8A (see Figure 13). The roof level is proposed to house mechanical plant and equipment, setback along the northern edge, away from the southern elevation.

The proposal also seeks approval for the subdivision of the subject site to form its own lot, incorporating the existing access lane at the rear of the northern boundary in the form

of a right of carriageway to preserve access west of the site for future developments at Sites 8C and 8D.

Figure 14: Northern Elevation (as amended)

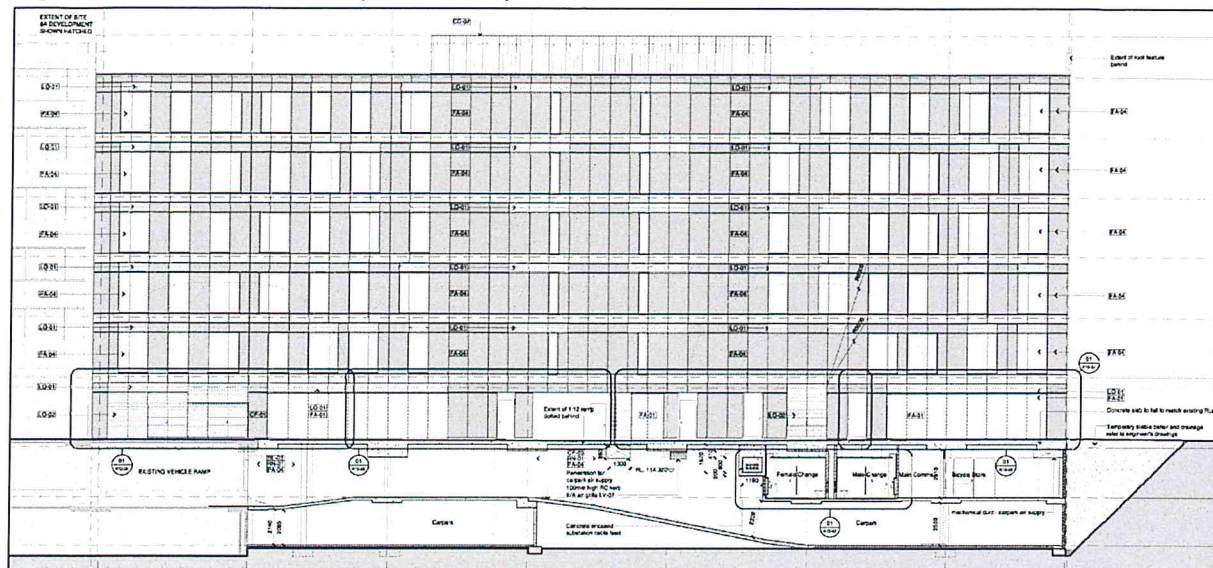


Table 2 provides an overview of the project's compliance against development standards listed in Part 23 of Schedule 3 of the MD SEPP.

Table 2: Part 23 Sydney Olympic Park Site Development Standards

Standard	Requirement	Compliance
Clause 18 – Height of buildings	- Max. 26 metres	Building height of 22.2m proposed – complies
Clause 19 – Floor space ratio	- Max. 5:1 (GFA:5850sqm)	Proposed FSR: 5.39:1(GFA: 6,313.5sqm) – non-compliance
Clause 24 – Major events capability	- Consent must not be granted if the consent authority is satisfied that during a major event: ▪ traffic generated by the development saturates and fails local and regional road networks; ▪ effective management of crowds and transport services will be affected; and ▪ emergency management plans and evacuation plans are affected.	Consideration has been given to the impact of the proposal on the surrounding road network, impacts on crowd management and transport services and emergency management plans. The proposal is considered satisfactory in this regard – complies
Clause 25 – Transport	- Development to include measures to promote public transport use, cycling and walking	The proposed development is located directly opposite Olympic Park Train Station. Bicycle parking and change room facilities are also provided for staff. Provision is also to be made for visitor bicycle parking at the front of the development – complies

Clause 26 – Master Plan	- Consent must not be granted unless master plan has been considered; and - Consent must not be granted on land within 400m of train station unless consent authority has considered reducing master plan car parking requirements.	The department has thoroughly considered the provisions and controls of the SOP Master Plan 2030. See Appendix D – complies .
Clause 30 – Design excellence	- Consent must not be granted unless the development exhibits design excellence.	The proposal has been designed to satisfy SOPA's urban design objectives and present well to the Murray Rose Avenue frontage. The proposal compliments the adjoining development at Site 8A and similarly visually activates the northern façade that backs onto the RAS building – complies .

2.1. PROJECT NEED AND JUSTIFICATION

The proposed development is of importance to the local area, due to both the potential jobs created, as well as the project's overall contribution to the continued economic growth of both Sydney Olympic Park and the broader NSW economy.

The location of the site within the SOP Central Precinct provides access to existing transport infrastructure, including major road and public transport connections (including train, bus and ferry). The development lies adjacent to the Olympic Park Railway Station, and is also within close proximity to Concord West Railway Station to the east of the site. The development is also well serviced by major road infrastructure, including Parramatta Road, Silverwater Road, Homebush Bay Drive, the M4 and Centenary Drive.

The development fulfils the objectives within the SOP Master Plan 2030, including those relating to environmental best practices, as well as contributing to broader state development objectives, such as those outlined in the Metropolitan Plan for Sydney 2036. The proposed development of Site 8B will contribute to the achievement of State growth objectives through the creation of new floorspace for commercial use, while also addressing the Master Plan's objectives of sustainable urban development, attracting major investment and the continued evolution of SOP.

3. STATUTORY CONTEXT

3.1. MAJOR PROJECT

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose commercial development described in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* – Part 23 ‘Sydney Olympic Park’ – clause 5 – development with a capital investment value greater than \$10 million. Therefore the Minister for Planning and Infrastructure is the approval authority. The project was declared as a major project under delegation on 1 December 2010 by A/Director, Government Land and Social Projects. The Capital Investment Value (CIV) for the project is \$15.377 million.

On 28 May 2011, the Minister delegated his powers and functions under Section 75W of the EP&A Act to the Planning Assessment Commission for:

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

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* applies 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 also to the local council not objecting to the proposal. Auburn Council has not objected to the proposal. The project received fewer than 25 submissions in the nature of objections, is not a critical infrastructure project and is accompanied by a statement confirming that there are no political donations. The Director-General can therefore determine the project under delegated authority.

3.2. PERMISSIBILITY

The project site is zoned B4 (Mixed Use), under State Environmental Planning Policy (Major Development) 2005. The project consists of commercial and retail land uses, as well as subdivision, and is permissible under the SEPP.

3.3. ENVIRONMENTAL PLANNING INSTRUMENTS

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out

of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of relevant SEPPs and EPIs is provided in Appendix D.

3.4. OBJECTS OF THE EP&A ACT

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the state, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The project will promote and co-ordinate the orderly and economic use and development of the land through the development of a mixed use development, the creation of new jobs, as well as contributing to growth objectives as outlined in both the Sydney Metropolitan Strategy 2036 and the Sydney Olympic Park Master Plan 2030.

The project encourages the use of Ecologically Sustainable Development, through use of Sydney Olympic Park's existing recycled water system and the use of sustainable building materials. The development has been designed to achieve a 5 Green Star rating and 4.5 star NABERS rating.

The department has considered the objects of the Act and considers that the project application is consistent with the relevant objects. Further assessment of the application in relation to the relevant objects of the Act is outlined in Section 5 of this report.

3.5. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and

environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that 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. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. Further and detailed assessment of ESD is outlined in Section 5 of this report. On the basis of this assessment, the department is satisfied that the proposal encourages ESD, in accordance with the objects of the EP&A Act.

3.6. STATEMENT OF COMPLIANCE

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. EXHIBITION

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it from 1 June 2011 until 1 July 2011 (30 days) on the department's website, and at the department of Planning and Infrastructure's Information Centre, Auburn City Council and Sydney Olympic Park Authority's Office. The department also advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 1 June 2011 and notified adjoining lessees within Sydney Olympic Park and relevant state and local government authorities in writing.

The department received 6 submissions during the exhibition of the EA - 5 submissions from public authorities and 1 submission from the general public.

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

4.2. PUBLIC AUTHORITY SUBMISSIONS

The department received a total of 5 submissions from public authorities, including Sydney Olympic Park Authority, RailCorp, NSW Roads and Traffic Authority, Sydney Water and the Department of Transport.

4.2.1 Sydney Olympic Park Authority (SOPA)

SOPA advised that they support the proposal and believe that it generally complies with, and contributes to, the vision of creating a vibrant township outlined within the Sydney Olympic Park Master Plan 2030. Notwithstanding this, a number of issues were identified for the proponent to consider, including:

- The FSR non-compliance should be given careful consideration to ensure that high quality urban design can be achieved through improved articulation to the façade and that any non-compliance is documented by the department;
- The floor to floor height on the ground floor does not comply with MP2030. At a minimum the clearance should be 3.3m (higher clearance is desirable);
- It is noted that the awnings are only 2m wide. Awnings are to be 3m in width as required by MP2030;
- The proposal should provide an additional eight (8) bicycle parking spaces for visitors as required by MP2030;
- The proposed design amendments to improve the legibility of the building entry have not been incorporated as per prior discussions with SOPA;
- Access to the waste management area at the rear of the building via the lobby will result in unacceptable amenity impacts on the lobby and on building presentation overall. The lift core design could be amended to include a double sided lift which would facilitate the transfer of waste to the garbage room without transit through the lobby;
- The lobby area is too narrow/ confined and dominated by the ramp and stairs. The lobby should be widened by compressing 'Retail 2'. In addition, glazing should be provided at the adjacent retail areas to emphasise an open and integrated lobby area;
- A detailed public domain interface plan (PDIP) is yet to be provided. The PDIP is to ensure coordinated finished footpath levels between Murray Rose Avenue and the proposal;

- A detailed accessible path of travel plan is to be prepared to demonstrate compliance with the Disability (Access to Premise – Buildings) Standards 2010;
- The sustainability report indicates that the current design relies on unconfirmed items to reach the 5 star target. It is recommended that the proponent provide the necessary confirmations in the Statement of Commitments with appropriate conditions of consent; and
- A comprehensive traffic management plan for the construction phase of the proposal is to be prepared. Appropriate conditions can be imposed on the consent requiring the TMP to be prepared and submitted to the Authority's satisfaction prior to the commencement of works.

Comment

The proponent states that each ground floor retail tenancy is provided with direct access to the rear of the building, while future commercial tenancies will be required to prepare waste management plans and ensure that waste is managed after hours to eliminate conflict with the lobby area. The design of the lobby has been modified to eliminate the ramp and stairs and open up the space and has been provided with patterned mirrored glass to the lift walls and feature blade elements to each side of the lobby. The amendments have been provided to create a high quality open lobby space and clearly define the lobby space as being separate from the adjacent retail spaces.

4.2.2 RailCorp

RailCorp raised no objection to the proposal, but requested that a number of conditions be imposed on the proposed development to address the following issues:

- Preparation of dilapidation surveys to ensure that construction and installation activities do not affect RailCorp's facilities;
- RailCorp is concerned that the future occupants of the development will encounter rail related noise and vibration from the adjacent rail corridor. It is requested that a condition be imposed requiring the submission of an acoustic assessment demonstrating how compliance with the Department's *Development near rail corridors and busy roads – Interim guidelines* will be achieved;
- Preparation of a report that addresses electrolysis risk to the development from stray currents from the rail corridor;
- Preparation of a geotechnical engineering report that is to be submitted to RailCorp that demonstrates that the development will not impact on the rail corridor or the integrity of the infrastructure. The report shall include the potential impact of excavation and loadings imposed on RailCorp facilities by the development;
- Preparation of a risk assessment/management plan and detailed safe work methods statement to ensure that excavation and construction does not adversely impact on the integrity of RailCorp's facilities; and
- Require the developer to enter into an agreement with RailCorp, defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp.

Comment

The Proponent's PPR states that the development site is not in or immediately adjacent to a rail corridor, nor is it within 25m of a rail corridor pursuant to clauses 85 and 86 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) and

therefore that the department's interim guidelines for development near rail corridors did not apply. Notwithstanding this, the Department considers RailCorp's comments, provided as recommended conditions, are suitable and should be applied to the proposal as a precautionary measure. It should be noted that similar conditional requirements were also applicable to the adjoining development approval at Site 8A. RailCorp's comments are addressed further in Section 5.6 of this report.

4.2.3 Department of Transport (DoT)

DoT raised no objection to the proposal and advised that they support the reduced car parking proposed for the site and the completion of Workplace Travel Plans for each tenant.

4.2.4 Roads and Traffic Authority (RTA)

The RTA have reviewed the proposal and raised no objection, noting that the proposal will not have a significant traffic impact on the classified road network.

4.2.5 Sydney Water

Sydney Water raised no objection to the proposal, noting that there is capacity within the existing networks to service the new lot with drinking water, recycled water and waste water. Sydney Water will further assess the impact of the proposal upon the submission of a Section 73 Certificate application.

4.3. PUBLIC SUBMISSIONS

One submission was received on behalf of the NSW Royal Agricultural Society (RAS), the adjoining land user to the north of the subject site. Key issues raised within their submission included:

- Interference of the proposed development on the rights to use the access way which is required for access and servicing of the Exhibition Pavilions during the Royal Easter Show and other major events;
- No fencing to be allowed of the right of way;
- The suitability of fire egress from the proposed development onto the right-of-way and the resulting conflicts that may arise;
- Excavation beneath the right-of-way to maintain integrity of the road surface so as to support extremely heavy vehicles (GVM of 50 tonnes);
- Use of right-of-way being impossible due to construction; and
- The exclusive use of the right-of-way for garbage collection and conflicts with the benefited lots use of the right of way.

Comment

In response to the issues raised by the RAS, the proponent advises that SOPA and the RAS previously entered into an agreement (Site 8 Side Deed) to address SOPA's plans to develop Site 8 and ensure that the activities carried out by RAS on the adjacent site were protected and not detrimentally impacted upon during both Site 8 construction works and the future operation of these developments. The Site 8 Side Deed also addresses the use of the right-of-way for storage purposes, installation requirements for 'removable' fencing along the right-of-way and for the necessity for all parties involved to co-operate to ensure disruptions are minimised for all.

As part of the Site 8 Side Deed, RAS also agreed to the creation of a new right-of-way at the rear of Site 8, burdening Site 8 (and subsequent developments) but

benefiting the RAS. The terms of the right-of-way restrict the RAS' use to the Royal Easter Show period and limit the weight of a vehicle passing over the right-of-way to no more than 50 tonne. The Royal Easter Show period is defined as the period commencing 16 days before the first day of the show and terminating 7 days after the last day of the show, being a period of not more than 40 days.

The department has considered the key issues raised in submissions further in Section 5 of this report. The Department considers that the key issues raised within the submissions have been satisfactorily addressed and resolved.

4.4. PROPONENT'S RESPONSE TO SUBMISSIONS

In response to the issues raised in submissions (see Appendix B) the proponent has submitted a Preferred Project Report (RRP) (see Appendix C) and provided responses to the key issues raised. The PPR also outlines minor design modifications and a revised Statement of Commitments. Proposed design modifications include:

- Minor amendment to the design and layout of the proposed entrance lobby, including the provision of a long seating bench to achieve a greater sense of space and a minimum floor to ceiling height of generally 3.6m;
- Provision of 10 bicycle parking spaces for visitors on the Ground Floor footpath along Murray Avenue;
- Increase in substation room and slight reduction to retail floor space;
- Introduction of different treatments for the Retail and Lobby façades to provide an improved distinction to the proposed building's entrance;
- Provision of clear glazed panel within the awning above the Lobby entrance to enhance natural daylight onto the façade entrance; and
- Provision of a detailed Public Domain Interface Plan (PDIP).

SOPA were provided with further opportunity to review the PPR and noted that they supported the proposed development and believe it generally complies with, and contributes to, the vision of creating a township outlined in the SOP Master Plan 2030. It was noted that bicycle parking proposed on the footpath was not appropriate and that the shortfall should be provided within the development site. SOPA also requested that a construction management plan be submitted prior to issue of Construction Certificate and an operational management plan be submitted prior to issue of an Occupation Certificate, to ensure that construction and operation activities are coordinated given the proximity of the site to major event venues.

5. ASSESSMENT

The department considers the key environmental issues for the project to be:

- Built form and urban design;
- Transport;
- Sydney Olympic Park Major Events;
- Environmental amenity;
- Ecologically sustainable development;
- RailCorp Infrastructure;
- Business identification signage; and
- Developer contributions.

5.1. BUILT FORM AND URBAN DESIGN

5.1.1. Height

The maximum building height prescribed for the site, pursuant to the SEPP, is 26 metres. The proposed building has a maximum height of 22.2m, which complies with both the Major Development SEPP and Sydney Olympic Park Master Plan 2030.

The proposed building height is consistent with surrounding development, including the Sydney Olympic Park Railway Station, the Royal Agricultural Society Exhibition Halls and other nearby commercial developments. The proposal is also consistent with the neighbouring building on Site 8A, which has a height of 24.7 metres, approximately 2.5m taller than the building proposed for Site 8B.

Under the SOP Master Plan 2030, plant and equipment is permitted to a maximum height of 5m above the maximum building height. The proposed development complies in this regard, with the plant zone proposed at a maximum height of 2.5m.

5.1.2. Bulk and Scale

The proposed 5.39:1 FSR does not comply with the maximum 5:1 FSR, pursuant to clause 19, Part 23 of Schedule 3 of the SEPP. The non-compliance represents approximately 463sqm above the maximum permitted (5850sqm) or approximately 40 per cent of a typical proposed commercial floor.

In considering the proposal's non-compliant FSR, it is necessary to consider the built form envisaged by the existing controls. In this respect, the subject site has only two primary built form controls, being height (maximum 6 storeys/26 metres) and floor space ratio (maximum 5:1 FSR). These same controls also apply to the adjoining sites at 8A, 8C and 8D. Given the similar narrow character and size of the lots and associated land uses, it is evident that a consistent built form is envisaged along the northern edge of the Central Precinct.

The regular nature of the four sites of Site 8 results in much of their site areas translating into floor area at each level. The design of Site 8B reflects this, where the lift core, amenities and services are proposed to be centralised towards the rear of the building, maximising the floor space generated on each level. In this respect, each commercial floor (Level 1 to Level 5 at 1093sqm each) represents approximately 93% of the 1170sqm site area.

Clause 21 of Part 23 in Schedule 3 of the MD SEPP also 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.

Thorough consideration of the proposed non-compliance by the department is contained in Appendix D of this report. The department is of the opinion that compliance with the prescribed 5:1 FSR control is unreasonable and unnecessary under the circumstances and that the additional floor area proposed is of minor environmental impact.

While the development exceeds maximum FSR, it does so in a manner which would have negligible impacts on the surrounding built environment. The proposed design and built form has a positive relationship with the surrounding context, in particular the Sydney Olympic Park Railway Station, Jacaranda Square and the Royal Agricultural Society Exhibition Halls and is consistent in bulk and scale with the existing commercial development at Site 8A (see Figure 15). The department considers the proposal to be an appropriate response to the site and pursuant to clause 21, Part 23 of Schedule 3 of the MD SEPP, recommends that the Director-General issue a certificate to this effect.

Figure 15: Photomontage – Southern Façade & Indicative Advertising Signage



5.1.3. Public Domain

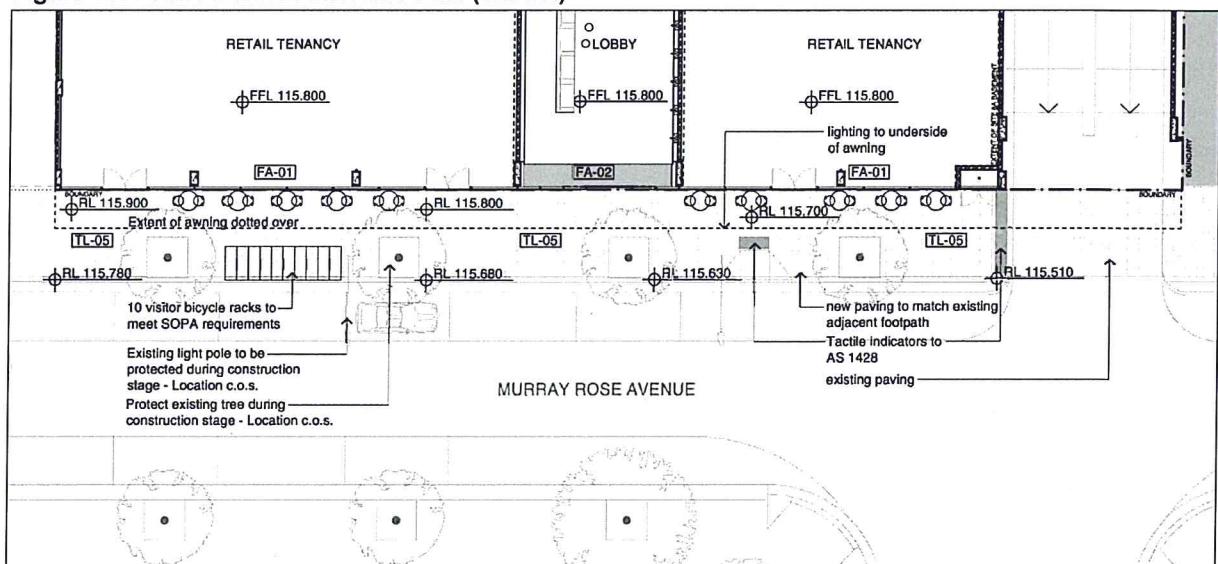
Public domain works include installation of public furniture including seating, garbage bins and street signage and will retain the existing Ornamental Pear and Jacaranda street trees.

During the exhibition of the proposal, SOPA requested the submission of a Public Domain Interface Plan (PDIP) to demonstrate that external public domain works and finished levels are satisfactory and match existing works adjacent. Accordingly, the proponent provided a PDIP that details the proposed treatment of the public domain fronting the site and finished footpath levels that coordinate with the proposed internal finished floor levels of the retail and lobby floor areas (see Figure 16). No other landscaping or public domain works are proposed.

SOPA also raised concern during the exhibition that the proposed 2m wide awning was unsatisfactory and was required to be a minimum 3m in width in accordance with SOP Master Plan 2030. Within the PPR, the proponent noted that the adjoining development at Site 8A was approved with a 2m wide awning and that the proposed width would provide better continuity within the streetscape. Further, the proposed 2m wide awning would reduce potential impact on existing street trees.

The department considers the proposed 2m wide awning to be satisfactory, providing a uniform edge to the streetscape and sufficient shelter from rain when required.

Figure 16: Public Domain Interface Plan (extract)



5.2. TRANSPORT

5.2.1. Traffic

Most traffic generated by the proposal will make use of Murray Rose Avenue due to the location of the exiting car park entry ramp, shared also by site 8A (see Figure 17). Notwithstanding this, it is anticipated that any traffic impacts generated would be minimised, as many workers would be able to make use of the extensive public transport services, including train, bus and ferry connections. Workers would also be encouraged to participate in active transport options, such as walking and cycling.

The Traffic and Accessibility Impact Assessment carried out for the proposal found that increases in traffic associated with the site are consistent with overall planning

for the Sydney Olympic Park Central Precinct, and that the development would “...not have any detrimental impact on the operation of the surrounding road network”.

Figure 17: Existing Shared Vehicle Entry/Exit



The proponent has committed to ensuring that individual Workplace Travel Plans are prepared and submitted by each tenant as part of future fit outs. Workplace Travel Plans prepared will ensure that businesses operate consistent with the transport strategies outlined in the Sydney Olympic Park Masterplan 2030.

The proponent's Statement of Commitments also includes a commitment to prepare a Construction Management Plan (CMP) that will include information relating to construction traffic management. In addition, the department recommends a condition requiring the CMP to address major events at SOP to ensure that construction activities, particularly construction traffic, do not interfere or impact upon events such as the Royal Easter Show or the V8 Supercar race.

The department is satisfied with the assessment undertaken in the Traffic and Accessibility Impact Assessment, and considers that the road network has sufficient capacity to absorb the additional traffic generated by the development, with no upgrades to existing intersections required. This is supported by the RTA.

5.2.2. Parking

The proposal generates the requirement for a maximum of 84 car parking spaces and a minimum 50 bicycle parking spaces (42 staff and 8 visitor) under SOP Master Plan 2030. The proposed development proposes 53 car parking spaces and 5 motorbike parking spaces within the 2 level basement car park, accessed via an existing driveway on Murray Rose Avenue (shared with neighbouring site 8A). Also included within the basement car park is provision for 39 bicycle parking spaces, 11 short of the required 50.

The proposed car parking is considered sufficient given the close proximity of the Sydney Olympic Park Railway Station, and the public parking available elsewhere within the Central Precinct.

SOPA noted that the proponent should provide an additional 8 bicycle spaces for visitors. Within the PPR, the proponent proposed 10 additional bicycle spaces at the ground floor on the footpath along Murray Rose Avenue. However, this initiative was not supported by SOPA as the required bicycle spaces should be provided within the development site and not within the public domain, which SOPA is responsible for providing and maintaining.

The department considers it necessary for additional bicycle parking to be provided to be consistent with the SOP Master Plan 2030, and thereby further support and encourage active transport options and recommends a condition requiring that a total of 50 bicycle spaces be provided within the development. Considering the site's high accessibility to public transport and the general desirability to reduce car dependency in the workforce, opportunities exist for the proponent to delete one car parking space (e.g. car parking space No.1) which would enable the bicycle store to be increased in capacity to cater for 50 bicycle parking spaces. Accordingly, the proponent will be required to demonstrate compliance with the requirements of the recommended condition prior to the issue of a Construction Certificate for the basement works.

In view of the above, the department is satisfied with the proposed parking arrangements proposed and considers the proposed development to be generally consistent with the SOP Master Plan 2030, subject to recommended conditions.

5.3. SYDNEY OLYMPIC PARK MAJOR EVENTS

Sydney Olympic Park is subject to a number of different events during the year, varying in nature, size and duration. Key local roads surrounding the site are subject to closure, including Murray Rose Avenue and Australia Avenue, which are affected by the Royal Easter Show and other major events, such as the annual V8 Supercar race.

The proposal has been designed around the designated shared vehicle access point on Murray Rose Avenue, while garbage and servicing access is provided at the rear of the site via the existing right-of-way. The design of the proposal around planned access points ensures that access arrangements during major events can be effectively managed and catered for.

The proponent has provided a review against the SOP Major Event Impact Assessment Guidelines to demonstrate the proposal's compatibility with SOP's requirement to successfully host and manage major events. The proposal has been designed to ensure that its construction and future operation protects major event compatibility, providing strategies to minimise impacts for future tenants and events held. Conditions are recommended to be imposed to ensure that the CMP has regard to the requirements of Major Events and associated access requirements and that building tenants prepare Major Event strategies in consultation with SOPA, and RAS where appropriate, to ensure that operational impacts do not arise during major events held within SOP.

The PPR provided further information on the design and operational characteristics of the proposal in response to concerns raised on behalf of the NSW Royal Agricultural Society (RAS).

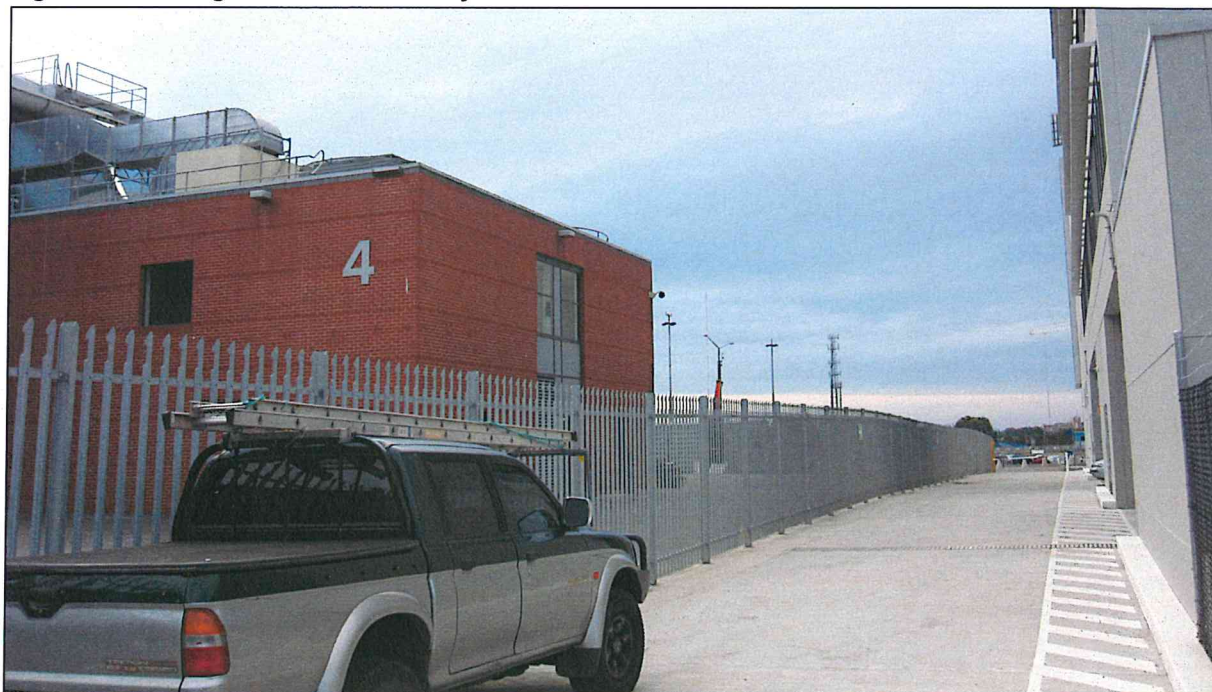
The section 88B instrument outlines that as a 'benefitted' user, the RAS (primarily contained within Lot 1121 DP 1142724) may use the right-of-way to access their site only during the Royal Easter Show period. In addition, no vehicle having a gross vehicle mass (GMV) of greater than 50 tonne may use the right-of-way, which the proponent notes the basement car park has been adequately designed to withstand.

Servicing the proposed development from the right-of-way is considered satisfactory. Access and servicing arrangements for the site during the Royal Easter Show period will be required to be addressed by future building tenants within Major Event strategies prepared in consultation with SOPA and RAS where appropriate. It is noted that the development adjacent at Site 8A also has a 2 level basement car park that extends to the rear common boundary (beneath the right-of-way), with waste and garbage servicing and fire access egress provided via the rear right-of-way.

Other operational characteristics, including the use of the right-of-way and use of storage sites by the RAS, were established under the Site 8 Side Deed between SOPA and the RAS prior to any development of Site 8. The Site 8 Side Deed requires that SOPA, or any other person undertaking works on Site 8, co-ordinate those works with the RAS to ensure that the proposed works do not interfere with the RAS site or access arrangements.

It is also a requirement of the Site Deed that removable fencing is installed along the common boundary of Site 8 and the adjoining RAS site after the completion of each stage of works on Site 8. Boundary fencing currently exists along the right-of-way between the Site 8A and the RAS (see Figure 18). The removable fencing is permitted to be removed during the Royal Easter Show period and is then required to be re-installed at the end of the period.

Figure 18: Existing Shared Vehicle Entry/Exit



The department recommends that the CMP be prepared in consultation with SOPA to ensure that satisfactory arrangements are made, particularly staging of construction works, to ensure that the rights of benefited users of the existing right-of-way are maintained.

The department is satisfied that the proposal has satisfactorily considered major events within the design and future operation of the development and will not detrimentally impact on the existing right-of-way. Appropriate conditions are recommended to ensure that construction and operation of the proposal has minimal impacts on such events.

5.4. ENVIRONMENTAL AMENITY

5.4.1. Construction Noise and Vibration

The proponent's EA notes that appropriate excavation methods and equipment will be utilised to ensure that ground vibrations at adjacent buildings and structures are kept within acceptable limits, reducing the risk of structural damage to surrounding buildings. Recommendations provided within the proponent's geotechnical investigation detail that a vibration trial be undertaken on site to properly ascertain site conditions due to the site specific nature of vibration transmission. This will enable specific excavation equipment to be identified for use. The department is supportive of the recommendations provided within the submitted geotechnical investigation to be implemented during the excavation of the site.

The proponent's final Statement of Commitments includes the commitment to prepare a CMP that will incorporate construction noise and vibration management, prior to the issuing of a construction certificate for the proposal.

The department is satisfied that the potential noise and vibration impacts can be satisfactorily managed through the implementation of a CMP, as committed to by the proponent.

5.4.2. Operational Noise

As part of the development's overall sustainability objectives of achieving a 5 Star Green Star Office Design V3 rating and 4.5 Star NABERS Energy rating, certain noise requirements must be met. Further, SOPA require that the proposal meets a sound performance standard for the future internal office space of not more than 40_{L10}dB(A), described as being "quiet to very quiet". The proposal is also to be designed to satisfy an amenity criterion noise level of 65dBA for commercial premises, in accordance with DECCW's *Industrial Noise Policy* (INP), to ensure that it does not generate detrimental noise emissions (e.g. emissions from mechanical plant and equipment).

Given the site's proximity to the nearby underground Olympic Park rail line, the proponent's noise and vibration assessment report has considered rail movement generated vibrations that have the potential to travel through building structures and re-radiate as airborne noise within the building itself. The report states that based on vibration level measurements taken at the footings of the proposed building, noise levels generated by rail movements from the underground rail line would be approximately 23dBA. It was assessed that as the noise levels were more than 10dB below the 40dBA design criteria level, the proposal would not be detrimentally affected by regenerated noise levels.

The proposal will also be exposed to other external noise sources, including noise generated during Major Events within SOP, particularly during the Royal Easter Show period. SOPA requires that the design of developments on Site 8 comply with the sound performance standard of 40_{L10}dB(A) when noise levels generated from the northern RAS and Carnival sites are not in excess of 80_{L10}dB(A). The proponent's acoustic noise and vibration report recommends that the northern and southern façades of the building be double glazed to a minimum tested performance of Rw29 to ensure compliance with the stipulated internal noise level requirements for the development.

Noise emissions from the commercial development (mechanical plant and equipment) are recommended not to exceed 65 dBA when in use during the day in accordance with the INP. The proponent's noise and vibration assessment report notes that noise emissions from plant and equipment can be satisfactorily mitigated through the appropriate selection of equipment and associated enclosures and barriers.

The proponent has committed to ensuring that noise emissions generated by mechanical plant and equipment, to be selected during detailed design, meet the noise levels recommended within the noise and vibration assessment report. Accordingly, an acoustic engineer will be engaged to assess the compliance of equipment installed prior to the issue of an occupation certificate.

The department is satisfied that the proposed design of the development will satisfactorily meet the identified internal noise levels and comply with the external noise emission levels as identified within the submitted noise and vibration assessment report, which will further compliment the Green Star rating of the proposal.

5.5. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal is located within a site that has previously been disturbed, currently being used for car parking purposes, and will not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. The site is not subject to any known flooding and is not subject to bushfires. The site is also unlikely to be impacted by rising sea levels as a result of climate change.

SOP Master Plan 2030 requires new developments to adopt the highest standards of best practice, to ensure continued excellence and innovation in urban design, building design and sustainability. The design and future operation of the development is targeted to achieve a 5 Star Green Star – Office Design rating and a rating of 4.5 Stars under the NABERS Energy scheme. Accordingly, a range of ESD measures are incorporated into the proposed development to achieve the minimum ratings, as outlined within the sustainability report, including:

- Incorporation of passive design initiatives (i.e. shading, harnessing daylight);
- Design and installation of low energy building services;
- Use of non-potable water and rainwater harvesting to reduce potable water consumption;
- Provision of cycling facilities for staff (i.e. bicycle storage, shower and locker facilities);
- Incorporation of dedicated waste separation and recycling areas;

- Reuse and recycle a minimum 80% of all construction waste and a selection of sustainable and certified materials;
- Efficient use of natural light for office illumination;
- A low energy design air conditioning system;
- Maximum efficiency artificial lighting; and
- Control of glare through the use of shading and blinds.

The proponent has committed to ensuring that the proposed building is designed to achieve a minimum 5 Star rating under the Green Building Council of Australia's Green Star – Office Design rating tool V.3. The proposed ESD initiatives and commitments will ensure that the proposal is developed to achieve a minimum 5 Star Green Building rating. The northern and southern glazed façades and integrated vertical blades will assist in naturally heating and cooling internal office areas and maximise natural daylight, reducing the buildings reliance on artificial sources.

The department is satisfied that the proponent has adequately considered the incorporation of ESD within the design, construction and future operation of the development. The department has recommended appropriate conditions to ensure that the proposal achieves the recommended Green Star design rating.

5.6. BUSINESS IDENTIFICATION SIGNAGE

Approval is sought for a business identification sign, positioned at the top, right hand side of the southern façade of the proposed building (see Figure 19). As a tenant is yet to be secured for the premises, indicative lettering has been visually represented by the proponent to demonstrate the likely size and scale of future signage. The signage zone measures approximately 8.9m x 2.0m, sitting below the height of the architectural roof feature and is proposed to be illuminated (but not animated) by internal cabling.

Figure 19: Photomontage – Southern Façade & Indicative Advertising Signage



The proponent assessed the proposed signage against the Sydney Olympic Park Guidelines for Outdoor Advertising, Identification and Promotional Signage 2002, for sites within the 'Town Centre' precinct. For signage within the 'Town Centre' precinct, the following objectives are to be considered:

- To encourage high quality and innovative signage for the promotion of vibrancy and vitality of the Town Centre;
- To support the commercial viability of businesses in the Town Centre; and
- To assist in way finding and navigation around the Town Centre.

The illumination of the signage would be unlikely to have any affect on the safety of pedestrian and vehicles. Further, it is considered that the signage would have minimal impacts on any future occupants of the residential development at Site 3, which is over 200m south-east from the proposed development.

Given the indicative nature of the proposed business identification signage, further dimensioned signage details will need to be provided prior to the issue of the construction certificate that demonstrate font dimensions and a signage zone of no greater than 8.9m in length and 2m in height, and that is consistent with the position visually represented on the submitted architectural drawings and photomontage. No further separate approval is required for the business identification sign.

The department considers that the proposed signage will positively contribute to the vibrancy of the Town Centre and provide adequate way finding and navigation. The proponent has indicated that the commercial component of the proposed building will be occupied by a major tenant, which will afford them the opportunity to install signage to communicate their business.

5.7. DEVELOPER CONTRIBUTIONS

A draft Planning Agreement has been prepared between SOPA and the proponent, requiring the proponent to pay contributions in accordance with the Contributions Framework, being the *Sydney Olympic Park Draft Infrastructure Contributions Framework 2030*. The draft Planning Agreement was exhibited from 1 June 2011 until 1 July 2011 (30 days) for the same time the major project was exhibited. No submissions to the draft Planning Agreement were received. A condition provided by SOPA is recommended to be imposed, requiring the proponent to comply with the relevant contribution arrangements set out within the draft Planning Agreement.

6. RECOMMENDATION

The department has assessed the EA and Preferred Project Report and considered the submissions in response to the proposal. The key issues relating to the proposal include: built form and urban design; transport; Sydney Olympic Park Major Events; environmental amenity; ecologically sustainable development; RailCorp infrastructure; business identification signage and developer contributions.

The department considers that the proposal positively responds to its site constraints and surrounding built environment within the Central Precinct of Sydney Olympic Park. The Proposal will contribute to the creation of a vibrant town centre, and encourages sustainable initiatives in line with the principles of ESD by virtue of the design of the development, its location adjacent to a major public transport hub and its contribution to employment within Sydney Olympic Park.

The environmental impacts of the development are considered to be minimal and can be successfully mitigated through the implementation of appropriate conditions in conjunction with the proponent's measures outlined within the Statement of Commitments.

The department sought comments from the proponent, SOPA and Auburn Council on the draft recommended conditions. All comments, where relevant, have been incorporated.

The project is consistent with key objectives of the State Plan, the Metropolitan Plan for Sydney 2036 and the draft West Central Subregional Strategy and would provide for further employment growth opportunities within a well established sustainable commercial precinct.

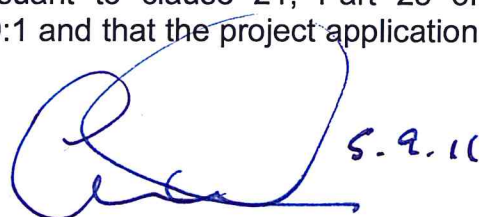
The department is therefore satisfied that the impacts of the proposal can be suitably mitigated and managed to ensure a satisfactory level of environmental performance, pursuant to section 75J of the EP&A Act. Accordingly, the department recommends that the Director-General issue a certificate pursuant to clause 21, Part 23 of Schedule 3 of the MD SEPP to allow a FSR of 5.39:1 and that the project application be approved, subject to conditions.



Heather Warton
Director
Metropolitan and Regional Projects North

 8/9/11

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

 5.9.11

Chris Wilson
Executive Director
Major Projects Assessment

APPENDIX A ENVIRONMENTAL ASSESSMENT

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4405

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=4405

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4405

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Major Development) 2005

On 1 December 2010, the A/Director, Government Land and Social Projects, as delegate of the Minister, formed an opinion that the project is a major project under Part 23 'Sydney Olympic Park Site' of Schedule 3 of the MD SEPP, as it has a CIV of more than \$10 million. The Minister is the approval authority.

The site is within the Sydney Olympic Park which is identified as a State Significant Site pursuant to Schedule 3 of the MD SEPP. The site is zoned B4 Mixed Use and commercial developments are permissible within that zone. Clause 6 of Part 23, Schedule 3 of the MD SEPP also provides that zoning provisions do not apply where Part 3A of the EP&A Act applies.

The MD SEPP identifies a maximum building height of 26m and a maximum floor space ratio (FSR) of 5:1. The proposal complies with the maximum height, at a height of 22.78m, but exceeds the maximum FSR, at 5.39:1. The Director-General may allow a non-compliance with the FSR 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.

Accordingly, consideration has been given to the planning principles established in *Veloshin v Randwick Council* [2007] NSWLEC 248, 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?

It is considered that the impacts generated by the proposal would be similar to those reasonably expected to be generated by a proposal that complies with the FSR control. The existing planning controls envisage a uniform building height along the Murray Rose Avenue frontage of Site 8, to which any overshadowing and building scale impacts would have been considered during the establishment of these controls. In this regard, the proposed height of the development is below the 26m maximum building height control, generating what could be considered to be less impact than a building built to the maximum height.

Site 8A, previously developed under SOP Mater Plan 2002, was also subject to a maximum 6 storey height control, while the floor space for the proposal was confirmed through detailed design. The proposal was approved with a maximum height of 24.7m (6 storeys) and maximum FSR of 5.24:1. It was assessed that at a maximum 6 storey height, the resultant built form mass at Site 8A was acceptable.

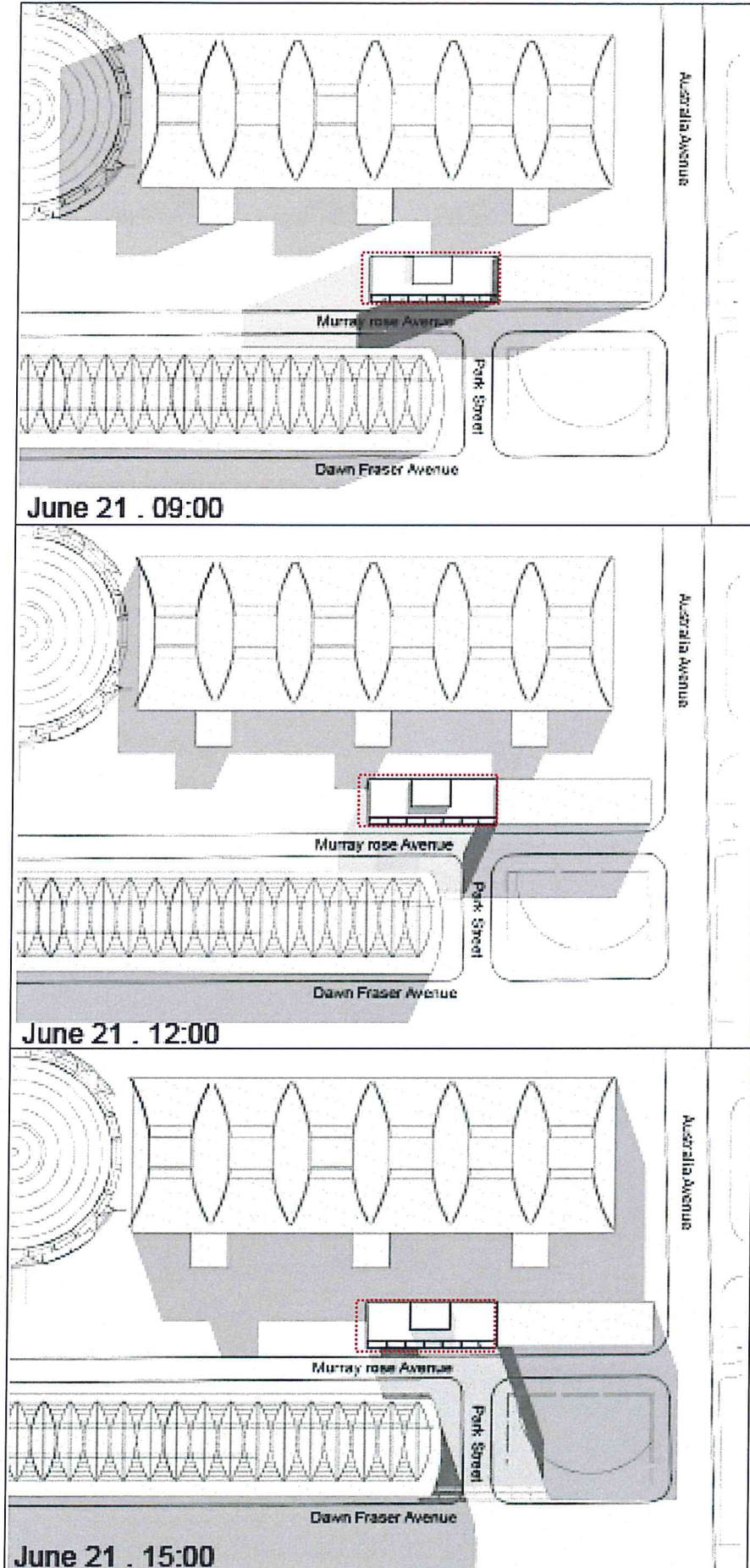
The extent of overshadowing generated by the proposed development during the winter solstice would be minor, with Site 8A generating the most impact, particularly on Jacaranda Square (see Figure 1). The difference between the impacts likely to be generated by the proposal and an FSR compliant proposal would be negligible. In this respect, the proposal's height, bulk, scale and overshadowing impacts are comparable with the existing and future surrounding built form. The proposal is consistent with the key controls outlined within the SOP Master Plan 2030, including the maximum building height, floor to ceiling heights, 90% build to line setback requirement to ensure that the proposed facade reinforces the street alignment.

The project has been designed to present a contemporary and defining built form in response to the shape of the site and to continue the context of built form envisaged along Murray Rose Avenue. The building design also comprises an architectural roof feature to visual align the building with the height of the adjacent development at Site 8A. During the exhibition of the proposal, SOPA advised that they supported the proponent's argument that the proposed development was within the site's building envelope and was designed to match that of the adjoining development at Site 8A.

A reduction in floor space of the proposed development to comply with the 5:1 FSR control is likely to result in further discrepancies between the Site 8A built form, compromising the building alignment and character of the Murray Rose Avenue streetscape. The proposed floor space of Site 8B will not adversely impact on the surrounding built environment, nor will it constrain future development on the adjoining lots at Site 8C and Site 8D. Conversely, the proposal will positively reinforce the character of built form along Murray Rose Avenue and provide a stronger context for future development.

The department is of the opinion that compliance with the prescribed 5:1 FSR control is unreasonable and unnecessary under the circumstances and that the additional floor area proposed within the proposal is of minor environmental impact.

Figure 1: Shadow Diagrams - Winter Solstice



State Environmental Planning Policy (Infrastructure) 2007

The aim of the Infrastructure SEPP is to assist in the effective delivery of public infrastructure throughout the state and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure, such as classified road and rail corridors.

Where development lies within 25m of an existing rail corridor, clause 86 of the SEPP requires the consent authority to consult with the rail authority prior to any determination. Although the proposed development is outside of 25m from the existing Olympic Park Railway corridor, the proposed development was referred to RailCorp for review and comment. Accordingly, RailCorp provided a number of recommended conditions addressing dilapidation surveying and reporting, electrolysis, noise and vibration impacts, demolition, construction and operation impacts and geotechnical requirements. Appropriate conditions have been implemented where appropriate.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. A geotechnical investigation report and waste classification investigation report submitted by the proponent identified that a filling material at depths between 0.6m to 1.6m was unlikely to contain contaminants above commercial/industrial land use investigation criteria and could be provisionally classified as general solid waste (non-putrescible) and should therefore be disposed of to an appropriately licensed landfill site. Other excavated material proposed to be removed from the site was classified as virgin excavated material (VENM), and is appropriate for reuse at other sites or appropriate disposal.

The department is satisfied that, in accordance with clause 7 of the SEPP, the investigations undertaken of the subject site demonstrate that the site is not contaminated and is suitable for the proposed commercial land use.

State Environmental Planning Policy No. 64 – Advertising Signage

SEPP 64 aims to that proposed signage is of a compatible nature with the desired amenity and visual character of an area, provide effective communication and to ensure that signage is of a high quality design and finish. One business identification sign is proposed on the southern façade of the building, integrated into the right hand side of the proposed architectural roof feature, adjacent to Site 8A. The proposed scale of the signage zone is considered to be compatible with the desired amenity and visual character of the area and is consistent with that approved at Site 8A. It is considered that:

- The size and scale is minimal relative to the positioning on the elevation;
- The signage is visible from Murray Rose Avenue and surrounding public domain, effectively communicating the occupant of the building without obstructing or compromising views;
- The proposed signage would not likely generate adverse amenity or safety impacts and will not impact on any residential premises;

- The proposed signage is considered to be consistent with Sydney Olympic Park Guidelines for Outdoor Advertising, Identification and Promotional Signage 2002.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)

3.6.1

SHC SREP provides a planning framework to achieve better environmental outcomes for Sydney Harbour and its catchment. Although SHC SREP applies to the whole of the Sydney Catchment Area, including the subject site, it primarily provides planning provisions relating to the foreshore and waterways area as identified under SHC SREP. The site is not included within the foreshores and waterways area and therefore such provisions do not apply to the subject proposal.

However, SHC SREP contains provisions relating to biodiversity, ecology and environmental protection as well as provisions concerning the maintenance, protection and enhancement of views. The stormwater and drainage systems are satisfactory and will integrate with the existing stormwater design systems for the Sydney Olympic Park. The architectural design of the building is satisfactory and does not detrimentally impact on views and vistas to and from public places and landmarks.

Sydney Olympic Park Master Plan 2030 (Master Plan 2030)

3.6.2

Master Plan 2030 was adopted by the Minister for Planning on 10 March 2010 and supersedes Master Plan 2002. Master Plan 2030 aims to ensure Sydney Olympic Park becomes an active and vibrant town within Metropolitan Sydney and protect the role of Sydney Olympic Park as a premier destination for cultural, entertainment, recreation and sporting events.

Master Plan 2030 provides more 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 controls would apply. While Master Plan 2030 does not strictly apply to Part 3A proposals under the MD SEPP, it has been considered and the proposal broadly complies with Master Plan 2030 (see Table 1).

Table 1: Sydney Olympic Park Master Plan 2030 Compliance Table

<i>General Controls and Guidelines</i>	<i>Applicable Requirements</i>	<i>Compliance</i>
4.2 Sustainability		
4.2.1	- Engage an ESD consultant as a project team member. - Connect all new development to SOP's recycled water system. - Priorities sustainable material selection. - Non-residential development to achieve min. v3 5 star GreenStar Green Building Council of Australia rating and 4.5 Star NABERS Energy rating.	Yes – ARUP engaged. Yes Yes Yes

	- Consideration of rising sea levels.	Yes
4.3 Public Domain		
4.3.1	- Building heights and setbacks should be configured to ensure urban domain receives daily min. of 2hrs direct sunlight between 9am and 3pm, 30 June. - Provide weather protection at communal entrances. - Max. surveillance of public domain and views of public areas from building. - Activate ground floor levels with primary retail uses. - Introduce multiple entrances wherever possible. - Divide large facades into smaller sections to modulate street frontage and ensure architectural detailing incorporates good materials and details of interest to pedestrians. - Glaze ground floor windows and doors for retail uses with clear glass and provide good lighting at night. - Provide awnings as nominated to the full extent of the street frontage for non-residential buildings. - Awnings are not to continue across site links and building separations. - Awnings are to be 3m wide. - Awnings are to extend across the entire building elevation and be well design to reflect the building architecture, complement the streetscape and be supported from the building.	Yes Yes Yes Yes Yes Yes Yes Yes No – 2m awning width proposed to be consistent with existing development adjacent at 8A Murray Rose Avenue. Yes
4.4 Event Access and Closures		
4.4.1.1 & 4.4.1.2	- Maintain access to development site during events requiring vehicle access points to be located away from affected streets.	Yes
4.4.1.6	- Event Impact Statement to be provided to be assessed by SOPA in accordance with Major Event Impact Assessment Guidelines for SOP.	Yes
4.5 Land Use and Density		
4.5.1	- Ground level active uses are to have minimum depth of 3m.	Yes

4.5.2	- Max. 5:1 FSR permitted for subject site and is to be calculated on the basis of the FSR boundaries as specified in the precinct controls. - The max. FSR will be granted only when the following controls are complied with: building zone, building depth, building height, building separation, building setback, open space and deep soil zone.	No – 5.39:1 FSR proposed. Max. building controls (depth, height, setback, etc) complied with. However, FSR fails to comply.
4.5.3	- Before consent is given for commercial development, consent authority to determine whether adequate capacity exists within the transport and road networks.	Yes
4.6 Building Form and Amenity		
4.6.2	- Locate buildings within building zone and ensure building layouts optimize solar access, natural light, cross ventilation, usable communal outdoor areas and views.	Yes
4.6.3	- Preferred max. commercial building depth without atria and light wells is 25m. - Ensure all work stations on an office floor are 12m or less from an external window or atrium for buildings up to 8 storeys high. - Underground car parking to be concentrated to building footprint.	Yes – 20m proposed. Yes – 10m maximum distance to external window. Yes – partially extends beyond footprint, but still within site boundaries. Yes – plus plant level.
4.6.4	- Comply with max. heights nominated in Building Heights Plan – 6 storeys - Minor increases in height may be considered if: ▪ Site conditions make controls unworkable; ▪ There are demonstrable improvements to urban form and height transition; ▪ Resident amenity is not adversely affected; ▪ There is no impact on public open space and parklands. - All developments over 25m high will require assessment by a wind consultant. - Comply with the minimum floor to ceiling heights: ▪ 3.3m for Ground Floors; and ▪ 2.7m above Ground Floors.	N/A N/A – Max. building height of 22.75m proposed. Yes – Generally 3.6m proposed.
4.6.5	- Max. rooftop service zone height is 5m and setback min. 3m from parapet. - Total area in plan above the max. building height for services may not exceed 80% of the building footprint area.	Yes - 2.5m plant height; - 18.035m western side setback; - 20.115m eastern side setback; and - 6.93m front setback. Yes – services zone equates to approx 23% in plan.

4.6.6	- Design lift towers, machinery plant rooms, stacks, vent pipes and television antennae to minimise their visibility and size. - The design of rooftop structures is to be integral with the overall building design. - Ensure courtyards and atria in commercial buildings have a min. width of 9m. - Min. separation of 24m required between commercial buildings facing habitable rooms in residential buildings.	Yes Yes No – 8.4m width proposed. N/A – no residential developments within proximity.
4.6.7	- Comply with building setbacks – build to line (min. 90%).	Yes – building proposed to boundary line. Setback consistent with adjacent development at Site 8A.
4.6.9	- Ensure building facades reinforce street alignment. - Above ground articulation in the form of balconies, sunscreens and bay windows and the like may extend 300mm into front setback zone. - Disability Access Strategy to be prepared and submitted to the satisfaction of SOPA and the consent authority to satisfy <i>SOP Access Guidelines (2008)</i>. - Ensure equitable access is provided to the main building entrance from both the street and car parking areas. - Ensure car parking provisions comply with relevant Australian Standards. - Locate accessible car parking spaces at the most convenient place for users.	Yes N/A – no balconies or bay windows or the like proposed. Yes Yes Yes Yes
4.6.11	- To promote high quality architecture and urban streetscapes: ▪ well modulated and scaled building facades to reflect the aspect, uses and streetscape; ▪ building façade design to create well defined and integrated streetscape; ▪ ensure prominent elements are well articulated; ▪ provide modulation to building frontages; ▪ provide appropriate forms of sun shading to screen eastern, northern and western sun; ▪ ensure main building entrances are level with adjacent footpaths; and ▪ provide individual entry to at least 75% of ground floor apartments in mixed use zone and 50% of ground floor apartments in residential zone.	Yes – proposed design consistent with adjacent development at Site 8A. Scheme was also reviewed by the SOPA Design Review Panel.
4.6.12	- Ensure buildings are designed to contribute to the natural surveillance of adjacent streets and public space. - Ensure retail or active uses on the ground floor open directly onto the street and have a clear visual connection with the street.	Yes – predominant glass façade maximises natural surveillance opportunities to Jacaranda Square. Yes – proposed retail shells have direct access to Murray Rose Avenue, separate from the building

4.6.14	- Commercial office development should have capacity for openable windows.	entrance for the commercial floors above.
4.6.15	- New development to acknowledge it will be located within a major sport and entertainment events precinct that may be subject to high noise events from time to time. - Acoustic report must be prepared for new developments assessing the possibility of land use conflicts as a result of the development. - All plant rooms shall be designed to meet the requirements of the NSW Industrial Noise Policy. - Design commercial development to comply with the maximum internal noise criteria.	No – proposed façade treatment does not allow for windows to be opened. Yes Yes Yes
4.6.16	- Waste Management Plan to be submitted with all DA's to the satisfaction of SOPA. - Minimise waste during the design of a building. - Prioritise the procurement of: ▪ Modular and prefabricated building and Fitout components; ▪ Sustainable building materials; and ▪ Incorporate re-used or recycled materials such as steel and concrete. - A min. 80% of construction and demolition waste must be recycled or re-used. - Include space for on-site waste management infrastructure that maximises the opportunities for the sorting and segregation of waste materials. - Locate waste management areas out of public areas so as to not cause offence with regard to smell, visual amenity and noise. - Locate waste management areas wholly within building.	No – proposal to be considered under Part 3A. proponent provided commitment to prepare construction waste management plan. Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations. Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations. Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations. Yes – on-site garbage and recycling room proposed. Yes – garbage and recycling room located at the rear of building. Yes – garbage and recycling room located at the rear of building, integrated within the building design.

	- Design waste management areas to allow collection vehicles to enter and exit the development in a forward direction. - Minimise operation waste by avoiding the uses of packaging materials or using materials that are easily recycled and by separating and recovering paper and food waste.	Yes Yes
4.7 Access and Parking 4.7.1	- All parking is to be underground. - Vehicle access points are to be designed to satisfy relevant Australian Standards. - To improve safety and public domain amenity, vehicle access points are to be physically separate and clearly distinguishable and designed and built with clear sight lines for drivers and pedestrians. - To minimise visual intrusion and optimise active street frontages, driveways are to be as narrow as possible and have a garage door at the building line. - Minimise the width of driveways and blank walls to the public domain by consolidating car access, docks, servicing and waste disposal. - Servicing for retail and commercial developments is not permitted from streets required for servicing major events. - Provide car parking for non-residential development at the nominated max. rate – 1 space/80sqm (commercial) + 1 space/50sqm (retail) = 70 spaces + 14 spaces (max. 84 spaces). - Bicycle parking facilities to comply with AS2890.3-1993 and at the nominated min. commercial rate – 1 space/150sqm (permanent) and 1 space/750sqm (visitor bicycle storage) = 42 spaces and 8 spaces, respectively (50 in total). - Change rooms, showers and lockers for people walking, running or cycling to work are to be provided close to bicycle parking facilities to encourage sustainable transport options.	Yes Yes Yes Yes – visual intrusion minimised through the sharing of one entry point for buildings 8A and 8B. Yes – vehicle access for buildings 8A and 8B consolidated into one. Yes – servicing available via rear lane access. Yes – 53 spaces proposed. No – 39 spaces provided within basement. Represent shortfall of 11 spaces. Yes
4.8 Transport Strategies and Infrastructure 4.8.1	- All non-residential developments in the town centre are required to prepare and implement a Work Plan Travel Plan. Work Place Travel Plans are to comply with SOPA's Travel Plan Guidelines.	Yes – proponent has committed to the preparation of a WTP.
4.9 Landscape and		N/A – proposal does not

Site		impact on existing vegetation or landscaped areas.
4.10 Community Facilities		N/A – proposal does not impact on existing or planned community facilities. No impacts on Jacaranda Square generated.
<i>Precinct Controls and Guidelines</i>	<i>Applicable Requirements</i>	<i>Compliance</i>
5.2.5 Building Height Controls 5.2.6 Building Zone and Setback Controls 5.2.7 Event Controls	- Heights shall comply with storey heights and may not exceed the maximum Reduced Level (RL) where noted on the Building Heights Plan. - Building is not permitted in the easements, setbacks or public land dedicated for public domain, land dedicated for ICF Funded Streets or easements dedicated for development funded streets. - Ensure all developments can accommodate the changes to access required and are designed and built to accommodate public domain closures. - Locate the vehicle access points to developments as detailed.	Complies – proposal is for a 6 storey development. Complies – proposal is clear of any existing easements and land identified for public domain and streets. Yes – access arrangements have been considered in full in response to the various events held within SOP. Yes – shared vehicle access point provided with 8A adjacent.

APPENDIX E SEPP (MAJOR DEVELOPMENT) 2005 CERTIFICATE

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL