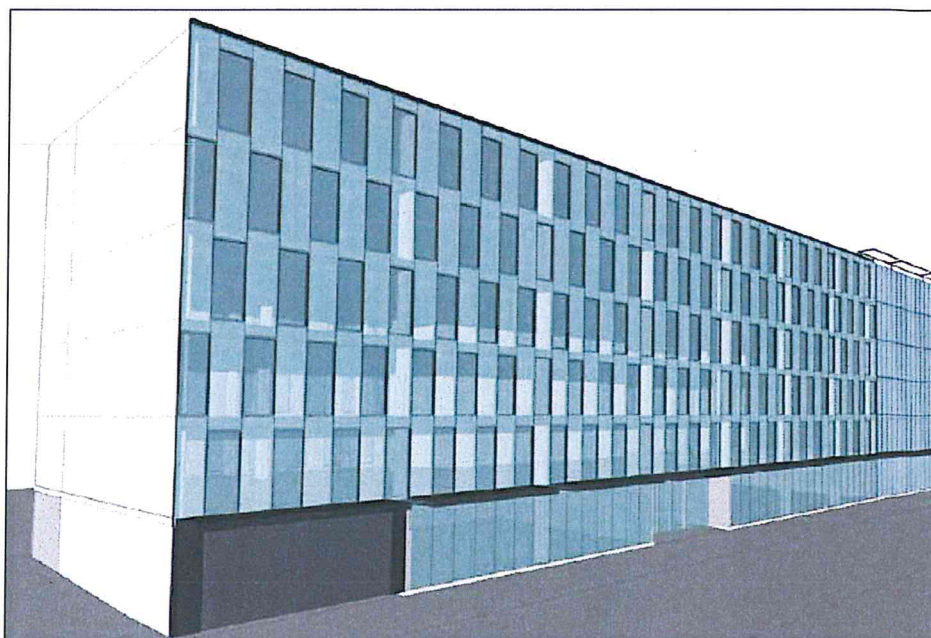




Planning &
Infrastructure

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
Site 8C, Murray Rose Avenue, Sydney
Olympic Park
(SSD 13_6059)**



Director-General's
Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979
February 2014

ABBREVIATIONS

Applicant	FDC Construction and Fitout Pty Ltd
CIV	Capital Investment Value
Consent	Development Consent
Council	Auburn City Council
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EIS	Environmental Impact Statement
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Auburn Local Environmental Plan 2010
LGA	Auburn Local Government Area
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SOP Master Plan	Sydney Olympic Park Master Plan 2030
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

HYPERLINKS

[Hyperlinks](#) (CTRL + click to access) are included in this document to allow quick navigation to explanations and interpretations of commonly used legal, scientific or industry terms / phrases used in this document. The explanations / interpretations appear in the glossary appendix. Be sure to print the relevant glossary appendix to enable interpretation of these terms or phrases when printing the main body of the report.

Cover Photographs: Southern elevation from Murray Rose Avenue

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by FDC Construction and Fitout Pty Ltd (the applicant), seeking approval for the construction of a six storey commercial building with ground floor retail space, above two basement parking levels, and subdivision at Site 8C, Murray Rose Avenue, Sydney Olympic Park (SOP).

The proposal is classified as SSD because it is development with a capital investment value (CIV) of more than \$10 m within SOP under clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

The proposed building will form the third building in a row of four planned development sites (Sites 8A to 8D), on the northern side of Murray Rose Avenue, between the Olympic Park Railway Station and the Sydney Showground Precinct.

The project has a CIV of \$15.68 m and will generate 120 construction jobs and a further 100 operational jobs.

The department publicly exhibited the application from 24 October 2013 until 22 November 2013, and received three submissions from public authorities and one public submission. The main issues raised relate to traffic impacts and access.

The department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the Environmental Planning and Assessment Act 1979 (the Act) and ecologically sustainable development. The department has also taken into consideration the issues raised in the submissions.

The department is satisfied that the proposal is generally consistent with the planning and design principles and controls in the Sydney Olympic Park Master Plan 2030 (SOP Master Plan) applying to the site.

The proposed development will provide additional commercial and retail uses within an emerging employment and mixed use centre, and contribute to the creation of a vibrant town centre at SOP.

The department therefore considers the project to be in the public interest and recommends that the application be approved, subject to conditions.

1. PROPOSED DEVELOPMENT AND SITE DESCRIPTION

1.1 The Proposal

FDC Construction and Fitout Pty Ltd (the applicant) proposes to construct a six storey commercial building with ground floor retail space above two basement parking levels, and subdivision at SOP. The project location is shown in **Figure 1**.

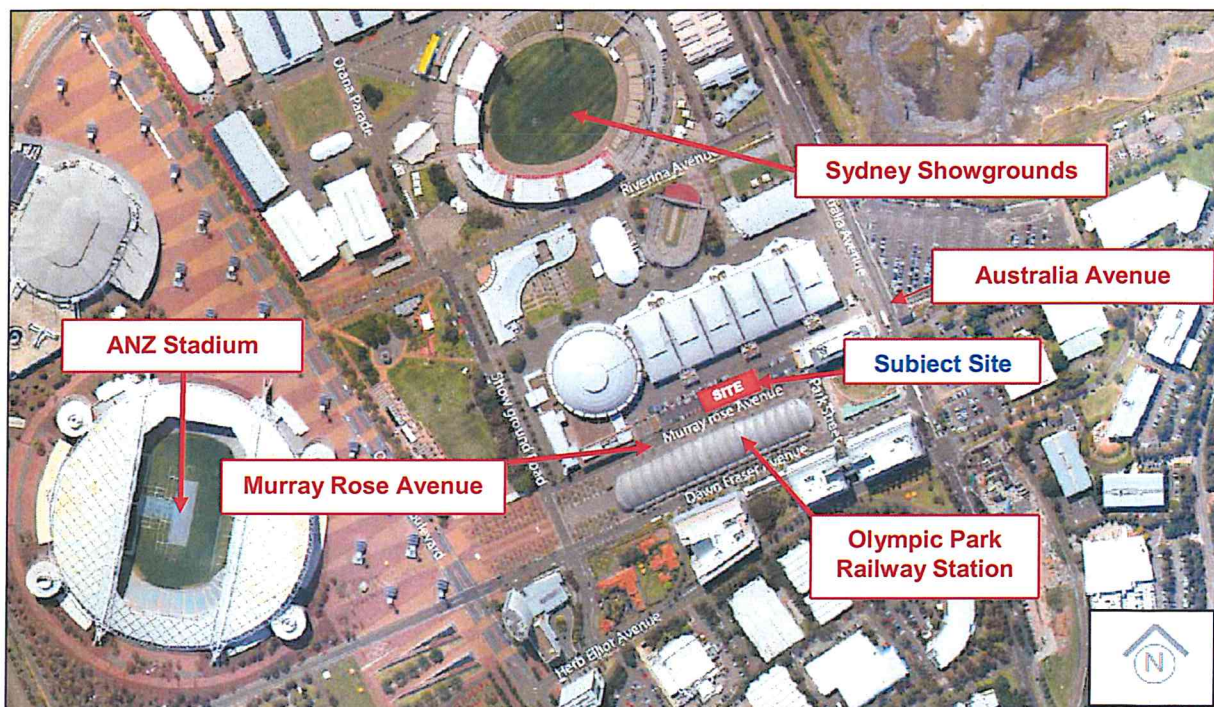


Figure 1: Project Location

1.2 Site Description and Surrounding Development

The subject site is located on the northern side of Murray Rose Avenue, directly opposite Olympic Park Railway Station at SOP. The site is within the Auburn Local Government Area (LGA), approximately 14 km west of the Sydney CBD, and 8 km east of the Parramatta CBD.

The site is rectangular in shape and has a total area of 1,172 sqm, and a frontage of 58.6 m to Murray Rose Avenue. The site is currently used as an at-grade car park. There is an existing vehicular service lane at the rear of the site. The site forms part of a larger parcel of land legally described as Lot 2120 DP 1169474.

The adjoining land to the east contains a recently constructed six storey commercial development at No. 7 Murray Rose Avenue known as Site 8B (see **Figure 2**). The neighbouring land further to the east contains a six storey commercial building at No. 8 Australia Avenue identified as Site 8A.

The Olympic Park Railway Station is located directly opposite the site on the southern side of Murray Rose Avenue (see **Figure 3**).

The adjoining vacant land to the west is identified as Site 8D, and is currently used for at-grade parking.

Land to the north contains the exhibition halls which form part of the Sydney Showground Precinct (see **Figure 4**).



Figure 2: Site 8B



Figure 3: Olympic Park Railway Station

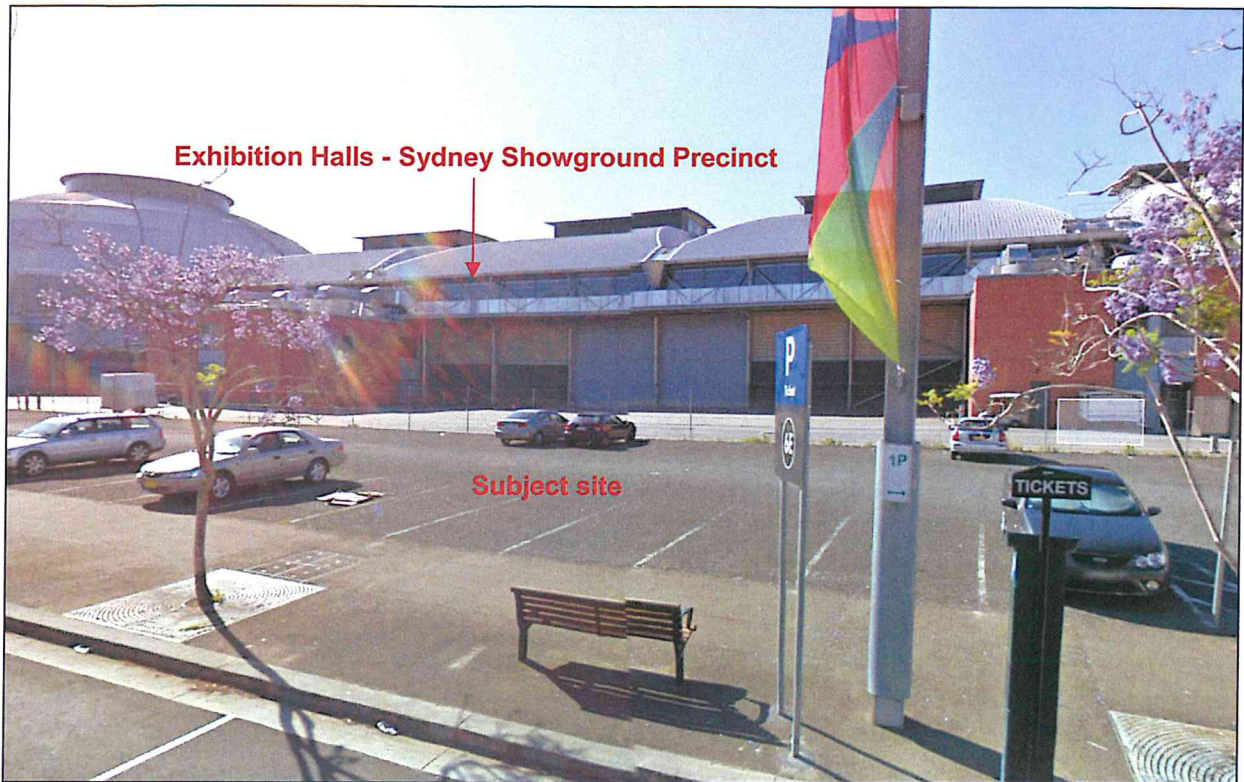


Figure 4: Exhibition Halls

1.3 Sydney Olympic Park Master Plan 2030

The SOP Master Plan sets out the planning controls to guide the future development of SOP. The Sydney Olympic Park Authority (SOPA) is the agency responsible for managing the future development of SOP in accordance with the SOP Master Plan.

The subject site is identified as Site 8C and forms a row of four similar sites (8A to 8D) in shape and size along the northern edge of the 'Central Precinct' which is an emerging high density mixed use precinct comprising commercial, retail and residential uses (see **Figure 5**).

1.4 Related Approvals

On 26 May 2008, the then Minister for Planning approved a Major Project application (MP06_0175) for the construction of a six storey commercial building (including ground floor retail) and two basement levels of car parking at Site 8A under the superseded SOP Master Plan 2002.

On 9 September 2011, the Minister for Planning and Infrastructure approved a Major Project application (MP10_0214) for the construction of a six storey commercial building (including ground floor retail) and two basement levels of car parking at Site 8B, designed in accordance with the current Master Plan.

See **Figure 6** showing Sites 8A to 8D.

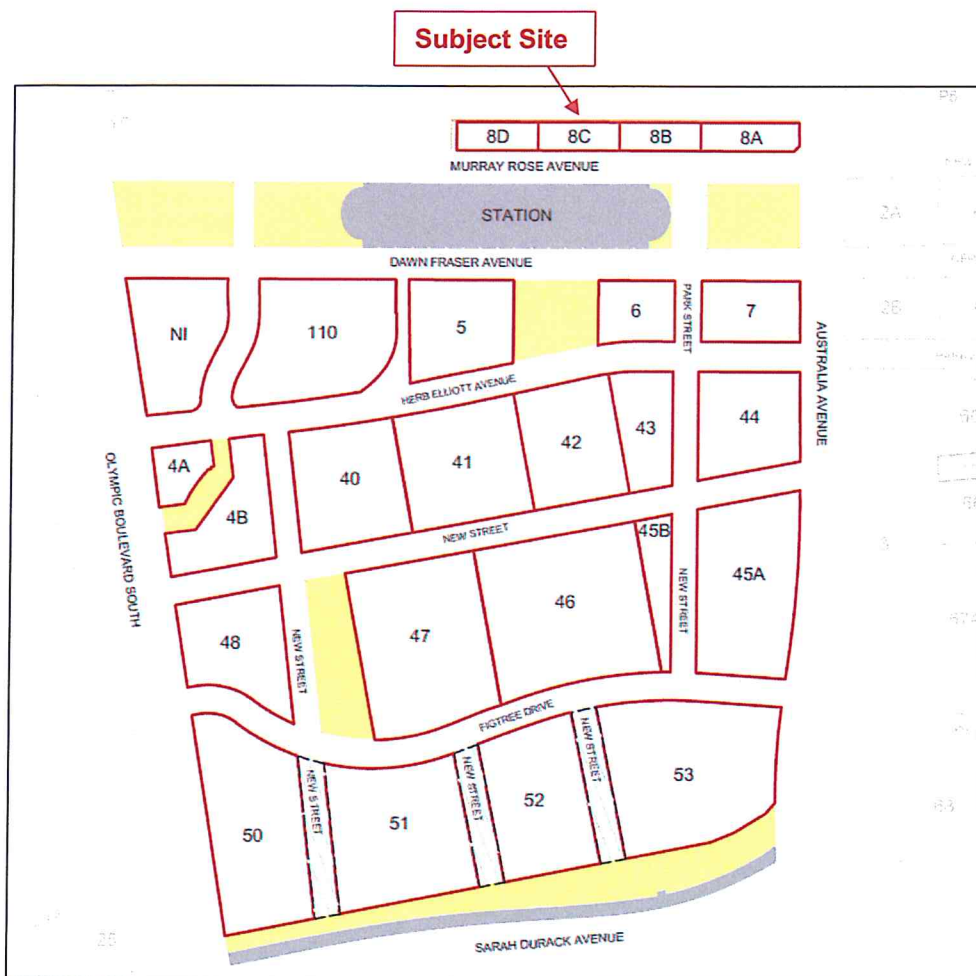


Figure 5: Central Precinct - SOP Master Plan 2030

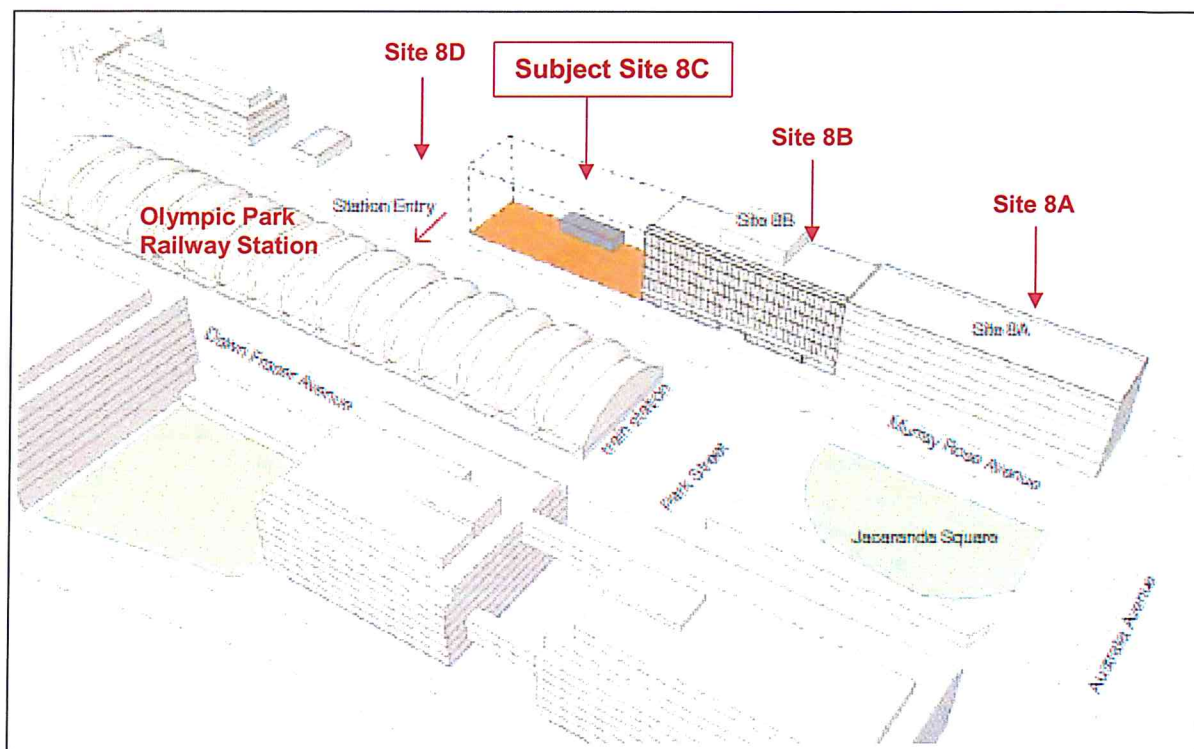


Figure 6: Sites 8A to 8D

1.5 Key Development Components and Features

The key development components are provided in **Table 1**.

Table 1 : Key Development Components

Component	Description
<i>Project Summary</i>	• construction of a six storey commercial building with ground floor retail space above two basement parking levels including: - vehicular access from Murray Rose Avenue to the basement; - retail spaces at ground level addressing Murray Rose Avenue; - a garbage and recycling room at the rear of the building; - mechanical plant and equipment located on the roof; and - a ground level substation will be located at the rear of the building.
<i>Gross Floor Area</i>	6,235.9 sqm (Commercial Gross Floor Area (GFA): 5,533.4 sqm / Retail GFA: 702.4 sqm)
<i>Number of Storeys</i>	6
<i>Height</i>	24.7 m (inc. plant enclosure)
<i>Floor Space Ratio</i>	5.32:1
<i>Car Spaces</i>	Two level basement car park with provision of 58 car parking spaces
<i>Bicycle spaces</i>	39 bicycle parking spaces and associated change room facilities
<i>Subdivision</i>	Site 8C will be subdivided as a separate allotment from Lot 2120 DP 1169474 and the existing ROW will be retained along the northern boundary
<i>Capital Investment Value</i>	\$15,681,817

Design Features

The proposed height, bulk and scale of the building is consistent with the recently constructed commercial building on the adjoining site to the east at Site 8B. The proposed street awning along Murray Rose Avenue will also match the existing awning on the adjoining building at Site 8B.

The southern façade is proposed to be glazed with a varied pattern of articulated glazing that adds a layer of texture and subtle variation to create visual interest when viewed from Murray Rose Avenue. The northern façade is proposed to be constructed of pre-cast facade panels with large floor to ceiling glass windows.

The central lobby at ground level will have a lift core providing access to the floors above. There are five retail tenancies proposed at ground level. The retail spaces will address Murray Rose Avenue and be serviced from the rear of the building.

The proposed mechanical plant and equipment on the roof will be setback from the edge of the southern facade and screened by an aluminium louver structure.

The proposed basement car park will be accessed via a driveway from Murray Rose Avenue. A total of 58 car spaces will be provided, including two accessible spaces.

Refer to **Figures 6 to 9** illustrating the proposed building's floor layout and elevations.

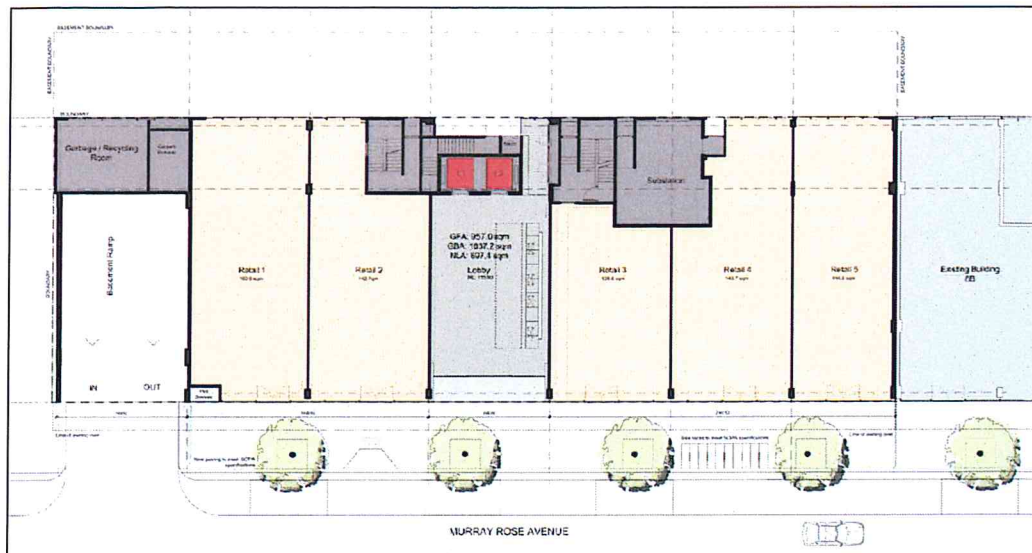


Figure 6: Ground Floor Retail Spaces

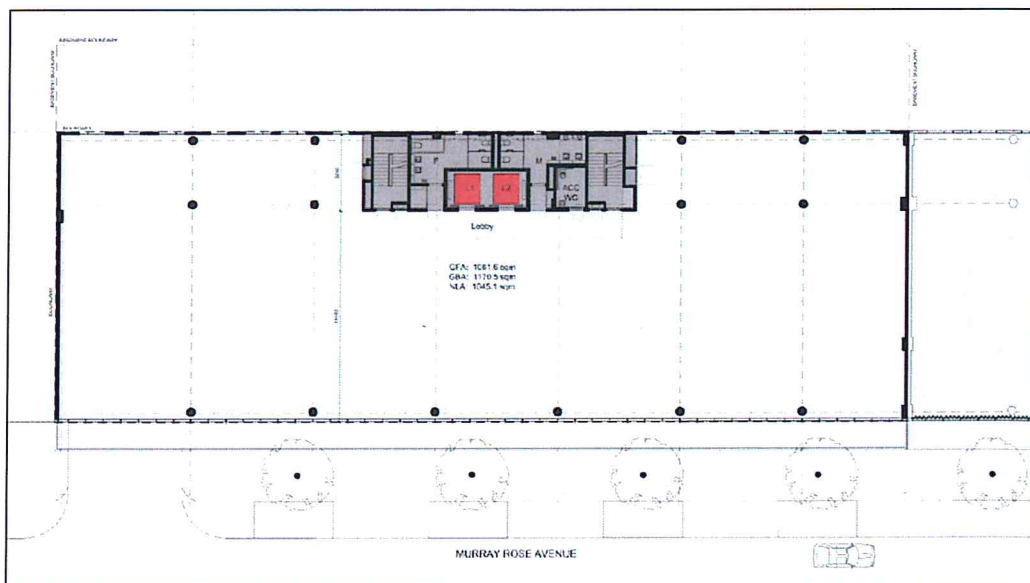


Figure 7: Typical Commercial Floor



Figure 8: Southern Elevation

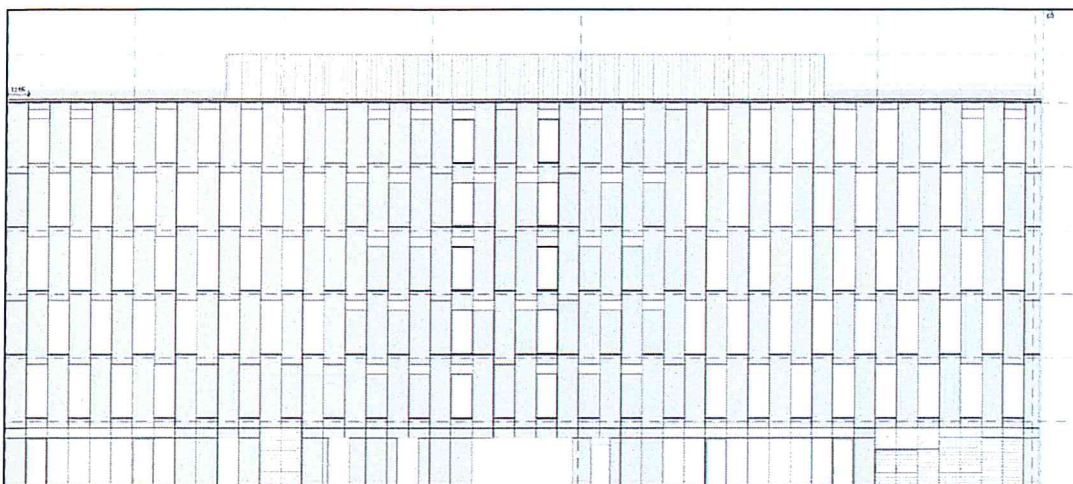


Figure 9: Northern Elevation

Subdivision

The subject site currently forms part of a larger allotment legally described as Lot 2120 in DP 1169474. The proposal 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-way (ROW) to preserve access for future development at Site 8D to the west. The ROW permits the Royal Agricultural Society (RAS), as a benefited user over the easement under the 88B instrument on the title, access during the period of the Royal Easter Show. This right of access will remain unaffected by the proposed development.

Public Domain works

The public domain works do not form part of this application as they are outside the subject site (in the road corridor). Notwithstanding, the works will be completed in accordance with SOPA's requirements and include an upgrade to the footpath and associated street trees, furniture and signage along the Murray Rose Avenue frontage of the site consistent with the frontage of sites adjoining to the east (Sites 8A and 8B).

2. STATUTORY AND STRATEGIC CONTEXT

2.1 SEPP (State and Regional Development) 2011

The proposal is State significant development because it is development with a capital investment value (CIV) of more than \$10 m on land identified as being within the Sydney Olympic Park Site, under Clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore, the Minister for Planning and Infrastructure is the consent authority.

2.2 Consent Authority

On 27 February 2013, the Minister for Planning and Infrastructure [delegated](#) the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals. The proposal complies with the terms of that delegation as Auburn City Council has not made an objection, a political disclosure statement has not been made and there are less than 25 public submissions in the nature of objections.

2.3 Permissibility and Zoning

The site is zoned B4 Mixed Use under State Environmental Planning Policy (Major Development) 2005. The proposed commercial and retail development is permissible with consent under clause 9(3) of Part 23 of Schedule 3 of State Environmental Planning Policy (Major Development) 2005.

2.4 Environmental Planning Instruments

The department's consideration of relevant EPIs (including SEPPs) and the SOP Master Plan is provided in **Appendix B**. The proposal is generally consistent with the relevant requirements of the EPIs and the SOP Master Plan.

2.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the [objects of the EP&A Act](#) as set out in Section 5 of the Act. The development complies with the relevant objects because:

- the subject site will be developed in an orderly manner in accordance with the SOP Master Plan 2030;
- the subject site is located in an existing urban area and will not have any adverse environmental impact; and
- the proposed building will incorporate ESD measures and achieve a five star Green Star office rating.

2.6 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.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts. The development is consistent with ESD principles as described in the applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation. ESD is also considered further in **Section 4.2.6** of this report.

2.7 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

2.8 Strategic Context

The department considers the proposed development is consistent with and/or supports the following state and regional strategies:

NSW State Plan

- The proposed development will contribute to the growth and development of SOP which is a key vision in the NSW State Plan;
- The proposed development will increase employment in an established centre with good access to public transport; and
- The proposed building will exhibit a high standard of environmental design.

Draft Metropolitan Plan for Sydney 2031

- The proposed development will create employment opportunities in SOP which is identified as a 'Specialised Centre' in the Draft Metropolitan Plan 2031;
- The proposal will also continue to support the growth of SOP as a sporting and recreational centre and its renewal since the Sydney Olympic Games in year 2000; and

- The proposed development will strengthen SOP's role as a major employment area, and contribute towards the target of providing capacity for at least 14,000 more jobs in SOP by 2031.

Draft West Subregional Strategy

- The proposed development will provide local employment opportunities within the Auburn LGA, and a direct investment in the region of \$15.68 million CIV.

2.9 Director-General's Requirements

The EIS addresses the compliance with the Director General's Requirements and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1 Exhibition

In accordance with s. 89F of the EP&A Act, cl. 83 of the EP&A Regulation, the Director-General has made the applications and accompanying information publicly available for at least 30 days following the date of first publication (see **Table 2**).

Table 2: Exhibition Details

Exhibition/Notification	Medium	Dates
Publicly exhibited	Department of Planning and Infrastructure Information Centre, Auburn Council, Sydney Olympic Park Authority and on the department's website	24 October 2013 to 22 November 2013
Newspaper notice	Sydney Morning Herald (SMH) and Daily Telegraph (DT)	SMH and DT published 23 October 2013
Written notices to	Landholders/occupiers and public authorities	18 October 2013

The department received three submissions from public authorities including Transport for New South Wales (TfNSW), Sydney Water and SOPA. The department also received one submission from the general public during the exhibition. A summary of the comments/issues raised in the submissions is provided in **Sections 3.2** and **3.3** below.

3.2 Public Authority Submissions

A summary of the key issues/comments by the public authorities is provided below.

Transport for NSW

- The EIS needs to address the impact on pedestrians, cycles and public transport infrastructure, including bus services; and
- There does not appear to be any analysis to demonstrate the proposed development will not have an adverse impact on the surrounding road network.

In addition to the above points, conditions were suggested to include a Construction Traffic Management Plan, compliance with relevant Australian Standards in relation to the parking layout and vehicle access.

Sydney Olympic Park Authority

SOPA commented that the design is consistent with Site 8B, and the issues raised by SOPA's Design Review Panel have been addressed. SOPA also requested the opportunity to review the draft conditions.

Sydney Water

Sydney Water noted the existing water infrastructure available for connection to the site, and referred to their guidelines for building over/adjacent to those assets. No other issues were raised by Sydney Water.

3.3 Public Submission

The RAS operates the Sydney Royal Easter Show at the showgrounds north of the subject site. The department notes that there is a registered 6 m wide ROW which burdens the rear of the subject site in favour of the RAS site. The principal concerns raised by the RAS are:

- interference with RAS access rights and placement of freight containers during the Royal Easter Show;
- fencing;
- fire evacuation;
- excavation beneath the ROW and integrity of the road surface;
- access rights during the construction period;
- access conflicts with garbage collection and maintenance of the substation; and
- lack of information in the EIS to adequately address the RAS access rights during major events.

The department notes that the primary purpose of the ROW is to allow access from Australia Avenue to the neighbouring exhibition halls in the Sydney Showground Precinct. The department also notes that the terms of the access easement are set out in a Section 88B instrument and restrict access for vehicles with a gross vehicle mass (GMV) greater than 50 tonne, and allows the storage of containers during the Sydney Royal Easter Show period which restricts access for other users during this period. A similar ROW burdens sites 8A and 8B in favour of the RAS site.

The department notes that the RAS has entered into a deed of agreement (Site 8 Side Deed) to address SOPA's intended development plans, and ensure that the activities carried out by the RAS on the adjacent site are protected, and not detrimentally impacted upon during the construction phase and the future operation of development. The applicant has advised that the deed of agreement also addresses the use of the ROW for storage purposes, installation requirements for 'removable' fencing, and the need for co-operation between all affected parties to ensure disruptions are minimised.

The department notes that the RAS objection fails to acknowledge the deed of agreement with SOPA. The department notes that a similar objection was submitted by RAS in relation to the adjoining Site 8B development which was subsequently approved by the department on 9 September 2011. The department considers that the RAS's deed of agreement with SOPA is an appropriate mechanism to deal with access arrangements between the two affected parties. The department considers the objections raised by the RAS have been adequately addressed in the deed of agreement with SOPA.

The department recommends that the Construction Environmental Management Plan (CEMP) sets out the access arrangements to ensure that the rights of the benefited users of the existing ROW are maintained during the construction phase.

3.4 Applicant's Response to Submissions

The applicant provided a formal Response to Submissions (RtS) in response to the concerns raised by TfNSW and the RAS. The TfNSW issues are addressed in **Section 4.2.4**. The RAS concerns are addressed above in **Section 3.3**.

4. ASSESSMENT

4.1 Section 79C Evaluation

Table 4 identifies the matters for consideration under s. 79C that apply to State significant development, in accordance with s. 89H of the EP&A Act. The table also represents a summary for which additional information and consideration is provided for in Section 4 (Key Issues), and relevant appendices or other sections of this report and the EIS are referenced in the table. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the DGRs and in accordance with the requirements of s. 78(8A) of the EP&A Act and Schedule 2 of the Regulation.

Table 4: s79C(1) Matters for Consideration

s. 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies. Consideration of relevant EPI's has been undertaken in Appendix B.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to State significant development. Notwithstanding, consideration of the Sydney Olympic Park Masterplan 2030 (deemed a DCP) has been undertaken in Appendix B.
(a)(iiia) any planning agreement	The applicant will pay a contribution to SOPA under the Sydney Olympic Park Infrastructure Contribution Framework (ICF).
(a)(iv) the Regulations	The development application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulations), public participation procedures for SSD's and Schedule 2 of the EP&A Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 4.2 of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 4.2 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the applications in Section 3 of this report. The main issue raised in submission has been considered in Section 3.3 of this report.
(e) the public interest.	The public interest of the development has been considered in Section 4.2.9 of this report
Biodiversity values exempt if: (a) On biodiversity certified land? (b) Biobanking Statement exists?	Not applicable. Not applicable.

4.2 Key Issues

The department has considered the EIS, the issues raised in the submissions and the applicant's response to these issues in its assessment of the development. The department considers the key environmental assessment issues to be:

- design;
- bulk and scale;
- potential conflicts with major events;
- transport;
- acoustic impacts;
- ecologically sustainable development;
- site suitability; and
- public interest.

The key issues are addressed below in Sections 4.2.1 to 4.2.8.

4.2.1 Design

The proposed design of the building was reviewed by the SOPA Design Review Panel (DRP) on 27 June 2013, prior to the applicant lodging the Environmental Impact Statement (EIS) with the department. The DRP provided the following design comments:

- the need for greater articulation of the roof silhouette;
- further exploration should be undertaken in relation to the use of solar collectors and other environmental initiatives;
- further investigation is required as to how the building facades between the subject site and Site 8B can be further differentiated;
- the need to provide a more obvious ground level entry;
- the need to provide consistent street level treatment in terms of paving, planting etc;
- consideration should be given to a green roof top with night lighting; and
- the need for greater articulation along the northern façade.

On 26 September 2013, the applicant re-presented the proposal to the DRP in response to the comments outlined above. The main design changes involved variations to the detailed design of the northern and southern façade to achieve an appropriate level of differentiation to the adjoining development. The DRP minutes indicate that they were comfortable with the overall design, except for the treatment of the ground floor entry which required more identity.

The applicant is of the view that the entry treatment provides an appropriate level of entry for pedestrians. The department accepts that the identity of the entry will be enhanced with future signage that will be considered in a separate application with SOPA. The department therefore considers the design of the entry to be acceptable.

The department notes that the overall height, bulk and scale of the building will be similar to the adjoining buildings at Site 8B and 8A, resulting in a consistent built form edge along Murray Rose Avenue. The department considers the amended façade details add variation in the façade articulation along Murray Rose Avenue which will have a positive impact on the streetscape. The department therefore considers the amended detailed design to be acceptable.

On 27 November 2013, the applicant submitted the amended plans to the department after the exhibition period. The applicant was of the opinion that the amended plans did not warrant re-exhibition because of the minor nature of the changes and that there would be no affect on floorspace, height or the building layout. The department also noted there was no change to the built form in terms of height and floorspace and building form. The department reviewed the design changes and considered that the appearance of the façade will continue

to be characterised by glazing with a minor varied pattern of articulated glazing compared to the exhibited proposal. The department therefore considered the detailed design amendments did not warrant re-exhibition.

Overall, the department considers that the proposed design is acceptable and in keeping with the desired future character of the area and the adjacent buildings 8A and 8B.

4.2.2 Bulk and Scale

A maximum FSR of 5:1 applies to the site under the State Environmental Planning Policy (Major Development) 2005 (MD SEPP). The proposed development will have an FSR of 5.32:1, which does not comply with the MD SEPP. The non-compliance equates to 376 sqm above the permitted GFA, or approximately 35 per cent of one commercial floor.

Clause 22 of Part 23 in Schedule 3 of the MD SEPP provides that development may be granted an exemption to a development standard 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 is sufficient environmental planning grounds to justifying exempting the development from the development standard and that the proposed development is in the public interest.'*

The applicant's EIS justifies the departure on the grounds that the building has been designed to be consistent with the adjoining building at Sites 8B and 8A, and that the public will benefit from retail floor space at ground level.

In considering the proposal's non-compliant FSR, it is necessary to consider the built form envisaged by the existing controls in the SOP Master Plan 2030. There are two primary built form controls which apply to the site, being a maximum height of six storeys and an FSR of 5:1. The same controls also apply to the adjoining sites at 8A, 8B and 8D. Due to the similar narrow configuration, size and land use of the adjoining sites, it is reasonable to expect a consistent built form is envisaged along the northern edge of the Central Precinct. The department considers the non-compliance with the FSR is therefore acceptable because it will result in a better built form outcome than a compliant building. The department notes that the existing commercial building on the adjoining Site 8B was approved in excess of the FSR requirements under the MD SEPP with an FSR of 5.39:1, or 439 sqm above the permitted GFA.

The department does not agree that the provision of retail space at ground level is a sound argument for justifying a public benefit associated with the non-compliant FSR. However, the department considers that the consistent built form along Murray Rose Avenue will have a positive impact on the streetscape for the benefit of residents, workers and visitors in SOP. Further, the department notes that there are no unreasonable amenity impacts associated with the non-compliance.

The department also notes that the proposed building height at 24.7 m complies with the 26 m height control under the MD SEPP. Furthermore, the DRP did not raise any concerns with the height, bulk and scale of the proposed development.

Accordingly, the department considers that the FSR non-compliance is acceptable and recommends that the Executive Director, as delegate of the Director-General, issue a statement of concurrence to this effect (see **Tag A** of this report).

4.2.3 Potential conflicts with major events

SOP 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. The major events include the Royal Easter Show, the annual V8 Supercar race and use of ANZ Stadium and Acer Arena for sporting events and concerts.

As described in section 3.3 of this report, the RAS enjoys access to the exhibition halls via the ROW at the rear of sites 8A, 8B, 8C and 8D. During the Royal Easter Show period which commences two weeks prior and one week after the official show period, a removable metal fence along the northern boundary is relocated to allow vehicular access to the exhibition halls. A controlled entry and egress point is also established along Murray Rose Avenue to provide access to the showground for patrons arriving or departing from the Olympic Park Railway Station. The access for service vehicles (eg. garbage collection) is via a controlled access point at the intersection of Murray Rose Avenue and Australia Avenue. The applicant has advised that there are specific strategies to minimise impacts and congestion such as regular communication with building managers and SOPA, provision of staff access/identification through controlled points and co-ordination of service vehicle and delivery with SOPA and the RAS during the show period.

The annual V8 super car race will have a significant impact as the race track includes Murray Rose Avenue and passes the subject site. The installation of concrete barriers commences a number of weeks before the event and one week prior, the vehicular traffic using the race track is restricted to one way movements resulting in some delays for traffic accessing buildings along the racetrack. However, the barriers over driveways and intersections are not installed until the night before the race allowing traffic to be relatively unaffected during this time. Any construction works on the site during this weekend would not be possible. No traffic access is available to the building during the weekend of the race but concrete barriers over driveways and intersections are generally removed by the Monday following the race. Pedestrian access to the building will be limited during the race weekend resulting in some delays for staff. A number of strategies will be put in place by SOPA to minimise the impacts for future tenants and the event, including regular communication with Building Managers and co-ordination of access for staff through controlled access points.

The major sporting events and concerts at ANZ Stadium and Acer Arena generally occur outside standard working hours, however, there will be impacts on pedestrian access to the building and traffic congestion at certain times depending on the nature of the event.

The department is satisfied that the current access arrangement for the adjoining commercial buildings during major events is appropriately managed by SOPA. The department notes that similar management strategies will be implemented for this development during major events.

The department recommends the preparation of an Event Impact Assessment in consultation with SOPA prior to occupation of the building. A similar operational plan was required as a condition on the approval for the adjoining commercial development at Site 8B.

The department also recommends a condition requiring the Construction Environmental Management Plan to address major events at SOP to ensure that construction activities, particularly construction traffic, do not interfere or impact upon major events.

The department considers the potential impacts on major events and to future tenants of the building can be adequately managed subject to the recommended conditions described above.

4.2.4 Transport

Traffic Impacts

The applicant submitted a Traffic Impact Assessment (TIA) with the application. TfNSW reviewed the TIA, and consider there is insufficient analysis in relation to potential traffic impacts on the adjacent intersection capacity and the surrounding road network.

The department notes the applicant's traffic consultant calculated the traffic activity generated by the proposed development based on the provision of on-site parking. The applicant's justification for this approach is based on the reduced parking supply on the site, which is well under the maximum rates required by the SOP Master Plan (refer to the discussion below).

The TIA applies a peak hour traffic generation rate of 0.8 movements per parking space. This assumes 80 per cent of employees enter/exit the site during the peak period. Based on the provision of 58 car spaces the peak traffic generated equates to 47 vehicle movements to and from the basement car park.

The TIA concludes that there is unlikely to be any detrimental impact on the surrounding road network when considering the traffic generated by the existing public car park on the site and the proximity of public transport to the site.

In addition, the TIA states that the traffic activity associated with the proposed development was anticipated during the planning stages, and subsequently the road network serving Olympic Park, and its connections with the regional road network were designed to accommodate the future traffic generated by development at SOP.

The department notes that the infrastructure included in the *Sydney Olympic Park Infrastructure Contribution Framework* has been generally designed to cater for development envisaged under the SOP Master Plan. Furthermore, the department notes that the anticipated transport demands will be met through a number of initiatives including implementation of travel demand strategies, and the upgrade of intersections and other transport enhancements for the entire precinct. The department considers that the TIA submitted with the EIS adequately addresses the traffic impacts on the surrounding road network.

TfNSW also requested further analysis in relation to the impact of the proposed development on pedestrians, cycles and public transport. The department notes that the site has good access to public transport being located directly opposite the Olympic Park Railway Station, and that there will be no adverse impact on pedestrians.

The department also notes that the TIA identifies the existing public transport options, including bus services in the vicinity of the site. The department considers that public transport will be an attractive option for future tenants of the building, due to the close proximity of bus stops and the Olympic Park Railway Station. The department agrees with the applicant's TIA that the site is located in an area with good access to public transport.

The department considers the proposed development will encourage cycling as a mode of transport given the provision of bicycles spaces and change room facilities in the basement. The department also notes that the applicant is committed to ensuring that individual Workplace Travel Plans are prepared and submitted as part of the future fit-outs of each tenancy. A condition to that effect is recommended on the consent.

The department considers that the TIA adequately addresses the potential traffic impacts including impacts on public transport, pedestrians and cyclists. The department accepts that the proposed development will not result in any unreasonable traffic impacts on the surrounding road network.

Car and Bicycle Parking

The parking rate for commercial development under the SOP Masterplan equates to 1 space per 80 sqm. The parking rate is a maximum requirement and which equates to a maximum of 85 car parking spaces permitted on the site. The proposed development provides 58 car spaces in a basement over two levels accessed from Murray Rose Avenue. The proposed development is therefore consistent with the maximum parking requirements under the SOP Master Plan. The department considers the proposed number of on-site car spaces is sufficient given the proximity of public transport and public parking in the vicinity of the site.

A minimum of 43 bicycle parking spaces are required under the SOP Master Plan. The proposed development provides 43 bicycle parking spaces, and therefore complies with the bicycle parking requirements in SOP Master Plan.

The department considers the proposed car and bicycle parking arrangements to be acceptable.

4.2.5 Acoustic Impacts

The proposed building will be designed to achieve a 5 star Green Star office rating. The green star scheme awards two points where it is demonstrated that for 95 per cent of the buildings net leasable area (NLA), the building achieves ambient internal noise levels in accordance with *AS/ANZ 2107:2000 Acoustics – recommended design sound levels and reverberation times for building interiors*. The Noise and Vibration Report submitted with the application, indicates the proposed development will achieve the internal noise requirements under the green star scheme.

The Noise and Vibration Report also takes into account the potential impacts associated with regenerated noise from rail movements on the nearby underground Olympic Park railway line. The prediction of ground borne noise levels within a building can be performed using measured vibration levels taken at the footings of the proposed structure. The vibration levels were measured as part of the previous assessment for the adjoining building at Site 8B. The department accepts that given the proposed building is a similar distance from the railway line, the vibration levels are expected to be similar to the previous measurement results. The report states that based on vibration level measurements taken at the footings of the adjoining 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 report concludes the levels of regenerated noise due to rail movements will enable the design criteria for internal noise to be achieved.

The proposed building 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 has adopted a sound performance standard to ensure that noise emissions from the Sydney Showground are minimised to neighbouring buildings particularly during the Royal Easter Show period. SOPA requires the design of the development to meet a sound performance standard for the future internal office space of not more than 40dBA, described as being "quiet to very quiet". The department notes the Noise and Vibration report recommends double glazing to the northern and southern façades of the building to ensure compliance with the internal noise level requirements for the development.

The proposed building design is also required to satisfy minimum noise levels at the boundary of the site to ensure it does not generate detrimental noise emissions (eg. from mechanical plant and equipment) in accordance with the *NSW Environmental Protection Authority's Industrial Noise Policy*. 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 Noise and Vibration Report submitted with the application.

4.2.6 Ecologically Sustainable Development

The SOP Master Plan 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. The department notes that a suitably qualified ESD consultant will be engaged as a member of the design team to provide ongoing input during the detailed design phase of the project. Accordingly, a range of ESD measures are being considered in response to the green star category ratings including a comprehensive environmental management plan to monitor the development of ESD initiatives, a high efficiency indoor air quality system and high performance double glazed facades.

The department is satisfied that the proposed building will achieve a good standard of environmental design.

4.2.7 Suitability of the Site

The site is suitable for the proposed development because:

- it will contribute towards the emerging high density mixed use Central Precinct within SOP;
- it has good access to public transport, including Olympic Park Railway Station and bus services on Australia Avenue and Murray Rose Avenue; and
- it is well serviced by utilities, including water, gas, electricity and telecommunications.

4.2.8 Public Interest

The proposed development will provide benefits for the region by:

- providing additional commercial uses within the growing employment and mixed use centre of Sydney Olympic Park;
- promoting sustainable travel modes, including public transport, walking and cycling;
- incorporating ESD initiatives in the design, construction and on-going operation of the development;
- contributing towards employment through the provision of 120 construction jobs and 100 operational jobs; and
- increasing investment opportunities, including a \$15.68 million CIV project.

The department therefore considers the proposal to be in the public interest.

5. CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The issues raised in the submissions have been considered and all relevant environmental issues associated with the proposal have been thoroughly assessed. The department is of the view that the recommended conditions will adequately mitigate any environmental impacts of the proposal.

The department considers the proposed development will result in a consistent built form along the northern edge of the 'Central Precinct' envisaged in the SOP Master Plan. The department also considers the detailed design of the prominent southern façade which is directly opposite Sydney Olympic Park Railway station provides sufficient differentiation and creates visual interest in the streetscape along Murray Rose Avenue.

The proposed building will achieve a minimum 5 star Green Star rating and 4.5 star NABERS energy efficiency rating resulting in a building with a high standard of environmental design.

The department is also of the view that the construction and operation of the building can be appropriately managed to minimise impacts on major events and for future tenants.

The proposal will not have any significant adverse impact on the surrounding road network and is generally in accordance with the quantum of development planned for under the SOP Master Plan. Furthermore, the site has excellent access to public transport and future transport demands will be met through a number of initiatives, including implementation of workplace travel plans, and the upgrade of intersections and other transport enhancements for the entire precinct.

The proposed development will provide additional commercial and retail uses within an emerging employment and mixed use centre, and contribute to the creation of a vibrant town centre at SOP. The department therefore considers the proposal is in the public interest.

Accordingly, the department recommends that the application be approved, subject to conditions.

5.2 Recommendation

In accordance with Section 89E of the Environmental Planning and Assessment Act, 1979, it is recommended that the Executive Director, Development Assessment Systems and Approvals:

- (a) **consider** the findings and recommendations of this report
- (b) **approve** the State significant development application, as outlined in the Environmental Impact Statement titled Environmental Impact Statement, Proposed Six Storey Commercial Building with Two Storey Basement Car Park, Associated Plant and Subdivision of Lot 8C, dated 10 October 2013, and subject to conditions of approval set out in the attached instrument at **TAG B**, under section 98E of the Environmental Planning and Assessment Act 1979
- (c) **sign** the attached statement of concurrence under Clause 22 of Part 23 of Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (MD SEPP) at **TAG A**
- (d) **sign** the attached development consent at **TAG B**

Endorsed by:

 23/1/14
Chris Ritchie
A/Director
Industry, Key Sites and Social Projects

 4.2.14
Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure's website as follows.

1. Environmental Impact Statements

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5676

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5677

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

The primary controls guiding the assessment of the proposal are:

- a) State Environmental Planning Policy (State and Regional Development) 2011
- b) State Environmental Planning Policy (Major Development) 2005
- c) State Environmental Planning Policy No.55 – Remediation of Land
- d) State Environmental Planning Policy (Infrastructure) 2007
- e) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- f) Sydney Olympic Master Plan 2030

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify State significant development (SSD) and State significant infrastructure (SSI) and provide the necessary functions to joint regional planning panels to determine development applications.

The proposed development is SSD in accordance with s. 89C of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it has capital investment value of more than \$10 million on land identified as being within the Sydney Olympic Park Site, under clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

State Environmental Planning Policy (Major Development) 2005 (MD SEPP)

The aims of the MD SEPP are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public

purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

SOP is identified as a State Significant Site under the MD SEPP, and Part 23 of Schedule 3 of the MD SEPP identifies a number of provisions relating to the carrying out of development within SOP, which are considered below.

Clause 7 Lane Use Zones

Pursuant to clause 7(2), Part 23, Schedule 3 of the MD SEPP, a consent authority must have regard to the objectives for development in a zone when determining applications. Consideration of proposed development against the objectives of the B4 Mixed Use Zone is provided below.

Clause 9 Zone B4 Mixed Use

The subject site is zoned B4 Mixed Use under the MD SEPP. The objectives of the B4 Mixed Use Zone are:

- a) to protect and promote the major events capability of the Sydney Olympic Park site and to ensure that it becomes a premium destination for major events;
- b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- c) to ensure that the Sydney Olympic Park site becomes an active and vibrant town centre within metropolitan Sydney;
- d) to provide for a mixture of compatible land uses;
- e) to encourage diverse employment opportunities;
- f) to promote ecologically sustainable development and minimise any adverse effect of land uses on the environment; and
- g) to encourage the provision and maintenance of affordable housing.

The proposed development is consistent with the objectives of the B4 Mixed Use Zone in that:

- it would not adversely affect the major events capabilities of Sydney Olympic Park;
- the site is located in close proximity to accessible public transport services;
- it will provide a mixture of compatible land uses;
- it will incorporate a number of ESD initiatives; and
- it would generate construction and operational employment opportunities.

The proposed mixed commercial and retail development proposals is permissible with consent under Clause 9(3) of Part 23 of Schedule 3 of the MD SEPP.

Clause 16 Subdivision – Consent Requirements

Subdivision of land within the Sydney Olympic Park requires consent, with the exception of subdivision which relates to widening a public road, minor boundary realignment, lot consolidation, rectifying an encroachment on a lot, creating a public reserve or exercising a lot to be used for public purposes. The proposed development involves subdivision of the subject site to create its own allotment.

Clause 18 Height of Buildings

The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the Height of Buildings Map or the Reduced Level Map, whichever is applicable. The site has a maximum height of 26m on the Height of Buildings Map.

The proposed building will have a maximum height of 24.7m (to top of plant), and therefore complies with the 26 m height limit.

19 Floor space ratio

The maximum floor space ratio for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map identifies that the site has a FSR control of 5:1 for the site.

The total site development would result in a total FSR of 5.32:1, and therefore does not comply with the FSR control. This aspect is addressed in **Section 4.2.2** of this report.

20A Demolition Requires Consent

The demolition of a building or work requires consent, unless it is identified as exempt development in an applicable environmental planning instrument. The site is currently used for at-grade parking and there are no buildings on the site.

22 Exceptions to development standards—other development

Development consent may be granted for development, even though the development would contravene a development standard imposed by the MD SEPP or any other environmental planning instrument, provided the consent authority considers a written request from the applicant that seeks to justify the contravention of the development standard, the proposal is in the public interest and the concurrence of the Director-General is obtained.

The proposed development exceeds the FSR development standards under the MD SEPP. This aspect is addressed in **Section 4.2** of this report.

23 Public utility infrastructure

The consent authority is required to be satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The EIS's and appendices for the development identify that the site has access to a full range of utility services, including potable and no-potable water, sewer, gas and electricity. A condition has also been included requiring the applicant to consult and obtain written advice from various utility service providers regarding connection, relocation and/or adjustment of any services affected by the development.

24 Major events capability

The consent authority is required to consider impacts of the proposal during major events held within the Sydney Olympic Park site, including consideration of traffic, crowd management, functioning of major event infrastructure, and emergency evacuation plans.

The department has recommended the preparation of an Event Management Assessment in consultation with SOPA prior to the issue of an Occupation Certificate.

25 Transport

Development consent must not be granted for development on land within the Sydney Olympic Park site unless the consent authority is satisfied that the development includes measures to promote public transport use, cycling and walking.

The site is opposite Sydney Olympic Park Railway Station and close to bus services on Australia Avenue and Murray Rose Avenue.

A Workplace Travel Plan to promote public transport use, cycling and walking will be prepared by the future tenants in consultation with SOPA.

26 Master Plan

Development consent must not be granted for development on land within the Sydney Olympic Park site to which a Master Plan applies unless the consent authority has considered that Master Plan.

Detailed consideration of the relevant provisions of the Master Plan is provided below within **Appendix B**.

30 Design excellence

Development consent must not be granted for development that is the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.

In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:

- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- whether the form and external appearance of the building will improve the quality and amenity of the public domain;
- whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency; and
- if a competition is held in relation to the development, the results of the competition.

Detailed consideration of the proposal is provided in **Section 4.2.1** of this report, and on the basis of this assessment, the department is satisfied that the proposed development has regard to the principles for design excellence.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land;
- identify when consent is required or not required for a remediation work;
- specify certain considerations that are relevant to applications for consent to carry out remediation work; and
- require that remediation work meet certain standards and notification requirements.

Clause 7 of SEPP 55 identifies that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

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 report, waste classification report, dated 10 September 2013, prepared Douglas Partners (DP) provides details on the contamination status and waste classification of the site soils. The investigation undertaken by DP confirms the site contains some fill material over natural ground conditions. The fill layer was assessed and some low level of contamination was identified. DP indicated that *“field observations and the laboratory results from the four test*

bores sampled as part of the assessment, the grey road base and brown and grey clay and silty clay filling is provisionally classified as General Solid waste (non-putrescible)."

The EIS states DP have examined the natural ground conditions below the fill and confirmed that *"given the low level of contaminant levels within the overlying filling, field observations and results from the adjacent 8B site, the natural red, brown and grey clays and silty clays and the shale and laminate bedrock encountered at the four test bore locations are considered to be provisionally classifiable as VENM."*

A geotechnical investigation report and waste classification investigation report submitted by the proponent identified that a filling material at depths between 0.6 m to 1.6 m 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 the proposal adequately addresses the requirements of SEPP 55.

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 requires the consent authority to consult with the rail authority prior to any determination. The proposed development is located opposite Olympic Park Railway Station to the south of Murray Rose Avenue. The proposed development was referred to RailCorp, however no comments were received. Notwithstanding, the department has included standard conditions on the consent similar to those imposed on the adjoining site 8B in relation to dilapidation surveying and reporting, electrolysis, noise and vibration impacts, demolition, construction and operation impacts and geotechnical requirements.

In accordance with clause 104 (Traffic-generating development), the proposed development was referred to the Roads and Maritime Services (RMS) however, no comment was received. Notwithstanding, the applicant prepared a traffic assessment report that has demonstrated that the proposed development can be accommodated within the existing road network.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP) aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations.

Although the Harbour REP applies to the entire Sydney catchment area (including the subject site) and provides a number of broad planning principles in clause 13 of the Harbour REP, it primarily provides planning provisions relating to the foreshores and waterways area of the Harbour REP. The site is a significant distance from the immediate waterways or foreshore areas and is unlikely to be visible from Homebush Bay and Parramatta River due to intervening development. Accordingly, the proposed development is unlikely to impact on the visual qualities of Sydney Harbour.

The proposed development includes stormwater drainage which would provide for the controlled management of stormwater and runoff from the site.

The department therefore considers the proposed development is consistent with the relevant planning principles of clause 13 of the Harbour REP.

Sydney Olympic Master Plan 2030

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

SOP Master Plan provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure controls would apply. The relevant controls are addressed in Table 1 below.

Table 1: Sydney Olympic Park Master Plan 2030 Compliance Table

General Controls and Guidelines	Applicable Requirements	Compliance
4.2 Sustainability		
4.2.1	- Engage an ESD consultant as a project team member.	Yes – Cundall Johnston & Partners
	- Connect all new development to SOP's recycled water system.	Yes
	- Priorities sustainable material selection.	Yes
	- Non-residential development to achieve min. v3 5 star GreenStar Green Building Council of Australia rating and 4.5 Star NABERS Energy rating.	Yes
	- Consideration of rising sea levels.	N/A
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.	Yes
	- Provide weather protection at communal entrances.	Yes
	- Max. surveillance of public domain and views of public areas from building.	Yes
	- Activate ground floor levels with primary retail uses.	Yes
	- Introduce multiple entrances wherever possible.	Yes
	- Divide large facades into smaller sections to modulate street frontage and ensure architectural detailing incorporates good materials and details of interest to pedestrians.	Yes
	- Glaze ground floor windows and doors for retail uses with clear glass and provide good lighting at night.	Yes

General Controls and Guidelines	Applicable Requirements	Compliance
	- Provide awnings as nominated to the full extent of the street frontage for non-residential buildings.	Yes
	- Awnings are not to continue across site links and building separations.	Yes
	- Awnings are to be 3m wide.	No – 2m awning width proposed to be consistent with existing development adjacent at 8B Murray Rose Avenue.
	- 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
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.	No – 5.32:1 FSR proposed.
	- 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.	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.	Yes – 20m proposed.

General Controls and Guidelines	Applicable Requirements	Compliance
	- 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.	Yes – 10m maximum distance to external window.
	- Underground car parking to be concentrated to building footprint.	Yes – partially extends beyond footprint, but still within site boundaries.
4.6.4	- Comply with max. heights nominated in Building Heights Plan – 6 storeys	Yes
	- 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.	N/A
	- All developments over 25m high will require assessment by a wind consultant.	N/A – Max. building height of 24.7m proposed.
	- Comply with the minimum floor to ceiling heights: ▪ 3.3m for Ground Floors; and ▪ 2.7m above Ground Floors.	Yes – Generally 3.2m proposed.
4.6.5	- Max. rooftop service zone height is 5m and setback min. 3m from parapet.	Yes - 2.4m plant height; - 12m western side setback; - 12m eastern side setback; and - 6.8m front setback.
	- Total area in plan above the max. building height for services may not exceed 80% of the building footprint area.	Yes – services zone equates to approx 33% in plan.
	- Design lift towers, machinery plant rooms, stacks, vent pipes and television antennae to minimise their visibility and size.	Yes
	- The design of rooftop structures is to be integral with the overall building design.	Yes
4.6.6	- Ensure courtyards and atria in commercial buildings have a min. width of 9m.	N/A
	- Min. separation of 24m required between commercial buildings facing habitable rooms in residential buildings.	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 8B.
	- Ensure building facades reinforce street alignment.	Yes

General Controls and Guidelines	Applicable Requirements	Compliance
	- Above ground articulation in the form of balconies, sunscreens and bay windows and the like may extend 300mm into front setback zone.	N/A – no balconies or bay windows or the like proposed.
4.6.9	- 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> .	Yes
	- Ensure equitable access is provided to the main building entrance from both the street and car parking areas.	Yes
	- Ensure car parking provisions comply with relevant Australian Standards.	Yes
	- Locate accessible car parking spaces at the most convenient place for users.	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 – The proposed development was 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.	Yes – predominant glass façade maximises natural surveillance opportunities to Murray Rose Avenue.
	- Ensure retail or active uses on the ground floor open directly onto the street and have a clear visual connection with the street.	Yes – proposed retail shells have direct access to Murray Rose Avenue, separate from the building entrance for the commercial floors above.
4.6.14	- Commercial office development should have capacity for openable windows.	No – proposed façade treatment does not allow for windows to be opened.
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.	Yes

General Controls and Guidelines	Applicable Requirements	Compliance
	- Acoustic report must be prepared for new developments assessing the possibility of land use conflicts as a result of the development.	Yes
	- All plant rooms shall be designed to meet the requirements of the NSW Industrial Noise Policy.	Yes
	- Design commercial development to comply with the maximum internal noise criteria.	Yes
4.6.16	- Waste Management Plan to be submitted with all DA's to the satisfaction of SOPA.	Yes.
	- Minimise waste during the design of a building.	Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations.
	- 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.	Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations.
	- A min. 80% of construction and demolition waste must be recycled or re-used.	Yes – proponent committed to incorporating re-use and recycling of building materials to a min. 80% to achieve the projects Green Star obligations.
	- Include space for on-site waste management infrastructure that maximises the opportunities for the sorting and segregation of waste materials.	Yes – on-site garbage and recycling room proposed.
	- Locate waste management areas out of public areas so as to not cause offence with regard to smell, visual amenity and noise.	Yes – garbage and recycling room located at the rear of building.
	- Locate waste management areas wholly within 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.	Yes
	- 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

General Controls and Guidelines	Applicable Requirements	Compliance
4.7 Access and Parking		
4.7.1	- All parking is to be underground.	Yes
	- Vehicle access points are to be designed to satisfy relevant Australian Standards.	Yes
	- 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.	Yes
	- 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.	Yes
	- Minimise the width of driveways and blank walls to the public domain by consolidating car access, docks, servicing and waste disposal.	Yes
	- Servicing for retail and commercial developments is not permitted from streets required for servicing major events.	Yes – servicing available via rear lane access.
	- 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).	Yes – 58 spaces proposed.
	- 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).	Yes – 39 spaces provided within basement.
	- 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
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 – a WTP will be prepared by future tenants in consultation with SOPA.
4.9 Landscape and Site		N/A – proposal does not impact on existing vegetation or landscaped areas.

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

APPENDIX C GLOSSARY

Accredited Assessment under the EPBC Act.

If the project involves a "controlled action" under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process.

Where a controlled action is involved the department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process.

Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure delegated his functions under s. 89E of the *Environmental Planning and Assessment Act 1979*, to the Executive Director, Development Assessment Systems and Approvals, to determine applications where:

- (a) the relevant council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 10 public submissions in the nature of objections.

Ecologically Sustainable Development 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.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (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.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C Evaluation

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

Note. See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*

TAG A

CONCURRENCE OF DIRECTOR GENERAL
