



Planning &
Environment

STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT:

*Site 53, No.2 Figtree Drive,
Sydney Olympic Park*

(SSD 7662)



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

September 2017

ABBREVIATIONS

Applicant	Mirvac Projects Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
ADG	<i>Apartment Design Guide</i>
CIV	Capital Investment Value
Commission	Planning Assessment Commission
COS	Communal open space
Local Government Area	City of Parramatta Local Government Area
Department	Department of Planning and Environment
DRP	Design Review Panel
DIA	Design Integrity Assessment
EIS	Environmental Impact Statement and accompanying appendices, prepared by Urbis Pty Ltd and dated December 2016
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GANSW	Government Architect NSW
ICF	Infrastructure Contributions Fund
MP	Master Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
POS	Private open space
RMS	Roads and Maritime Services
RtS	Response to Submissions report and accompanying appendices, prepared by Urbis Pty Ltd and dated 16 June 2017
RMS	Roads and Maritime Services
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State significant development
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005
TfNSW	Transport for NSW

Cover Photograph: Photomontage of proposed development viewed from corner of Australia Avenue and Figtree Drive (Source: Applicant's EIS)

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NSW Government
Planning and Environment

EXECUTIVE SUMMARY

This report provides an assessment of a State significant development application (SSD 7662) lodged by Mirvac Projects Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks consent for the construction of a mixed-use development, comprising four residential apartment buildings, ranging in height from nine to 35 storeys, ground floor retail, landscaping, basement parking, a new road and a five lot subdivision at Site 53, 2 Figtree Drive, Sydney Olympic Park (SOP), within the City of Parramatta local government area. The development has a capital investment value (CIV) of approximately \$292 million and will generate approximately 900 jobs during construction and 54 operational jobs.

The development is a SSD under Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is a development within the Sydney Olympic Park site that has a CIV of more than \$10 million. Therefore, the Minister for Planning is the consent authority.

The subject land previously was granted approval for a smaller scale of development, five to 15 storey buildings, under SSD 7033. Subsequently, the Draft SSP SEPP and Draft SOP Master Plan were prepared and publicly exhibited, which proposed increases in both the building heights and floor space ratio for Site 53, and the Applicant now seeks approval for a development more reflective of the draft controls.

Accordingly, the Department has focused its assessment of the proposal having regard to the draft controls as they purport to set out the future context for development in the SOP. The application has also been the subject of considerable design review, including a SOP DRP design review process and independent design advice to the Department from GM Urban Design and Architecture.

The Environmental Impact Statement (EIS) was publicly exhibited from 18 January 2017 to 6 March 2017 (47 days). The Department of Planning and Environment (the Department) received 10 submissions in response to the application, including nine submissions from public authorities and one public submission in support of the proposal. The key issues raised in submissions included compliance with height and floor space ratio requirements under the *Sydney Olympic Park Master Plan 2030* (Master Plan) and the *Sydney Olympic Park Master Plan 2030 - 2016 Review* (Draft Master Plan), requirements of the *Apartment Design Guide* (including solar access, apartment design, floorplate size and deep soil zone requirements), car parking and traffic generation, essential servicing, contamination, general amenity (including noise, odours, vibration) and access.

The Applicant submitted a Response to Submissions (RtS) report providing additional information to address the issues raised during the exhibition and modifying the proposal to increase height and apartment numbers whilst reducing basement carparking. As the proposal involved an increase in height for Building 2 the proposal was re-notified to surrounding residents and government agencies for a period of 14 days from 20 June to 4 July 2017. At the conclusion of the notification period, eight public authority submissions and 17 public submissions by way of objection had been received. The public submissions raised concerns with the additional height and increased density/apartments, as well as traffic, view loss, sunlight loss and general health concerns.

The Department has found the key assessment issues associated with the proposal include the exceedance of the maximum building height and floor space ratio, design quality, community open space and access, traffic and car parking. The Department's assessment concludes that the heights and FSR sought for the proposal are acceptable considering the larger scale of development being proposed as part of the Draft Master Plan and Draft State Environmental Planning Policy (State Significant Precincts) 2005. The Department also finds the design of the communal open space well resolved and traffic and car parking impacts acceptable.

The Department considers the application is in the public interest, and recommends it be approved, subject to conditions.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State significant development application (SSD 7662) lodged by Mirvac Projects Pty Ltd (the Applicant) seeking consent for the construction of a mixed-used development, comprising four residential apartment buildings, ranging in height from 9 to 35 storeys, ground floor retail space, landscaping, basement parking, and a new road and subdivision at Site 53, 2 Figtree Drive, Sydney Olympic Park (SOP).

1.2 Sydney Olympic Park

Following the completion of the 2000 Olympics, SOP has undergone a significant urban transformation into an active and vibrant higher density mixed-use precinct. Whilst SOP continues to be one of Sydney and Australia's premier sporting and entertainment precincts, it now also supports an emerging town centre with a range of commercial office, retail and residential uses, expansive urban parklands, important heritage areas and protected ecological habitats.

The SOP area is located approximately 14 km west of the Sydney CBD, and 8 km east of the Parramatta CBD, and extends from the Parramatta River in the north to the M4 Motorway and Parramatta Road in the south (**Figure 1**).

The SOP area covers 640 hectares, comprising 430 hectares of green space and parklands and a 210 hectare town centre. The area is serviced by the Sydney Olympic Park Train Station, a number of surrounding major arterial roads (M4 Motorway, Great Western Highway and Homebush Bay Drive), as well as an extensive pedestrian and cycling network.

SOP is managed by the Sydney Olympic Park Authority (SOPA), who manage the development of SOP through the Master Plan. The Master Plan provides a comprehensive planning framework to guide the long-term urban transformation of SOP into an active and vibrant suburb, whilst ensuring it remains a major sporting and entertainment precinct. The Master Plan is currently being reviewed (Draft Master Plan), having completed public exhibition on 15 November 2016, with the aim of supporting additional residential, retail and commercial development, community facilities and expanding sporting and entertainment venues.

SOP is also identified as a Strategic Centre in *A Plan for Growing Sydney*, and forms part of the Greater Parramatta to Olympic Peninsula Priority Growth Area, stretching from Westmead, through to the Parramatta CBD, Silverwater and SOP.



Figure 1: Sydney Olympic Park location (Source: Google Maps)

1.3 The Site

The site is located at 2 Figtree Drive within SOP and is legally described as Lot 22 in DP 787402 and part Lot 10 in DP 1185060. The site is bounded by Australia Avenue to the east, Figtree Drive to the north, a commercial building at 4 Figtree Drive to the west, and a landscaped corridor known as Linear Park to the south, which adjoins the Olympic Park Railway Line (**Figures 2 and 3**).

The site has a total area of 12,697 m², and is generally rectangular in shape with a slope from the north-west corner (RL 21.25) down to the southern (RL 12.85–12.8) and eastern boundaries (RL 15–12.8). The site currently contains a two-storey commercial building with external car parking and three mature fig trees.



Figure 2: Site location shown in red (Source: Nearmap)



Figure 3: Site location shown in red (Source: Nearmap)

1.4 Surrounding Development

The site and surrounding SOP area is experiencing a significant urban transformation through the development of new commercial, residential, retail and community uses, as well as expanding sporting and entertainment venues.

The existing character of the surrounding area is summarised as follows:

- to the north of the site is Figtree Drive, beyond which is predominantly two-storey commercial and light industrial buildings with at-grade car parking and tree planting. Olympic Park Station is located further to the north (approximately 350 m north of the site)
- to the east of the site is Australia Avenue and the Olympic Park Rail line, beyond which are residential towers, including Australia Towers (up to 30 storeys) to the north-east, and Opal Tower (36 storeys) to the east. Bicentennial Park is located further to the east
- to the south of the site is Linear Park, an open space with an existing shared pedestrian/cycle path, beyond which is the Olympic Park Rail line and Sarah Durack Avenue. Further south is the Bicentennial Marker, playing fields and tennis centre. To the south-west is an approved mixed-use building (38 storeys) site which is expected to commence construction in 2017
- to the west of the site is predominantly three to four-storey commercial and light industrial buildings, including the existing Fujitsu Australia building at 4 Figtree Drive. Further to the west is Olympic Boulevard, where a 38 storey mixed-use development (SSD 7445) was recently approved.

1.5 Existing Approved Development SSD 7033

On 22 July 2016, the Department approved an SSD application (SSD 7033) on site. This development was also proposed by Mirvac seeking approval for the construction of a mixed-use development, comprising four residential apartment buildings ranging in height from five to 15 storeys, ancillary retail/commercial floor space at ground floor, three levels of basement car parking, a new access road and associated landscaping works. Images of the approved development are shown below in **Figures 4** and **5**.



Figure 4: Photomontage of approved development, from Australia Avenue (Source: RtS SSD 7033)



Figure 5: Photomontage of approved development, from Figtree Drive (Source: RtS SSD 7033)

Two additional development applications have also been approved on site by SOPA in October 2015 (DA 12-09-2015) and February 2016 (DA 15-12-2015), for site preparation works, including demolition of all existing structures on site, diversion of existing sewer infrastructure and relocation of an existing mature fig tree. The Applicant has not progressed with the development approval under SSD_7033. Rather it is now seeking approval for a development that has been designed having regard to the design principles of the proposed development standards in the Draft SSP SEPP and Draft SOP Master Plan

2. PROPOSED DEVELOPMENT

2.1 Project Description

The application originally proposed four residential buildings with retail components ranging in size from nine to 31 storeys and five levels of basement car parking.

The proposal, as modified by the RtS, seeks consent for the construction of a mixed-used development, comprising four residential apartment buildings, ranging in height from nine to 35 storeys, retail floor space (at ground level), landscaping, four levels of basement parking, and a new road and subdivision. The key components of the proposal are detailed in **Table 1**, and a site plan and images of the proposal are shown in **Figures 6 to 9**. The changes in design between the EIS and the RtS are diagrammatically depicted below in **Figure 7**.

Table 1: Key components of the SSD application (as modified)

Aspect	Description
GFA / Residential Apartments	62,655.56 m² total gross floor area (GFA) comprising: 1,500 m² of retail GFA (at ground floor) 61,155.53 m² of residential GFA or 705 residential apartments, including: 279 one-bedroom apartments (39.57%) 334 two-bedroom apartments (47.38%) 91 three-bedroom apartments (12.91%) 1 four-bedroom apartment (0.14%). <i>Note: 21 apartments (3%) are affordable housing</i>
Floor Space Ratio	FSR of 4.93:1
Building Heights	- Building 1 (North Building): 12 storeys (37.4 m - 56.05 RL) - Building 2 (East Building): 35 storeys (109.55 m - 128 RL) - Building 3 (South Building): 9 storeys (27.9 m - 47.55 RL) - Building 5 (West Building): 23 storeys (72.65 m - 91.90 RL).
Access and Parking	- Construction of a new vehicular access from Figtree Drive along the western boundary of the site (boundary between Site 53 and Site 52) - Four basement levels accommodating 730 car parking spaces, comprising: 655 spaces for residents (including 73 accessible spaces) 71 spaces for visitors and the retail component (including 8 accessible car parking spaces, 2 car sharing and 2 car charging spaces) 4 car spaces for car share access. 1,025 bicycle parking spaces, comprising: 819 spaces for residents 216 spaces for retail and visitors (including 176 visitor spaces) 43 motorcycle parking spaces comprising: 40 spaces for residents 3 spaces for visitors and the retail component - Loading dock / delivery facilities.
Earth Works and Communal Open Space	- Excavation for the basement car park - Provision of a 20 m wide view corridor that dissects the site - Landscaping, including the retention of two mature fig trees, public open space, private communal open space, deep soil landscaping and children's play area.
Subdivision	Subdivision of the site into 5 lots
Staging	- Earthworks, including excavation of basement car park areas and concrete piling, and construction of buildings - The fit-out of the retail floor space will be subject to future development applications.
Jobs and Capital Investment Value	900 construction jobs and 54 operational jobs - CIV of \$292 million.



Figure 6: Site Layout Plan with red hatching subject to SOPA's final design (Source: EIS)

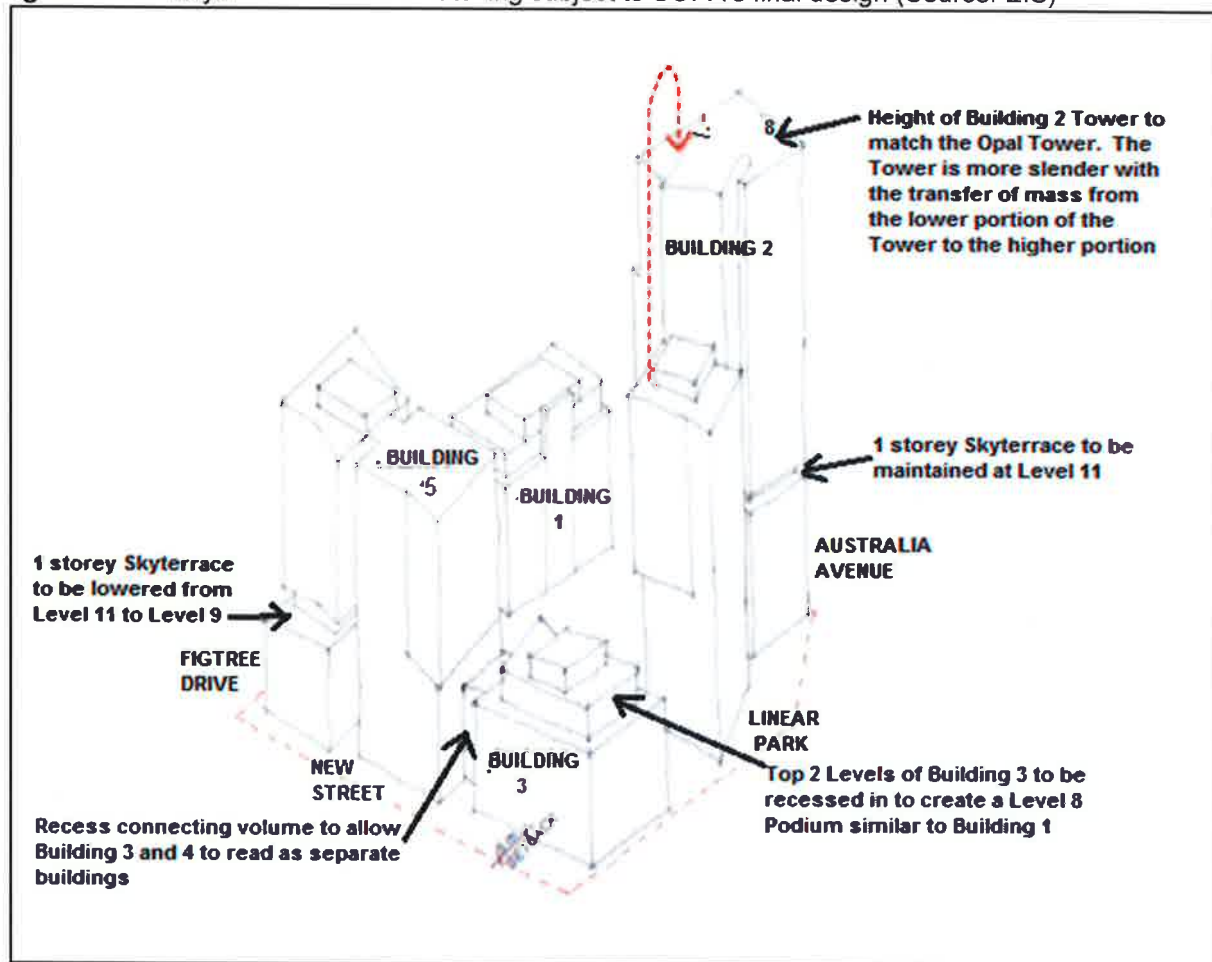


Figure 7: Proposed design changes (Source: RtS)



Figure 8: Photomontage of proposed development looking from the south-east along Australia Avenue (Source: RtS)

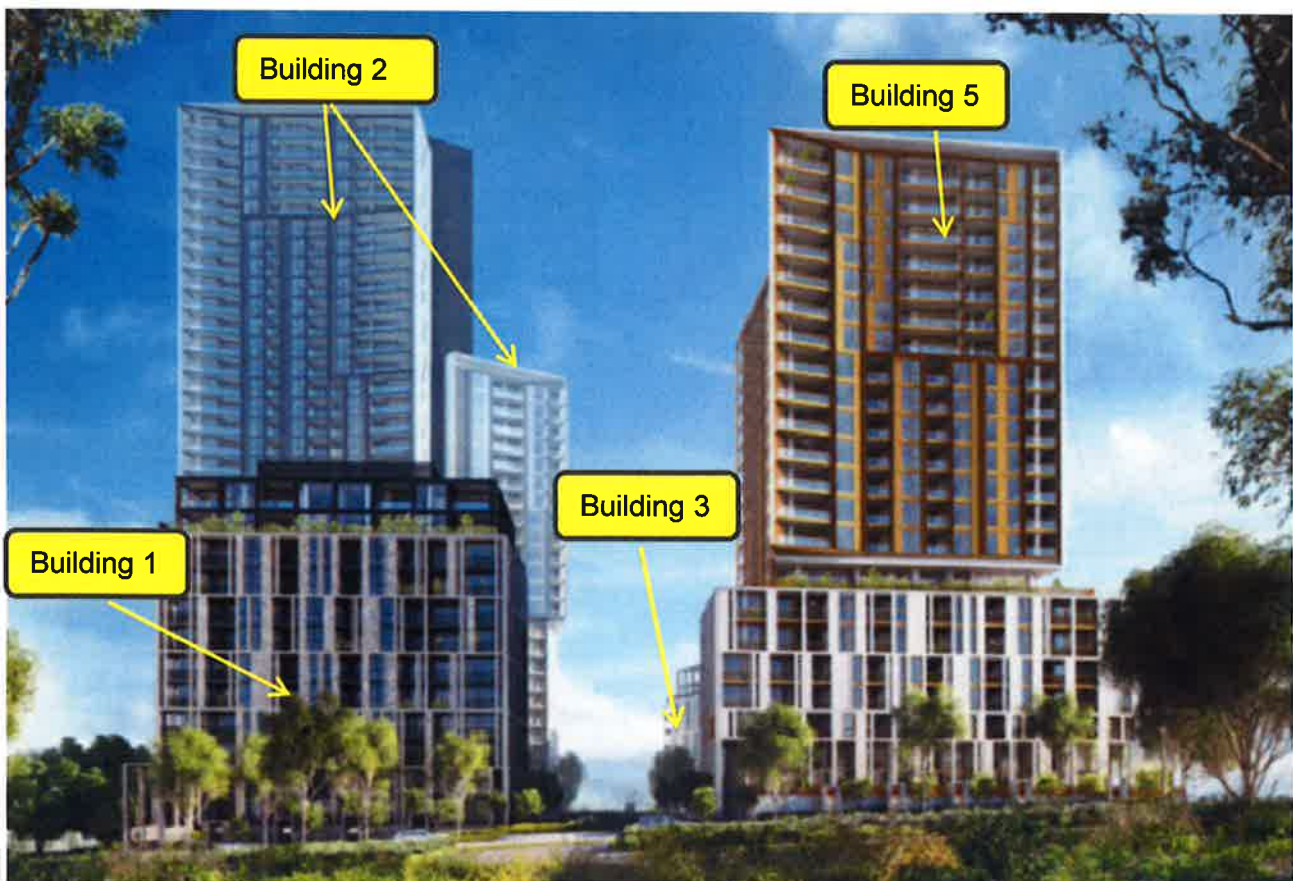


Figure 9: Photomontage of proposed development looking from the north on Figtree Drive down the 20 m view corridor (Source: RtS)

3. STATUTORY CONTEXT

3.1 State Significant Development

The proposal is State Significant Development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development with a CIV of more than \$10 million and is located within the Sydney Olympic Park site pursuant to clause 2(f) of Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Therefore, the Minister for Planning is the consent authority.

3.2 Delegated Authority

Determination of Application

In accordance with the Minister's delegations, signed 16 February 2015, the Acting Executive Director, Key Sites and Industry Assessments may determine the application under delegation as

- the relevant council has not objected;
- no political disclosure statement has been made; and
- there were less than 25 public submissions in the nature of objection.

Granting Concurrence

On 1 December 2014, the Secretary of the Department delegated functions for granting concurrence to variations to development standards requested under Schedule 3 of the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) to Executive Directors who report to the Deputy Secretary, Planning Services.

Accordingly, the Acting Executive Director, Key Sites and Industry Assessments, may grant concurrence under delegation to the proposed variations to the maximum building height and floor space ratio development standards.

3.3 Permissibility

The site is zoned as B4 Mixed Use under Part 23 (Schedule 3) of the SSP SEPP. The proposed residential and retail uses are permitted in this zone with consent.

3.4 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (I SEPP)
- State Environmental Planning Policy 65 (Design Quality Residential Apartment Development)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy 55 – Remediation of Land
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (State Significant Precincts) 2005 (Draft SSP SEPP).

An assessment of compliance with the above EPIs is provided at **Appendix B**. In summary, the Department is satisfied the application complies with the relevant provisions of the EPIs, with the exception of clause 18 (height of buildings) and clause 19 (FSR) of the SSP SEPP.

The application also complies with the Draft SSP SEPP provision in respect of clause 19 (FSR), but Building 2 does not comply with clause 18 (height of buildings).

The Department has considered the Applicant's request to exceed the building height and FSR development standards in **Section 5** and **Appendix B**.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act (the Act) must have regard to the objects of the Act. The application is considered to be consistent with the objects of the Act, as the application will promote the orderly and economic use of the site. The proposal is compatible with the surrounding character of nearby development in SOP. The Department has considered the objects of the Act in **Table 2** below and is satisfied that the proposal complies with all relevant objects.

Table 2: Consideration of the proposal against the objects of the EP&A Act

Objects of the EP&A Act	Consideration
<i>(a) to encourage:</i>	
<i>(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</i>	The proposal does not impact on natural and artificial resources, as it involves the development within an already disturbed urban area. The proposal will revitalise the SOP site which will enhance economic and social welfare.
<i>(ii) the promotion and co-ordination of the orderly and economic use and development of land</i>	The proposed development will facilitate the future use of the site and the merits of the proposal are considered in Section 5 .
<i>(iii) the protection, provision and co-ordination of communication and utility services</i>	The proposal is unlikely to impact on existing communication and utility services.
<i>(iv) the provision of land for public purposes</i>	The proposal will result in improvements to the public domain with increased connectivity to Linear Park
<i>(v) the provision and co-ordination of community services and facilities</i>	The proposal will provide community services and facilities including a new supermarket, retail areas and communal facilities for the residents
<i>(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</i>	The site does not contain any threatened species or their habitat.
<i>(vii) ecologically sustainable development (ESD)</i>	Section 3.7 considers the proposal against the principles of ESD.
<i>(viii) the provision and maintenance of affordable housing</i>	The proposal includes the provision of 21 affordable housing apartments
<i>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State</i>	The proposal is SSD in accordance with the SRD SEPP. The Department consulted with Parramatta City Council, SOPA, Transport for NSW, Environment Protection Authority (EPA) and other relevant agencies on the proposal.
<i>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	Section 4 sets out details of the Department's public exhibition of the proposal.

3.6 Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)

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.

3.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) from 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 Applicant has considered and addressed ESD principles as they relate to the proposal in Section 8.2 and Appendix I of the EIS. This describes the Applicant's approach to integrating energy efficient technologies and sustainable practices in the design, construction and ongoing operation of the development.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** - the proposal will not result in any serious or irreversible environmental damage, as it will not involve significant on-going works or operational activities that would give rise to unacceptable air quality or water quality impacts.
- **Inter-Generational Equity** – the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as:
 - the proposal considers existing environmental impacts in the area, such as noise and odour impacts and it is not anticipated these issues will give rise to health, diversity or productivity issues. Further detailed consideration of noise and odour issues associated with the future operation of tenancies will be considered in future applications by the relevant consent authority
 - the proposal will increase retail opportunities and deliver improvements to the surrounding public domain, including a new pedestrian site link between New Street and Figtree Drive and outdoor seating and landscaping.
- **Biodiversity Principle** – the proposal will have no significant impact on biodiversity or ecological value, as the site is already developed and has little environmental significance. The proposal involves the retention of two fig trees with high significance value located along the Australia Avenue frontage. Relocation of a third fig tree adjoining Linear Park has previously been approved. In addition, the proposal includes new street tree plantings along the road frontages.
- **Valuation Principle** – the proposal includes a number of energy, water and waste reducing measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied that the proposal encourages ESD.

The Department notes the application was accompanied by an ESD Report, which details a number of sustainability initiatives to be implemented through the proposal, including the use of recycled water, energy efficient LED light fittings, passive solar design and performance to reduce the need for air conditioning and heating, and waste minimisation measures. The EPA has provided a submission on the proposal and the ESD Report and considers the proposal reasonable, subject to specific conditions.

In addition, the Department considers the precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts of the proposal, as detailed in the Applicant's EIS.

3.8 Secretary's Environmental Assessment Requirements

Section 1.4 of the EIS addresses compliance with the Secretary's Environmental Assessment Requirements. These matters have been sufficiently addressed in the EIS to enable the Department to undertake a proper assessment of the proposal in accordance with the EP&A Act.

3.9 Strategic Context

A Plan for Growing Sydney

A Plan for Growing Sydney (The Plan) is a strategic document that guides land use planning decisions in the Sydney Metropolitan area over the next 20 years. It presents a strategy to accommodate Sydney's population growth, strengthen its global competitiveness and deliver investment and jobs for Western Sydney.

The Plan seeks to accelerate housing supply and local housing choices across Sydney with a target of 664,000 new dwellings by 2031. The Plan identifies SOP as a strategic centre within the Global Economic Corridor. SOP is identified as a major precinct within the proposed Greater Parramatta to the Olympic Peninsula priority growth area, which will identify infrastructure to support medium to long term opportunities for urban renewal and population growth.

The proposal is consistent with the Plan as it provides 705 new residential dwellings in a range of one, two, three and four bedroom apartments to meet varying housing choices within SOP. This housing growth, together with the proposed additional commercial and retail floor space, will support the urban renewal of the SOP as a strategic centre providing homes in close proximity to employment opportunities.

District Plans – Draft West Central

District Plans link the metropolitan planning in The Plan with detailed land use planning in EPIs. SOP is located in the West District. The Draft West Central District Plan (the Draft District Plan) was publicly exhibited from 21 November 2016 to 31 March 2017. The Department has therefore considered the Draft District Plan in its assessment.

The District Plan prepared by the Greater Sydney Commission is intended to guide the strategic planning for the West Central region of greater Sydney, which comprises the Parramatta, Blacktown, Cumberland and The Hills local government areas.

The Plan sets out a vision that *"Sydney Olympic Park will be transformed into a healthy lifestyle education and innovation centre based on its sports heritage with vital education, commercial and residential hubs"*. SOP is anticipated to provide for significant jobs and residential growth delivered through the SOP Master Plan.

The proposal is consistent with the Draft District Plan's future vision for the area, noting the development will create approximately 900 construction jobs and 54 operational jobs, and of the 705 new residential apartments, a minimum of 21 apartments (3%) would be dedicated to SOPA to be provided as affordable housing.

Sydney Olympic Master Plan 2030

SOPA is responsible for managing development in SOP through the *Sydney Olympic Park Master Plan 2030* (the Master Plan).

The Master Plan was approved by the Minister for Planning on 8 October 2009 and provides a comprehensive planning framework to guide the long-term urban transformation of SOP into an active and vibrant suburb within metropolitan Sydney, whilst ensuring it remains a major sporting and entertainment precinct.

The site (Site 53 in the Master Plan) is located in the Central Precinct, which is being transformed into a high density, mixed use neighbourhood with commercial offices, retail and residential uses. The proposal does not comply with the height (10 storey) and FSR (2.5:1) controls as discussed in **Section 5** and **Appendix B**.

Sydney Olympic Master Plan 2030 (2016 Review)

SOPA is required to review the Master Plan every five years in accordance with the SSP SEPP. SOPA is currently undertaking this review process and exhibited the Sydney Olympic Masterplan 2030 (2016 Review) (Draft Master Plan) and accompanying amendments to the SSP SEPP from 10 October 2016 to 15 November 2016.

The Draft Master Plan identifies the potential for a further 10,700 dwellings, 34,000 employment opportunities and an increase in retail space to 100,000 m² across SOP. This is consistent with the Draft District Plan's vision for increased jobs and residential growth of SOP.

In delivering the above targets, the Draft Master Plan proposes significant uplift in height and density in SOP, particularly along Olympic Boulevard and Australia Avenue.

The Draft Master Plan identifies Site 53 in the Central Precinct. The southern part of the precinct, within which Site 53 is located, is identified as a high density residential area focussed along a green corridor. The draft controls for the site increase the maximum building heights from 10 storeys to mixed 8-30 storeys and increase FSR controls from 2.5:1 to 4.5:1.

A detailed assessment of compliance against the Master Plan and the Draft Master Plan is provided in **Appendix B**, with further consideration of building height and FSR in **Section 5.4** of this report.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

As required by section 89F of the EP&A Act, the SSD application and accompanying information was made publicly available in accordance with the EP&A Regulation for at least 30 days following the date of first publication (see **Table 3**).

Table 3: Exhibition details

Exhibition/Notification	Notification Format	Dates
Publicly Exhibited	The Department's Information Centre, City of Parramatta Council, Sydney Olympic Park Authority and on the Department's website.	18 January 2017 until 6 March 2017 (47 days)
Newspaper Notice	<i>Auburn Review Pictorial</i>	17 January 2017
Written Notices	Surrounding landowners, key agencies and Council.	16 January 2017

The Department received a total of nine submissions during the exhibition period, including eight from public authorities and one public submission supporting the proposal, although reasons for support of the proposal were not outlined. No objections were received.

4.2 Public Authority Submissions

The Department received public authority submissions from the City of Parramatta Council (Council), SOPA, the Office of Environment and Heritage (OEH), EPA, Sydney Water, Roads and Maritime Services (RMS), Sydney Trains and Transport for NSW (TfNSW). A summary of these public agency submissions is provided in **Table 4** below.

Table 4: Summary of public authority submissions on the EIS

Council
Council did not object to the application, however, raised a number of concerns and provided a number of recommendations for the Department's consideration, including: • recommending conditions to impose any relevant contribution plan • recommending conditions to ensure the architect continues to have ongoing direct involvement in the design and construction stages of the project • non-compliance with the <i>Disability Discrimination Act 1992</i> requirements at building entries and at entries to Linear Park • minimal deep soil zone areas provided • non-compliances with the Apartment Design Guide, including solar access requirements • amount of car parking provided (including a low provision of visitor parking) and impacts of traffic generation on the surrounding road network • proposed variations to the existing Master Plan controls • recommending that the development should only be determined following the adoption and gazettal of the final Master Plan.
Sydney Trains
Sydney Trains did not object to the application, however, recommended a number of conditions relating to construction works in proximity to the Olympic Park Railway Line.
OEH
OEH did not object to the application or raise any concerns with the proposal.
SOPA
SOPA did not object to the application, however, the following matters were raised: • need for a Public Domain Interface Plan to address potential conflict points in the New Street • traffic generation rates should be higher and the resultant impacts considered, including traffic queuing and delays • transport mode share estimates are based on Chatswood/St Leonards sites and are not representative of the unique SOP site • preparation of a Construction Noise and Vibration Management Plan and appropriate Sub-Plans • the stormwater proposal should be reviewed to align with the SOPA Stormwater Management and Water Sensitive Urban Design Policy.
RMS
RMS did not object to the application.
EPA
EPA did not object to the application, however, it raised various matters which required further comment to clarify: • how future occupants may be made aware that odour and noise issues can occur in this location • that a noise management plan be implemented to assist in providing reasonable notice to occupants of event staging • clarification to be sought on the feasibility of measures to mitigate noise from the Site 52 Data Centre • further advice be provided that noise generated by concerts/events have been included as part of the acoustic assessment • measures to be undertaken to collect and manage any underground seepage from basement and underground car parking structures • consideration of potential sewage overflows from existing sewerage systems or treatment plants • consideration of any need to de-gas/deplete any landfill gas at the source • how waste streams, including recyclables, can be managed.
Sydney Water
Sydney Water did not object to the application, however, it was clarified that services may require upsizing to accommodate the proposed development and that various standard conditions are recommended for inclusion.

TfNSW

TfNSW did not object to the application, however, it did provide comment and recommendations on:

- adoption of a more acceptable traffic generation rate rather than rates reflective of other developments which have more direct public transport access
- adoption of appropriate end-of-trip facilities be provided in accordance with SOPA guidelines
- provision of a pedestrian/bicycle shared path adjacent to the site
- preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP).

4.3 Issues raised by the Department

In addition to the issues raised in the EIS submissions, the Department requested the Applicant further consider:

- the proposal against the recommendations of the Draft Master Plan
- outline how the proposal achieves design excellence (in order to achieve a 10% FSR bonus)
- provide a detailed assessment of the proposal against the *Apartment Design Guidelines* (ADG)
- identify the apartments to be allocated as 3% affordable housing
- verification and justification of the car parking proposed
- provide advice on the view corridor amendment, commercial/private use of gym/yoga and community room facilities and additional advice on construction noise and vibration
- a response to the Department's independent urban design review prepared by GM Urban Design and Architecture (GMU) (**Appendix D**) in respect of building heights, building articulation, floorplates, façade treatments, public access, landscaping and ADG matters.

4.4 Response to Submissions

The Applicant lodged its RtS to address issues raised in submissions and the GMU review.

The Applicant also made design amendments to the proposal as part of the RtS, including:

- **Apartment numbers** - increasing apartment yield from 694 to 705 apartments, although only an additional 5 bedrooms are proposed
- **Building 2** - the eastern section of Building 2 has been increased in height from 31 to 35 storeys to align with the building proportions of the adjacent Opal Tower, whilst the western section has been reduced from 28 to 24 storeys. This is a result of a transfer of mass from the lower portion of the tower to the higher portion in order to reduce the perceived bulk and create a more slender tower element
- **Building 3** – the top two levels of the building have been recessed to create a podium at level 8 of the building. The connecting element between Building 3 and Building 5 has also been further recessed to provide an alcove of 10 m x 10 m between the buildings in order to provide horizontal articulation and a more distinction between Buildings 3 and 5
- **Building 5** – renaming Building 4 to Building 5 for sales and marketing reasons, and relocating the podium waistline from Level 11 to Level 9 due to the proposed sky terrace being relocated from Level 11 to Level 9
- **Basement car parking** – removal of one basement level and 120 car spaces to four levels of basement parking, comprising 655 residential spaces, 71 visitor / retail spaces and 4 car share spaces.

4.5 Re-Notification

Based upon the extent of changes proposed, including an increase in height of Building 2, the Department publicly re-notified the RtS for a 14 day period from 20 June to 4 July 2017. Public agencies, surrounding residents and the previous public submitter were notified of the RtS.

At the conclusion of the notification period, the Department had received eight agency submissions and 17 public submissions.

4.6 Public Authority Submissions to Re-Notification

Council, EPA and SOPA made further submissions on the amended proposal which are outlined in **Table 5** below. Sydney Water, RMS, TfNSW, Sydney Trains and OEH made submissions but did not provide any further comments on the proposal.

The submissions made by Council, SOPA, Sydney Trains and EPA are summarised in **Table 5** below.

Table 5: Summary of Public Authority submissions on the re-exhibition of the application

Council
Council did not object to the application, however, provided recommendations for the Department's consideration, including: • imposing conditions to impose any relevant contribution plan • concern with non-compliance with the Disability Discrimination Act requirements at building entries and at entries to Linear Park • concern with the minimal deep soil zone width and areas provided • concern with non-compliances with the ADG, including solar access requirements • concern with the assessment procedure for variations proposed to the existing Master Plan controls, and recommending the development should only be determined following adoption of the final Master Plan and gazettal of SSP SEPP.
SOPA
SOPA did not object to the application, however, the following matters for comment were raised: • need for a Public Domain Interface Plan to address potential conflict points in the New Street • requirement for a Major Events Management Plan to be provided • requirement for a Construction Noise and Vibration Management Plan • the stormwater design should be reviewed to align with the SOPA Stormwater Management and Water Sensitive Urban Design Policy
Sydney Trains
• Sydney Trains did not object to the proposal but recommended standard conditions for a development of this nature adjoining rail corridor to rear and these conditions are included in the draft approval.
EPA
EPA did not object to the application, however, it raised the following various matters: • requested a statutory mechanism be in place that ensure future residences are made aware of potential odour impacts from the nearby Liquid Waste Treatment Plant; • advised the Department to consult with SOPA to ensure: ○ the adjacent Data Centre is attenuation, prior to occupation of the proposed development ○ noise impacts during events has been adequately assessed and mitigated • raised concern about predicted construction noise and vibration levels and a requested a Construction Noise and Vibration Management Plan be prepared • recommended construction be restricted to its standard hours • raised concern about high levels of ammonia in groundwater seepage (which could be an indicator leachate problems in groundwater) and recommend it be discharged to sewer • recommended conditions of consent for a Site Auditor to verify the contamination documentation prepared for the application and post-construction Environmental Management Plan

4.7 Public Submissions to Re-Notification

The Department received 17 public submissions during the notification of the RtS objecting to the development. The objections raised concerns about overshadowing, loss of views and privacy,

traffic/carparking and building separations/setbacks. The key issues raised in public submissions are listed in **Table 6**.

Table 6: Summary of issues raised in public submissions

Issue	Percentage
Traffic generation, intersection impact and carparking	47%
Overshadowing, loss of solar access and sunlight loss	35%
Loss of views and privacy	29%
Overdevelopment and excessive density	29%
Excessive building height beyond controls	24%
Insufficient infrastructure and services to accommodate increase in residents	24%

Other issues raised in public submissions include:

- construction noise
- general health amenity impact
- property devaluation.

These issues are addressed as part of the amenity assessment in **Section 5** of this Report.

5. ASSESSMENT

5.1 Section 79C Evaluation

Table 7 identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD. The EIS and RtS have been prepared by the Applicant to consider these matters and those matters detailed in the SEARs.

Table 7: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Inconsistencies apply – see Section 3.4 and Appendix D of this report.
(a)(ii) any proposed instrument	See comments at Section 3.4 and Section 5 of this report.
(a)(iii) any development control plan (not applicable to SSD)	Whilst Development Control Plans (DCPs) do not apply to SSD applications, consideration has been given to the Sydney Harbour Foreshores & Waterways DCP in Appendix D of this report.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	Complies – see Section 3.8 of this report. The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications, public participation procedures for SSDs, and Schedule 2 of the Regulation relating to EIS.
(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 5 of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 1 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition period in Sections 4 of this report. Key issues raised in submissions have been considered further in Section 5 of this report.
(e) the public interest.	The public interest of the developments have been considered in Section 5 of this report.

Biodiversity values exempt if:

- | | |
|-------------------------------------|----------------|
| (a) On biodiversity certified land? | Not applicable |
| (b) Biobanking Statement exists? | Not applicable |
-

5.2 Key Assessment Issues

The Department has considered the application, submissions and the RtS and considers the key assessment issues are:

- design excellence
- built form
- traffic/car parking
- impacts to adjoining properties
- public domain
- residential amenity.

Each of these key issues are discussed below. **Section 5.9** discusses other planning and environmental issues that were taken into consideration in the assessment of the application.

As noted in **Section 4.5**, the Department has sought independent design advice from GMU to assist in its assessment of the application. The Department has sought this advice noting the scale of the proposal and also to robustly test the design quality of the proposal and floor space provisions associated with design excellence outcomes. The Department has given consideration of the findings of GUM's independent advice as part of its assessment of the key issues below.

5.3 Design Excellence

5.3.1 Introduction

The SSP SEPP requires a design competition to be held in relation to development proposals exceeding 42 m in height and/or on specific sites identified within the Master Plan. Site 53 is identified as a design competition site in both the current Master Plan and the Draft Master Plan, and the proposal exceeds 42 m in height. A competitive design process has been carried out in relation to the proposal, as outlined in **Section 5.3.2** below.

The Department has also considered the following requirements of the SSP SEPP:

- whether a high standard of architectural design, materials and detailing appropriate to building type and location will be achieved
- whether the form and external appearance of the building will improve the quality of the public domain
- whether the building meets sustainable design principles.

5.3.2 Design Competition

Approved Development Competitive Design Process

In accordance with the Approved Development Competitive Design Process requirements of the SSP SEPP and Master Plan, a competitive process was undertaken as part of the original approved development of the site (SSD 7033), in order to generate alternative design options and select the architect/organisation for the development of a design for Site 53.

Four Architectural practices participated in the design competition, and in February 2015 the scheme prepared by BVN Architecture was selected as the winning proposal by the Design Competition Jury (Jury). The Jury also provided a number of design recommendations relating to the ground plane, inclusion of communal space, height/massing of buildings and materials for façades.

The SOPA Design Review Panel (DRP) supported and endorsed the design competition process, and the winning proposal was presented to the DRP incorporating design amendments having regard to the Jury's recommendations.

Following the DRP review process of the application, the Department assessed and approved the development. Subsequently, the Draft Master Plan was prepared and publicly exhibited, which proposed an increase in both the building heights and FSR for Site 53.

Current Proposal - Design Assessment

As part of the preparation of the design of the current proposal, the Applicant retained BVN Architecture and developed design principles in consultation with the DRP. These principles guided the original competition winning design's transition from the existing approved development to a higher density scheme that responds to the building height and FSR controls for Site 53 as identified in the Draft Master Plan.

The Applicant presented the revised scheme stated above to the DRP on three separate occasions over 8 months in 2016, making progressive design refinements and incorporating their comments and recommendations in the final design as submitted with the subject SSD application.

As part of the Applicant's initial consultation, SOPA noted it was satisfied that a comprehensive design process has been carried which supports SOPA's view that design excellence has been achieved by the proposal. As such, the proposal would be eligible for the 10% FSR bonus by achieving design excellence.

Notwithstanding the comments by SOPA on the proposal's design excellence, the Department requested that this issue, which enables an FSR bonus of 10%, be further addressed by the Applicant.

In particular, the Department requested the Applicant provide a Design Integrity Assessment in order to demonstrate the current proposal maintains the design excellence principles of the earlier competition winning scheme. In response, the Applicant has submitted individual letters from the five original Design Competition Jury members and minutes of the meetings which outline support for the proposal. It is also noted the Jury members in their consideration of the proposal have noted the scale, volume, materiality and building expression has improved over the previous approved competition winning scheme (SSD 7033).

Based on the continual progression of the originally approved scheme through an engaging DRP process, the Department accepts the proposal has been subject to a rigorous design excellence process. Critically, the Department notes this design (whilst significantly uplifted in respect of heights and FSR), maintains the integrity of the design principles of the competition winning scheme, from which this proposal originates. Noting this clear line of sight from the competition winning scheme to the scheme now proposed, the Department considers it is consistent with the competitive design provisions of the SSP SEPP and Master Plan.

5.3.3 Architectural design, materials, detailing

The Department considers the proposal achieves a high standard of architectural design, materials and detailing which responds to the buildings' function and setting. Specifically, the design of the buildings' shape and form and use of materials will provide for a distinct and landmark development at the southern gateway of SOP (**Figures 8 and 9**).

The proposed materials and detailing have been refined through the design process, as discussed above, in response to comments provided by the DRP, government agencies, GMU's advice and public submissions.

The design and materiality of the buildings ensures the built form is broken up through vertical and horizontal articulation by plinths, podiums and towers. Articulation is further enhanced by cantilevers, recesses and the use of varying materials. The buildings are provided with masonry frames, glass and aluminium infills (bronze, gold, silver and charcoal coloured aluminium) and brick (mixed grey) and painted masonry podiums.

The RtS notes the use of brick from the competition winning scheme is maintained and brickwork is extended to the podium level of Building 2. An additional façade type (glazed facades) has also been introduced to the existing material palette to articulate the tower elements. The glazed facades are framed in white painted masonry matching the competition winning scheme.

While GMU advise painted masonry should be replaced by metallic panels due to maintenance issues, the Department notes maintenance issues are matters for building owners and more broadly the metallic panels would need to comply with the requirements of the Building Code of Australia.

The Department finds that the design, materials and detailing has sufficiently emphasised verticality in the façades and appropriately respond to the buildings' function and setting.

5.3.4 Form and external appearance of the building enhances the public domain

The Department considers the form and external appearance of the proposed buildings would positively enhance the quality and amenity of the public domain for the following reasons:

- the proposal will create a "Gateway" style prominent building at the south-east corner of the site which is comparable in scale and form to the Opal and Australia Towers located along this boulevard entry and is appropriately activated and landscaped and will provide an overall high standard and quality of public domain and amenity
- the proposal will improve the public domain, activating the street frontages through the provision of ground floor retail uses in Building 2 along Australia Avenue, commercial uses at ground level of Building 3 in the south-west corner, courtyard housing along Figtree Drive and New Street and informal cross site public connections
- an informal through-site link will provide pedestrian connection from Figtree Drive through to the Linear Park adjacent to the railway line to the south
- retail uses are located along the eastern boundary culminating in a public courtyard around two retained fig trees and glazed treatments along the retail frontage provide opportunities for passive surveillance
- overall wind conditions around the proposed development are expected to provide suitable comfort levels for pedestrians standing and/or pedestrians walking in the public domain at the corners of the buildings. The proposed façade design, use of materials, configuration of the podiums and ventilated car parking areas are anticipated to mitigate wind impacts
- the proposal will not have unreasonable wind impacts on the public domain
- the final proposal is of a high architectural quality, being a unique design which provides visual interest for the streetscape.

The Department notes the DRP also concluded the development would achieve design excellence, subject to addressing matters relating to the pedestrian access from the public domain and to common open space areas and design of the Figtree Forecourt. These matters are discussed further in **Section 5.6**.

5.3.5 Sustainable Design Principles

The Department acknowledges the proposal incorporates appropriate sustainable design principles which are addressed in **Section 3.8** and is anticipated to meet energy and water reduction targets as required for BASIX Certification and a 5-Star Nationwide House Energy Rating Scheme (NatHERS) rating.

5.3.6 Conclusion

The Department has reviewed the proposal having regard to the design excellence process and DRP comments, the resultant architectural design and materials, expert consultant advice and response to environmental issues, relationship to the public domain, incorporated sustainable design excellence principles and comments from GMU. The Department concludes the proposal exhibits design excellence in accordance with the SSP SEPP.

5.4 Built form

5.4.1 Introduction

The existing built form controls provided in the Master Plan and SSP SEPP are reflective of SOPA's previous goals for a medium density development on the site. The Master Plan regulates building height by setting a maximum number of storeys while the SSP SEPP sets maximum heights in metres.

The proposed changes to the Master Plan and SSP SEPP include the following height uplifts (**Figures 10 and 11**):

- an increase in height from 10 storeys to part 8/20 and 30 storeys (Draft Master Plan) and from 30 m to part 33/74 m and 102 m (Draft SSP SEPP)
- an increase in FSR from 2.5:1 to 4.5:1 (Draft Master Plan and Draft SSP SEPP).

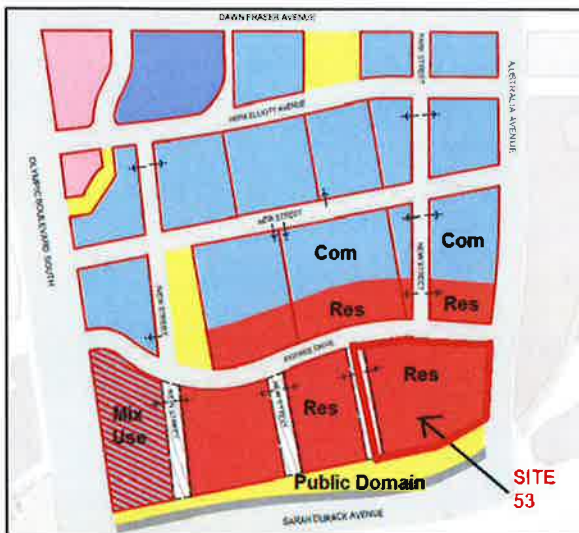


Figure 10: Master Plan Height Controls
(Source: Master Plan)



Figure 11: Draft Master Plan Height Controls
(Source: Draft Master Plan)

The previously approved development for the site was designed, submitted, assessed and determined having regard to the pre-existing controls. The design presented in the current application evolved from the approved development having regard to the more current controls provided in the Draft Master Plan and Draft SSP SEPP.

Additionally, the Department notes the proposal has been refined through the DRP design process. The Department has also referred the application to GMU for an independent urban design review to assist in its assessment of the proposal, particularly how it responds to key built form controls that apply to the site (as discussed in **Section 5.3.2**).

Noting the above, the Department's assessment (including consideration of the GMU review) of the proposal is focused on the controls provided in the Draft Master Plan and Draft SSP SEPP.

In addition to maximum height and FSR, the Draft Master Plan contains controls relating to building podium heights, setbacks and building floorplate areas. These are also considered separately below.

5.4.2 Building Height

The proposed building height controls for the site in the Draft Master Plan (in storeys) and Draft SSP SEPP (in metres) introduce three varying height limits. The eastern half the site has greatest height at 30 storeys (102 m), the north-western part at 20 storeys (74 m), while the south-western part has the lowest height limit at 8 storeys (33 m) (**Figure 11**).

Buildings 1 and 2 are located in the eastern part of the site (30 storey limit), Building 5 is located in the north-western part of the site (20 storey limit) and Building 3 is located in the south-western part of the site (8 storey height limit).

Table 8 sets out the proposal's relationship with the varying height controls for the site. It illustrates that whilst three of the four buildings exceed the maximum number of storeys provided in the Draft Master Plan only Building 2 exceeds the actual height in metres set out in the Draft SSP SEPP.

Table 8: Building Heights – Draft Master Plan and Draft SSP SEPP

Building	Proposal : height (m) & storeys	Draft Master Plan Limit	Draft SSP SEPP Limit	Compliance with Draft Master Plan	Compliance with Draft SSP SEPP
Building 1	37.70 m / 12 storeys	30 storeys	102 m	Yes	Yes
Building 2	109.55 m / 35 storeys	30 storeys	102 m	No	No
Building 3	28.80 m / 9 storeys	8 storeys	33 m	No	Yes
Building 5	73.50 m / 23 storeys	20 storeys	74 m	No	Yes

Council noted the height for Building 2 exceeds that proposed in the Draft Master Plan and Draft SSP SEPP and raised concerns about the approval of development that relies on controls in draft form only.

Four public submissions also raised concerns about the proposed height of the buildings.

The Applicant contends the proposed building heights are reasonable as they are comparable to other building forms constructed or approved in this locality. The Applicant further advises the prominent corner position of Site 53, as an entry point into the Olympic Park Central Precinct provides opportunity to book-end the proposed building form with the Australia Towers and Opal Tower along the eastern side of Australia Avenue.

The Applicant considers the request to exceed the maximum building height standard is reasonable for the following reasons:

- the development of Site 53 was subject to a design excellence process and on-going consultation with SOPA and the SOPA Design Review Panel (DRP), including members of the Jury that determined the original design competition for the site (SSD 7033)
- the proposal is consistent with the surrounding built form and the desired future character as envisaged by the Draft Master Plan and Draft SSP SEPP
- the distribution of building height maximises solar access to residential apartments, private and communal open spaces and minimises overshadowing impacts
- the site presents an opportunity as a gateway site to Sydney Olympic Park for those approaching the precinct from the south on Australia Avenue.

In relation to the non-compliant height of Building 2, GMU supports this height on the basis that it is consistent with Australia Towers, and the contrast between the two heights of the building allow it to look slender. This would accentuate Building 2 as a built form marker.

In relation to building heights across the development, GMU supported the heights of Buildings 1, 3 and 5, although noted the southern end of Building 5 should be lowered by two storeys to create more height variation and reduce bulk.

Having regard to GMU's recommendations, the Department considers:

- Building 2 height achieves the intent of providing a "Gateway" building form comparable in scale to the Opal Tower and Australia Towers and provides a slender form (**Figure 12** below)

- Building 2 has an articulated and staggered building form across its 32 m frontage and further vertical articulation proposed is not considered warranted
- Building 5 provides a north-west corner accentuation for the development whilst providing a lower podium level creating a building form of interest on this corner with New Street and so a reduction of two storeys at the southern end of the building is not considered necessary.



Figure 12: Photomontage looking north with revised proposal and Australia Towers (Source: EIS)

The Department is therefore satisfied the Applicant's written request to vary the building height development standard adequately addresses the matters required to be considered in the SSP SEPP and the variation to the height standards in the SSP SEPP and Draft SSP SEPP for that part of the site is reasonable for the following reasons:

- the proposal is consistent with the height of existing and approved building forms in this locality, including existing residential development of up to 30 storeys (Australia Towers) with approved developments of up to 36 storeys (Opal Tower)
- the scale, form and location of Buildings 2 and 5 are complementary to the positioning of the high-rise buildings along the eastern side of Australia Avenue (the Australia Towers and Opal Tower), thus creating an entry gateway into the SOP from the south and reinforcing the SOP skyline whilst not unreasonably impacting amenity of the existing buildings
- the proposal does not unreasonably impact upon the amenity of the surrounding area in terms of overshadowing and view loss (**Section 5.5**)
- the positioning the two larger towers on the north-west (Building 5 at 23 storeys) and south-east (Building 2 at 35 storeys) corners of the site maximise solar access for the development.

In addition to the above, the Department notes the proposal is consistent with the objectives of the B4 Mixed Use zone in the SSP SEPP as it comprises a mixture of compatible land uses and reinforces the precinct as a vibrant town centre. The modified proposal would also create a housing development with appropriate amenity for apartment style living, including good solar access and internal amenities whilst being adequately serviced.

The variation of the development standards also do not raise any matter of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised

As such, the Department concludes the proposed building heights are acceptable and would be commensurate with the built form of the surrounding context.



Figure 13: Aerial view illustrating the building height of the surrounding existing and future developments (Source: Ecove Group Boomerang Tower website).

5.4.3 Streetwall/podium heights and setbacks

The Draft Master Plan introduces new streetwall podium heights and setbacks for the site, including for Australia Avenue, Figtree Drive, New Street and Linear Park.

The Draft Master Plan provides for building forms comprising podiums (between 4-8 storeys in height) with tower forms above that are setback 2 m from the podium façade fronting the street.

The intention of the controls is to establish appropriate street wall/podium heights for the streetscape, define corner buildings and provide lower scale podium forms for towers above. One outcome of the controls is the design of a waistline (recess) for high-rise/tower developments which defines the commencement of the tower element with the similar building form below (**Figure 16**).

The proposed development provides a range of lower scale building elements, including podiums with heights ranging between 7-8 storeys. Building 2 is alternatively provided with only a waistline (recess) at Level 11 (**Table 9**).

Images of the streetwall/podiums and setbacks are provided at **Figures 14-16**.

Table 9: Streetwall/podium height and setback controls

Location	Draft Master Plan	Compliance
Australia Avenue	6-8 storey block edge with 2 m setback to tower above podium at 8 storeys	Building 1 has a streetwall height of 10 storeys Building 2 recess at Level 11
Figtree Drive	4-8 storey block edge with 2 m setback to the tower above podium	Building 1 podium at 10 storeys with upper level setback at 1.5 m Building 2 recess at Level 11 Building 5 podium at 7 storeys with upper level setback
New Street	4-8 storey block edge with 2 m setback to the tower above podium	Building 3 has an 8 storey podium Building 5 recess at Level 9 Building 5 podium height at 7-8 storeys
Linear Park	East – 6-8 storey block edge with 5 m min and 10 m max setback to the tower above podium West – 4-8 storey block edge with 2 m setback to the tower above the podium	Building 2 recess at Level 11

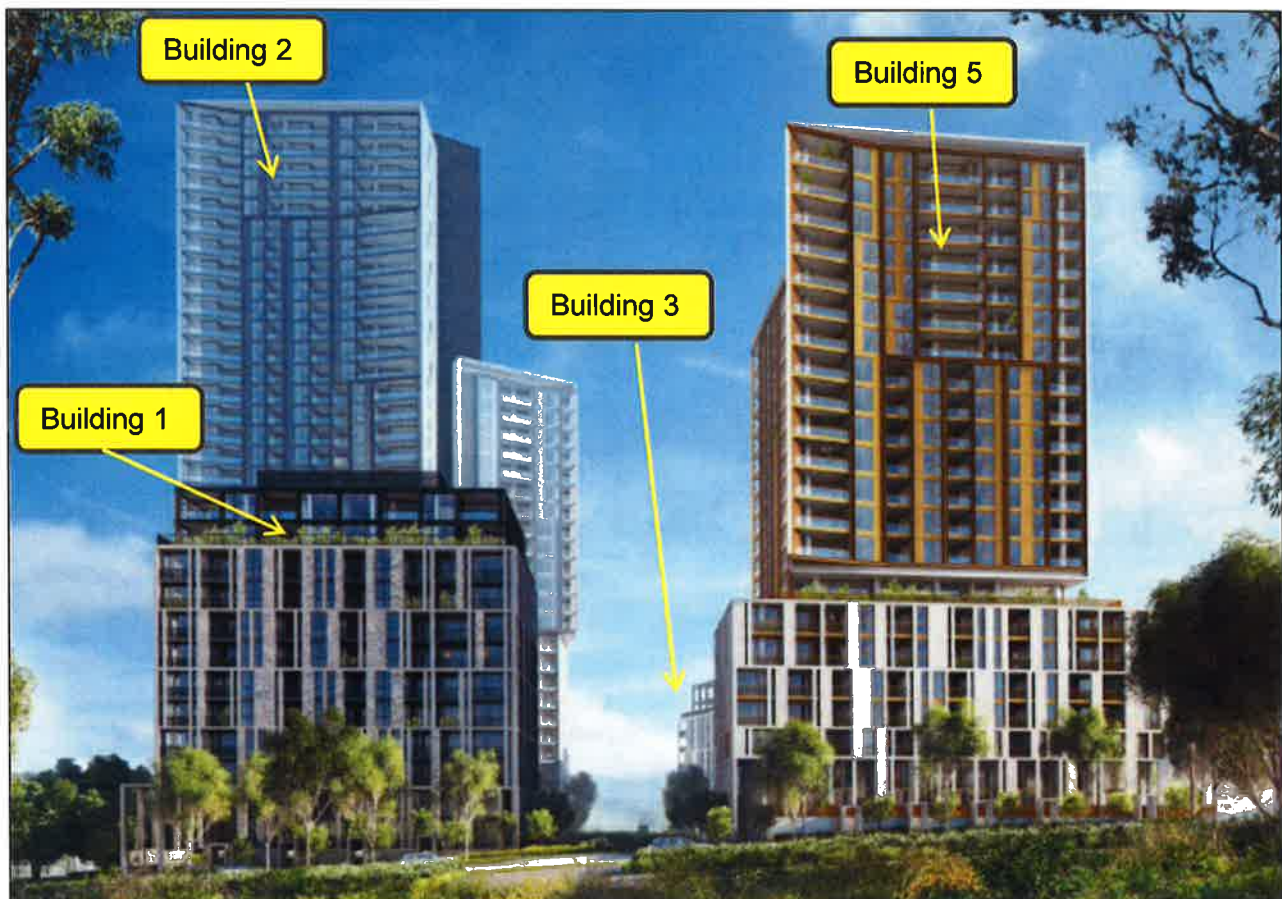


Figure 14: Revised Figtree Drive elevations (Source: RtS)

GMU has reviewed the RtS and supports the podium levels for Buildings 3 and 5 whilst recommending the height of the recesses proposed for Buildings 1 and 2 should be consistent with those at Buildings 3 and 5 by creating a podium and recess effect between Levels 8 to 10.

GMU's advice has also noted that while the proposal does not provide the required tower setbacks, the provision of a recess is considered acceptable given the prominent corner location of Building 2 and the site. However, GMU also advised the recess at Level 11 does not appear proportionate to the overall mass of the building and does not have sufficient height, at one storey, to be effective.

The Applicant has advised the proposed streetwall/podium heights and setbacks have been developed in consultation with SOPA and the DRP, and the reduction in the podiums to Buildings 3 and 5 and lowering of the waist line (recess) for Building 5 are consistent with GMU's advice.

However, the Applicant has stated the recess for Building 2 has remained at Level 11 (instead of being lowered to Level 9) for the following reasons:

- changes to the structural layout and services of the building
- lowering the recess would increase the impact of the building's cantilever encroaching into the view corridor at a lower level
- maintaining the recess at Level 11 would not undermine the existing established character
- there is no demonstrable benefit in lowering the recess
- it would result in a reduction in the extent of brickwork and building appearance along Australia Avenue
- there is no precedent for this built form when looking at other adjoining towers.



Figure 15: Revised New Street elevations (Source: RtS)



Figure 16: Revised Linear Park elevations (Source: RtS)

The Department has reviewed the composition of the proposed buildings and notes they have been formulated and refined through the DRP review process. Moreover, GMU's advice has instigated further refinement of the streetwall/podium heights and setbacks for Buildings 3 and 5 so that they have a more appropriate relationship to the envisaged streetscape.

The Department considers the proposed streetwall/podium heights and setbacks acceptable, despite the waistlines (recesses) and setbacks for Buildings 1 and 2 not achieving those recommended for the reasons that:

- the location of Building 2 with its major frontage along Australia Avenue and which sits behind Building 1, would not benefit from a reduction in the waist line (recess) as it does not establish a streetwall character for Figtree Drive
- a reduction in the waist-line (recess height) from Level 11 to 9 when viewed from the Australia Avenue approach would further accentuate the overall height of the building as the upper tower element would appear more elongated.

5.4.4 Floor Space Ratio

The current FSR controls for the site are 2.5:1 as set out in the SSP SEPP. The Draft SSP SEPP provides a FSR of 4.5:1 and the proposed development seeks an FSR of 4.93:1. However, as the Department is satisfied the proposal exhibits design excellence, by applying a 10% bonus GFA to the development, a complying FSR of 4.93:1 would be permitted under the Draft SSP SEPP and Draft Master Plan (4.95:1). The 62,655 m² proposed would be 195 m² below the 10% bonus.

The Applicant contends the FSR exceedance to the existing control in the SSP SEPP should be supported as it is consistent with the proposed FSR controls in the Draft SSP SEPP and Draft Master Plan and the design of the proposal has been the subject of a design excellence process and on-going consultation with SOPA and the SOPA Design Review Panel (DRP).

Council, DRP and SOPA have not raised any concerns with the proposed FSR, however public submissions have raised concern with the density proposed for the site.

The Department has carefully considered the proposed FSR exceedance and is satisfied the written request to vary the maximum FSR development standard adequately addresses the matters required to be considered in the SSP SEPP. The Department considers the variation to be reasonable as the proposal exhibits design excellence and complies with the proposed FSR controls in the Draft SSP SEPP and Draft Master Plan. The variation would not result in adverse environmental impacts and does not raise any matters of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised.

5.4.5 Building Floor Plate Areas

The proposed floorplates for the development range from a minimum of 313 m² at Level 2 of Building 1 through to 1,103 m² at Levels 5-7 of Building 5. The Draft Master Plan recommends that floors above 15 storeys should be no more than 800 m² in area. Below 15 storeys, if floors are over 600 m² in area and 25 m in length they should be articulated into separate wings around each lift/lobby zone.

The effect of these controls are so upper tower floorplates are restricted to no more than 800 m², while the lower levels (less than 15 storeys) have no such restriction so long as they are articulated into separate wings around each lift/lobby zone. The Applicant's modified design is consistent with the intent of the floorplate controls insofar as Buildings 2 and 5 being provided with larger floorplates that are separated into two wings where the floorplate exceeds 600 m².

However, above 15 storeys, the design of Buildings 2 and 5 continues to provide two wings off a central core and achieves a reasonable 895 m² for Building 4 and 943 m² for Building 2, whilst above Level 25 the floorplate reduces to between 603 m² and 612 m² in size.

SOPA, DRP and Council have raised no concern with the floorplates as part of the RtS. GMU has also supported the floorplates for Buildings 2, 3 and 5, including the increase in the indentation between Buildings 3 and 5.

The Applicant contends that the floorplate sizes are not unreasonable and are comparable to other high-rise forms of development at SOP, such as Australia Towers (completed at 1,100 m²), Opal Tower (under construction at 1,315 m²) and Site 9 (under construction at 880 m²) all of which do not conform with the Master Plan and Draft Master Plan floorplate areas. The Applicant also advised the connecting element between Buildings 3 and 5 provides a significant 10 m x 10 m recess, thus breaking up the mass of the development when viewed from New Street.

The Department notes that:

- while Buildings 2 and 5 provide the largest floorplates, greater than 800 m², they are designed with central cores and residential apartments located in two wings (**Figure 17**) off the core consistent with the design provisions of the Draft Master Plan where the maximum numerical standard of 600 m² is exceeded

- the connecting element between Buildings 3 and 5 has been recessed to provide an indent of 10 m x 10 m which breaks up the mass of the buildings when viewed from New Street (**Figures 15 and 17**)
- the buildings are highly articulated with setbacks, recesses and distinct material palettes
- by providing two separate wings for Buildings 2 and 5, the towers are able to be read as separate building elements regardless of their total floorplates.

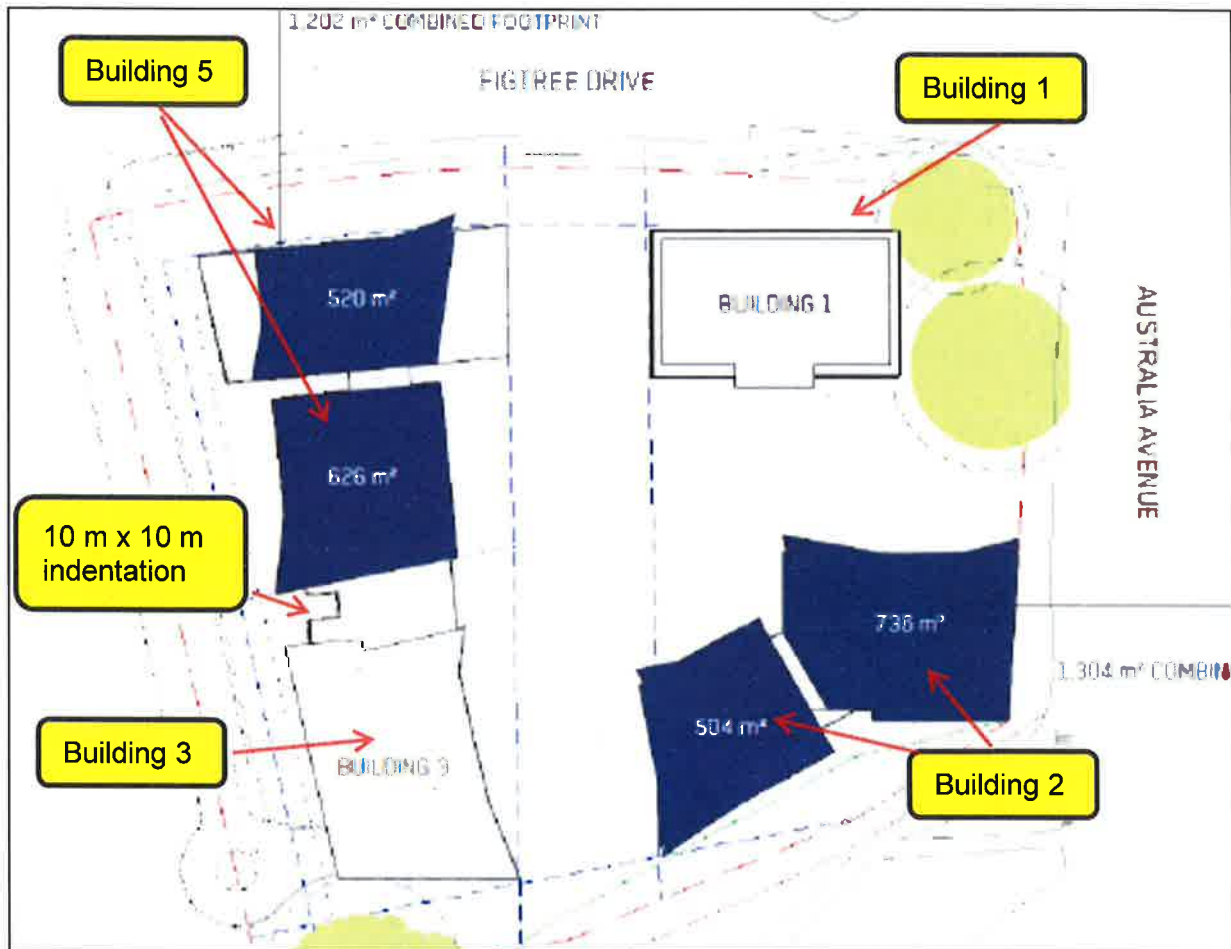


Figure 17: Floorplates for Buildings 2 and 5 (Source: RtS)

The Department notes that the building designs provide a highly modulated built form which will align with the original intent of the floorplate controls in providing an articulated building form.

On this basis, the variation to the floorplate areas is considered reasonable and acceptable.

5.4.6 Conclusion

The Department has reviewed the built form of the proposal focusing on the built form envisaged by the Draft Master Plan and Draft SSP SEPP, taking into account issues raised by key agencies and advice by the independent GMU. The proposed scale and form of the development will generally be consistent with that envisaged under the Draft Master Plan and Draft SSP SEPP although it is acknowledged that Building 2 will slightly exceed the height controls under the Draft Master Plan and Draft SSP SEPP.

The Department acknowledges Council's concern about the approval of building heights whilst the proposed changes under the Master Plan and SSP SEPP are only in draft form. However, it is clear the proposed heights reflect those in nearby residential development and also the future vision for the site as expressed in the exhibited documents which also more broadly establish the evolving character of SOP.

The Department also acknowledges the height of Building 2 has been raised by four storeys during the Department's assessment in response to independent advice provided by GMU. The Department considers this final design outcome results in a visually more slender, compatible building form with the Australia and Opal Towers along Australia Avenue and achieve a suitable "Gateway" style of building form entry to the SOP Central Precinct.

The Department concludes that the modified development's bulk and scale is appropriate and there are sufficient environmental planning grounds to justify contravening the Draft Master Plan and SSP height standards (and current Master Plan and SSP SEPP height and FSR controls). Strict compliance with the current controls is considered unreasonable and unnecessary in the circumstances of this case and it is therefore recommended the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Secretary grant concurrence to the proposed variations.

5.5 Impacts to Adjoining Properties

5.5.1 Overshadowing

The subject development has potential to overshadow neighbouring lands, including Sites 51 and 52 to the west and Linear Park and Bicentennial Marker Park to the south (**Figure 18**).

Site 52 to the west would be affected during the early morning to the southern portion of the site through to midday for the western portion of the site. Site 51 which is to the west of Site 52 would also be affected during early morning periods (9 -11 am) although it would not be affected after 11 am. The proposal would cast a shadow to a portion of Linear Park and Bicentennial Marker Park from 10 am in mid-winter, although the 20 m view corridor would provide solar access to Linear Park from midday until 2 pm.

The Department notes that overshadowing impacts will still achieve a minimum of three hours solar access in mid-winter to Sites 51 and 52 directly to the west and to Linear Park and the Bicentennial Marker Park directly to the south.

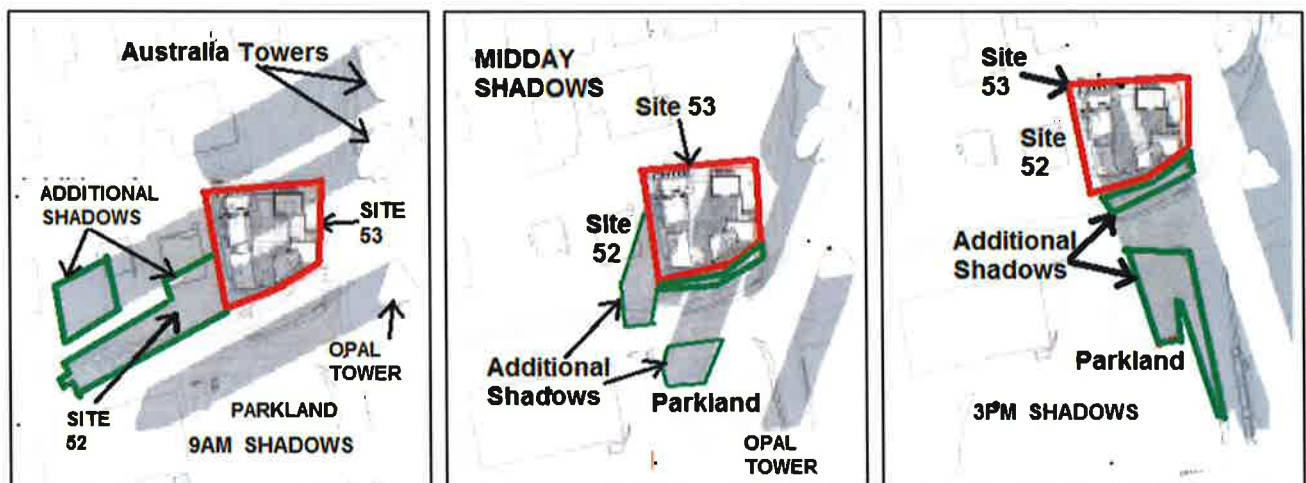


Figure 18: Shadows cast by the proposal and the existing Australia Towers at 9 am, Midday, 3 pm mid-winter (Source: Applicant's EIS).

The Department received six public submissions which raised concerns that the development may overshadow or reduce daylight access for residents in the Australia Tower complex. As Australia Towers is located approximately 70 m to the north-east of the site, the proposal cannot overshadow Australia Towers or adversely impact daylight access.

The Department notes the proposed height re-distribution has carefully considered shadows cast by surrounding development and the natural slope of the land. The proposed building height will not

unreasonably impact on current or future residential amenity in neighbouring lands, and would not result in unreasonable overshadowing impacts on the amenity of the public open space corridor to the south.

The Department therefore concludes that overshadowing impacts are reasonable and acceptable.

5.5.2 View loss

The Department received six public submissions raising concern with view impacts resulting from the proposal. In particular, residents of the nearby Australia Towers (No.1 and No.7 Australia Avenue) raised concern that the proposal will result in view loss from their residences. Australia Towers is located approximately 70 m north-east of the site.

To ascertain whether the proposed view sharing impacts are reasonable, the Department has followed a four-step assessment in accordance with the principles established by *Tenacity Consulting Vs Warringah [2004] NSWLEC 140*. The steps/principles adopted in the decision are:

- assess what views are affected and the qualitative value of those views
- consider from what part of the property the views are obtained
- assess the extent of the impact (from 'negligible' to 'devastating')
- assess the reasonableness of the proposal that is causing the impact.

The Department's assessment against the first three steps are summarised in **Table 10** below.

Table 10: Summary of view loss impacts from No.1 and No.7 Australia Avenue.

Principle	Building	Consideration
Views affected	Tower 1 (No.1 Australia Ave)	Views to the south-west or south/south-west across the southern and western suburbs with distant National Park and southern highlands views. Apartments orientated south-west have views south and south-west towards Homebush, foreground, and distant views of Botany Bay.
	Tower 2, (No.7 Australia Ave)	Partial views to the south across southern and western suburbs with distinct National Park and southern highland views.
From what part of the property are the views obtained	Tower 1 (No.1 Australia Ave)	Outlook views to the south/south-west at the southern end will be affected. Along the western façade some secondary views to the south/south-west may be impacted.
	Tower 2 (No.7 Australia Ave)	Outlook views along the western façade to the west/south-west will be affected .
Extent of impacts	Tower 1 (No.1 Australia Ave)	Although views will be slightly impeded the extent of impacts is minor as apartments will maintain panoramic views to west, mountains and to the south towards the southern suburbs.
	Tower 2, (No.7 Australia Ave)	Impacts are generally minor as panoramic south-west views will be predominantly retained.

The fourth step of the Tenacity planning principle is to assess the reasonableness of the proposal that is causing the impact and whether a more skilful design could provide the Applicant with the same development potential and amenity and reduce the impact on the views from neighbours.

The Department is of the view the proposed design and the likely view loss impacts are acceptable and reasonable considering:

- the proposal complies with the draft FSR for the site and is generally consistent with the scale and character for future development as envisaged under the Draft SSP SEPP and Draft Master Plan
- any building designed in accordance with the Draft SSP SEPP and FSR controls would impact views enjoyed by adjoining properties
- the view impacts are assessed as being relatively minor in nature and any reduction in height would not have any material change on view impacts

- the views currently enjoyed by the Australia Towers development are the result of the amenity afforded due to the current undeveloped site containing low-rise two-storey buildings. Any preference to preserve affected views for surrounding development would therefore unreasonably limit the development potential of the site as the proposed planning controls for the site envisage a large-scale redevelopment.

The Department concludes the overall view impacts are acceptable and notes the proposal is consistent with the strategic objectives of SOP by providing greater density, additional housing and more job opportunities.

5.6 Landscape and Access

The proposed landscaped areas are made up of a number of components, including streetscape design, communal open space, a public retail plaza and pedestrian access links. The common open space design centres around a 20 m view corridor through the middle of the site (which provides a minimum 20 m separation between Buildings 1 and 5 and Buildings 2 and 3).

These matters are considered separately below.

5.6.1 Landscape Design

Streetscape and Linear Park

The site currently has two street frontages to Figtree Drive (north) and Australia Avenue (east) and a third street frontage is proposed along New Street to the west (**Figure 21**). The site also has frontage to Linear Park to the south.

Figtree Drive will contain a 2.7 m wide grass verge, 1.8 m asphalt path and new street planting. The proposed buildings will be set back 8 m from the property boundary which would provide a generous landscape area between the public domain and buildings. Existing street trees will be removed and replaced by eucalypts.

New Street will contain a 1.7 m turf verge, 2 m pedestrian path and garden up to the property boundary. The existing fig tree on the western site boundary will be relocated to the southern end of the western boundary.

Australia Avenue will retain the existing pedestrian footpath, verge and street planting. Between the existing footpath and Buildings 1 and 2 will be planted native species, including eucalypts which would provide a landscaping buffer between the streetscape and the development. The two existing fig trees in the north-east corner of the site will remain and are proposed to be a key feature of the public retail plaza at this location which will service the ground floor retail space (**Figure 19**). Additional plantings would assist in screening the lower levels of the buildings, including the car park fan room.

The landscape design of the interface between Building 3 and Linear Park includes plantings that would provide appropriate screening of the basement car park which sits approximately 1 m above ground level. This is due to the 6.25 m level difference between Fig Tree Drive and Linear Park. The interface between Building 3 and Linear Park will also include plantings along its Linear Park interface. While the proposal sets aside 908.5 m² of its entire southern frontage to be integrated into Linear Park, this will be subject to SOPA's future final design resolution and does not form part of the application (**Figures 20 and 21**).

The Applicant has advised the streetscape has been designed in accordance with SOPA's guidelines. In its review of the streetscape design, the DRP noted the quality and amenity and the public domain around Site 53 should be addressed by SOPA. SOPA in its response to the RtS has requested a Public Domain Interface Plan be prepared.

GMU has raised concerns with the blank wall along Australia Avenue associated with the ground floor retail and screening of the car park louvres, and the significant level changes between the southern boundary of the site and Linear Park.

The Department has reviewed the proposed streetscape design and accepts that careful attention has been given to the interface of the site given the constraints associated with the level changes across the site.



Figure 19: Landscaped Figtree Drive/Australia Avenue corner (Source: 360°Landscape Architects)

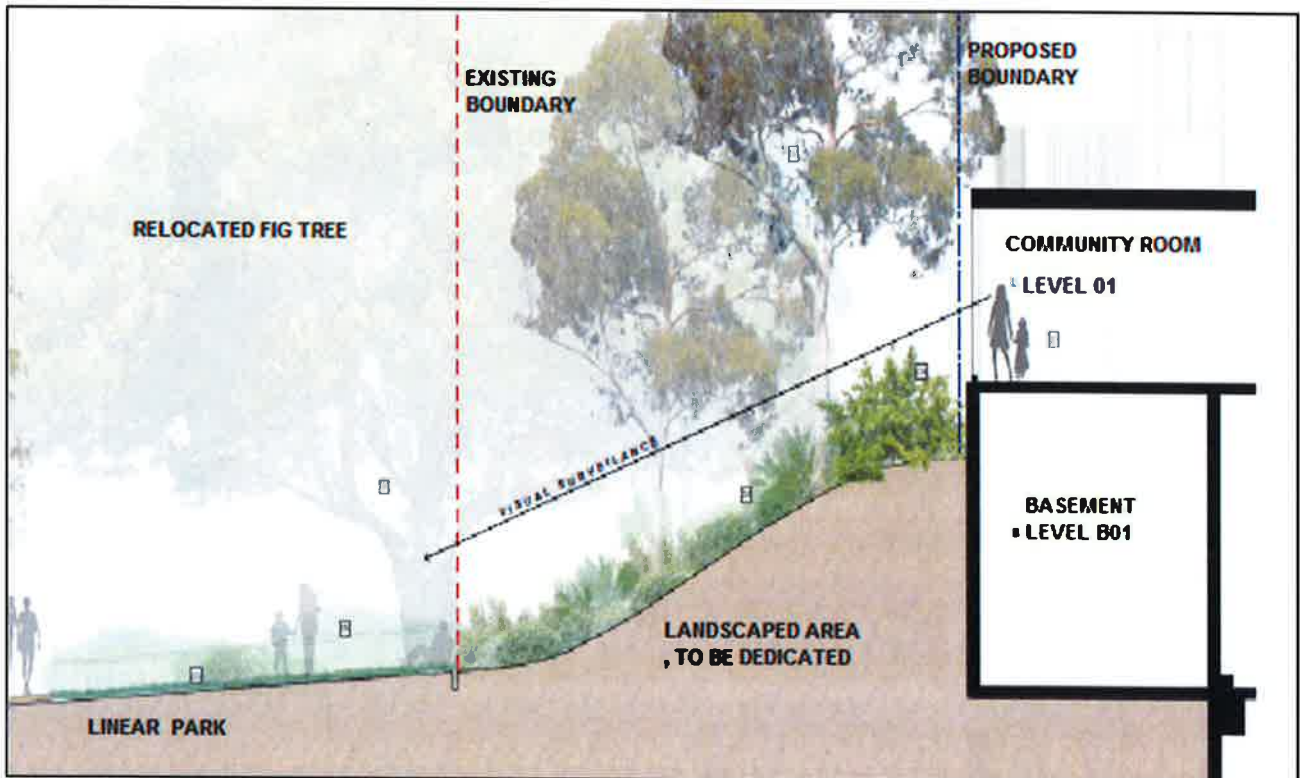


Figure 20: Southern boundary of the site and Linear Park interface (Source: RtS)

The Department accepts the area outside of the property boundary is the responsibility of SOPA and while the current design takes into account works outside the site, there is a need to seamlessly integrate the streetscape works within the site boundary with those outside the site. The Department

agrees that a Public Domain Integration Plan be prepared and a condition has been recommended in this regard.

The Department supports the use of the proposed range of native plants, retention of existing fig trees and range of landscape treatments and concludes the proposed streetscape design is acceptable, subject to final design resolution with SOPA.

Communal Open Space

The design of the communal open space contains areas for passive and active recreation and includes areas of communal gardens, pocketed lawn areas, informal children's play areas, bocce courts and active open spaces. A key design feature which centres around the communal open space is the 20 m view corridor that runs through the middle of the site. All the spaces will be connected by primary and secondary pathways (**Figure 21**).

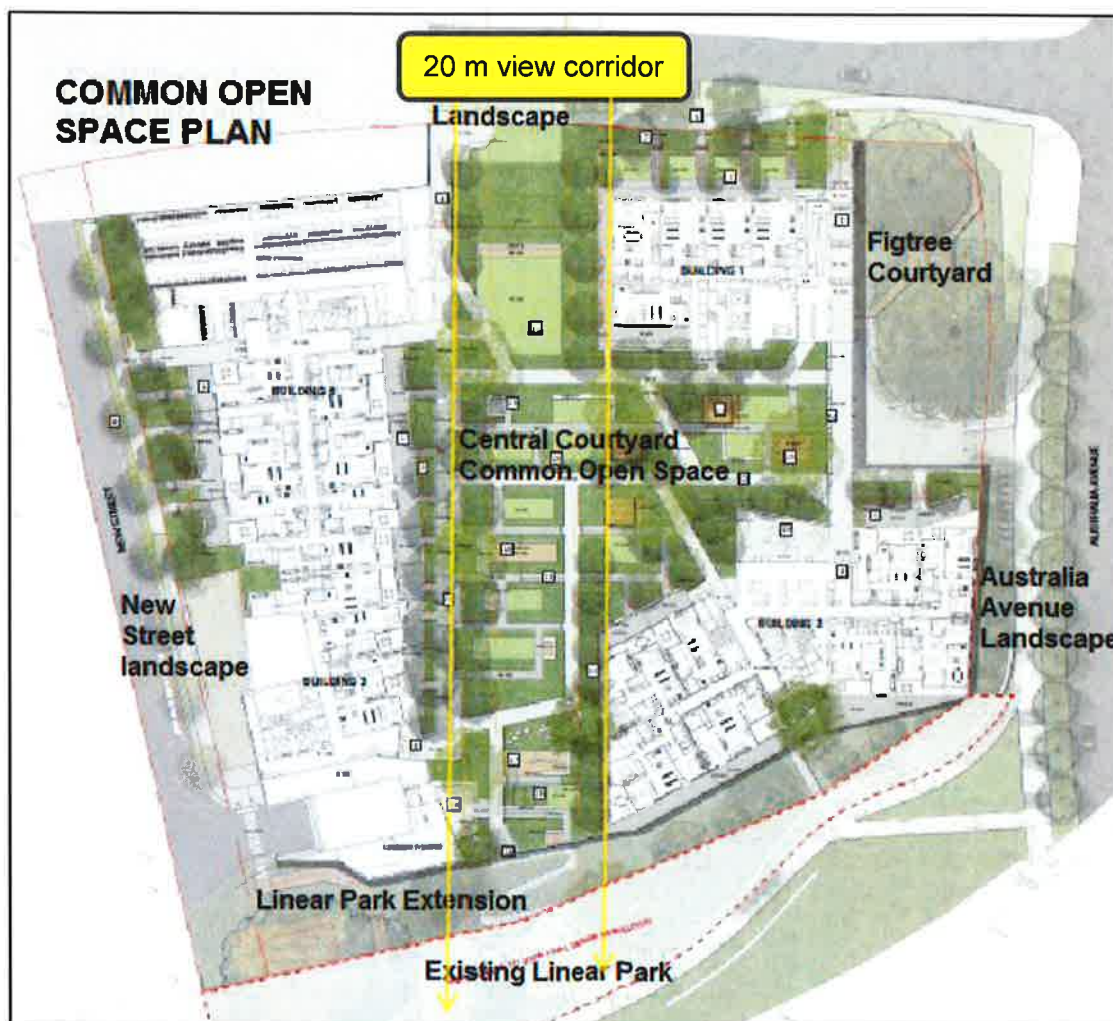


Figure 21: Communal Open Space Plan (Source: RtS)

The proposed total communal open space would have an area of 3,958 m² or 31% of the site which exceeds the ADG minimum (25%). The majority of deep soil zones will be provided around the perimeter of the site and off Linear Park and the proposal provides 908.5 m² of deep soil zones which exceeds the ADG minimum of 7% of the site area (888 m²). All large trees will be provided with a minimum of 1.2 m soil depth, with medium trees provided with 800 mm and shrubs 500 mm.

Communal gardens will provide landscape buffers and pockets between common areas and the buildings. Significant tree and screen planting and garden beds will separate the interlocking spaces whilst providing privacy and maintaining the 20 m view corridor. The children's play areas will include landscaping and play equipment.

The Department has reviewed the communal open space and finds significant consideration has been given to providing a functional and practical design that will facilitate opportunities for community interaction by residents of the development. By designating and designing large areas that can provide both solace and integration, the proposal can accommodate the varying open space needs of its residents without compromising quality.

The Department concludes the communal open space is well designed, appropriate for a development of this scale and will sufficiently accommodate the varying needs of its residents.

5.6.2 Accessibility and Connectivity

As stated in **Section 5.6.1**, the site has frontage to Linear Park (south), Australia Avenue (east), Figtree Drive (north) and the New street (west) which forms part of this proposal. Vehicular access to the site is via New Street. Common open space servicing the proposed development is accessible from each street frontage, building lobbies and private courtyards. The retail component of the proposal is accessible from Australia Avenue and Figtree Drive (**Figure 22**).

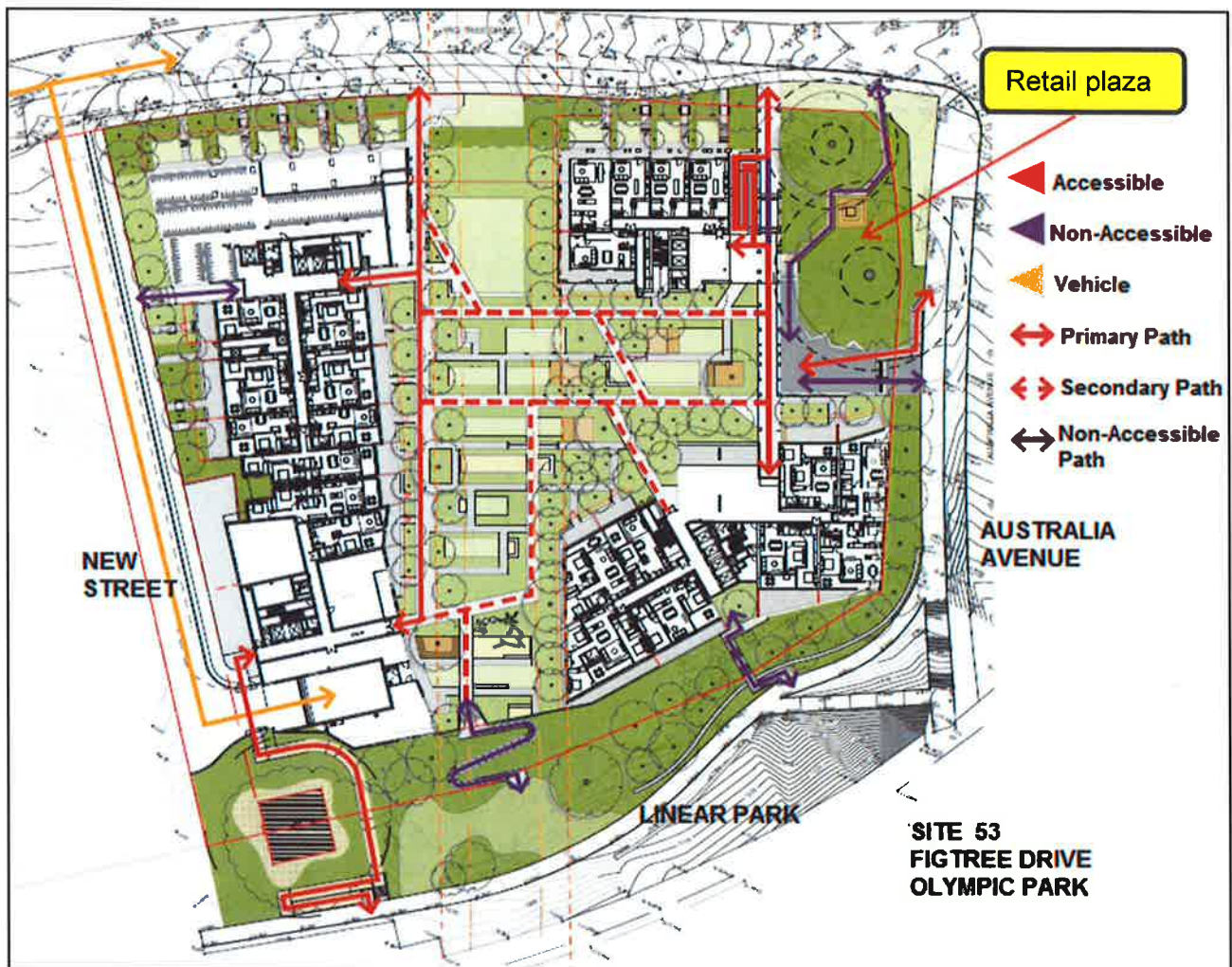


Figure 22: Accessibility through the site to buildings, open space and Linear Park (Source: EIS)

During the preparation of the design of the communal open space, the DRP provided advice/recommendations for improving accessibility and connectivity which included providing public access through-links between communal open space areas, and that path connections with Linear Park off New Street are too indirect and a second direct link with stairs is recommended away from car ingress and/egress movements on New Street.

In its review of the EIS, GMU noted that public access should be provided along the 20 m view corridor to link with the Linear Park, and noted the site is not adequately accessible to Buildings 1 and 2.

While GMU's advice recommends a through-site public access connection, the Applicant is not supportive of providing a public connection via the 20 m viewing corridor solely on the basis it exists and has disputed any requirement for providing a formal public access way. In particular, it is contended there is no requirement under the Master Plan or Draft Master Plan for a public connection.

SOPA has similarly advised it is satisfied the proposal would provide an adequate view corridor to the Bicentennial Marker consistent with the Master Plan and this is not an area that is publicly accessible and therefore a thoroughfare is not required.

The Department accepts that there is no requirement to provide a publicly accessible path through the view corridor of the site. The Department also accepts that imposing dedicated public access easements through the site would also have unintended design impacts on the communal open space.

Furthermore, although the central communal area is not designated as a public area, it will, in part, act as such by providing main entry to residents and visitors to the apartment complex from the public roads and the retail area. In this instance, the design provides for peripheral connections along the side streets of New Street, via the relocated figtree area off the end cul-de-sac and along Australia Avenue past the retail area. This reliance on public road linkages is reasonable considering the site is only 120 m in width along Figtree Drive and the central courtyard access provides only limited pedestrian benefit for this connection to Linear Park.

In respect of the proposed accessible pathway connection between the Linear Park and New Street, it is noted connectivity is proposed to be maintained by creating direct access through to the common open space between Buildings 3 and 5 and linking of the New Street construction by pathway around the relocated fig tree on the southern boundary. Direct access would also be available via the retail component off Australia Avenue.

In relation to accessibility to Buildings 1 and 2, the Applicant has amended the design to ensure easy access to ground level apartments and supermarket/retail areas from the common areas. The building lobbies are accessed from the common space area within the site and the retail area is accessed from both Figtree Drive and Australia Avenue. Direct access to ground floor units has also been provided from New Street and Figtree Drive.

The retail pedestrian plaza off Australia Avenue is a unique public space, accessible from both Australia Avenue and Figtree Drive, as well as the commercial/supermarket space. A stairway access is available to the primary elevated courtyard access way servicing Buildings 1 and 2 which, from its one storey elevation, provides a safe and secure passive surveillance corridor running the length of the ground floor area.

The Department is satisfied with the design changes and comments provided by the Applicant in response to the issues raised. The modified design will provide a more accessible connection between landscaped areas and the public roads for the buildings, and has suitably addressed the public accessibility concerns as they relate to the use of the communal open space and 20 m view corridor on the site.

The Department notes each building has been designed with the lobbies being accessed via the internal common areas. However, the main site entrances to the internal common areas are clearly legible from the street. Moreover, the apartments overlooking the public domain provide passive surveillance at the upper levels and the internal common areas form part of the view corridor that encourages pedestrian activity and access.

As noted previously, SOPA has sought that any final design for the landscaping and public domain works should be in accordance with a Public Domain Integration Plan. This will ensure there is an integrated approach to landscaping and access. The Department supports the imposition of a condition and has recommended a Public Domain Integration Plan be prepared and approved by SOPA.

The Department concludes that the proposed communal open spaces will provide reasonable pedestrian access through the site and a future direct and accessible link to Linear Park for residents.

5.7 Residential Amenity

SEPP 65 contains nine design principles to ensure high quality residential apartment development. SEPP 65 also requires consideration of the ADG which supports the nine design quality principles by giving greater detail as to how those principles might be achieved.

On 29 June 2017, the Planning Circular '*Using the Apartment Design Guide*' was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved. The Circular supports the Department's approach to assessing the residential amenity of the proposed development in that all proposed 705 units cannot reasonably achieve every amenity design criteria in the ADG and that the ADG notably does not require this.

GMU has raised concerns with the proposal not attaining the requirements of the ADG relating to solar access, apartment sizes, balcony sizes and natural ventilation requirements

Appendix B provides further assessment of the proposal against the SEPP 65 design principles and relevant design criteria in the ADG, including advice by Council and GMU. The Department's assessment of the proposal against the ADG provisions has identified a number of matters that require more detailed consideration. These matters are considered below.

5.7.1 Building separation/visual privacy

To ensure adequate visual privacy for residents within an apartment development, the ADG recommends a range of building separation distance requirements between 12 m to 24 m depending on height and room uses (**Table 11**).

Table 11: ADG recommended minimum building separation design criteria

Building height	Minimum separation distance*	Proposed	Consistent
Up to 12 m (4 storeys)	12 m	Minimum 13 m between units	Yes
Up to 25 m (5 to 8 storeys)	18 m	Minimum 18 m between units	Yes
Over 25 m (9+ storeys)	24 m	Building 1 to Building 2 (levels 9 & 10) – 23 m Building 2 to Building 3 (level 9) – 22 m	No No

* Note: stated separation distance applies for the proposed buildings due to location of habitable room windows and wintergardens.

The Department notes out of the entire development, only Buildings 1 and 2 (between levels 9 and 10) do not achieve the 24 m distance recommended by the ADG. However, it is accepted the separation distance achieved is between 22 m and 23 m which is fractionally less (i.e. 1-2 m) than recommended.

The Department therefore accepts the proposed building separations will provide sufficient privacy for the residents of the development.

5.7.2 Solar access

The ADG objectives include optimising the number of units receiving sunlight to habitable rooms and private open space. To satisfy this objective, the design criteria recommend at least 70% of these areas of units receive at least two hours direct sunlight between 9 am and 3 pm at midwinter. Furthermore, no more than 15% of apartments should receive no direct sunlight between 9 am and 3 pm at midwinter.

Council raised concern with the proposed proportion of the apartments exceeding the maximum permitted apartments under the ADG which received no sunlight, being less than 15%.

The proposal does not achieve the following ADG recommendations, being:

- minimum 70% achieving 2 hours solar access between 9 am and 3 pm, as only 65.7% (463 of the 705 apartments) will achieve this requirement
- maximum 15% of apartments receiving no solar access between 9 am and 3 pm, as 18.5% (130 apartments) will receive no solar access under this requirement.

The Applicant has acknowledged these non-compliances and argues that a reasonable assessment of solar access is to consider solar access achieved between 8 am and 4 pm as follows:

- proposal would achieve 69.4% (489 apartments) with minimum 2 hours between 8am and 4pm
- proposal would have only 6.2% (44 apartments) receiving no solar access.

The ADG acknowledges that achieving the minimum solar access provisions may not be possible on some sites. This includes south facing sloping sites and when significant views are orientated away from the desired aspect for direct sunlight, both of which are relevant to the subject site.

The Department is satisfied the proposal maximises the number of apartments receiving solar access by:

- creating the building complex around a central courtyard to maximise building separations
- designing Building 1 with lower height to maximise solar access to lower levels in Buildings 2 and 3
- articulating Building 2 to maximise midday to afternoon solar access
- providing shallow apartment layouts.

Additionally, the Department also notes the judgement in the matter of *Botany Development Pty Ltd. v Botany Council [2013] NSW LEC 10360*, which stated that the 9 am to 3 pm time span nominated in the ADG may be extended in some cases. This includes where the analysis clearly demonstrates solar access before and after those times can be obtained, and high quality design considerations and orientation of buildings would maximise solar access.

Based upon the principles set down in the *Botany Development Pty Ltd. v Botany Council [2013] NSW LEC 10360* case the 69.4% of apartments are provided with 2 hour of solar access which is consistent with the provisions of the ADG. The Department accepts the 8 am-4 pm period is a more reasonable period to attain solar access as was previously accepted during its assessment of SSD 7033 and as accepted by the Land & Environment Court.

The same arguments are sought by the Applicant in support of an extended time period of 8 am and 4 pm for the subject application considering the high-rise building form, relatively uninterrupted solar access to some units in early morning and late afternoon due to orientation, local built forms and quality natural ventilation achievable.

The revised solar access report concludes that 65.7% of apartments (463 apartments) will receive 2 hours solar access between 9 am and 3 pm in mid-winter. The report also found that a number of apartments would receive two hours direct solar access before and after the 9 am to 3 pm time span increasing the 2 hour solar access achieving apartments to 69.4% (489 apartments) for the period between 8 am and 4 pm which is consistent with the objectives of the ADG. A further 146 apartments would receive some solar access outside the 8 am to 4 pm period.

The Applicant has also concluded that an additional 24 apartments achieve direct solar access to bedrooms but not living areas. Where these additional apartments are accepted then the complying rate would increase to 72.8% apartment compliance achieving two hours solar access 8 am to 4 pm. The Department's assessment therefore concludes that the proposal can meet with the requirements under the ADG as adequate solar access and amenity for future occupants of the development can be achieved.

5.7.3 Apartment size

Of the 705 total apartments proposed, only six of the proposed 334 two-bedroom apartments do not achieve the recommended minimum internal area requirement of 70 m², including:

- Apartment 30101, Level 1 of Building 3 at 66.2 m² for a variation of 5.4% which has been partially offset by a balcony area of 15m²
- Apartments 50401 – 50801, over levels 4 to 8 of Building 5 are within a 9.7% (7m²) variance of the minimum unit size

The Department notes that Apartment 50102 of Building 5 is shown in the RtS as 49.95 m² whilst on the plan is shown as 50 m². The potential variation is less than 1% and acceptable.

Table 12: Apartment internal areas.

ADG Guidelines	Proposed	Compliance
1 bed – 50 m ²	+ 50.00 m ²	Yes all 279 apartments
2 bed – 70 m ²	+ 63.19 m ²	No – six apartments from 334
3 bed – 90 m ²	+ 99.25 m ²	Yes all 91 apartments

The Department acknowledges the proposed development provides a diversity of unit types and sizes and that the variations to the minimum unit sizes are relatively minor in nature.

In accordance with the objectives of the ADG, the two-bedroom apartments have been well designed and deliver high standards of residential amenity and functionality. The apartment designs ensure that:

- a window is visible from any point in a habitable room
- the maximum habitable room depth is 8 m from a window
- master bedrooms have a minimum area of 10 m²
- living rooms have a minimum width of 3.36 m with majority exceeding 4m
- the majority of apartments will achieve reasonable solar access.

It is also noted that natural ventilation recommendations under the ADG are achieved and adequate building separation distances, coupled with privacy design measures, has been provided to ensure visual and acoustic privacy. Consequentially, the Department is satisfied the proposal meets the objectives of the ADG and the proposed apartment size of the six two-bedroom apartments is acceptable in this instance.

5.7.4 Private open space

An objective of the ADG is to provide appropriately sized private open space to enhance residential amenity. The design criteria include a minimum area and depth of private open space based on the number of bedrooms within a unit (**Table 13**).

Table 13: ADG recommended minimum private open space areas.

Unit size	Minimum area / Minimum depth	Proposal
One bedroom - 279 apartments	8m ² / 2.0m	261 apartments
Two bedroom - 334 apartments	10m ² / 2.0m	321 apartments
3+ bedroom - 92 apartments	12m ² / 2.4m	91 apartments
TOTAL - 705	-----	4.5% / 32 of 705

The above table illustrates the subject proposal has:

- 673 apartments meet both the recommended areas and depths in the ADG
- 32 apartments or 4.5% are unable to achieve the minimum recommended areas or depths.

The Department notes all private open space is located adjacent to living spaces and has been designed to be integrated within the building architecture. The architectural plans also illustrate that the balconies can accommodate a table and chairs

The Department considers the private open space areas are functional and have been designed to maximise residential amenity. The development also provides a communal facility and a generous amount of communal open space within the site.

The Department accepts the proposal satisfies the relevant amenity criteria within the ADG and that the private open space areas are reasonable as they provide:

- a high level of residential amenity through functional apartment layouts
- visual and acoustic privacy
- adequate solar access and natural ventilation.

The Department also acknowledges the proposal provides substantial communal open space that connects positively to the public domain and is for the general enjoyment of residents.

5.8 Traffic, car parking/bicycle parking and access

5.8.1 Traffic generation

Eight public submissions were lodged which raised concern with potential traffic and car parking associated with the higher density of the proposal. These concerns are discussed further below.

The Applicant's Traffic Report confirms that peak traffic generation in mornings and evenings would result in 241 vehicle trips, being some 177 additional to that currently generated by the existing commercial operations on the site.

It was also noted that intersection and road upgrades are programmed for the precinct which will provide additional traffic capacity to the road system. The report concluded the projected development vehicle trips were moderate in nature and that the road network would have sufficient capacity to accommodate this increase.

SOPA and TfNSW raise no objection to the RtS subject to suitable conditions of consent, including that a Construction Pedestrian and Traffic Management Plan (CPTMP) be prepared for the site. RMS also raised no objection to the proposal given the relatively minor traffic impact on the classified road network.

The Department is satisfied the Applicant has adequately assessed the potential impact to traffic in the streets surrounding the proposed development, and considers that the traffic activity associated with the development will generally be consistent with the overall planning for the Sydney Olympic Park.

Whilst the development will allow for the safe and convenient operation of the surrounding road network, the Department considers the requirement for a Construction Pedestrian and Traffic Management Plan (CPTMP) will ensure any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the works are managed.

The Department is satisfied subject to the approval and implementation of the CPTMP, traffic and access issues around the site can be appropriately managed and any construction related impacts adequately mitigated.

5.8.2 Car parking

The proposal provides 730 basement car parking spaces over four levels. The provision of car parking is outlined in **Table 14**.

Table 14: Proposed car parking provision.

Land Use	Proposal	SOPA Master Plan Max. Car Parking	RMS Traffic Generating Development Car Parking	Proposed Car Parking
1 Bed Apartments	279	279	167.4	167.0
2 Bed Apartments	334	400	300.6	334.0
3-4 Bed Apartments	92	138	128.8	154.0
Commercial	1500m ²	60	30.0	Nil
Visitor	75	176.2	141.0	71.0
TOTAL	-----	1054.0	767.8	730

The total provision for car parking on site is considered adequate and generally complies with the SOPA standards, which set maximum on-site car parking provisions rather than minimum, and is comparable to the RMS requirements, where the prime difference relates to visitor car parking requirements. It is also noted the location is within comfortable walking distance, less than 400 m, to the Olympic Park Railway Station and associated bus services stops.

In addition to the above, it is noted that the proposal will provide 73 residential and 6 commercial accessible car spaces within the car park and 43 motorcycle parking spaces.

The proposal does not propose any specific car parking for the commercial/retail component. Rather, this will be shared as part of the visitor car parking component of 71 spaces. This arrangement is a similar manner of providing visitor/retail carparking as required for the approval of SSD 7033.

The basement car park layout provides 42 spaces in a secure area at basement entry level which will be for common commercial and residential visitor use. RMS, Transport NSW, Parramatta Council and SOPA raised no objections to this arrangement.

The Department concludes the proposed car parking provision as part of the subject proposal is considered acceptable in this particular instance.

5.8.3 Bicycle parking

The development proposes to provide 1,025 bicycle parking spaces which is consistent with the minimum requirements in the Master Plan and Draft Master Plan. The Department has reviewed the bicycle parking provision along with the location and type of spaces and is satisfied it is acceptable as:

- a combination of dedicated bicycle parking spaces and combined with storage cages for some residential apartments
- a combination of internal and external visitor parking is provided for apartments, and external visitor parking for the commercial floor space
- the ground floor bicycle parking area is accessed from a door in the through-site link (New Street – COS) providing a safe and clear entry for residents, staff and visitors.

5.9 Other Matters

Other matters for consideration that have been raised and not addressed above are addressed in **Table 15** below.

Table 15: Other matters for consideration

Issue	Consideration	Recommendation
Retail Activation	<u>Retail Forecourt Setback:</u> - The retail area is setback by 17 m from Australia Avenue to allow for a treed and terraced landscape setback. - SOPA suggested the retail area be extended towards the boundary of Australia Avenue as the landscaped setback area creates a suburban character to the major entry to the town centre. - The Department supports the setback area as it will improve visibility of the retail windows and the landscape strip will allow space for the transition of levels to the footpath and provide a higher level of amenity for those using the footpath. <u>Additional Retail Uses:</u> - GMU recommended that the north-east corner of the site under Building 1 be utilised for the supermarket to open up the forecourt area consistent with the Land Use Plan controls in the Draft Master Plan. - The Applicant has responded to this request by advising that the feasibility for small commercial/retail in this location is questionable and that the current proposal provides for an attractive and intimate courtyard entry. SOPA, GMU and DRP accepted the Applicant's argument in this instance. - The Department is also supportive of the current proposal considering the slope of the land in this location, the less desirable corner location with a grade rise in Australia Avenue, the passive surveillance provided by apartments and elevated common open space areas and consideration of small shop retail viability.	No specific conditions recommended.
Supermarket Relocation	- GMU advised the Building 2 supermarket should be repositioned to wrap around the retail plaza and figtree courtyard in order to promote passive surveillance. - The Department considers the relocation of the supermarket along the length of the eastern boundary is not necessary as adequate passive surveillance over the retail plaza and figtree courtyard will be achieved via glazing to the proposed supermarket and from the elevated pathways along the western side of the courtyard	No specific conditions recommended.
Contamination	The application is supported by a Phase 1 & 2 Environmental Site Assessment (ESA) which did not identify significant contamination precluding development of the site for the proposed use.	As a final redundancy measure and to manage any unexpected contamination issues, the Department has recommended key conditions of consent

Issue	Consideration	Recommendation
	- One soil sample contained some asbestos, however the concentration was less than the relevant NEPM 2013 health screening level. - Given the above, it was concluded the site is suitable for the proposed development. The ESA makes recommendations for a Hazardous Materials Survey (completed), appropriate waste classification and an unexpected finds protocol. - The EPA raised concern a venting system may be required to mitigate potential intrusion of contamination landfill gas to the site from the former Bicentennial Park and Golf Driving Range Landfills (noting this a problem at the nearby P3 carpark site). - The EPA recommended conditions of consent requiring the Applicant to engage an EPA accredited Site Auditor to: - review all contamination documentation and issue a Section A Site Audit Statement certifying the land is suitable for the proposed use, prior to occupation - prepare a post-occupation Environmental Management Plan outlining the maintenance and monitoring procedures for a landfill gas venting/mitigation system (if required), and contingency plans if unexpected finds or unacceptable risks are encountered. - To address the landfill gas issue, the Applicant undertook an assessment (including in ground monitoring) which found there are no risks to the site from landfill gas migration from the Golf Driving Range Landfill or any other source of hazardous ground gases in proximity. - Based on the information provided, the Department is satisfied the site is suitable for the proposed use/s in its current state and the development is unlikely to require landfill gas mitigation.	formalising the recommendations of the ESA and the EPA (where relevant).
Groundwater	- Groundwater seepage into the site was found to have high levels of ammonia which exceed stormwater discharge limits. - The basement design incorporates a seepage collection system including sub-floor drainage to a collection pit. - The Applicant is proposing to dilute the seepage with water at a ratio of 1:10, prior to discharge to the stormwater drainage system.	- To resolve this issue, the Department has recommended conditions of consent requiring the Applicant to: - prepare a Groundwater Seepage and Disposal Strategy to the satisfaction of the EPA and Sydney

Issue	Consideration	Recommendation
	- The EPA raised concerns with the dilution strategy (and its technical basis) and considered there has been insufficient assessment to demonstrate this water would not cause pollution of downstream waters. The EPA also advised ammonia could be an indicator leachate problems in groundwater. - The EPA therefore recommend groundwater seepage be discharged to sewer in accordance with industrial trade waste requirements. - However, Sydney Water has advised long-term discharge (post-construction) to its sewer network would not be accepted and requested the Applicant adopt an alternative management arrangement.	Water detailing the final seepage treatment and disposal arrangements for on-going use, prior to occupation include contingency plans in the Long-Term Site Environmental Management Plan for unexpected finds of leachate.
Construction Impacts	- The application is supported by a Draft Construction Environmental Management Plan (CEMP) addressing potential noise, traffic, waste, dust and other impacts. - Two public submissions raised concern about construction noise. - The EPA also requested a Construction Noise and Vibration Management Plan (CNVMP) be prepared and construction be restricted to its standard hours. - To ensure construction noise and vibration are effectively managed, the Department has conditioned the requirement for the Applicant to finalise a CNVMP in consultation with the EPA and SOPA, prior to construction. - With this condition in place, the Department is satisfied the construction noise and vibration is unlikely to result in adverse impacts to nearby sensitive receivers. - The Department is also satisfied the proposed construction hours of 7am-6pm Monday-Friday and 7am-3pm Saturdays, are appropriate noting: - they are consistent with other approvals issued within SOP; - they would reduce the overall construction period in which sensitive receivers are exposed to impacts - predicted impacts would be reduced through implementation of the CNVMP. - SOPA recommend conditions of consent requiring the Applicant to prepare a final CEMP and a suite of Sub-Plans addressing potential noise and vibration, air quality, waste, stormwater, asbestos and contamination impacts.	- The Department has reviewed the draft CEMP and is satisfied it provides a suitable framework the management of the potential construction impacts of the development. - To ensure these impacts are effectively managed, the Department has recommended conditions requiring the Applicant to finalise the CEMP (and associated Sub-Plans) for SOPA's approval, prior to construction. - The Department recommends a condition to restrict construction hours of operation to those sought

Issue	Consideration	Recommendation
Noise and Vibration	- The EIS includes a Noise Impact Assessment (NIA) report prepared by Renzo Tonin and Associates that assessed the potential noise impacts on the proposal from rail, traffic and the adjoining mechanical plant to the west of the site. - The NIA concluded the development would be capable of achieving a satisfactory accommodation environment for the occupants subject to acoustic glazing, detailed in the NIA.	The Department recommends a condition requiring the Applicant to demonstrate that works have been carried out in accordance with recommendations in the NIA.
Air Quality	- The EIS included an Air Quality Impact Assessment (AQIA) report prepared by Pacific Environment Limited. The report assessed the potential odour impacts from the operation of the Homebush Liquid Waste Treatment Plant (LWTP) on the proposal. - The AQIA modelling concluded that a maximum of two odour units (OU) would be detected in the vicinity of the subject site which is within the criterion applied to residential receivers. - The Department, the EPA and SOPA have reviewed the AQIA and are satisfied there would be negligible odour impacts from the LTWP on the amenity for future residents of the proposal. - It is noted by the EPA however, that potential for odours from the Liquid Waste Treatment Plant (LWTP) could impact this neighbourhood. - SOPA has advised that there have been no history of complaints from residents of SOP due to problems at the LWTP and therefore SOPA considers there is no valid justification to require any pre-emptive notification to purchasers of property in this precinct.	Based upon the findings of the specialist report AQIA, and SOPA advice on odour issues for SOP, it is accepted that there is no further action warranted as part of this proposal.
Water Quality and Stormwater Management	- The EIS included a Stormwater Management Plan and Rainwater Re-use Strategy. - SOPA raised concerns that the proposed stormwater management system was not sufficient in size.	The Department recommends a condition requiring the Applicant to prepare a stormwater management system in accordance with the SOPA Stormwater Management and Water-Sensitive Urban Design Policy 2013 prior to issue of a Construction Certificate.
Waste Management	- The EIS included a Waste Management Plan prepared by Elephant's Foot Pty Ltd and outlines provisions and procedures for residential waste, retail waste and bulky goods. - The Department is satisfied that the Waste Management Plan will appropriately manage the handling of waste on the site.	The Department recommends a condition, that the Waste Management Plan be implemented and consider both construction and operation waste prior to the issue of a Construction Certificate.

Issue	Consideration	Recommendation
Wind and Reflectivity	- The EIS included both a Pedestrian Wind Tunnel Study and a Solar Reflectivity Assessment. - The Wind Tunnel Study concluded that wind conditions around the site roadways would be suitable for use as main public access ways without any additional wind mitigation measures, although pedestrians may be advised of potential strong winds at the eastern end of the Linear Park walkway. - The Solar Reflectivity Assessment concluded the proposal would not have any adverse impact on train and vehicles travelling in directions approaching the site. - The Department is satisfied the proposal will not have any adverse wind or reflectivity impacts for the local area.	The Department recommends a condition requiring confirmation building materials used on the facades have a maximum 20 % reflectivity.
Development Contributions and Affordable Housing	- The Applicant has advised that it has entered into a Planning Agreement with SOPA (the landowners) in accordance with Section 93F of the EP&A Act 1979. - The planning agreement requires the developer to make a monetary contribution that would contribute to the SOPA Infrastructure Contribution Framework, which provides appropriate funding for the delivery of SOP infrastructure. - In addition, the planning agreement includes 'works-in-kind' contributions including the: - construction and dedication of half of 'New Street', located on the western boundary of the site - construction and dedication of the retail lot - construction and dedication of 3% of apartments for affordable housing in accordance with SOPA's 'Affordable Housing Guidelines'.	The Department recommends a condition requiring a minimum 3% (21 apartments) of the apartments being allocated as "Affordable Housing". The Applicant has indicated that 22 apartments are to be provided as "Affordable Housing".
Subdivision	- The Applicant originally sought subdivision of the site into 5 lots providing for: - New Street - the retail plaza - Linear Park - retail allotment - residential allotment. - The Applicant subsequently advised subdivision is a matter for SOPA and is no longer part of the subject application.	The Department recommends a condition to clarify that subdivision of the land is not approved.
Railway Corridor	The site adjoins the future landscape corridor to the south. Immediately beyond this lies the Olympic Park Railway Line.	The Department recommends the Sydney Trains requirements are included as conditions.

Issue	Consideration	Recommendation
	• The EIS has considered potential impacts on the Olympic Park Rail Corridor and includes assessments of reflectivity, noise and vibration, and geotechnical impacts. • The Applicant's geo-technical investigation concludes that the proposed excavation and construction works can be designed and undertaken in such a way it would not have a detrimental impact on the railway corridor or associated infrastructure. • The Department referred the application to TfNSW during the public exhibition process. Sydney Trains recommended a suite of conditions to mitigate potential impacts on the rail corridor and rail operations. • The Department is satisfied the proposal would not have any adverse impacts upon the operation of the Sydney Olympic Park Railway Corridor subject to the implementation of conditions provided by TfNSW.	

6. CONCLUSION

The Department has undertaken a merit assessment of the proposal taking into consideration the issues raised in all submissions and is satisfied the impacts have been addressed within the proposal and the recommended conditions.

The Department has considered the built form impacts of the proposal noting the height and scale of the development would provide a strong urban presence at the southern gateway of the town centre and would positively contribute to SOP. Additionally, it considers the proposal to exhibit design excellence and warrants the granting of a 10% FSR bonus and a variation to the current maximum height and FSR controls.

The proposed development is generally consistent with the Draft Master Plan as the proposed intensification of the site, land uses and layout will enhance the activity and vibrancy of the town centre and contribute to the wider redevelopment and transformation of SOP. The proposal for 705 new residential apartments is also consistent with the intended future character of the Central Precinct and consistent with the identified land use for the site.

The Department does acknowledge Council's concerns regarding the reliance on the Draft SSP SEPP and Draft Master Plan provisions. However, the Department also acknowledges the draft provisions are a matter for the Department's consideration and further, the Department's assessment has found the proposal provides a positive design response to the draft provisions applicable to the site.

Furthermore, the issues of environmental impacts, residential amenity, traffic, transport and infrastructure matters have been reasonably reviewed and resolved through the RtS and consultant advice, and as part of the Department's assessment.

The Department is satisfied the recommended conditions and implementation of measures detailed in the EIS and RtS will adequately mitigate the residual environmental impacts of the proposal.

Subject to the recommended conditions, the Department considers the proposal is in the public interest, and recommends the application for approval.

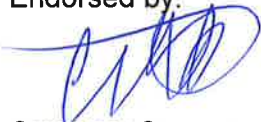
6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- a) **considers** the findings and recommendations of this report;
- b) **grants** concurrence to the proposed variations to the maximum building height and floor space ratio development standards under State Environmental Planning Policy (State Significant Precincts) 2005 and Sydney Olympic Park Master Plan 2030;
- c) **approves** the SSD application subject to conditions; and
- d) **signs** the attached development consent (see **Appendix C**).

Prepared by: Chris King
Senior Planner - Key Sites Assessments

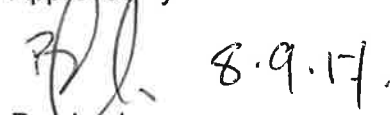
Endorsed by:



Cameron Sargent
Acting Director
Key Sites Assessments

DECISION

Approved by:



Ben Lusher
Acting Executive Director
Key Sites and Industry Assessments
(as delegate of the Minister for Planning)

APPENDIX A SUPPORTING INFORMATION

The following documents and information supporting this assessment can be found on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7033

In particular:

1. The Secretary's Environmental Assessment Requirements (SEARs)
2. Environmental Impact Statement
3. Submissions
4. Applicant's Response to Submissions

Sydney Olympic Park is listed as a State Significant Precinct under Part 23 of Schedule 3 of the SSP SEPP. The proposed mixed use development is permitted with consent within the B4 Mixed Use zone.

Relevant Sections	Considerations and Comments	Compliance
2 Aims of Policy The relevant aim of this policy is (c) 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 precincts for the benefit of the State.	Part 23 of the SSP SEPP sets out provisions relating to the orderly use, development or conservation of development within SOP (considered below).	Yes
7 Land use zones (a) The site is zoned B4 Mixed Use. (b) The consent authority must have regard to the objectives for development in a zone when determining applications.	The proposed residential and retail uses are permitted with consent within the B4 Mixed Use zone. Consideration of the proposal against the objectives of the zone is considered below.	Yes
9 Zone B4 Mixed Use Zone B4 Mixed Use	The proposed development is consistent with the objectives of the B4 Mixed Use zone.	Yes
18 Height of Buildings The maximum height of a building on the site is not to exceed 30 m.	Three of the four buildings exceed the maximum height. Refer to Section 5 .	No, refer to Section 5 .
19 Floor space ratio The maximum floor space ratio for a building on the site is not to exceed 2.5:1	The proposal uses the 10% bonus FSR available in the Master Plan, resulting in an FSR of 4.93:1, which exceeds the current FSR control but would comply with the FSR proposed in the Draft Master Plan. Refer to Section 5 .	No, refer to Section 5 .
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 Applicant has existing approval from SOPA for demolition of the existing commercial building on the site.	N/A
22 Exceptions to development standards Development consent may be granted for development, even though the development would contravene a development standard imposed by an environmental planning instrument, provided the consent authority considers a written request from the Applicant that seeks to justify the contravention of the development standard and the proposal is in the public interest.	The EIS includes a written request from the Applicant seeking to justify the contravention of the development standards (height and FSR) and demonstrates that the proposal is in the public interest, which is considered in Section 5 .	Yes – See comments at Section 5
23 Public utility infrastructure The consent authority must be satisfied that any public utility infrastructure (water, electricity, gas and sewage) 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 concludes that the Applicant has discussed the project with relevant utility providers and confirms that all necessary services are available for future connection to the development. The Department has recommended a condition be imposed requiring that written advice shall be obtained, prior to the issue of an occupation certificate, from the utility providers confirming satisfactory arrangements have been made.	Yes
24 Major events capability	The EIS concludes the operation of the proposal is not expected to create any	Yes

The consent authority must consider impacts of the proposal during major events at the SOP, including: (a) traffic generation on the local and regional road network; (b) management of crowd movement and transport; (c) functioning of major event infrastructure; and (d) emergency evacuation plans.	adverse traffic and transport issues within the SOP operating in major event mode. A Major Events Plan is required to be prepared for the construction phase of the project and approved by SOPA.	
25 Transport The consent authority must be satisfied that the development includes measures to promote public transport use, cycling and walking.	The proposal is located within walking distance of Olympic Park station and busses between Burwood, Hurstville, Parramatta, Chatswood, Strathfield and Lidcombe. It also provides cycle parking and car share spaces, and is well served by existing walking and cycling networks. The Department has recommended a condition be imposed requiring a travel access guide to be implemented prior to occupation.	Yes
26 Master Plan Development consent must not be granted for development on land within the SOP to which a Master Plan applies unless the consent authority has considered that Master Plan. Development consent must not be granted for development on land within 400 metres of the Olympic Park Train Station unless the consent authority has considered whether the car parking requirements specified in the master plan should be reduced in respect of that development.	Detailed consideration of the relevant provisions of the <i>Master Plan</i> is provided below. The site is located within 400 m of Olympic Park Train Station. The Applicant proposes 730 car parking spaces, including 4 shared spaces, which is less than the maximum of 1054 spaces required in the Master Plan.	See below. See comments at Section 5
30 Design excellence Development consent must not be granted for a new 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: (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved; (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain; (c) 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 (d) the results of the competition. A design competition is required pursuant to clause 30 as the site is identified for a	As part of the original development concept for this site (SSD_0733) BVN Architecture was appointed following a design competition, with schemes also submitted by Mirvac Design, PTW Architects and Tony Caro Architecture. The Department's assessment considers design excellence, including the results of the design competition, in Section 5. The assessment concludes the proposal exhibits design excellence in terms of the following: • architectural design, materials and detailing • quality amenity of the public domain • sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency.	Yes See Section 5

design competition in the Master Plan and a building exceeds 42m in height.		
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Draft Amendment : State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) & Draft Sydney Olympic Park Master Plan 2030 Review

Proposed amendments to the Master Plan and the Sydney Olympic Park State Significant Precinct listing in the SSP SEPP, include the Height of Buildings Map and the Floor Space Ratio Map. The draft amendments to these documents have been publicly exhibited and it is now reasonable to consider that the making of these amendments is imminent. The proposal seeks to develop a building form that is more consistent with the proposed development control amendments. These changes are discussed below:

Height of Buildings

Draft Height of Buildings Map specifies 3 maximum height of building standards applicable to the site – 33 m, 74 m and 102 m (site existing maximum height of buildings is 30 m across).

The Applicant lodged a submission during the exhibition of the Draft Amendments to SSP SEPP and Master Plan in support of a higher development potential for the subject land and has also lodged a request to vary the height development standard which is considered in **Section 5**.

Floor Space Ratio

The draft Floor Space Ratio Map specifies a floor space ratio of 4.5:1 and a FSR bonus provision has been retained in the Draft Master Plan that would potentially enable an FSR of 4.95:1. The proposal seeks an FSR of 4.93:1. Further consideration of FSR is provided in **Section 5**.

Subdivision

Land within SOP may be subdivided with consent, unless it 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 proposal originally proposed the subdivision of the subject site into five lots providing for a new street, the retail plaza, the Linear Park, the retail allotment and the residential allotment. Further consideration is provided in **Section 5.9**. However, the Applicant has since advised this is a matter for SOPA and subdivision is no longer being sought as part of the subject application.

Public Utility Infrastructure

The consent authority must 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 site is in an established area with ready access to public utility infrastructure, including water, electricity, natural gas and sewage disposal. The Utilities and Services Strategy provided in the EIS (Appendix W) identifies the necessary steps to be pursued to connect the proposed development to public utility infrastructures.

Major Events Capability

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

The EIS has considered the proposed development's impact on SOP during major event mode and confirms the development is not expected to create any adverse traffic and transport issues. The Assessment confirms that the proposed development has been designed to minimise negative major event capability impacts. A condition is also recommended which requires a Major Event Plan to manage construction-related impacts for the approval of SOPA.

Transport

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

The proposed development will encourage sustainable transport use by providing over 1000 bicycle parking spaces in an accessible location, upgrading the existing pedestrian and cycle routes along the periphery of the subject site, implementing a Green Travel Plan through a Travel Access Guide and providing car parking generally in accordance with the TGD rates (providing 730 of the required 767) so as not to oversupply and encourage other modes of transport. This issue is discussed in detail in **Section 5** of the Report.

Master Plan

Detailed consideration of the relevant provisions of the Master Plan and Draft Master Plan is provided below within **Sections 3** and **5** and **Appendix B**.

Design Excellence

The Department has considered design excellence in **Section 5** of this report.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The proposal is classified as a traffic generating development under clause 104 of the SEPP and therefore was referred to RMS, Sydney Trains and TfNSW for comment which raised no objection to the development. Refer to **Section 4** of this report. The Department considers the proposal to be consistent with the ISEPP given the consultation and consideration of the issues raised by TfNSW, RMS and Sydney Trains have been considered in **Section 5** of this report.

Relevant Sections	Consideration and Comments	Complies?
4 Aims of Policy The relevant aims of this policy are to: (e) identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.	This is considered in detail below.	Yes
85 Development immediately adjacent to rail corridors This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development: (a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor.	As the site is adjacent to a rail corridor, TfNSW and Sydney Trains were consulted during the public exhibition. In its submission TfNSW and Sydney Trains recommended conditions to minimise any potential construction impacts upon the Sydney Olympic Park Railway Corridor.	Yes
104 Traffic-generating development Before determining a development application for development to which this clause applies, the consent authority must give written notice of the application to the RTA and take into consideration any submission from the RTA.	Pursuant to Schedule 3, the proposal is assessed as a TGD (traffic generating development) as it involves more than 300 residential units. RMS was consulted during the public exhibition, and did not object to the	Yes

The consent authority must also take into consideration the accessibility of the site concerned (including the efficiency of moving people to and from the site and the extent of multi-purpose trips and the potential to minimise the need for travel by car) and any potential traffic safety, road congestion or parking implications of the development	proposal noting the estimated additional vehicle trips per hour would be moderate.	
	The proposal is located within walking distance of Olympic Park Train Station and well served by buses. It also provides cycle parking and car share spaces, and is well served by existing walking and cycling networks.	

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP, which commenced on 1 July 2004, aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The Building Sustainability Index (BASIX) aims to deliver equitable, effective water and greenhouse gas reductions across the state. BASIX applies to all residential dwelling types and is part of the development application process in NSW.

The subject application is supported by a BASIX Certificate assessment for each building and the proposal is in accordance with the basic requirement of the SEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The 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.

The subject land falls within the area identified as the Sydney Harbour Catchment under the SREP (Sydney Harbour Catchment) 2005 but is outside of the area identified as the Foreshore and Waterways Area. On this basis the proposal is not subject to controls under the Harbour REP or DCP apart from consideration of matters raised under Section 13 of the Harbour REP.

The proposed development is located on the southern edge of the SOP town centre approximately 1 km from Homebush Bay foreshore and is also located in close proximity to the Bicentennial Park, which contains the Badu Mangrove wetlands of Homebush Bay. The Department considers the proposed height, bulk and scale of the proposal to be appropriate in the context of the future character of the area at the southern gateway to the SOP town centre. The Department considers the building design exhibits design excellence, subject to recommended conditions. Furthermore, the design is a result of a design competition process and has the principle support by SOPA. Accordingly, considering the site's remoteness from the harbour foreshore, the Department considers the proposed development is unlikely to impact on the visual qualities of Sydney Harbour.

The proposed development includes a suite of stormwater drainage management measures, 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 SREP (Sydney Harbour Catchment) 2005. The proposal will also have minimal impacts on the water quality of the harbour or disturbance of acid sulphate soils.

Sydney Harbour Foreshores and Waterways DCP 2005

The site of the building is not within the defined Foreshores and Waterways Area, and is therefore not subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment, and design guidelines for development within the area.

The location of the building is not affected by any ecological or specific landscape character area, and the design guidelines provisions are not relevant to this application.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

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
- 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
- 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. The EIS included a Phase 1 and Phase 2 Environmental Site Assessment which confirmed the presence of fill across the site. The assessment found that the concentrations of potential contaminants were below the residential land use criteria.

The Department's assessment concludes that the Phase 1 & 2 Environmental Site Assessment and Hazardous Materials Survey, prepared by JBS&G can be relied upon to ensure that the land is suitable for its intended future uses, subject to conditions (refer to **Section 5.9**). The Department's assessment therefore concludes that the proposal is consistent with the relevant provisions of SEPP 55 and as such, it is considered that the site is suitable for the proposed use.

State Environmental Planning Policy No.64 – Advertising and Signage

State Environmental Planning Policy No 64- Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The subject proposal does not seek approval for any signage.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)

An assessment of the proposal against the ADG best practice design principles is provided below:

SEPP 65	Department's Response
Proposed Principle	
1. Context and Neighbourhood Character	The proposal is generally compatible with the use and built form requirements of the Master Plan (as proposed in the Draft Master Plan) and with the existing and desired future character of the locality as discussed in Section 5 . The proposal will have acceptable impacts on the amenity of existing and future adjoining development.

2. Built Form and Scale	The proposal is consistent with the FSR controls set by the Master Plan (as proposed in the 2016 Review) whilst the height and general scale of the development is considered appropriate within the locality of Sydney Olympic Park. It is noted that the proposal would result in a variation of the proposed height standards and this is addressed in detail at Section 5 of this Report. The scale of the development is compatible with existing developments near the site and other neighbouring buildings within Sydney Olympic Park. The development is considered to be of a high standard of architectural design and appearance and achieves design excellence as discussed in Section 5 .
3. Density	The buildings are considered to be of an appropriate density and scale and consistent with the existing built and approved building forms in the Central Precinct location. The modified proposal, although not complying with the building height standard set by the Master Plan (as proposed in the 2016 Review), is considered to be a suitable response to the unique site constraints and provides for an appropriate density of development for the SOP locality.
4. Sustainability	A BASIX certificate was provided with the proposal and demonstrates that the proposed development meets the BASIX water, thermal and energy efficiency targets. In addition, the proposed development incorporates the following ESD initiatives: - the cooling loads on the development are 60% lower than the allowable loads set by BASIX - provision of efficient fixtures to improve the heating and cooling efficiencies of apartments - LED lighting will be used where possible to reduce energy requirement - building design which maximises natural ventilation to apartments, reducing reliance on mechanical ventilation and cooling systems - provision for ample bicycle parking and car share spaces to encourage sustainable transport methods - building orientation which maximises solar access to apartments, providing passive heating and reducing the reliance on mechanical heating systems.
5. Landscape	The proposal includes landscaping at ground level which builds on the existing natural features of the site. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. The landscaped design will provide a high level of amenity for residents, employees and visitors and ties into the overall landscaping of the SOP precinct.
6. Amenity	The modified proposal generally complies with the principles of SEPP 65 and the ADG in terms of achieving satisfactory residential amenity. The proposed apartments will achieve satisfactory levels of privacy, private open space, solar access and natural ventilation, see discussions at Section 5 .
7. Safety	The building has been designed to provide passive and active surveillance of the surrounding public domain. Security access is provided for pedestrian entry into the residential building and vehicular entry to the basement.
8. Housing Diversity and Social Interaction	The proposal does not include affordable housing. However, the proposal provides a mix of apartment sizes and adaptable apartments to cater for a range of residents.
9. Architectural Expression	The proposal demonstrates a high standard of architectural design, which provides for a unique and iconic building that achieves design excellence, see Section 5 . The proposal also includes an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building.

ADG – Relevant Criteria	Proposal	Consistency?
3A Site Analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The proposal is accompanied by a site analysis plan, identifying opportunities and constraints on the site and surrounding context.	Yes
3B Orientation		
- Building type/layouts respond to streetscape, optimising solar access - Overshadowing of neighbouring properties is minimised during mid winter	- The proposed layout of buildings define the street frontages of the site and provide expansive north, east and west building façades providing high levels of solar access. - Overshadowing has been minimised and the layout and design of buildings provides a 20 m wide north-south view corridor through the site (as required by the Draft Master Plan (Section 5)).	Yes
3C Public Domain Interface		
- Transition between public/private without compromising security - Amenity of public domain is retained and enhanced	- The primary pedestrian entry to the site is provided on Figtree Drive to the north, and a secondary entrance for pedestrians and vehicles is provided off 'New Street' to the west. A further pedestrian entry and retail activation is provided on Australia Avenue to the east - Publicly accessible areas, communal open spaces, and private courtyards are clearly distinguishable. - Suitable public domain/landscaping provided.	Yes
3D Communal and Public Open Space		
- An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping - Communal open space has a minimum area equal to 25% of the site - minimum of 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours (between 9am and 3pm) in mid-winter	- Communal open space (COS) comprises an area of 3,958 m² (31% of the site) - The COS core, which includes the 20 m wide unobstructed view corridor, between the four buildings appears to achieve adequate solar access from midday to 3 pm on June 21. - The proposed communal area and public spaces between the buildings will be well connected with the public domain including the future Linear Park.	Yes
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Communal open spaces would provide for passive and active recreation with communal seating edges, pocketed lawn areas, informal children's play areas, and active open areas, connected via a circuit path.	Yes
Communal open space is designed to maximise safety	Publicly accessible areas, communal open spaces, and private courtyards have clear sight	Yes

	lines and minimize opportunities for concealment.													
3E Deep Soil Zones														
For sites greater than 1,500 m² a minimum of 7% of the site should provide for deep soil zone(s) and a minimum dimension of 6m	- A deep soil zone of 2,461 m² is proposed (19% of site including 163 m² permeable paving). - minimum area of 7% (890 m²) and dimension of 6 m required. - The proposal retains two mature fig trees on the site and a further one will be relocated.	Yes - 7% (890 m ²) required with 6m dimension and this is achieved.												
3F Visual Privacy														
<u>Setback to Neighbouring Land:</u> - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy - Minimum separation distance from building to side boundary: <table border="1"> <thead> <tr> <th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	- The proposal has road frontage to three boundaries and also adjoins "Linear Park" to the south. Hence, the proposal will comply with the required separation distances. - Where compliance hasn't been achieved, windows have been offset, and living rooms don't overlook each other. Overlooking is further reduced through the facade fenestration, as vertical elements obscure direct views.	Yes
Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
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<u>Setbacks of Buildings within Site:</u> Minimum separation distance from building to building: <table border="1"> <thead> <tr> <th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>24m</td><td>12m</td></tr> </tbody> </table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	12m	6m	Up to 25m (5-8 storeys)	18m	9m	Over 25m (9+ storeys)	24m	12m	The proposal does not achieve the required separations at the intermediate level of Level 9 with regard to Building 2 separation from Building 1 and 3 by only one and 2 m (i.e. they are 22 and 23 m from each other) . This is considered minor and will not give rise to privacy impacts.	No – See Section 5
Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	12m	6m												
Up to 25m (5-8 storeys)	18m	9m												
Over 25m (9+ storeys)	24m	12m												
3G Pedestrian Access to Entries														
- Building entries and pedestrian access connects to and addresses the public domain - Access, entries and pathways are accessible and easy to identify - Large sites provide pedestrian links for access to streets and connection to destinations	- Entries and pedestrian access connects to and addresses the public domain. - Entries are well located, designed and easily identifiable. - The proposal includes pedestrian links around the site to surrounding public domain and streets (no public access via the 20 m view corridor)	Yes												
3H Vehicle Access														
Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	A single vehicle access is provided from the new road (along western boundary), at the lowest point in the street. Access to parking, loading docks is combined into one	Yes												

	entrance to minimise disruption and conflicts.	
3J Bicycle and Car Parking		
• Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas • For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre • the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less • The car parking needs for a development must be provided off street • Parking and facilities are provided for other modes of transport • Car park design and access is safe and secure • Visual and environmental impacts of underground car parking are minimised • Visual and environmental impacts of on-grade car parking are minimised • Visual and environmental impacts of above ground enclosed car parking are minimised	• The modified application includes 730 car parking spaces for residents. • <i>The Guide to Traffic Generating Developments</i> requires a minimum of 738 car parking spaces for the residential component of the development (the Master Plan permits a maximum of 994 car parking spaces for the residential component of the development) • The proposal includes 1025 bicycle parking spaces for residents. • The basement car park incorporates supporting facilities (waste, storage, switch rooms, substation) and has clearly visible entry to lobby areas, lifts and stairs. • The basement car park protrudes by more than 1m at different part of the site (partly as a result of the slope of the site). The protrusions have been appropriately screened by the external treatment of the building, landscaping/mounding, and private courtyards. • No on-grade car parking is proposed for the development. • Further consideration is provided in Section 5.	No – See Section 5
4A Solar and Daylight Access		
• To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space • Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area • Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter • Daylight access is maximised where sunlight is limited • Design incorporates shading and glare control, particularly for warmer months	• 463 (65.7%) of 705 apartments receive 2hrs direct sunlight between 9 am-3 pm on June 21 • 130 (18.2%) of 705 apartments receive no direct sunlight for two hours to living areas or balcony on June 21 between 9 am and 3 pm • 513 (72.8%) of 705 apartments receive 2hrs direct sunlight to a bedroom or other habitable room between 8 am-4 pm on June 21. • Only 16 (2.2%) of 705 apartments receive no sun to living areas between 9am-3pm on June 21.	No – See Section 5
4B Natural Ventilation		
• At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) • Overall depth of a cross-over or cross-through apartment does not exceed 18m	• Within levels 1-9 of the building 193 of the 315 apartments (61%) would achieve natural ventilation requirements. • The ADG recognises wind speeds at a height of ten storeys and above provide good levels of ventilation and deems that apartments at ten storeys and above are cross ventilated only if any enclosure of the balconies at these levels allows adequate	Yes

	natural ventilation and cannot be fully enclosed. • There are 370 apartments above nine storeys in the development including twenty dual aspect apartments with potentially enclosed balconies (winter gardens). The Department considers winter gardens can significantly enhance the amenity of apartments, providing a functional and useable outdoor space all year round. • In this instance, the Department is satisfied all apartments at level ten and above are cross ventilated requirement for operable windows to the wintergardens, allowing occupants to open and close the windows depending on wind conditions, and the non-enclosure of any other balconies would ensure natural ventilation.	
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7 m - Non-habitable rooms 2.4 m - Floor to floor Residential 3.1 m - Floors minimum 400 mm	• Proposal seeks to adopt a floor to floor height of 3050 mm, being 50 mm less than ADG. This is considered acceptable where services are provided in the non-habitable service room bulkheads and will still maintain an appropriate level of amenity for the residents.	No 3.1 m floor-floor standard not achieved by 50 mm only, and apartment amenity is not considered to be compromised.
4D Apartment Size and Layout		
• Minimum apartment sizes - Studio 35sqm - 1 bedroom 50sqm - 2 bedroom 70sqm - 3 bedroom 90sqm • Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms • Habitable room depths are limited to 2.5 x the ceiling height • In open plan layouts the maximum habitable room depth is 8m from a window • Master bedroom have a minimum area of 10sqm and other bedrooms have 9sqm • Bedrooms have a minimum dimension of 3m (excluding wardrobes) • Living rooms have a minimum width of: - 3.6 m for studio and one bed - 4 m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4m internally.	• The majority of apartment sizes exceed the minimum guidelines, see comments in Section 5 of report. • Only six, 2 bedroom apartments of the 705 apartments do not comply. The majority of these non-complying apartments result from conversions from 1 bedroom plus apartments at EIS stage being converted to 2 bedroom apartments to overcome any ambiguity over the use of studies and alcoves as second bedrooms. The variations are also relatively minor in nature (10%) and should not impact upon overall amenity for occupants. • Apartments meet minimal window requirements • Minor non-compliances with the maximum habitable room depths exist but are minimal in nature, being less than 500 mm and should	No – See Section 5

	not adversely impact occupant amenity. • 10 apartments, being 1.5% of the 705 apartments, have a habitable room depth marginally (200 mm) exceeding 8 m from a window. This minor non-compliance is considered acceptable. • 32 living rooms, being 5% of apartments, do not achieve the 4 m minimum with dimensions with maximum variation of 640 mm but the apartments will still achieve reasonable amenity due to internal layout, orientation and open space provided. • One bedroom has a minimum dimension of 2.96 m, but still meet the minimum of 9 sqm. • Apartments meet minimum internal widths.	
4E Private Open Space and Balconies		
• Primary balconies are provided to all apartments providing for: - Studios apartments min area 4sqm - 1 bedroom min area 8sqm min depth 2m - 2 bedroom min area 10sqm min depth 2m - 3 bedroom min area 12sqm min depth 2.5m • For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety	• All balcony sizes meet or exceed the area and depth guidelines. • There are no ground floor level apartments. • All balconies are integrated into the architectural form/detail of the building. • Balcony design avoids opportunities for climbing and falls.	Yes
4F Common Circulation and Spaces		
• Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated	• Between 8 and 13 apartments are provided off each circulation core, accommodating up to 5 lifts and two fire stairs. • A total of 81-84 apartments are served by the lift core in buildings 2 & 4. This compares favourably with Australia Tower II (106), Opal Tower (92) and Site 9 (76). • Natural ventilation and light is provided to residential internal corridor/circulation areas. • The residential lobbies and circulation spaces provide opportunities for interaction. • Corridors are not excessively long.	No See comments at Section 5 No See comments at Section 5 Yes Yes Yes
4G Storage		
• The following storage is required (with at least 50% located within the apartment): - Studio apartments 4m³ - 1 bedroom apartments 6sqm - 2 bedroom apartments 8sqm	• Residential storage exceeds the minimum guidelines.	Yes

- 3 bedroom apartments 10sqm										
4H Acoustic Privacy and 4J Noise and Pollution										
- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. - Noise impacts are mitigated through internal apartment layout and acoustic treatments.	- Noise transfer is minimised through the appropriate layout of the building. - Apartments are appropriately stacked and laid out to prevent noise transfer.	Yes								
4K Apartment Mix										
- Provision of a range of apartment types and sizes - Apartment mix is distributed to suitable locations within the building.	- A variety of apartment sizes and types are accommodated and appropriately located within the building. - The apartments are logically located within the building.	Yes								
4L Ground Floor Apartments										
- Street frontage activity is maximised where ground floor apartments are located - Design of ground floor apartments delivers amenity and safety for residents	Apartments fronting Figtree Drive and New Street have private courtyards included within setback area will which provide appropriate amenity for residents and sufficient surveillance of street frontages.	Yes								
4M Facades										
- Building facades provide visual interest along the street while respecting the character of the local area - Building functions are expressed by the facade	- The proposal achieves a high standard of architectural design and will positively contribute to the Sydney Olympic Park precinct. - The retail and residential uses are externally expressed in the design of the building through form and material finishes.	Yes								
4N Roof Design										
- Roof treatments are integrated into the building design and positively respond to the street - Opportunities to use roof space for accommodation and open space is maximised - Roof design includes sustainability features	The roof design of the building is architecturally expressed and visually interesting.	Yes								
4O Landscape Design and 4P Planting on Structures										
- Landscape design is viable and sustainable - Landscape design contributes to streetscape and amenity - Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) - Plant growth is optimised with appropriate selection and maintenance - Building design includes opportunity for planting on structure	- Landscaping includes a mixture of native and non-native plants and small trees. - Planting and furniture is provided within the public domain and on the podium roof.	Yes								
4Q Universal Design										
<table><tr><th>Universal Design Guidelines (20% of apartments)</th><th>SSDA 6376</th></tr><tr><td>Safe and continuous levelled path to entrances</td><td>Compliant</td></tr><tr><td>Accessible entry door with a minimum 820mm clear opening width and a step-free threshold</td><td>Compliant</td></tr><tr><td>Level landing area of 1200mm x 1200mm at the entrance door</td><td>Compliant</td></tr></table>		Universal Design Guidelines (20% of apartments)	SSDA 6376	Safe and continuous levelled path to entrances	Compliant	Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant	Level landing area of 1200mm x 1200mm at the entrance door	Compliant	Yes
Universal Design Guidelines (20% of apartments)	SSDA 6376									
Safe and continuous levelled path to entrances	Compliant									
Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant									
Level landing area of 1200mm x 1200mm at the entrance door	Compliant									

Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces	Compliant	
Internal corridors with a minimum of 1000mm clear width.	Compliant	
Step free shower recess	Compliant	
Bathroom wall is reinforced for grab rails around the toilet, shower and basin	Compliant	
A toilet is provided on the ground or entry level in multi-level apartments that provides: • minimum clear width of 900mm between walls • minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing)	Compliant	
• A variety of apartments with adaptable designs are provided • Apartments layouts are flexible and accommodate a range of lifestyle needs	• All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.	
4S Mixed Use		
• Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement • Residential levels are integrated within the development, safety and amenity is maximised.	• The development addresses the street and public open spaces and pedestrian thoroughfares and active frontages are provided. • Residential circulation areas are clearly defined and access to communal open space is provided.	Yes
4T Awning and Signage		
• Awnings are well located and complement and integrate with the building • Signage responds to the context and design streetscape character	• Awnings are incorporated into the design of the building and appropriately located. • No Signage is proposed as part of application. • Applications for future signage within the signage zones will be submitted.	Yes
4U Energy Efficiency		
• Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation	• The development meets BASIX water, thermal and energy efficiency targets. • The development will achieve a minimum 4 Star Green Star Custom rating.	Yes
4V Water Management and Conservation		
• Potable water use is minimised • Urban stormwater is treated on site before being discharged to receiving waters • Flood management systems are integrated into the site design	• Water efficient fittings and appliances will be installed. • A Water Sensitive Urban Design strategy has been prepared.	Yes
4W Waste Management		
• Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity	• Waste storage is provided at basement level in convenient locations. • Separate waste and recycling containers will be provided and will	Yes

Domestic waste is minimised by providing safe and convenient source separation and recycling	be managed by the building manager.	
4X Building Maintenance		
- Building design detail provides protection from weathering - Systems and access enable ease of maintenance - Material selection reduced ongoing maintenance cost	- The building has been appropriately designed to allow ease of maintenance. - The materials are robust and need to comply with the BCA.	Yes

Sydney Olympic Park Authority Master Plan 2030

The Master Plan and Draft Master Plan provide 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 below.

Sydney Olympic Park Master Plan 2030 Compliance Table				
General Controls and Guidelines	Existing Master Plan Requirements	Compliance	Draft Master Plan Requirements	Compliance
4.2 Sustainability 4.2.1	Engage an ESD consultant as a project team member	Yes	-	Yes
	Connect all new development to SOPA's recycled water system	Yes	-	Yes
	Prioritize sustainable material selection	Yes	-	Yes
	All residential development must comply with the Building Sustainability Index (BASIX).	Yes	-	Yes
	A mixed use predominantly residential development with more than 1,000 m2 retail is to comply with a minimum 4 Star Green Building Council Rating for the retail component and BASIX for the residential component.	Yes	A mixed-use development is to achieve a minimum 4 Star Green Star – Design & As Built rating (with a minimum energy performance requirement of 4.5* NABERS)	Yes
	Consideration of rising sea levels as a result of climate change	N/A	Site is elevated (14 m AHD) and is approximately 1 kilometre from a waterfront	N/A
4.3 Public Domain 4.3.1	Set aside land for streets, parks, through-site links and public spaces as shown in the site boundaries plan for the Central Precinct	Yes	-	Yes
	Design and build streets and public spaces in accordance relevant SOP	Yes Part of VPA between	(Note: list of guidelines and Australian standards has been updated)	Yes Part of agreement between

	guidelines and Australian Standards	Applicant and SOPA		Applicant and SOPA
	• Provide a continuous and accessible pedestrian network within streets, public spaces and parks	Yes Subject to agreement with SOPA	-	Yes Subject to agreement with SOPA
	• Design intersections and pedestrian crossings to favour pedestrian convenience and safety	Yes	-	Yes
	• Connect to the local and regional pedestrian network	Yes	-	Yes
	• Min. footpath width on public streets: 1.8m	Yes	-	Yes
	• Urban domain to receive daily min. of 2 hours direct sunlight between 9am and 3pm, 30 June	Yes	Building heights and setbacks should be configured to ensure that the urban domain affected by the proposed development receives a daily minimum of two hours of direct sunlight between 9.00am and 3.00pm on 30 June. Public parks should receive a minimum of two hours of direct sunlight between 9.00am and 3.00pm on 30 June for at least 30% of the park.	Yes - Urban Domain will achieve two hours solar access. Yes - Public park being the Linear Park extends across the rear of both Site 52 & 53 and will attain 2 hours to 30% of area
	• Provide weather protection at communal entrances	Yes	-	Yes
	• Max. surveillance of public domain and views of public areas from building	Yes	-	Yes
	• Activate ground floor levels with retail uses	N/A	Activate ground floor levels with retail uses Primary Retail Frontages (identified to Australia Avenue, including the corner of Fig Tree Drive) and double height active frontage (Mandatory), minimum 90% of the frontage. Double height lobbies can occupy up to 20%.	No – See Section 5 . Retail extends along Australia Ave front but not into Figtree Dr. Double height is achieved
	• Introduce multiple entrances wherever possible	Yes	-	Yes
	• Divide large facades into smaller sections to modulate street frontage and ensure architectural	Yes	-	Yes

	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.	Yes	-	Yes
	• Colonnade to be well proportioned and, high quality and reflect the buildings architecture	Yes	-	Yes
	• Colonnade floor to align with adjoining footpath	Yes Noting that the land slopes to south	-	Yes Noting that the land slopes to south
	• Colonnade width is to be 4 m	Yes	Colonnade to be two storey (8m) but not 4m in width as retail component is restricted to supermarket area primarily in south of site.	No
	• Height of colonnade to be consistent along entire frontage	Yes	Height of colonnade to be consistent along entire frontage	Yes
	• Where colonnades are higher than 1.5 storeys, well designed, high quality, lightweight, and retractable sun shading elements such as blinds and screens are encouraged between columns.	Yes	-	Yes
	• Colonnades to be well lit	Yes	-	Yes
	• Access pits and/or outlets for building services not permitted within colonnade	Yes	-	Yes
	• Ensure trees and vegetation do not block lighting or field of vision of pedestrians	Yes Noting retention of Fig Trees	-	Yes,
4.4 Event Access and Closures 4.4.1	• Event Impact Statement to be provided with EIS - SOPA to assess event impact of each proposal in accordance with Major Event Impact Assessment Guidelines	N/A	-	N/A
4.5 Land Use and Density 4.5.1 4.5.2 4.5.	• Land use of site – Residential	No-Proposed Mixed use	Land use of site – Mixed Use and permitting residential	Yes
	• Ground level active uses are to have minimum depth of 3m	Yes	N/A	N/A

	Residential Use may include 10% GFA towards Retail Uses	No Provides 12%		No Provides 12% but zoned Mixed Use Review
	- FSR (2.5:1) - Potential bonus of 10%	No Exceeds FSR. See Section 5	FSR (4.5:1) Potential bonus of 10%	Yes Subject to FSR bonus See Section 5
4.6 Building Form and Amenity 4.6.2 4.6.3 4.6.4 4.6.5 4.6.6 4.6.7 4.6.8 4.6.9 4.6.10 4.6.11 4.6.12 4.6.13 4.6.14 4.6.15 4.6.16 4.6.17 4.6.18	Locate building within building zone	Yes	-	Yes
	Provide through-site links and view corridors where indicated	Yes View corridor	-	Yes View Corridor
	Ensure building layouts optimize solar access, natural light, cross ventilation, usable communal outdoor areas and views	Yes	-	Yes
	Ensure the maximum building depth is 18 m (glass line to glass line) for all residential buildings.	No See Section 5 of this report	-	No See Section 5
	Underground car parking is to be concentrated under the building footprint.	Yes	Underground car parking is to be concentrated under the building footprint and fully under natural ground level.	No Proposal will protrude above NGL as slopes to south corner
	Comply with building height limits	No See Section 5	-	Yes
	For sites adjoining sloping streets, the maximum number of storeys is to be calculated from the highest finished footpath level, and recalculated a minimum of every 1.5 m vertical change in slope.	Yes Land falls two storeys from north to south	-	Yes Land falls two storeys from north to south
	For sites adjoining two or more streets, the maximum number of storeys is not to exceed a plane created by joining the number of storeys measured along each street frontage.	No Proposal will exceed standard. See Section 5	-	No Proposal will exceed standard. See Section 5
	For south and west facing buildings over eight storey high, setbacks and other treatments may be required to minimise wind turbulence. All developments over 25 m high will require	Yes Wind Consultant has assessed proposal as acceptable	-	Yes Wind Consultant has assessed proposal as acceptable

	assessment by a wind consultant.			
	Comply with the minimum floor to ceiling heights (2.7m habitable rooms, 2.4m non-habitable rooms)	Yes	-	Yes
	Max roof top service zone 5 m high	Yes	-	Yes
	Setback roof top services 3 m from parapet	Yes	-	Yes
	The total area in plan above the maximum building height for services may not exceed 80 per cent of footprint	Yes	-	Yes
	Design of lift towers and plant to minimize visibility and size	Yes	-	Yes
	Design of roof top structures to be integral with the building design	Yes	-	Yes
	For facing residential buildings with openings in both walls, separation distances are to comply with Minimum Building Separation requirements in Table 4.4	No See Section 5 of report	-	No See Section 5
	Comply with the building setbacks for the Central Precinct	Yes	-	Yes
	Ensure building facades reinforce the street alignment.	Yes	-	Yes
	Above ground articulation in the form of balconies, sunscreens and bay windows and the like may extend 300 mm into the front setback zone.	Yes	-	Yes
	Provide setbacks of minimum 5 metres and maximum 10 metres above 26 metres for west and south facing frontages	No Building 2 is positioned on corner as Gateway Site position	Towers are to be setback above Level 6 by a minimum of 2 metres, and a minimum of 5 metres, maximum of 10 metres along the Boulevard	No Buildings 1 & 2 are positioned on corners as Gateway Site position
	Tower buildings are to be spaced to ensure that all north facing frontages affected by the proposed tower building have full solar access for a minimum of 2 hours between 9am and 3pm on 30th June.	Yes	-	Yes
	maintain a minimum 40 metre separation between	No See Section 5 of report	Maintain a minimum 40 m separation	No See Section 5

	tower buildings above 26 m.		between towers above 8 storeys	
	The positioning and separation of tower buildings should not impact on existing vistas along streets, views to external parklands or any other significant landmarks.	Yes	-	Yes
	For residential buildings, floor plates over 600 m² GFA and 40 metres in length should be articulated into separate wings around each lift / lobby zone.	Yes	For residential buildings, floor plates over 600 m² GFA and 40 metres in length should be articulated into separate wings around each lift / lobby zone. Floor plates for levels above 15 storeys should not exceed 800 m² GBA	Yes No- See Section 5
	Ensure the maximum building depth is 18 metres (glass line to glass line) for all residential towers	No See Section 5		No – See Section 5
	Where towers are articulated into separate wings, the heights of each wing should be varied to reduce overall bulk of the tower.	Yes	-	Yes
	With each application, prepare and submit a Disability Access Strategy to the satisfaction of Sydney Olympic Park Authority	Yes	-	Yes
	Ensure that 30 per cent of ground floor apartments in each residential development are visitable as defined in AS 4299.	Yes	-	Yes
	Ensure equitable access is provided to the main building entrance from both the street and car parking areas.	Yes Lift accessible	-	Yes Lift Accessible
	Ensure car parking complies with relevant Australian Standards	Yes	-	Yes
	Locate accessible car parking spaces at the most convenient place for users	Yes	-	Yes
	For all sites nominated as Design Competition Sites Plan, the Applicant must demonstrate that the	Yes	-	Yes

	proposed design is the result of a design competition undertaken prior to the application process.			
	• Applicants must satisfy the requirements for design competition processes	See Section 5	-	See Section 5
	• If the consent authority is satisfied that the proposed development exhibits design excellence and is based upon the preferred scheme resulting from a design competition, a bonus floor space allocation of up to 10 per cent may be permitted for buildings over 8 storeys in height	Yes Bonus FSR is sought and generally supported	-	Yes Bonus FSR is sought & generally supported
	• Ensure building façades are well modulated and scaled to reflect the aspect, uses and streetscape	Yes	-	Yes
	• Design building facades to create a well defined and integrated streetscape	Yes	-	Yes
	• Ensure prominent elements are well articulated, including the ground floor, roofs, windows, doors, balconies and shading devices.	Yes	-	Yes
	• Provide modulation such as thickened walls, blade walls, fenestration, and sun shading elements to building frontages.	Yes	-	Yes
	• . Provide appropriate forms of sun shading to screen eastern, northern and western sun, such as external adjustable vertical shading, sliding screens and brise-soleil.	Yes	-	Yes
	• Ensure the main building entrances are level with adjacent footpaths.	Yes Where possible considering sloping site	-	Yes Where possible considering sloping site
	• Provide individual entry to at least 50 per cent of ground floor apartments in residential zones.	Yes	Provide individual entry to at least 75 % of ground floor apartments in mixed use zones.	Yes
	• Ensure buildings are designed to contribute to the natural surveillance of	Yes	-	Yes

	adjacent streets and public space			
	Promote casual views from residences to common internal areas such as lobbies, foyers, hallways, recreation areas and car parks.	Yes	-	Yes
	Provide direct and well lit access between car parks and dwellings in car parks and lift lobbies, and to all apartment entrances.	Yes Basement carparking	-	Yes Basement carparking
	Ensure ramps have direct access to building entrances from the street and are visible from the street	Yes	-	Yes
	Ensure that residential building entry points are within clear site of a public street frontage.	Yes	-	Yes
	For residential building sites, provide clearly defined and defensible separation between public and private areas.	Yes	-	Yes
	For residential buildings, locate the most active rooms, living rooms and kitchens to overlook the public domain and communal outdoor spaces.	Yes	-	Yes
	Development should ensure that Sydney Olympic Park's Closed Circuit Television coverage is not obstructed or compromised in any way.	Yes	-	Yes
	Ensure light wells are fully open to sky and comply with minimum building separation controls	Yes	-	Yes
	Ensure light wells in residential buildings are not the primary source of daylight for any habitable room.	Yes	-	Yes
	Design the site, building layout and individual apartments to promote, capture and guide natural breeze	Yes	-	Yes
	Select and locate doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.	Yes	-	Yes

	Minimise mechanically ventilated bathrooms and laundries.	Yes	-	Yes
	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	-	Yes
	Acoustic report must be prepared for new developments assessing the possibility of land use conflicts as a result of the development	Yes	-	Yes
	All plant rooms shall be designed to meet the requirements of the NSW Industrial Noise Policy	Yes	-	Yes
	In the Substantial Noise Mitigation and Minor Noise Mitigation Zones residential uses will only be permitted where they can comply with the maximum internal noise criteria in Table 4.7	Yes	-	Yes
	Arrange apartments within a development to minimise noise transition between apartments by consolidating noisy active areas away from quieter areas.	Yes	--	Yes
	Use storage or circulation zones to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas.	Yes	-	Yes
	Resolve conflicts between noise, outlook and views with appropriate barriers, including double glazing, operable screens, screened balconies and terraces.	Yes	-	Yes
	Wherever practicable, residential developments shall be sited, orientated and treated to mitigate noise and maximise natural ventilation while avoiding the use of air conditioning	Yes	-	Yes
	Where residential development is located in the area marked 'Substantial Noise Mitigation Required', air conditioning and double glazed windows and	Yes	-	Yes

	doors are required to reduce noise impact at certain times by closing all doors and windows.			
	Where residential development is located in the areas marked 'Some Noise Mitigation Required', air conditioning or mechanical', air conditioning or mechanical', air conditioning or mechanical ventilation will be required to allow doors and windows to be closed some of the time.	Yes	-	Yes
	Waste Management Plan to be submitted with all DA's to the satisfaction of SOPA	Yes	-	Yes
	Minimise waste during the design of a building	Yes	-	Yes
	A min. 80% of construction and demolition waste must be recycled or re-used	Yes	-	Yes
	Include space for on-site waste management infrastructure that maximises the opportunities for the sorting and segregation of waste materials	Yes	-	Yes
	Locate waste management areas out of public areas so as to not cause offence with regard to smell, visual amenity and noise	Yes	-	Yes
	Locate waste management areas wholly within building	Yes	-	Yes
	Design waste management areas to allow collection vehicles to enter and exit the development in a forward direction	Yes	-	Yes
	Design waste management infrastructure to be consistent with the Department of Environment, Climate Change and Water's 'Better Practice Guide for Water Management in Multi-Unit Dwellings'.	Yes	-	Yes
	Locate garbage and recycling areas away from	Yes	-	Yes

	openable windows to habitable rooms and away from street frontages.			
	Sink food waste disposal units are not permitted due to the high organic load they place on the water recycling system.	Yes	-	Yes
	The SEPP 65 Residential Flat Design Code Principles of Better Design Practice Part 02 and Part 03 are to be applied to all residential and mixed use developments.	Yes	SEPP 65 Apartment Design Guide is to be applied to all residential and mixed use developments.	Yes
	Provide three per cent of affordable housing or in accordance with the relevant State planning policy or instrument in force at the time of development, whichever is greater.	Yes	-	Yes
	Affordable housing is to be distributed throughout the township and developments	Yes See above	-	Yes See above
	Affordable housing must be constructed to a standard consistent with other dwellings within that development.	Yes See above	-	Yes See above
	The final form and location of the affordable housing contribution will be determined through the detailed design and approval process.	Yes See above	-	Yes See above
	Comply with the minimum apartment sizes in Table 4.9 Minimum Residential Apartment Sizes	No Comments at Section 5	-	No Comments Section 5
	Provide the following quantities of apartment types (min 15% studio and 1 bed, min 15% three or more bed)	No <15% three bedroom units. See Section 5	-	No - see Section 5 Proposal provides 92 x 3 bedroom apartments or 13% only
	Provide each above ground floor apartment with a primary balcony, terrace or deck that is directly accessible from the main living room or kitchen and complies with the minimum open space sizes for apartments	Yes	-	Yes

	• Provide a northern, eastern or western aspect to primary balconies.	Yes	-	Yes
	• A minimum dimension of 1.5 m is required to primary balconies; however a minimum depth of 2.4 m is preferred.	Yes	A minimum dimension of 1.5m to 2.4 m is required to primary balconies.	Yes All apartments achieve a 1.5 m width for primary balconies.
	• Secondary balconies are encouraged as service areas, to alleviate uses dependent on the primary balcony and to increase connection between inside and outside	Yes	-	Yes
	• Design building layouts to minimise direct overlooking from apartments to other rooms and private open spaces	Yes	-	Yes
	• Incorporate screening devices to retain views and privacy from rooms and outdoor spaces	Yes	-	Yes
	• Stagger doors, windows and primary balconies to block direct views between apartments	Yes	-	Yes
	• O achieve high quality living environments provide a minimum of three hours of direct sunlight per day to living rooms and private open spaces in at least 75 per cent of dwellings within a residential development on 30 June.	No See Section 5	-	No See Section 5 The proposal provides an appropriate level of solar access
	• All residential apartments must have daylight access to habitable rooms.	No 18% have no solar access See Section 5		No 17% have no solar access See Section 5
	• limit the depth of single aspect apartments to maximum 10 m.	Yes	-	Yes
	• Limit the number of south facing apartments and provide generous windows	Yes	-	Yes
	• Provide lockable mail boxes close to the street and building entrances.	Yes	-	Yes
	• Integrate mail boxes with front fences, building entrances and lobbies.	Yes	-	Yes

	provide accessible storage facilities at the following rates: studio apartments and one bedroom apartments – 6 m²; two bedroom apartments – 8 m²; three plus bedroom apartments – 10 m²	Yes	-	Yes
	Storage areas located within apartments are preferred.	Yes	-	Yes
	Ensure storage separated from apartments is secure for individual use	Yes	-	Yes
	Facilitate communal open space maintenance by providing garden maintenance storage that includes connections to water and drainage for each communal area.	Yes	-	Yes
	Provide a screened outdoor clothes drying area either as a private service balcony or designated common drying areas for each dwelling.	No	-	No
4.7 Access and Parking 4.7.1	All parking is to be underground, except for sites 45, 46 and 47 where interim surface parking is permissible as part of a staging strategy for future residential development.	Yes	All parking is to be underground	Yes
	Garages and parking structures are not permitted forward of the building line and must be screened from the public domain by active uses.	Yes	-	Yes
	Design vehicle access points and paths in accordance with relevant Australian Standards	Yes	-	Yes
	For safety and public domain amenity, vehicle access points are to be separate from pedestrian entrances, located in secondary lanes, designed with clear lines of sight for drivers.	Yes	-	Yes
	To minimise visual intrusion and optimise active street frontages, vehicle driveways are to be as narrow as possible	Yes	To minimise visual intrusion and optimise active street frontages, vehicle driveways are to be as narrow as possible and have a garage	Yes Proposal provides a basement access point which cannot provide

			door at the building line	street front garage door
	Minimise the width of driveways and blank walls to the public domain by consolidating car access, docks, servicing and waste disposal.	Yes	-	Yes
	Provide car parking for residential developments at the maximum rates in Table 4.11	Yes	-	Yes
	Bike parking facilities are to comply with AS 2890.3 – 1993 Parking Facilities – Bicycle Parking Facilities	Yes	-	Yes
	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
	Provide secure, conveniently located bike parking facilities at the minimum specified in Table 4.12	Yes	-	Yes
4.9 Landscape and Site 4.9.1	Retain existing ground level and significant mature trees in Significant Tree Register	Yes	-	Yes
	Transplant mature trees if they must be moved	Yes	-	Yes
	Design open space to create a high quality address and setting for buildings, and to complement the adjacent public domain	Yes	-	Yes
	Provide setbacks as required in building zone and setback plans	Yes	-	Yes
	A minimum of 30 per cent of the residential site area is to be open space, ground level private open space and/or ground level communal open space and/or setbacks	Yes	-	Yes
	Provide communal open space to all residential apartment buildings at a minimum size of 60 m² with a minimum dimension of 6 m.	Yes	-	Yes
	Ensure a minimum of 50 per cent of the communal	Yes	-	Yes

	open space area is unpaved and planted.			
	• Ensure communal open space is designed to provide a balance of sunshine and shade, accessible and safe routes through the area between buildings, privacy for dwellings and their associated outdoor spaces addressing the larger communal space, and accessible and screened service areas.	Yes	-	Yes
	• Provide private open space area to all apartments to comply with Table 4.13	No See Section 5	-	No See Section 5
	• Carry out a formal risk assessment in accordance with NSW Police Safer by Design protocols for all residential developments of more than 20 new dwellings.	Yes	-	Yes
	• To reinforce territory, ensure site boundaries and private and communal space boundaries are clearly defined and secure	Yes	-	Yes
	• Ensure common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks, are overlooked to provide passive surveillance.	Yes	-	Yes
	• Provide direct, well lit access between car parks and dwellings, car parks and lift lobbies, and to all apartment entrances.	Yes	-	Yes
	• Ensure all communal and public site areas have clear sight lines and minimise opportunities for concealment.	Yes	-	Yes
	• A minimum of 20 per cent of the site's open space area is to be deep soil.	Yes	-	Yes
	• Areas included as deep soil are to have a minimum dimension of 2 m.	Yes-	-	Yes
	• Consolidate areas of deep soil within sites and between adjacent sites to increase the benefits.	Yes	-	Yes

	Basement car parks are to be predominantly within the building footprint.	Yes	-	Yes
	A minimum of one large tree with a mature minimum height of 12 m in deep soil is to be planted per 60 m² of courtyard space	Yes	-	Yes
	Retain stormwater on site by collecting and storing water from roofs and hard surfaces, maximising porous surfaces and deep soil, and draining paved surfaces to adjacent vegetation.	Yes	-	Yes
	Protect stormwater quality by providing for sediment filters, traps or basins for hard surfaces, and treatment of stormwater collected in sediment traps on soils containing dispersive clays.	Yes	-	Yes
	Prioritise drought tolerant plant species that enhance habitat and ecology.	Yes	-	Yes
	Create optimum growing conditions by specifying appropriate soil conditions, drainage and irrigation, designing planters to support the appropriate soil depth and plant selection and to accommodate the largest volume of soil possible to a maximum depth of 1.5 m, and providing minimum soil dimensions in Table 4.14	Yes	-	Yes
	the maximum height for a front fence is 1.2 m from the finished footpath level of the adjoining street.	Yes	-	Yes
	Design fences to be durable, easily cleaned and graffiti resistant	Yes	-	Yes
	Do not create long, blank fences.	Yes	-	Yes
	Design fences to highlight building entrances and allow for outlook and casual street surveillance.	Yes	-	Yes
	Design fences to be integrated with the building and landscape design through the use of common materials and	Yes	-	Yes

	detailing, and to be part of a suite of fences in the street. Innovative landscaped and planted solutions are encouraged for sustainability and to create a pleasant, shady ambience.	Yes	-	Yes
Sydney Olympic Park Master Plan 2030 - Central Precinct Controls				
Precinct Controls and Guidelines	Existing Master Plan Requirements	Compliance	Master Plan 2016 Review Requirements	Compliance
5.2.2 Site Configuration Controls	Define the sites and streets and parks in accordance with the Central Precinct Site Boundaries Plan.	Yes	-	Yes
5.2.3 Floor Space Ratio Controls	FSR: 2.5:1 plus potential bonus of 10%	No Exceeds 4.5:1, see Section 5	FSR increased to 4.5:1 plus potential bonus of 10%	Yes
5.2.4 Land Use Controls	Land and uses, including vehicle access points, are to comply with the Central Precinct Land Uses Plan	Yes	-	Yes
5.2.5 Building Height Controls	Ensure building heights comply with Central Precinct Building Heights Plan.	No See Section 5	Building Heights amended as part of Master Plan Review. See Section 5 of report	No See Section 5
	Heights shall comply with storey heights and may not exceed the maximum Reduced Level (RL) where noted on the Building Heights Plan.	No See Section 5	-	No See Section 5
5.2.6 Building Zone and Setback Controls	Site development, including permissible building zones and open space, shall be in accordance with the Central Precinct Building Zones and Setbacks Plan.	No See Section 5	-	No See Section 5
	Buildings, including balconies, are only permitted within the building zone area shown in the Central Precinct Building Zones and Setbacks Plan.	Yes	-	Yes
	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	Yes	-	Yes Note: The building will encroach on 20 m view corridor but only on upper levels
	Comply with the setbacks as shown in Figure 5.9 Central Precinct Building Zones and Setbacks Plan.	Yes	-	Yes

	Provide through-site links where indicated.	Yes	-	Yes
5.2.7 Event Controls	Ensure all development can accommodate the changes to access required as described in Section 4.4 Event Access and Closures, and shown in Figure 4.3 Event Access Plan	Yes	-	Yes
	Ensure all development is designed and built to accommodate the public domain closures shown in Figure 4.3 Event Access Plan	Yes	-	Yes
	Locate the vehicle access points to developments as shown in the Central Precinct Land Uses Plan	Yes	-	Yes

APPENDIX C DEVELOPMENT CONSENT

APPENDIX D GMU REVIEW

The GMU Review supporting this assessment can be found on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7033