

Proposed mixed residential and retail development Buildings A & B, Site 3 Sydney Olympic Park

September 2010

Prepared for **Site 3 Development Company Pty Ltd**



Section 75W Modification
Major Project MP 06_0127 MOD 2
Environmental Assessment

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Quality Assurance

Reviewed by

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Murray Donaldson

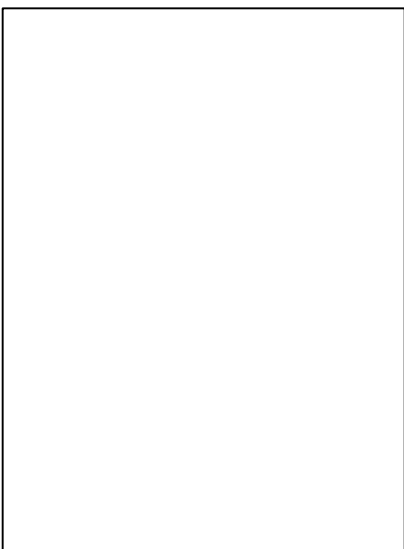
Associate
Urban Design and Planning
Architectus Sydney Pty Ltd

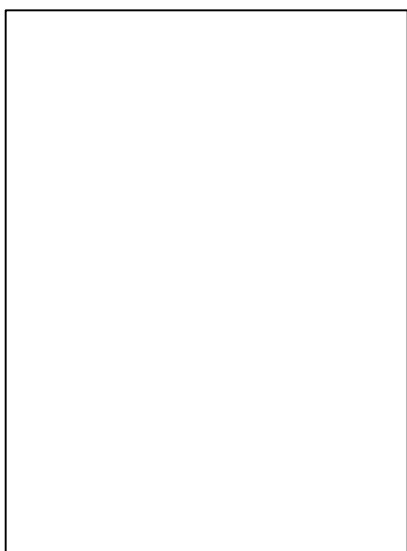
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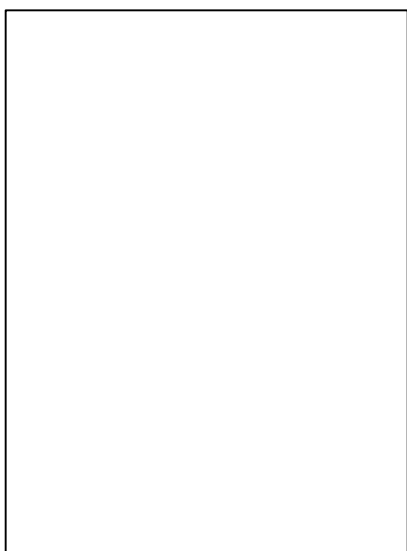
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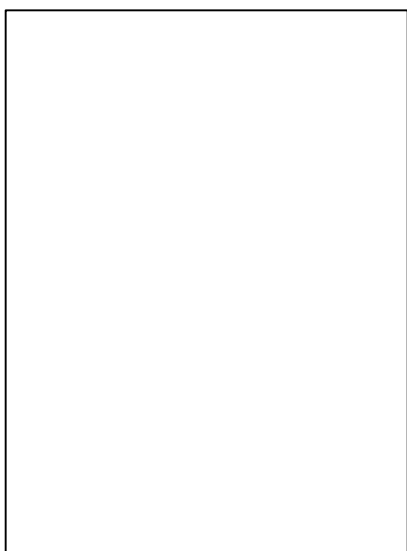
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B	Development Consent DA246-10-2004
C	Development Consent MP06_0127
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1 Introduction

1.1 Preliminary

This report has been prepared by Architectus on behalf of Site 3 Development Company Pty Ltd under the provisions of Section 75W of the Environmental Planning and Assessment Act 1979.

Table 1 provides a summary description of the proposed modifications to the approved Project Application MP 06_0127 describing the proposed changes to the floor levels of the building. **Section 4** of this report provides a detailed written and graphical description of the proposed modifications.

Table 1. Proposed modifications

Level	Proposed modifications
Basement Level 03	Additional four (4) car spaces, Garbage room layout altered.
Basement Level 02	Carwash bays relocated to Basement Level 01, garbage room layout amended with recycling bin stores added near lifts.
Basement Level 01	Recycling bins relocated. Car wash car moved from B02 to B01, Grease arrestor relocated.
Ground floor level	One (1) additional electricity kiosk substation added, landscaping and fire tank hatches added, cantilever of outside easement and garbage room rationalised.
Level 01	Unit A1.01 changed from a 3-bedroom unit to a 4-bedroom unit (1 additional bedroom).
Level 21	Units A21.01 and A21.02 combined into a single unit.
Level 24	Additional unit A24.01 added resulting in an additional 2 bedroom unit with 134m ² GFA.
Roof Level	Winter garden extended back to main roof line.
Building height	Ground Floor Level, Levels 6, 13, 15 and 23 are proposed to have increased floor to floor levels resulting in an overall height increase of 1100mm.

In summary, the proposed modifications will see no increase in the overall dwelling numbers approved for Stage 1

This report should be reads in conjunction with the accompanying documentation at **Appendices A-E**.

1.2 Project team

The project team comprises the following members:

Site owner	Sydney Olympic Park Authority (SOPA)
Proponent	Site 3 Development Company Pty Ltd
Architect	Billbergia Design Pty Ltd
Urban Planner	Architectus Group Limited
ESD Consultant	EcoSpecifier

1.3 Consent authority

The Minister for Planning is the consent Authority for all Section 75W modifications to Major Project approvals at Sydney Olympic Park.

1.4 Consultation

Department of Planning

Architectus consulted with Cameron Sargent, Team Leader, Government Land and Social Projects at the Department of Planning prior to lodging this Section 75W Modification. A description of the proposed modifications were provided to the Department of Planning and a request for confirmation of the following matters:

- What are the application assessment fees?
- Are there any specific Environmental Assessment Requirements?

In response, the Department of Planning advised that the application assessment fee would be \$750 plus advertising costs of \$2750.

The Department of Planning also advised that the existing DGRs issued for Major Project MP 06_0127, where relevant should be considered in the preparation of the Environmental Assessment.

Sydney Olympic Park Authority

Representatives from Site 3 Development Company Pty Ltd, met with officers from the Sydney Olympic Park Authority (SOPA) on 25 June 2010 to present the proposed modifications and to seek feedback prior to lodging the proposed Section 75W Modification application.

SOPA did not raised any objections to the proposed modifications in principal and requested that the Draft Environmental Assessment with accompanying architectural drawings be submitted to them prior for their formal consideration prior to lodging the Application to the Department of Planning.

1.5 Locality and legal description

The site is at the northern end of Site 3 at Sydney Olympic Park and is located within Auburn Local Government Area. Refer to **Figure 1**.

Legally the site is described as Lot 79 in DP 875562 and Lot 813 in DP 1030022.



Figure 1. Aerial view showing site location

1.6 Structure of this report

This report has the following structure:

- **Section 1: Introduction**
- **Section 2: Site and locality** provides a description of the site and locality in which the development is to take place.
- **Section 3: Development consent history** describes the modifications to the approved Major Project MP06_0127.
- **Section 4: Proposed modifications** describes the relevant development consent history being DA246-10-2004, MP06_0127, MP06_0127 MOD 1.
- **Section 5: Environmental Assessment** provides an assessment of the proposed modifications against the relevant EPIs and policies and the DGRs issues by the Department of Planning for MP06_0127.
- **Section 6: Draft Statement of Commitments** provides additional environmental management and mitigation measures.
- **Section 6: Conclusion**

2 The site and locality

2.1 The site

Site 3 is bounded by Australia Avenue to the west, Parkview Drive to the north and the Olympic Park Railway along the southern and eastern boundaries. The site is located within the broader Sydney Olympic Park area and is within walking distance of sporting and recreational facilities, the Australia Centre commercial precinct and the Olympic Park Railway Station.

The site is located within the Parkview precinct of the Sydney Olympic Park Master Plan 2030.

The site is relevantly level however there is a steep embankment adjacent the railway Corridor to the east.

Site 3 has an area of approximately 14,300m². The subject allotment on which Building A and B is to be located has an area of 3631m².

The site is currently vacant; however excavation for basement car parking levels associated with the approved mixed residential and commercial development, known as Stage 1 of the Australia Towers development, the subject of this Section 75W Modification Application, has commenced.

2.2 The locality

A hard stand car park is located to the north of the site. Beyond this is the former Brick works site, which is identified as an item of heritage significance.

Land to the west comprises commercial offices and warehouses within the Australia Centre and the north west are recently developed commercial offices leased by the Commonwealth Bank, further to the north west is the Olympic Park Railway Station.

To the east is the Olympic Park railway line corridor and further to the east is the commercial office buildings, within the 'Quad' development.

South of the subject site are the latter stages of the Site 3 redevelopment, known as Stages 2 and 3. Development of these stages was the subject of a design competition and a Part 3A Project Application has been submitted by Site 3 Development Company Pty Ltd. Further south are the Bicentennial Parklands.

2.3 Zoning

The site is situated within Sydney Olympic Park. The principal Environmental Planning Instrument that applies to the land is the State Environmental Planning Policy (SEPP) (Major Development) 2005. The land use zoning provisions of SEPP (Major Development) 2005 that apply to the land are contained in Part 4 of Schedule 3. The schedule 3 listing zones the site "Mixed Use". Development for the purpose of a mixed residential, child care and retail development is permissible with consent.

Land use is also controlled under the Master Plan 2030. Under the Master Plan 2030 the site is located within the Parkview Precinct and is designated with a residential land use.

3 Development consent history

3.1 Introduction

This section of the report describes the development consent history comprising the following developments:

- Development Consent DA246-10-2004
- Major Project MP 06_0127
- Major Project MP 06_0127 – MOD 1

These planning consents are described in detail in the following sections of this report.

3.2 Development Consent DA 246-10-2004

Development Consent DA 246-10-2004 was granted by the Minister for Planning on 21 December 2005. Condition A1 of Schedule 2 of the consent described the approved development as follows:

“A1 Development Description

A staged development consent to Section 80(4) and (5) is granted to the development described in detail below:

(1) Four towers identified as:

- (a) North buildings (A and B)*
- (b) Centre buildings (C and D)*
- (c) Centre building (E)*
- (d) South building (F)*

(2) Land uses of “residential”, “live work”, “community facility”, “community facility”, “child care centre” and “retail”,

(3) land uses totalling no more than 685 units (inclusive of 673 residential units, 6 “live/work units, 4 retail units (if all proposed retail uses are consistent with relevant provisions of the SOPA Master Plan), 1 child care centre and 1 community facility) with,

(4) a total Gross Floor Area of no more than 79,053 square metres with floor plates as described in condition A10,

(5) car parking with a total number of vehicles not exceeding 930 spaces”.

A copy of the Instrument of Consent for Development Application DA246-10-2004 is provided at **Appendix B**.

3.3 Major Project MP 06_0127

Major Project MP 06_0127 was approved by the Minister for Planning on 21 June 2007 for the first stage of the staged development approved by DA246-10-2004 comprising Buildings A and B as described at condition A1 of Schedule 2 of the consent:

“A1 Development Description

(1) Development approval is granted only for the construction of a mixed use residential apartments building that is part 24 storeys and part 16

storeys within three basement levels comprising the following:

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

A copy of the Instrument of Consent for Major Project MP 06_0127 is provided at **Appendix C**.

3.4 Major Project MP 06_0127 – MOD 1

Major Project MP 06_0127 was subsequently modified by the Director General of the Department of Planning as a delegate of the Minister for Planning for a Section 75W Modification known as MP 06_0127 MOD 1 for the various modifications including

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

A copy of the Instrument of Consent for Major Project MP 06_0127 MOD 1 is provided at **Appendix D**.

Figure 2 and **Figure 3** provide artists impressions of the approved mixed use development.



Figure 2. 3D artist's impression of Buildings A and B
View from corner of Herb Elliot Avenue and Australia Avenue.



Figure 3. 3D artist's impression of Building B from access driveway

4 Proposed modifications

4.1 Introduction

This section of the report described the modifications proposed under Section 75W of the Environmental Planning and Assessment Act 1979 in terms of the following headings:

- Building height
- Waste management
- Car parking
- Residential unit layouts
- Electricity substation
- Child care centre
- Fire tank hatches and landscaping
- Roof top winter garden

A3 copies of the architectural drawings prepared by Billbergia Design Pty Ltd illustrating the proposed modifications are submitted with this Environmental Assessment at **Appendix A**.

The following sections describe each of the above modifications:

4.2 Building height

It is proposed to increase the overall height of building by 1100mm by increasing the floor to floor distances of a number of levels, as a result of introducing structural and stormwater transfers and including a lift in the child care centre. These structural and stormwater requirements were not identified at the original Project Application stage. The changes are shown included on the elevations and sections submitted with the Proposed Section 75W Modification at **Appendix A** of this Environmental Assessment.

The increase in floor to floor levels ranges from an additional 150mm to 250mm at 6 out of the 24 levels as outlined below:

- **Ground floor level** – 150mm added as a result of accommodating a lift in the child care centre.
- **Level 6** – 250mm added to accommodate a 650mm deep structural transfer.
- **Level 13** - 150mm added to accommodate structural and stormwater transfer.
- **Level 15** – 150mm added to accommodate structural and stormwater transfer.
- **Level 20** - 150mm added to accommodate structural and stormwater transfer.
- **Level 23** – 250mm added for structural and stormwater transfer.

Figure 4 illustrates the approved West Elevation of the building. **Figure 5** illustrates the proposed changes to floor to floor levels.



Figure 4. West Elevation of the approved Major Project MP 06_0127

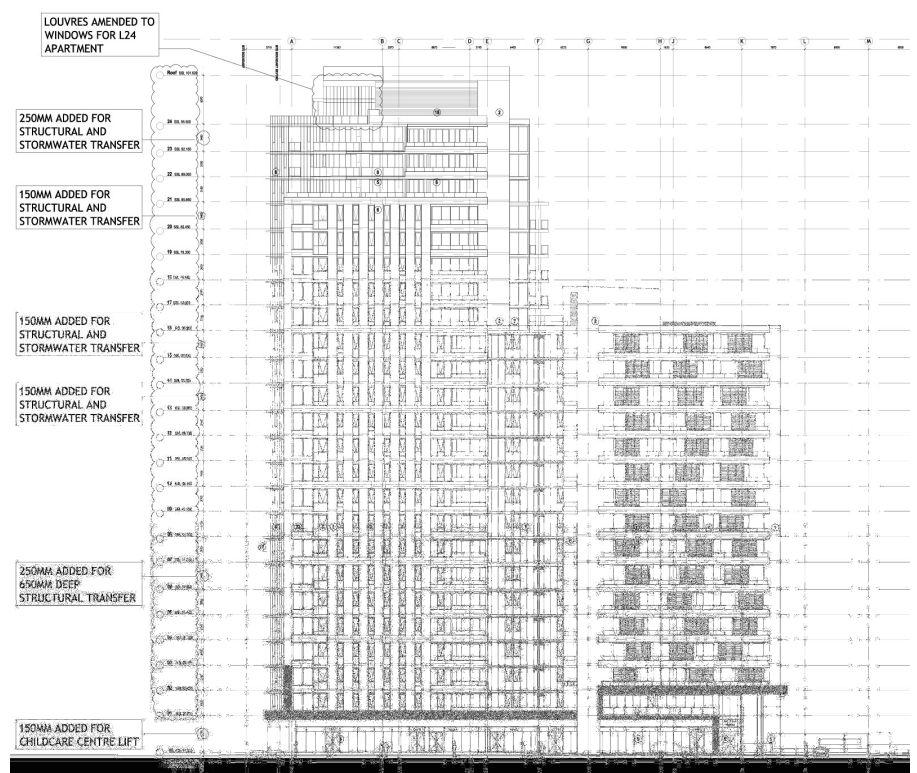


Figure 5. Proposed modifications to the floor to floor levels

Modifications to floor to floor levels of 6 of the 24 levels are noted on the West Elevation.

4.3 Waste management

It is proposed to modify the waste and recycling facilities provided in Basement Levels 01, 02 and 03 and the Ground Floor Level. The proposed modifications seek to rationalise the garbage and recycling storage areas. The garbage is to be stored in separate retail, child care and residential garbage rooms at the base of the towers buildings. The rooms are located adjacent to the loading dock and the child care centre and retail car park.

The main recycling bin store room is to be located in Basement Level 01.

The modifications involve the following:

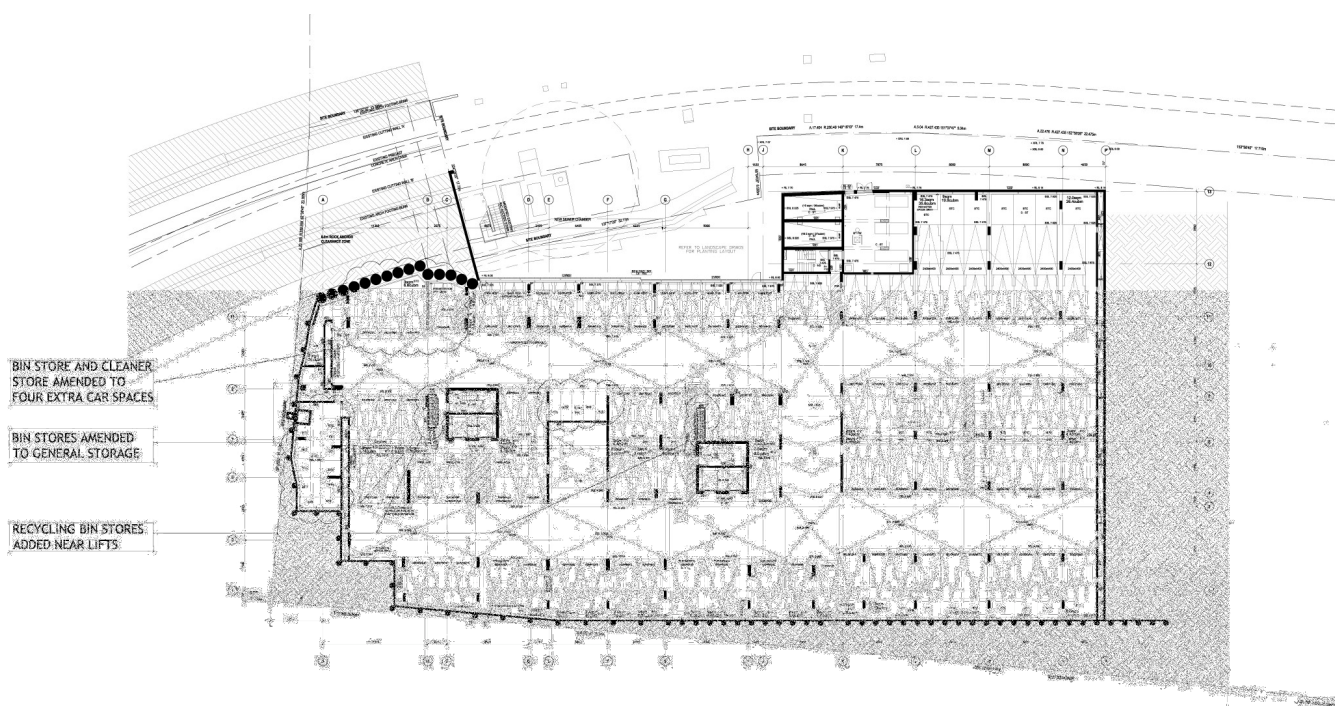
- **Basement Level 03** (*DA03 Issue 6*)
 - Recycling bin storage is provided near Lifts 3 and 4.
- **Basement Level 02** (*DA04 Issue 6*)
 - Recycling bin storage is provided near Lifts 3 and 4.
 - Bin store amended to storage space to be allocated to residential units.
 - Bin store and cleaner store amended with provision of an additional four (4) car spaces.
- **Basement Level 01** (*DA05 Issue 6*)
 - Recycling bin storage is proposed near Lifts 3 and 4.
 - Recycling bin store relocated from Level B3.
- **Ground Floor Level** (*DA06 Issue 7*)
 - Child care centre garbage area included at the rear of the child centre adjacent the child care centre and retail car park.

The modifications have been made to provide for convenient recycling with bins located adjacent to the lifts.

Refer to architectural drawings as noted above illustrating the proposed modifications clouded.



Figure 6. Basement Level 01 from MP 06_0127 MOD 1



NOTES:
 - GARBAGE / RECYCLING / BIN STORAGE RATIONALISED.
 - GARBAGE AT GROUND FLOOR ONLY (AT BASE OF CHUTES).
 - MAIN RECYCLING BIN STORE AT LEVEL B1.

Figure 7. Proposed modifications to Basement Level 02 including changes to wash management

Changes to waste and recycling are show clouded.

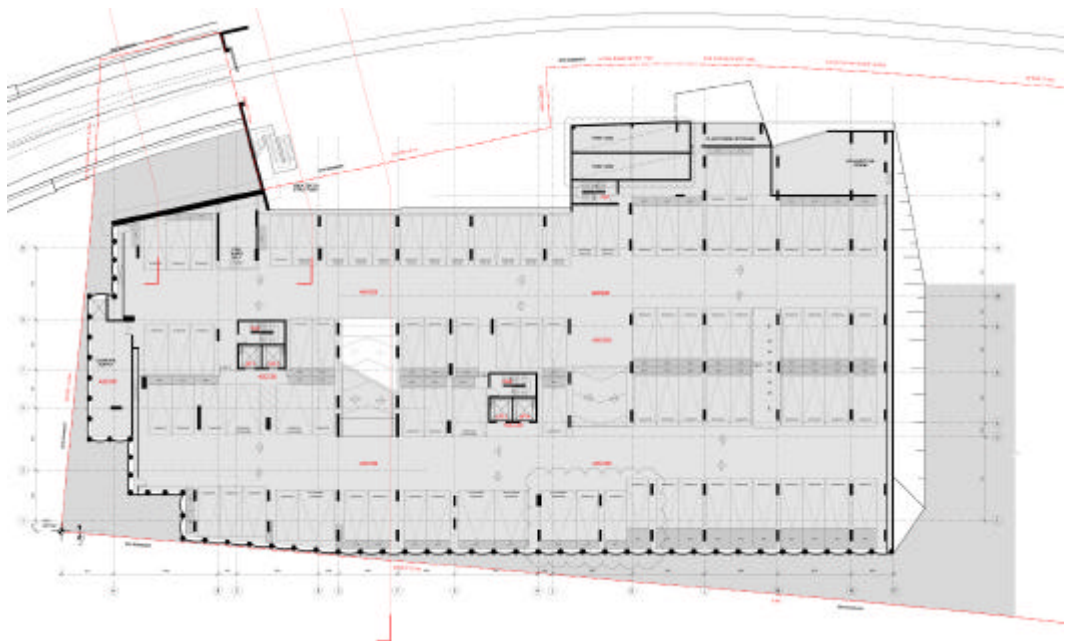


Figure 8. Basement Level 02 from MP 06_0127 MOD 1

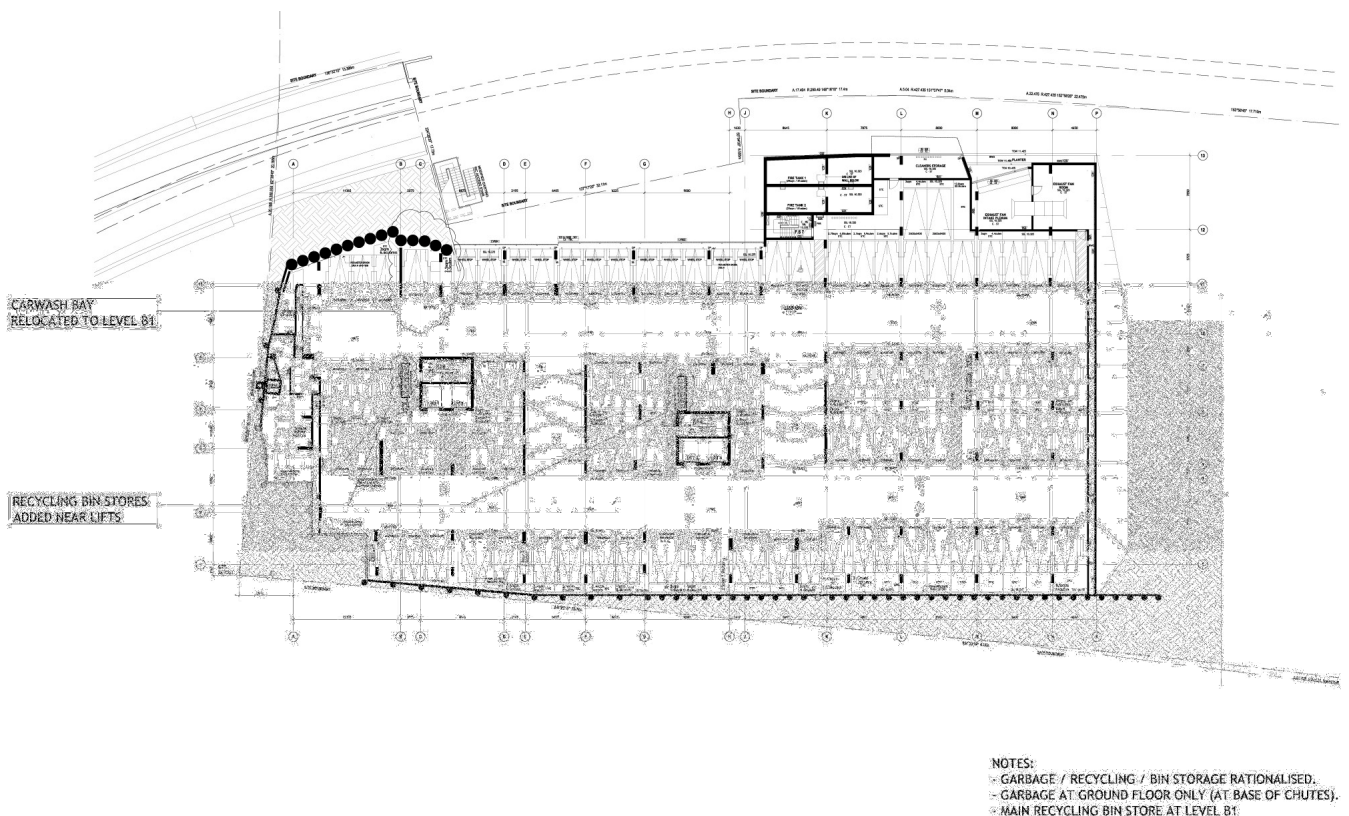


Figure 9. Proposed modifications to Basement Level 02
Changes to waste and recycling are show clouded.

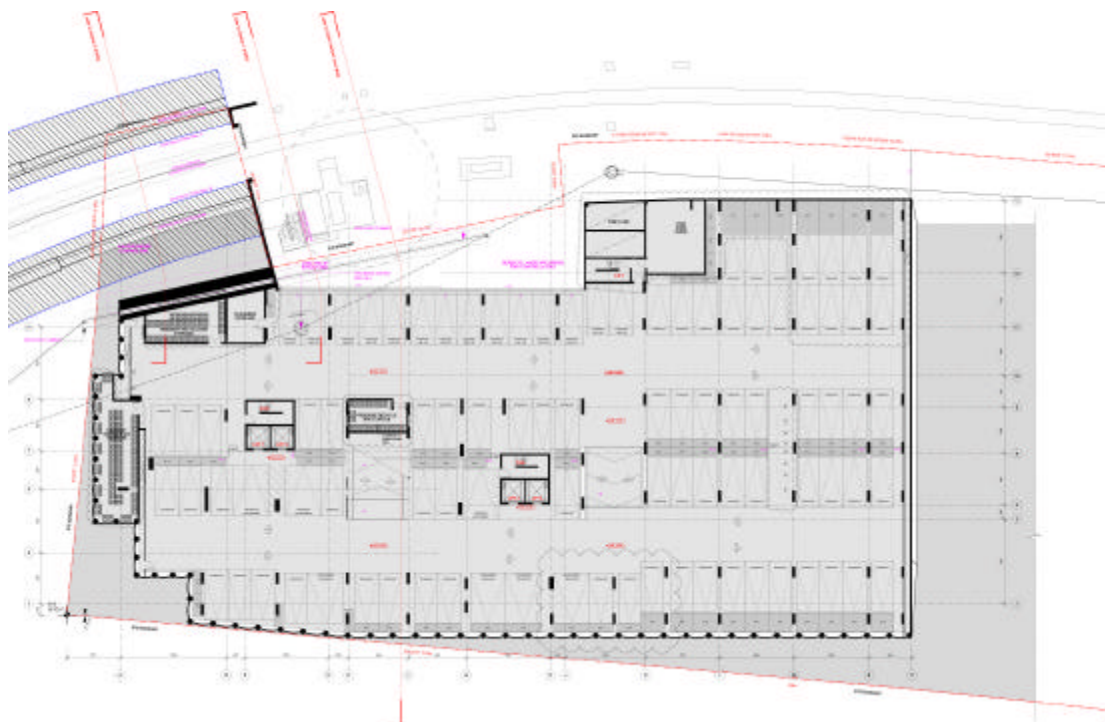


Figure 10. Basement Level 03 from MP 06_0127 MOD 1

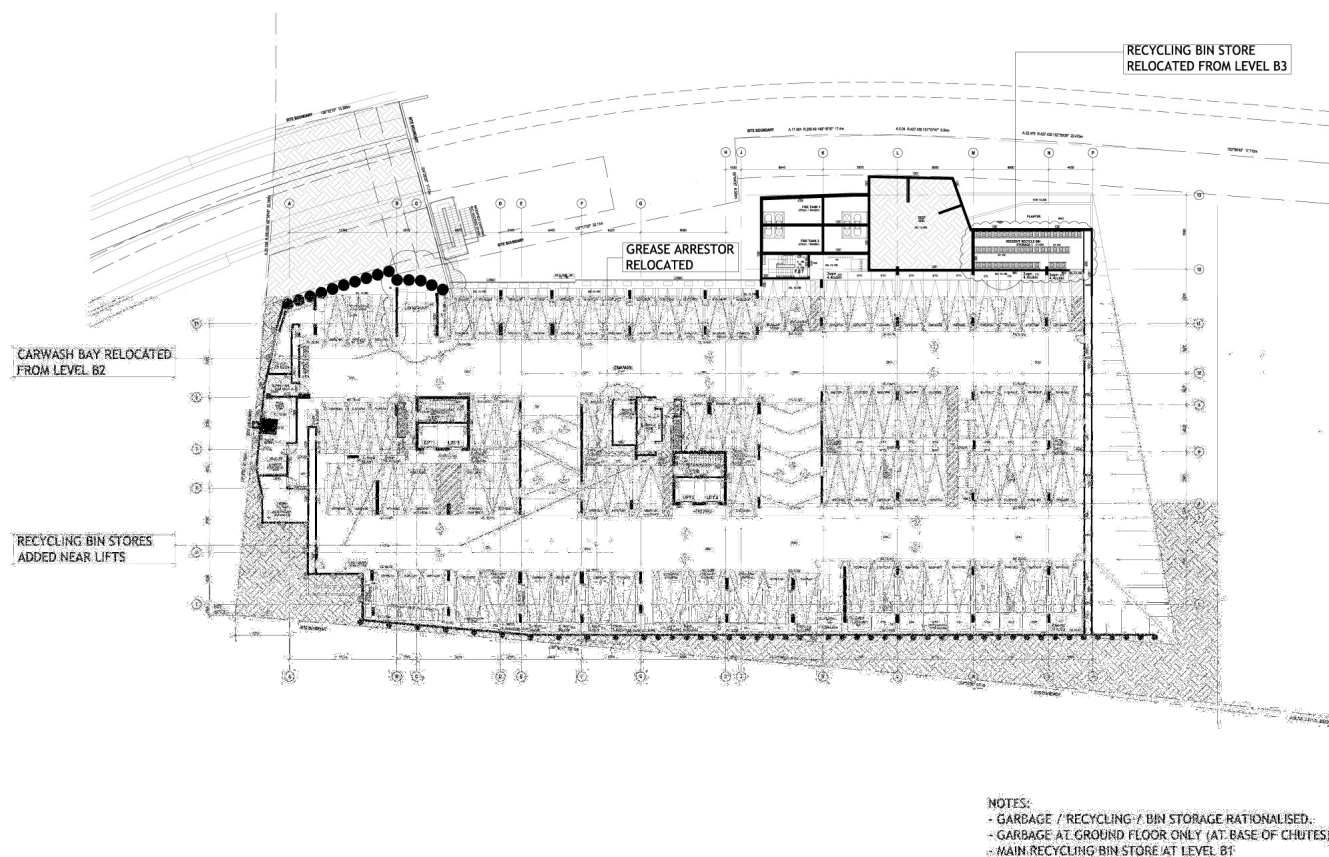


Figure 11. Proposed modifications to Basement Level 03 shown clouded and noted
Changes to waste and recycling are show clouded.

4.4 Car parking spaces and carwash bay

An additional four (4) car spaces are to be provided in Basement Level 03. One (1) additional car space is provided on Basement Level 02, in place of the relocated car wash bay (Basement Level 01).

The proposed modifications to the car parking and car wash bay are illustrated in the Basement Level 01 (**Figure 7**), Basement Level 02 (**Figure 9**) and Basement Level 03 (**Figure 11**).

4.5 Residential unit layouts

It is proposed to make the following amendments to some of the approved unit layouts:

- **Unit A1.01 - Level 01.** Layout amended from 3 bedrooms to 4 bedrooms, which increases the number of bedrooms by one.
- **Units A21.01 and A21.02 – Level 21.** Layout amended to combine the two approved units (**Figure 14**) into a single unit (**Figure 15**), which results in one less unit and one less bedroom.
- **Unit A24.01 – Level 24.** Additional 134m² of residential floor space added within the approved plant room footprint. This will provide a new 2 bedroom unit.

Externally this will change the appearance of the top of the building by deleting the roof plant louvers and replacing these with windows consistent with the residential use of the top floor level.

Refer to **Figure 22** for the approved roof plan (Level 24). Refer to **Figure 23** for the proposed modifications to Level 24 with layout of the new 2 bedroom unit.



Figure 12. Level 1 plan showing approved layout of Unit A1.01

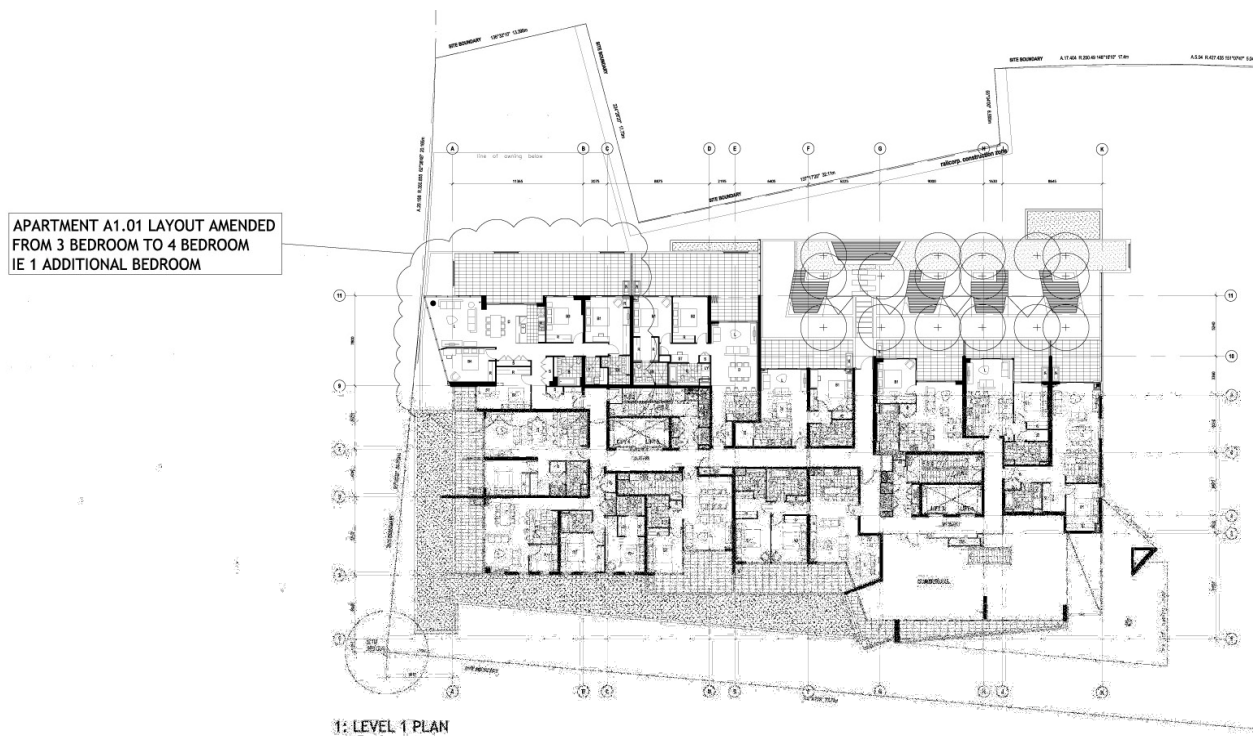


Figure 13. Proposed modifications to unit A1.01 at Level 1



Figure 14. Level 21 showing approved layout of Unit of Units A21.01 and A21.02



Figure 15. Proposed modifications showing proposed layout of unit A21.01

4.6 Electricity substation

The proposed modifications include one (1) additional kiosk type electricity substation on the Ground Floor Level adjacent the vehicle access driveway. One kiosk substation has been approved for the site. Refer to **Figure 16**.

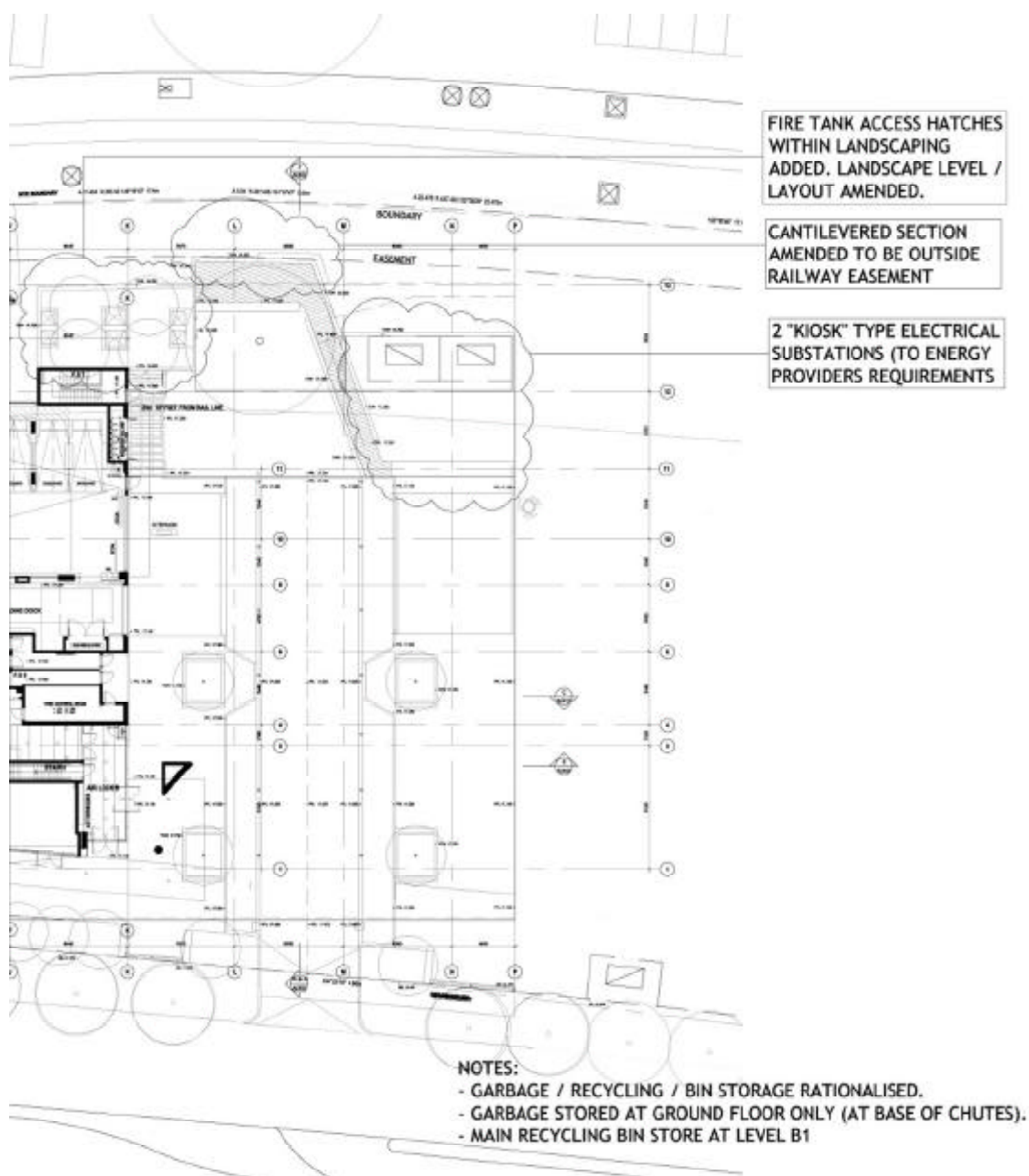


Figure 16. Proposed modifications to the Ground Floor Level including an additional kiosk electricity substation

4.7 Fire tank access and ground floor level landscaping

Fire tank access hatches are provided to be included on the ground floor level to the fire tanks located in Basement Level 01. The landscaping approved on Ground Floor Level in the location of the new fire tank access hatches are proposed to be amended.

The cantilevered section of the building adjacent the fire access hatches is proposed to be amended to move it outside the railway easement. Refer to **Figure 17**.

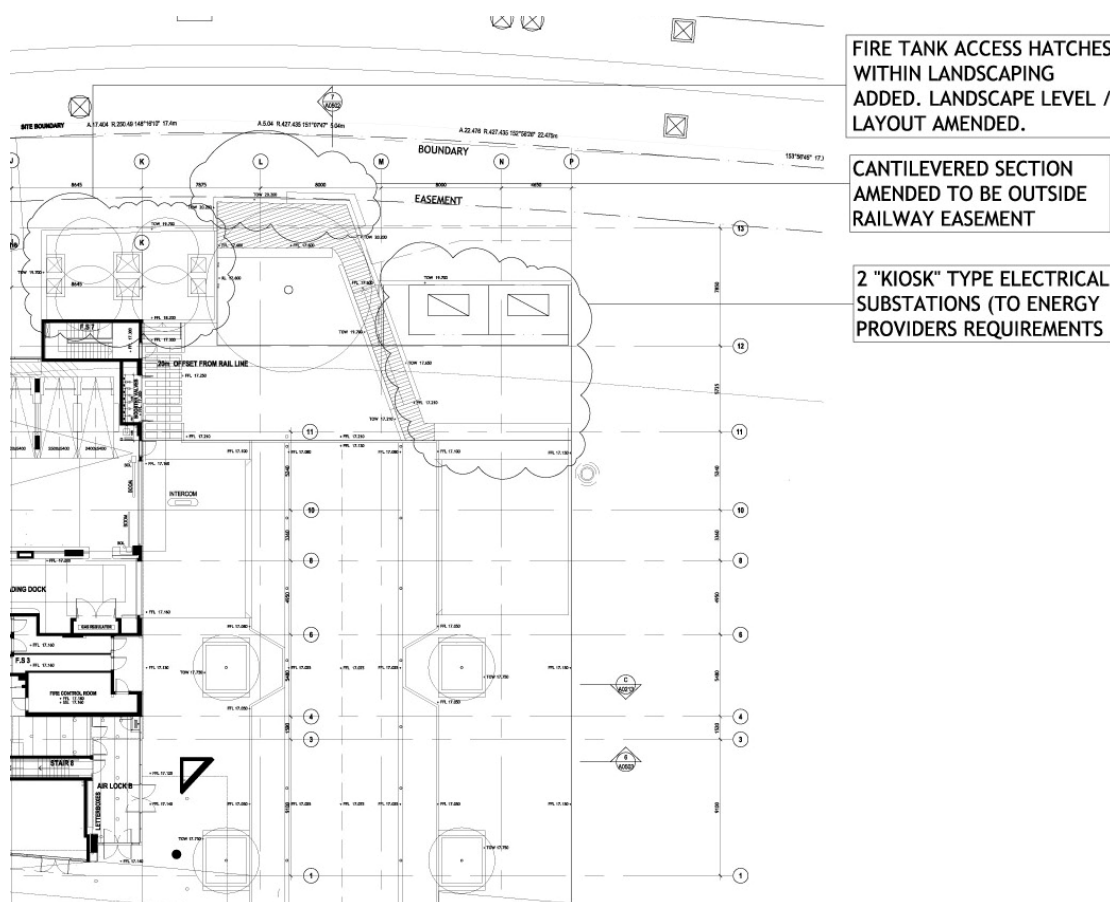


Figure 17. Proposed modifications to Ground Floor Level including fire tank access hatches and landscaping

4.8 ATMs

An area for ATMs is proposed fronting Parkview Drive within the retail frontage and adjoining the Tower A entry and lobby. Refer to **Figure 19**.

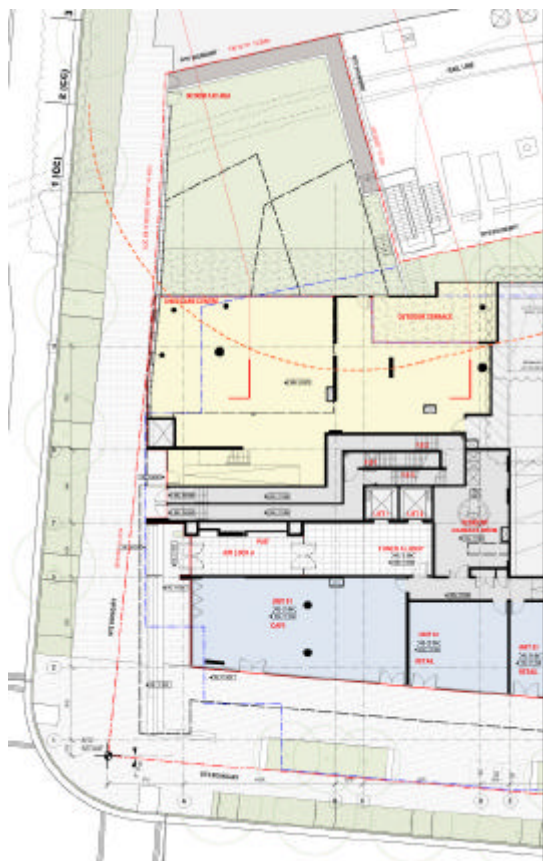


Figure 18. Ground Floor Level from MP 06_0127 MOD 1

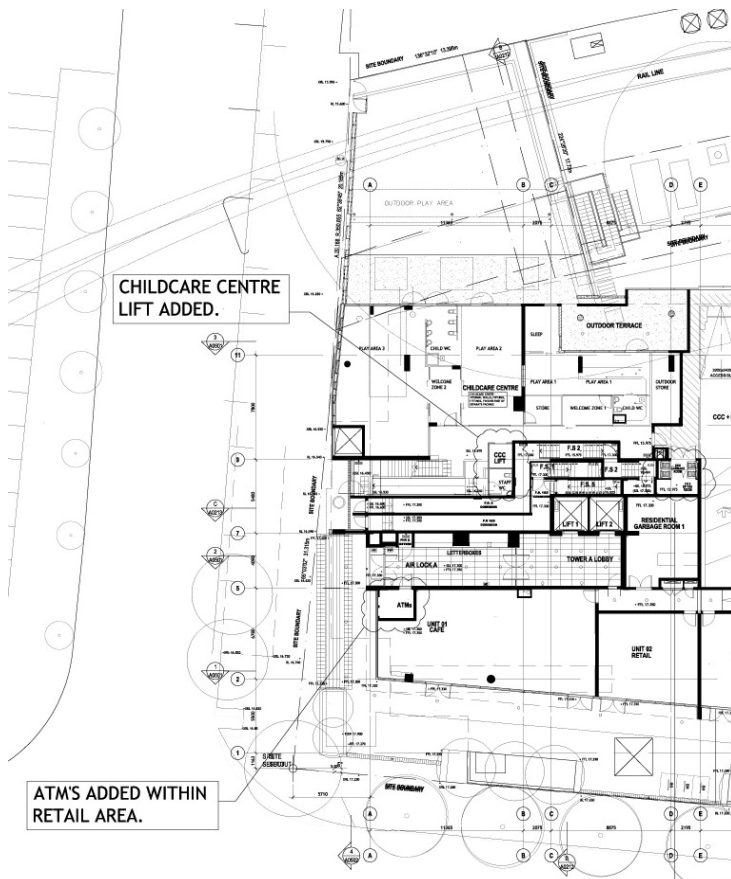


Figure 19. Proposed modifications with ATMs at Ground Floor Level

4.9 Child care centre

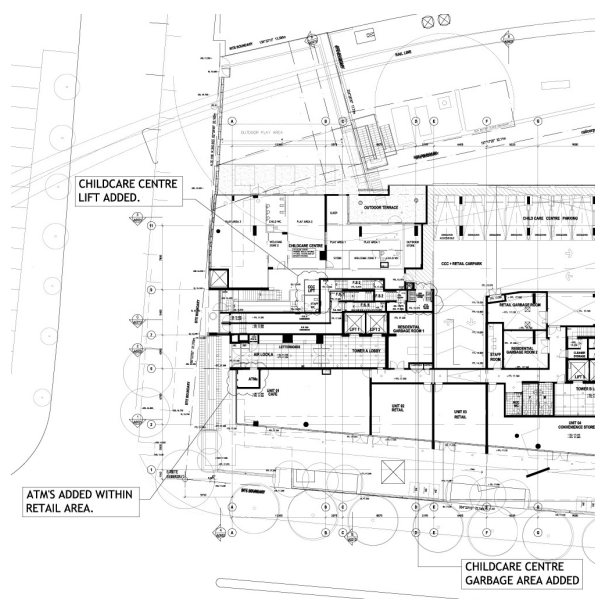
It is proposed to amend the mezzanine level of the child care centre to increase the GFA by 38m². The child care centre will be subject to a separate Development Application to the Sydney Olympic Park Authority under Part 4 of the EP&A Act 1979.

It is proposed to provide a lift between the Ground Floor Level and Mezzanine Level of the child care centre.

The shape of the awning above the child care centre is proposed to be amended. Refer to **Figure 21**.



Figure 20. Ground floor plan & Mezzanine Plan for MP 06_0127 MOD 1



CANOPY PLAN SHAPE AMENDED.
REMAINS METAL / POLYCARBONATE
COMBINATION TO FUTURE DETAIL DESIGN.

MEZZANINE AMENDED.
385QM ADDITIONAL FLOOR SPACE
(Refer Turner & Associates Dwg # DA041)
FITOUT SUBJECT OF SEPARATE DA.

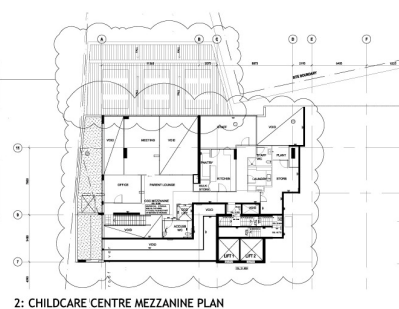


Figure 21. Proposed modifications to the child care centre as Ground Floor Level & Mezzanine Level

4.10 Roof top wintergarden

The roof of the winter garden on the western side of Building A is proposed to be extended to meet the façade of the building. Refer to the South Elevation. Refer to **Figure 23**.

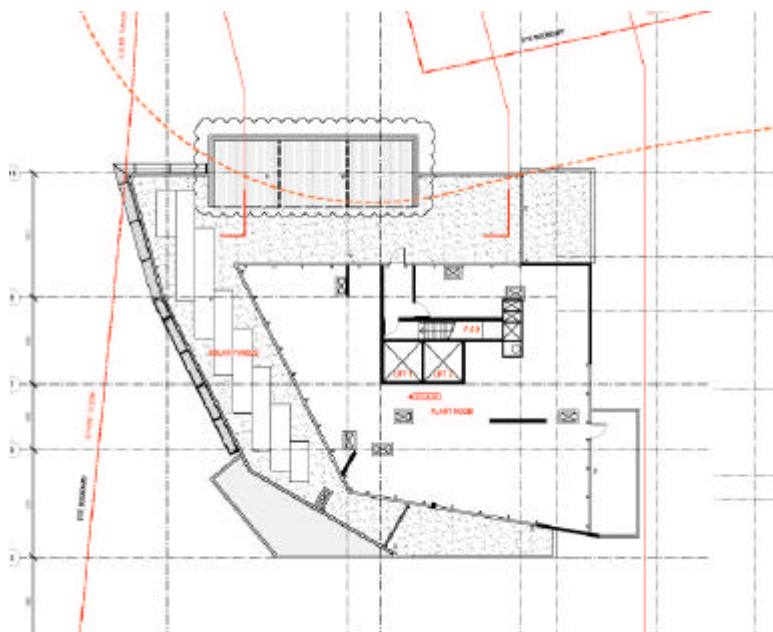


Figure 22. Level 24 roof plan from MP 06_0127 MOD 1

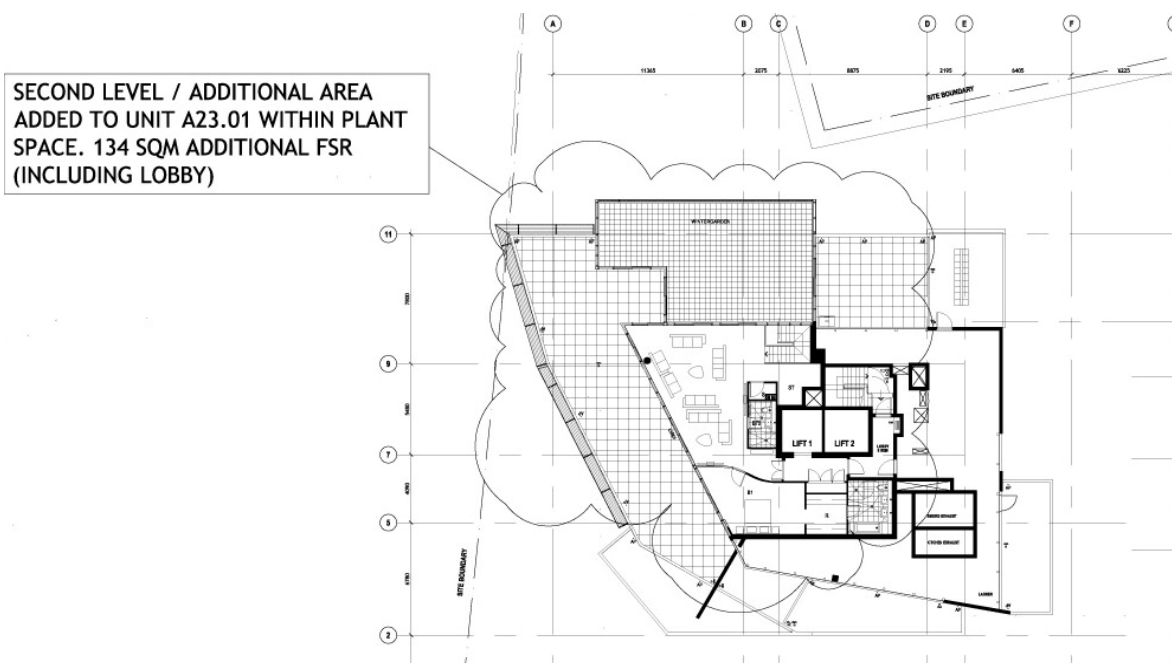


Figure 23. Proposed modification to Level 24 Plan

5 Environmental Assessment

5.1 Introduction

This section of the report provides an Environmental Assessment of the proposed modifications against the relevant planning instruments and policies as well as the Director General's Environmental Assessment Requirements (DGRs) issues for Major Project MP 06_0127.

5.2 Section 75W Modifications to MP 06_0127

75W Modification of Minister's approval states:

In this section:

- a. **Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.
- b. **modification of approval** means changing the terms of a Minister's approval, including:
 - (ix) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
 - (x) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (xi) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (xii) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (xiii) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (xiv) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (xv) Subsection (5) does not apply to a request to modify:
 - a. an approval granted by or as directed by the Court on appeal, or
 - b. a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

The Proponent, Site 3 Development Company Pty Ltd, requests that the Minister for Planning, as the consent authority, approve the proposed modifications to the project application under Section 75W of the EP&A Act 1979.

No provisions of Section 75W impose any prohibition or limitation on the proposed modifications. Therefore it is considered that the proposed modifications satisfy the provisions of this Section.

The proposed modifications to the approved Major Project MP 06_0127 and subsequently modified by Major Project MP 06_0127 MOD 1 seek to modify conditions A1, A2, and B12 as noted in red text below:

A1 Development Description

- (1) In part 1 of this condition delete the following words and numbers from the condition “218 apartments” and “286 car parking spaces” respectively and replace with “290 car parking spaces”.

A2 Development in accordance with Plans

- (2) Delete the condition and replace with the following:

Architectural (or Design) Drawings prepared by Billbergia Design			
Drawing No.	Revision	Name of Plan	Date
DA00	1	Cover Page	06.09.2010
DA03	6	Basement Level 03 Plan	06.09.2010
DA04	6	Basement Level 02 Plan	06.09.2010
DA05	6	Basement Level 01 Plan	06.09.2010
DA06	7	Ground Floor Plan	06.09.2010
DA07	5	Level 01 & Mezzanine Plan	06.09.2010
DA08	5	Level 02 Plan	06.09.2010
DA09	5	Levels 03-06 Plan	06.09.2010
DA13	5	Levels 07-13 Plan	06.09.2010
DA20	5	Level 14 Plan	06.09.2010
DA21	5	Level 15 Plan	06.09.2010
DA22	5	Level 16 Plan	06.09.2010
DA23	5	Levels 17-20 Plan	06.09.2010
DA27	4	Level 21 Plan	06.09.2010
DA28	4	Levels 22-23 Plan	06.09.2010
DA30	4	Level 24 Plan	06.09.2010
DA31	4	Roof Plan	06.09.2010
DA51	5	Section B East West	06.09.2010
DA100	6	West Elevation	06.09.2010
DA101	6	East Elevation	06.09.2010
DA102	5	North Elevation	06.09.2010
DA103	5	South Elevation	06.09.2010
BASIX Certificate No. 236354M_05			07.09.2010

B12 Car Parking Spaces and Dimensions

- (1) Delete the following words and numbers from the condition “286 car parking spaces”, and replace with the “290 car parking spaces”.

5.3 Environmental Planning Instruments and Policies

The relevant Environmental Planning Instruments and Policies that apply to the development of the subject site including the following:

- SEPP (Major Development) 2005
- Sydney Olympic Park Master Plan 2030

SEPP (Major Development) 2005

Sydney Olympic Park is identified as a ‘State Significant Site’ to which Part 3A of the EP&A Act 1979 applies and is listed in Schedule 3 of SEPP (Major Development) 2005.

Part 23 of Schedule 3 of the SEPP (Major Development) 2005 provides provisions that apply to Sydney Olympic Park.

Clause 5, Part 23 of Schedule 3 of the SEPP (Major Development) 2005 describes development to which Part 3A of the EP&A Act 1979 applies. Development at Sydney Olympic Park that has a capital investment value of more than \$10 million is a project to which Part 3A of the Act applies. The proposed Section 75W Modification relates to a development approved under Part 3A of the EP&A Act 1979, and therefore this application is to be determined under Section 75W.

Clause 7, Part 23 of Schedule 3 of the SEPP (Major Development) 2005 provides the zoning provisions that relate to land within Sydney Olympic Park. The subject site is zoned B4 Mixed Use.

The relevant objectives of Zone B4 Mixed Use are as follows:

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

The proposed modifications to the approved mixed use development are consistent with the objectives of the B4 Mixed Use zone. The modifications do not adversely effect the range of uses previously approved. Modifications to the child care centre including the new, changes to the mezzanine, lift and changes to the awning will improve the

functionality of the child care centre. The inclusion of ATMs in the retail frontage will provide convenient banking facilities for local residents. The proposed modifications do not alter the ESD performance of the development.

Minimal modifications are proposed to the residential units which will have a negligible impact on the affordability of residential accommodation.

The modifications to the approved development will not change the permissible of the retail, child care and residential uses on the site.

Clause 18, Part 23 of Schedule 3 of the SEPP (Major Development) 2005 provides the development standard for the maximum height of buildings at Sydney Olympic Park. The maximum height limit of development on the subject site shown on the Height of Buildings Map is 90 metres. The proposed modifications, which propose to raise the height of the building by 1100mm, will not result in an exceedence to the maximum height limit that applies to the site. The maximum height of the development will increase to 85.29 metres measured using the following definition under Clause 2 of Part 23:

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

Clause 19, Part 23 of Schedule 3 of the SEPP (Major Development) 2005 Provides that the maximum floor space ratio (FSR) for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown on the Floor Space Ratio Map. The maximum FSR for the site is 5.25:1. The proposed addition of 38m² for the child care centre mezzanine and 134m² of residential floor space at Level 24 will not exceed the total maximum GFA for the site.

Clause 26 of Part 23 in Schedule 3 of SEPP (Major Development) 2005 requires that the consent authority may only grant consent if it has first considered the Master Plan 2030 and that development is consistent with the Master Plan.

Clause 30 of Part 23 in Schedule 3 of SEPP (Major Development) 2005 related to Design Excellence. The provision requires that the consent authority consider whether the proposed development exhibits design excellence of new buildings and developments involving external alterations to existing buildings.

The majority of the proposed changes are internal of the approved building. Minor external changes are proposed to the ground level retail use with the introduction of ATMs, and modification to the child care centre awning. The electricity substations, and fire tank access hatches at ground floor level are set well back from Australia Avenue and will have a minimal visual impact on the public domain.

The introduction of a residential unit at Level 24 will improve the appearance of the top of the building by reducing the extent of roof plant screen louvres. The wintergarden roof at the top of the buildings is proposed to be changed to align with the facade. This change will be barely visible from street level.

It is considered that the proposed external modifications will improve the external appearance of the approved development, which was judged to

exhibit design excellence by the Minister for Planning in approving the original development.

Sydney Olympic Park Master Plan 2030

The Sydney Olympic Park Master Plan 2030 was adopted by the NSW Government following the gazettal of the State Significant site listing under Schedule 3 of the Major Development SEPP.

The Master Plan 2030 is a master plan under Section 18 of the Sydney Olympic Park Authority Act 2001 and amendment no. 20 of SEPP (Major Development) 2005, which is the principal Environmental Planning Instrument regulating land use at Sydney Olympic Park.

The Master Plan is a 20 year vision for the sustainable development of Sydney Olympic Park and also complements the NSW Government's Metropolitan Strategy for Sydney, which was released in 2005.

The Master Plan divides the Sydney Olympic Park town centre into nine (9) precincts. Site 3 is located within the Parkview Precinct, which is predominantly a residential precinct that is generally bounded by Australia Avenue to the East, the Brickpit to the north and the Bennelong Parkway to the east and south. The Commercial Core precinct is located to the west of Australia Avenue and is a commercial, retail and mixed use precinct.

The Master Plan provides detailed planning controls for each precinct as well as general controls that apply to all precincts. The Parkview Precinct is envisaged in the Master Plan as a high density residential and mixed use precinct incorporating community, educational, commercial and residential uses into a compact urban neighbourhood with a vibrant and leafy street character. Non residential uses within the precinct are focused on Murray Rose Avenue to the north of Site 3.

The key controls contained within the Master Plan 2030 that are relevant to Site 3 are as follows:

- **Land use:** Residential
- **Height:** 20-30 storeys
- **FSR:** As per the existing approval (which approved an FSR of 5.25:1 – Refer to DA246-10-2004.
- **Building zones and setbacks including through site links.**

The proposed modifications are consistent with the Master Plan 2030 development objectives and controls.

5.4 Staged Development Consent DA246-10-2004

The Staged Development Consent DA 246-10-2004 was granted by the Minister for Planning on 21 December 2005. The consent relates to the staged development of all of Site 3 and includes a number of conditions, which limit the gross floor area, floor plate sizes, unit mix, building height, and car parking which are relevant in the assessment of the proposed modification application. The relevant conditions are addressed in the following sub-regions of this report:

“A9 Gross Floor Area

To avoid bulky towers, the applicant in seeking another development consent pursuant to Condition A7 shall ensure:

- b) Resulting from Condition A7 (1) and to avoid bulky towers, the gross floor area on the subject site is not to exceed 79,053 square metres”.*
- c) The applicant, in seeking another consent pursuant to Condition A7, shall submit a set of A3 poly line plans identifying compliance with the above conditions.*
- d) For each subsequent stage 2 development application, the applicant is to supply a set of progressive statistics that demonstrate how GFA distribution remains consistent with the intent of the stage 1 consent”.*

The proposed modifications seek to provide an additional unit at Level 24, which has an area of 134m² and 38m² in the child care centre mezzanine. This additional floor space will not result in the exceedence of the maximum GFA as Buildings A and B is the first stage of development on Site 3.

“A10 Floor plates

To avoid bulky towers, and in accordance with the part 5.4.2 of the SOPA Master Plan (Amendment 2, 2004), the applicant in seeking another development consent pursuant to Condition A7 shall ensure that floor plates do not exceed:

Height (storey)	Maximum Floor Plate (m²)
1-6	N/A
7-16	1200m ²
17-24	900m ² for buildings up to 24 storeys, 1200m ² for buildings up to 30 storeys
25-30	650m ²

The proposed modifications will not result in any exceedences to the maximum floor plate sizes for Buildings A and B. The addition of 132m² of GFA at Level 24 is consistent with the maximum 900m² floor plate size under Condition A10.

“A11 Unit Mix

Consent is granted to the following unit mix:

Unit type	Unit mix
1 bed	Minimum 10%
2 bed	Maximum 75%
3 bed	Minimum 10%

The total number of units as described in condition A1 may be varied in accordance with the table above provided that there are no more than 1360 bedrooms across the whole site (inclusive of 6 “live work” units).

The proposed changes to the apartment layouts will not result in any non-compliance with Condition A11 as Buildings A and B is the first stage of development on Site 3. An additional 2 bedroom unit is proposed at level 24. Unit A1.01 is proposed to be modified from a 3 bedroom unit to a 4 bedroom unit.

The unit mix requirements relate to the overall Site 3 development. Compliance with the unit mix requirements of the staged development consent will be reconciled in the Stage 2 and 3 developments.

“A21 Car parking

The maximum number of car spaces shall not exceed 930 spaces as per the table below. Details confirming the parking numbers shall be submitted with any subsequent stage 2 development application.

Tower	North Buildings	Centre Buildings	Centre Building	South Building	Total
Car parking (including visitors)	283	407	209	31	930

- (1) *The figures above include provisions for visitor spaces. Final calculations are to be generally in accordance with the SOPA Master Plan and are not to exceed the rates in part 4.6 of the SOPA Master Plan. A cumulative record of parking distribution is to be included in each subsequent stage 2 development application.*
- (2) *Bicycles, couriers, service vehicles, and visitor (including disabled visitor) space numbers are to be included in each subsequent stage 2 development application”.*

The proposed development seeks to modify the number of car parking spaces provided in the basement levels below Buildings A and B. The modifications will not result in a non-compliance with the overall maximum 930 car spaces for Site 3.

The approved modification known as MOD 1 to MP06_0127 granted consent to 286 car spaces for the mixed use development of Buildings A and B. It is proposed that an additional 4 car spaces be provided in Basement Level 03 up to a total of 290 spaces, by relocating the recycling storage room to Basement Level 01.

The addition of four car spaces is considered minor and will have a negligible effect on the traffic generated by the approved development, representing a 1.4% increase in car spaces. Car spaces across the entire Site 3 will be reconciled with the project application for the future Stage 2 and 3.

5.5 Environmental Assessment requirements

The Department of Planning have advised that the Director General's Requirements for the original Project Approval are to form the DGRs for the proposed Section 75W Modification.

Table 2 provides an assessment of the proposed modifications against the relevant DGRs from the MP 06_0127.

Table 2. MP 06_0127 Director General's Environmental Assessment Requirements

MP06_0127 DGRs Key issues	Response
<p>Key Issues to be addressed</p> <p>(a) Compliance with Stage 1 DA 246-10-2004 consent and conditions</p> <p><i>The Environmental Assessment (EA) must show compliance with the Stage 1 DA 246-10-2004 consent and conditions. Particular regard must be given to demonstrating compliance with height, gross floor area, setbacks, car parking requirements and rail infrastructure related conditions. All departures from the Stage 1 approval must provide compelling justification based on a consideration of the applicable controls.</i></p>	<p>Section 5.4 of this report addresses consistency of the proposed modifications to MP 06_0127 with the Stage 1 DA246-10-2004.</p>
<p>(b) Built Form, Urban Design and Landscaping – the Environmental Assessment must include, but not be limited to, consideration of the design quality of the proposal with specific consideration of the façade presentation, massing inclusive of, setbacks, proportions to openings, building articulation, and amenity; consideration of landscape setting and retention of existing significant trees; consideration of the architectural merit of the development within the existing and likely future character of the locality with specific consideration in regards to height, depth, bulk, scale, and overshadowing impacts; consideration of the operational characteristics of the proposed ancillary functions to ensure suitability in the context of the locality and ensure effective ongoing management; and consideration of measures to ensure appropriate levels of safety and security in the locality for residents, workers, and visitors.</p>	<p>Architectural drawings showing the proposed modifications clouded are provided at Appendix A of this report.</p> <p>The proposed changes will not result in any noticeable changes to the approved bulk, scale and massing of the building. Minor external changes which will be barely noticeable are proposed to Level 24. The additional floor space in the additional unit at Level 24 is located within the footprint of the approved roof plant structure. Replacing the roof plant structure and screens with an apartment with windows will improve the appearance of the top of the building, when viewed from the north, east and west.</p> <p>Given the minor nature of proposed changes it is not considered necessary to refer the application to the Sydney Olympic Park Design Review Panel. The proposed modifications will enhance the functionality of the proposed development as well as the external appearance of the approved</p>

MP06_0127 DGRs Key issues	Response
<i>In particular the EA must address the comments of the SOPA Design Review Panel.</i>	development, particularly at the top of the building.
<p><i>(c) Sustainability – the Environmental Assessment must include, but not be limited to, consideration of best practice measures to improve environmental performance of the building and surrounds.</i></p> <p><i>Specific consideration of energy efficiency (particularly in regards to the impacts of the west facing façade on internal thermal comfort), water conservation, waste management, the use of BASIX and SEDA standards must be made. Reference must also be made to the following documents:</i></p> <ul style="list-style-type: none"> <i>SOPA Towards Sustainability – Sustainability Strategy for Sydney Olympic Park December 2002; and</i> <i>The Environmental Guidelines for the Summer Olympic Games September 1993.</i> 	<p>New BASIX Certificates have been submitted with the application at Appendix E. These demonstrate compliance with the minimum energy (20%) and water (40%) efficiency target and thermal performance (pass) targets of SEPP (BASIX).</p> <p>Refer to Section 6: Draft Statement of Commitments.</p>
<p><i>(d) Traffic, Access, and Parking – Detailed assessment of the:</i></p> <ul style="list-style-type: none"> <i>proposed access arrangements associated with development;</i> <i>daily and peak traffic movements likely to be generated by the proposed development and the impact on the local traffic network;</i> <i>impact of the proposed development on surrounding arterial road network and intersections and the need and associated</i> <i>funding for upgrading or road improvement works;</i> <i>local area traffic through a management plan;</i> <i>overall parking provision allowable for Site 3 under the Stage 1 approval;</i> <i>Provision both during and after construction for traffic, access, and parking management during special events on the site. In this regard particular regard must be given for the operation of the subject site during road closures for these events.</i> 	<p>Access from the driveway from Australia Avenue to three basement levels for car parking is not proposed to change. Four (4) additional car spaces are proposed, which will increase the total cars parked on-site to 290 spaces. This increase will not significantly increase traffic generation from the site to the surrounding road network.</p>
<p><i>(e) Other Matters for Consideration</i></p> <p><i>The following issues will need to be addressed in the form of reports from suitably qualified experts:</i></p> <ul style="list-style-type: none"> <i>Rail impacts;</i> <i>Noise impacts;</i> <i>Operational features and</i> 	<p>The proposed modifications will not require updated assessments in terms of rail impacts, noise impacts, capacity of the child care centre, waste management or heritage. The findings of the previous studies submitted with MP06_0127 remain valid.</p>

MP06_0127 DGRs Key issues	Response
<p><i>capacity of the child care facility;</i></p> <ul style="list-style-type: none"> • <i>Waste management; and</i> • <i>Heritage.</i> 	<p>A separate DA for the child care centre is proposed to be submitted shortly to the Sydney Olympic Park Authority which will address the operational features of the child care centre.</p>
<p>Statement of Commitments</p> <p>(a) <i>Proposed mitigation and management of residual impacts; and</i></p> <p>(b) <i>A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of stormwater management, construction impacts (including soil and sediment run-off, and noise); waste generation and collection; the use of cranes;</i></p> <p>(c) <i>staging of development and occupation;</i></p> <p>(d) <i>mitigation of amenity impacts from construction activities, particularly those activities in proximity to the rail corridor and associated assets, and identification of the ongoing responsibility for ownership and maintenance of any public domain works.</i></p>	<p>Refer to Section 6: Draft Statement of Commitments.</p>
<p>Consultation</p> <p><i>During the preparation of the Environmental Assessment, consultation should occur with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. In particular a relevant level of consultation with;</i></p> <ul style="list-style-type: none"> • <i>Sydney Olympic Park Authority (inclusive but not limited to the Design Review Panel);</i> • <i>RailCorp;</i> • <i>Roads and Traffic Authority;</i> • <i>Auburn Council; and</i> • <i>Sydney Harbour Design Review Panel.</i> <p><i>The consultation process and the issues raised should be described in the Environmental Assessment.</i></p>	<p>This Environmental Assessment has been submitted to Sydney Olympic Park Authority as a Draft for their review and comment prior to lodgement to the Department of Planning as a formal Section 75W Modification Application.</p> <p>Consultation with other agencies and authorities is not considered necessary due to the minor nature and extent of the proposed modifications which are considered to be consistent with the intent of the original and modified Project Application.</p>

6 Draft Statement of Commitments

6.1 Ecologically Sustainable Development

The following commitment will supersede previous approved commitments in relation to Ecologically Sustainable Development of Major Project MP 06_0127 and MP 06_0127 MOD 1:

- The Proponent commits to achieving the energy and water efficiency and thermal comfort performance as outlined in the BASIX Certificate No. 236354M_05 dated 7 September 2010

7 Conclusion

The proposed modifications under Section 75W of the EP&A Act 1979 include the following:

- **Building height** – Increase the overall height of the building by 1100mm in account of increases to the floor-to-floor level of 6 of the 24 levels the result of structural and stormwater transfers to be introduced not envisaged at the time of the original application.
- **Waste management** – Rationalisation of waste and recycling facilities for the residential units, child care and retail uses.
- **Car parking and car wash bay** – The provision of four (4) additional car spaces in Basement Level 03 and the relocation of the car wash bay.
- **Residential unit layouts** – Combining two units at Level 21 into a single unit, provision of an additional single level unit at Level 24 and amendments to the layout of Unit A1.01 at Level 01.
- **Electricity substation** – Provision of one (1) additional kiosk type electricity substations at the ground floor level on the western side of the site accessed from the driveway.
- **Child care centre** – Increase in floor space area, changes to the shape of the awning and the introduction of a lift between ground floor level and the mezzanine level.
- **Ground floor level landscaping and fire tank access hatches** - Provision of hatches to the approved fire tanks and amendments to landscaping on the Ground Floor Level.
- **Roof top winter garden** – Amendment to the design of the roof to the Level 24 winter garden to align with the western façade of Building A.

Having regard to this Environmental Assessment, the proposed modifications are consistent with the intent of the original approval. The proposed development will not result in any significant adverse impacts on the surrounding environment.

It is recommended that this Section 75W application be approved by the Minister for Planning.

