

Application for Modification of Minister's Approval (MP06-0175)
under Section 75w of the EP&A Act 1979

Site 8a Murray Rose Drive, Sydney Olympic Park, Homebush
Prepared for Watpac Developments Pty Ltd
August 2008

ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE PLANNING URBAN DESIGN

Rev	Date Issued	Prepared By	Reviewed By	Revision Type
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01 Introduction

This report accompanies an application to modify MP06_0175 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) on behalf of Watpac Developments Pty Ltd (the proponent).

The Minister for Planning approved Major Project No. 06_0175 on 26 May 2008 for a commercial office building at Site 8A Murray Rose Avenue, Sydney Olympic Park. The approved development comprises the following:

- 673sqm of ground level retail (with no allocated parking provision);
- 5,770sqm of office space over 5 levels;
- 101 parking spaces incorporating elements of stacked parking and parking accessed off the rear service lane.

This application seeks to modify the Project Approval to remove the conditions restricting stacked car parking; and to remove conditions requiring the relocation of the Energy Australia substation.

Since the determination of the project by the Minister, the proponent has been in extensive consultation with the RTA in relation to the stacked parking item, and is of the opinion that the issue has been adequately addressed through the preparation of the Car Parking Management and Operation Plan (included as Appendix A). Correspondence from the RTA supporting the Car Parking Management and Operation Plan is attached as Appendix B.

In terms of the retail frontage requirement and location of the Energy Australia substation, every attempt has been made to provide an active frontage to key pedestrian areas, mindful of the suitable location of key infrastructure required for the precinct. Documentation has been provided of correspondence from Energy Australia as Appendix C that indicate the requirements for substations and the justification for its current location.

This request for modification application has been lodged pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including revoking or varying a condition of the approval or imposing an additional condition of the approval.

NOTE: There is a minor discrepancy between the car parking numbers in this report and that of the appended Car Parking Management and Operation Plan. Following liaison with SOPA, the proponent will use the at grade car spaces (numbers 13 to 16) as a loading bay (as sought through condition by the Department of Planning) following sign off by RTA of the Car Parking Management and Operation Plan. This discrepancy in car parking numbers does not impact on the overall principles of the Car Parking Management and Operation Plan, the intended usage or objectives and is still relevant to the proposed development.

2.1 Condition B1(1) Design Modifications and Plans

Condition B1(1) of the Project Approval reads as follows:

B1	Design Modifications and Plans
(1)	In order to reduce the extent of stacked car parking and ensure that designated loading areas are provided on site, the car park design is to be amended as follows: <ul style="list-style-type: none">(a) Delete 16 stacked car spaces from the basement levels to a maximum number of stacked spaces at basement levels of 12.(b) Delete a further 4 car spaces at grade to designate car spaces 13-16 as a loading area suitable for accommodating Small Rigid Vehicles.(c) Provide a restricted 20m loading bay alongside the building for Large Rigid Vehicles within the rear service lane. Details shall be submitted to and approved by the Department prior to the issue of a Construction Certificate.

We respectfully seek the deletion of Condition B1(1) (a) which requires modification to the proposed design in regards to the stacked parking spaces for the reasons outlined below.

2.1.1 (a) Deletion of Stacked Parking Spaces

Condition B1 (1)(a) requires the deletion of 16 stacked car parking spaces from the basement levels resulting in a maximum number of stacked spaces at basement levels of 12.

The Director General's Environmental Assessment Report, April 2008 noted at page 25 that the deletion of these spaces was required as:

- Stacked parking is not an “*acceptable arrangement car parking facilities*” as per A.S.2890.1-2004.
- The RTA does not favour the scale of stacked parking for safety and efficiency reasons.
- The RTA did not accept the management principles of the Parking Management Plan submitted with the Preferred Project Report dated February 2008.
- May result in the creation of an undesirable precedent for future development in Sydney Olympic Park and wider Sydney Region.

Each of these issues are addressed below:

A.S.2890.1-2004 and Applicable Controls

Australian Standard 2890.1-2004 relates the provision of on-site car parking for commercial and similar developments. This standard does not provide any guidance on the provision, management or suitability of stacked parking as it is silent on the issue of stacked parking. Therefore, the statement within the Environmental Assessment Report is inaccurate in stating that the Australian Standards view stacked parking is an unacceptable arrangement for car parking.

Unfortunately, there are no specific guidelines or controls relating to stacked parking in NSW, and in particular there are no provisions relating to stacked parking in the key policy documents affecting Site 8A.

As stated through previous correspondence with the Department of Planning, the stacked parking concept has been developed in consultation with SOPA and is in response to the constrained dimensions of the site. The site is only 20m wide and stacked parking is necessary to provide sufficient car spaces upon site to ensure the building is commercially viable.

The design solution submitted to the Department of Planning is the result of more than 23 different design options that were investigated prior to final design and extensive work shopping with SOPA and the Design Review Panel. This is provided as Appendix F.

RTA Issues with Scale of Stacked Parking

The Director General's Environmental Assessment Report, April 2008 notes that the RTA did not favour the scale of stacked parking for safety and efficiency reasons.

Since the issue of the Report, the proponent has been in liaison with the RTA and have agreed to a Car Parking Management and Operations Plan, attached as Appendix A. Appendix B provides the letter of support from the RTA in relation to the level of stacked car parking provided, and the ongoing management and operation of the parking proposed.

Car Parking Management Plan Principles

As per the above, the RTA have now agreed to the Car Parking Management and Operations Plan proposed as part of this development and consider it to be satisfactory to ensure the basement car parking functions efficiently and effectively.

This plan will be appended to contractual obligations of future tenants.

Precedent

The Director General's Environmental Assessment Report, April 2008 notes that stacked parking may create an "undesirable precedent" within Sydney Olympic Park and across wider Sydney.

At present, significant precedent already exists in key commercial centres such as the Sydney CBD, North Sydney CBD and Parramatta. As identified in the *Sydney Olympic Park Draft Master Plan 2030*, it is intended that SOPA will become a similar commercial centre.

It is agreed that the lack of controls relating to stacked parking may result in a reliance on precedent to determine the desirable rate of stacked parking, however we submit that the critical concern is the ongoing management of stacked parking to overcome any issue that stacked parking may create. We respectfully submit that the decrease in level of stacked parking from 25% to 10% is inconsequential if not adequately managed.

As noted in the previous correspondence to the Department of Planning (HASSELL, 6 March 2008 and 11 April 2008), stacked parking was the only viable response to provide a commercially appropriate number of car spaces on site with highly constrained dimensions. The final basement configuration was the result of over thirty design options which were required to respond to the narrow 20m width of the site dimensions and each of these design options were presented to SOPA during the preliminary design phases of the project and the final layout scheme for the basement parking areas was supported by SOPA at the Design Review Panel (18 January 2007).

It is therefore considered that the use of stacked parking has been a site specific outcome to respond to the unique constraints of the site. Therefore it is unlikely that the scale of stacked parking would establish a precedent for other sites which are not similarly constrained.

This item is addressed in the SOPA correspondence dated 25 July 2008 attached as Appendix D, which outlines the overall commercial concerns that SOPA has with restrictions in stacked parking for the entirety of the SOPA Site 8.

2.2 Condition B1(3)

Condition B1(3) of the Project Approval seeks an extended active frontage along Australia Avenue:

- (3) The Australia Avenue building frontage at ground level shall consist entirely of retail use. The ground floor layout is to be amended as follows:
- (a) Reconfigure the ground floor layout to revise the location of the ground floor Substation;
 - (b) Extend the retail space along the frontage of Australia Avenue.
 - (c) Extend the canopy to the north-eastern corner of the Australia Avenue frontage above the additional retail space.

We respectfully request the deletion of Condition B1(3) of the Project Approval as justified below.

2.2.1 Location of Substation

Condition B1(3) (a) requests the removal of the proposed substation to allow for retail uses to continue along the entire length of the Australia Avenue frontage of Site 8a. The location of the substation has been determined in lengthy consultation with both the Sydney Olympic Park Authority and Energy Australia.

Correspondence from Energy Australia (Appendix C) details the access and locational requirements that highlight the Australia Avenue location as best suited for the sub-station.

The proposed location of the substation complies with the location criteria prescribed in 'NS113 Site Selection and Construction Design Requirements for Chamber Stations' (Energy Australia, December 2007) primarily as the location will provide access 24 hours, 7 days a week from a public area. Locating the substation away from the Australia Avenue frontage, would result in access being provided from the rear service lane. There are a number of potential issues with providing access from this location:

- Access to the service lane outside business hours will be controlled by a boom gate (refer Condition F13(3) of the Approval). As such, the substation would not be provided with access 24 hours, 7 days a week as required by the NS113 document.
- The service lane will be used for loading activities and vehicular access, therefore access to a substation may be obstructed at times. Section 7.1.2 of the NS113 documents identifies access ways which are obstructed as 'prohibited locations' for substations.
- Relocating the substation away from this frontage (and along the access road to the north) would require a Deed of Easement for Access for Energy Australia which would require further negotiation with the Royal Agricultural Society (RAS) who have current tenancy rights over the Service Road, with Right of Way provisions for the Site 8 tenants only. Importantly, access would be prohibited during the Royal Easter Show.

In addition, we have obtained advice from Energy Australia, dated 6 June 2008 (refer Appendix C), stating that this is their preferred location for the proposed substation as it satisfies:

- Energy Australia's personnel access requirements. The Australia Ave substation location provides 24 hour access seven days a week from a public street. This would not be possible if located along the rear Right of Way due to the Easter Show usage of this accessway for approximately 40 days per year. Further, significant access and security issues result if located in a basement.
- Energy Australia's heavy duty access equipment. The heavy-duty access and associated transformer landing area must be able to withstand all loads likely to occur from the installation of transformers. (The most

common method of transformer delivery is with a 20 tonne Franna crane lifting a 5 tonne transformer). The rear service road is on a suspended slab.

- The Australian Ave substation location minimises any impacts on future development of the adjoining property (RAS) fronting the service road.
- The Australia Ave substation location provides future flexibility for the owner of the site if they wish to change the use of, or alter the service road.

We submit to the Department that all alternative locations have been reviewed and are not suitable. We therefore seek, as per the explanatory note accompanying condition B1, that the matter be referred to the Director General for determination.

2.2.2 Australia Avenue Frontage

The elevations submitted to the Department of Planning show that almost the entire eastern façade, from ground floor to the 6th level is activated through the use of glass panels. In total almost 92% of the eastern frontage is 'active', and thus fulfilling the objectives of the Sydney Olympic Park Master Plan (2005) of providing active and passive surveillance to Australia Avenue. The only portion of this frontage which is not activated is the north eastern corner at ground floor, occupied by the substation.

As outlined on page 22 of the Director General's Environmental Assessment Report, April 2008, the extension of an active frontage along the full length of Australia Avenue is required as "*Australia Avenue is an important street frontage*" however from a review of the *Sydney Olympic Park Master Plan 2030(Draft)*, the Plan indicates that Australia Avenue is regarded as outside the bounds of the Sydney Olympic Park Town Centre and will be used for a variety of low pedestrian activity generating uses, as indicated in the list of functions prescribed for Australia Avenue:

- A perimeter road to provide vehicular circulation around Sydney Olympic Park. As shown in Figure 2.1 Australia Avenue is a perimeter road of which the purpose is to 'form a ring road with indigenous landscaping around the town. They connect to nearby arterial roads and the main street conduit for arrival and departure from the town. They will be retained for circulation and character', (p42).
- Coach parking during special events along the length of Australia Avenue north of Murray Rose Avenue, inclusive of Site 8 (Refer Figure 2.2).
- Car parking with a dedicated on grade-off street car parking located directly opposite the Site 8A eastern elevation, across Australia Avenue (Refer Figure 2.2).
- Back of house functions with service and loading access to Site 8 and the Royal Agricultural Society.

The proposed future use of Australia Avenue clearly indicates that it will be an area of lower pedestrian activity than that of the Town Centre and it is therefore considered overly onerous to require the ground level eastern elevation to have a level of activation suited to an area of high pedestrian activity, such as Murray Rose Avenue.

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Figure 2.1: Street Hierarchy Plan



| Source: Sydney Olympic Park Master Plan 2030 Draft, Figure 3.6 (p41)

Figure 2.2: Parking Plan of Sydney Olympic Park



Source: Sydney Olympic Park Master Plan 2030 Draft, Figure 3.10 (p51)

2.2.3 Canopy

Part (c) of Condition B1(3) states that the canopy should be extended to the north-eastern corner of the Australia Avenue frontage above the additional retail space. Whilst the issue of the additional retail space along this frontage has been addressed above, there are limitations in extending the canopy the full length of this frontage.

As detailed in the Environmental Assessment Report, prepared by HASSELL (dated October 2007), the canopy was extended further north along the Australia Avenue façade following feedback from the Design Review Panel. Whilst the possibility of extending the canopy along the entire length of the wall was investigated, it was considered canopy could potentially obstruct vehicles entering the service lane and therefore the canopy was limited to extending 3.2m across the substation frontage. Clearance of 4.5m was also required for substation to provide suitable access. This change was supported by SOPA.

2.3 Condition B11 – Number of Car Spaces

Condition B11 requires the reduction of car parking spaces on the site from 121 to 101, this is a loss of a total of 20 car parking spaces.

B11 Number of Car Spaces	
The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.	
CAR PARKING ALLOCATION	NUMBER
Retail car parking spaces (at grade)	12
Commercial Spaces	89
Inclusive of commercial car spaces to be disabled spaces	2
Inclusive of commercial visitor car spaces	6
TOTAL CAR SPACES	101

We respectfully request that condition B11 is amended to read as outlined below, justification for the amendment has been provided in the Sections above, and is further detailed below.

B11 Number of Car Spaces	
The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.	
CAR PARKING ALLOCATION	NUMBER
At grade car parking spaces	12
Basement car parking spaces	105
Inclusive of Disabled	2
TOTAL CAR SPACES	119

The *Sydney Olympic Park Master Plan 2002* establishes a maximum car parking ratio for commercial buildings within Sydney Olympic Park of 1 space per 55sqm this equates to a maximum 133 car space permissible on Site 8a. The *Sydney Olympic Park Master Plan 2030*, which is currently in a draft format, maintains this maximum car parking ratio for commercial sites and also states that sites within 800m of the Sydney Olympic Park Railway Station must have a minimum parking ratio of 1 space per 80sqm, this equates to a minimum of 91 spaces per on the site.

As recognised by the Director General's Environmental Assessment Report, April 2008, the 119 car spaces proposed on Site 8a complies with the parking requirements of the Sydney Olympic Park Master Plans.

Further, at this stage the allocation of the car parking spaces between retail and commercial tenants has not yet been determined. This will be done when the building is subdivided into strata allotments. Therefore we respectfully request the deletion of the 'retail' and 'commercial' parking allocation as per the amended condition B11 above.

2.4 Condition B12 – Number of Bicycle Spaces

B12 Number of Bicycle Spaces

A minimum of 31 bicycle spaces are to be provided on the subject side for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Condition B12 of the Project Approval requires a minimum of 31 bicycle spaces to be located on the subject site. As illustrated on drawing PSA7515-0100-M, submitted with the Part 3a application (October 2007), the 31 bicycle spaces are distributed between the 2nd basement level (21 spaces) and along the Murray Rose Avenue footpath to west of the main entrance of the Site 8a building (10 spaces).

The location of these spaces is accepted in the Director General's Major Project Assessment Report, April 2008 (refer page 25), however, to ensure clarity of the condition, it is requested that Condition B12 is reworded to allow bicycle spaces both on and adjacent to the subject site. The preferred wording is:

B12 Number of Bicycle Spaces

A minimum of 31 bicycle spaces associated with the development including 21 located in the basement car parking area and 10 located along Murray Rose Avenue. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

2.5 Condition E1 – Car Parking Restrictions

E1 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- (1) Restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
- (2) Restriction on use to all lots comprising in part or whole car parking spaces in any subsequent strata subdivision of the building, and
- (3) Sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of SOPA. All costs associated with the above requirements are to be borne solely by the Proponent.

As detailed in Section 2.1.1 above, the RTA has agreed to a Car Parking Management and Operations Plan included as Appendix A. The Car Parking Management and Operations Plan will be stipulated on all contractual obligations in addition to being enforceable on the long term lease to SOPA.

As a result, we request that the condition be amended to read:

E1 Car Parking Restrictions

Stacked parking for employees or tenants only

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same title comprising a commercial tenancy, subject to the maximum parking limit applying. The stacked parking

spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued and the moving of stacked vehicles must occur wholly within the property.

These Requirements are to be enforced through the following:

- (1) Restrictive covenant placed on title pursuant to Section 88b of the Conveyancing Act, 1919;*
 - (2) Restriction on use to all lots comprising in part of whole car parking spaces in any subsequent strata subdivision of the building; and*
 - (3) Sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.*
- These requirements are to be made to the satisfaction of SOPA. All costs associated with the above requirements are to be borne solely by the Proponent.*

2.6 Condition F13(5) and (6)

F13 Parking and Traffic Management

- (1) The recommendations of the Parking Management Plan must be complied with by all tenants occupying the premises and included in all leasing information to prospective tenants. In this regard, the stacked car parking spaces shall be allocated/designated to specific tenancies in the basement and the at grade spaces and each pair of stacked spaces must be allocated to a single tenancy.
- (2) An operational traffic and parking management plan is required to be submitted to the PCA, prior to the issue of the Occupation Certificate.
- (3) The proposed access controlled boom gate in the service lane at the site 8A end is to be included in a future management plan. The final location needs to be determined in consultation with relevant authorities.
- (4) A 20m signposted TEMPORARY loading bay is to be provided within the rear service lane to the east of the car spaces adjacent to the rear building wall.
- (5) A loading area for SRVs (small rigid vehicles) is to be designated off the rear service lane in spaces 14 and 16;
- (6) 6 visitor car parking spaces are to be designated on site.
- (7) A 2.5m clearance height is required to the accessible spaces within the basement level 1.

Modifications are respectfully sought for Conditions F13(5) and (6) for the following reasons:

- Condition F13(4) refers to the loading bay as 'TEMPORARY'. It is the intention that the service lane loading bay will service the building permanently, however when the loading bay is not as use, it will form part of the vehicular access way. To avoid confusion, we request that the word 'TEMPORARY' part time is replaced with 'SHORT TERM'.
- Condition F13(6) refers to the designation of six car parking spaces for visitor use. As outlined in Section 2.3 of this report, there is no requirement under the *Sydney Olympic Park Master Plan 2002* for visitor car parking on site as there is significant supply of car parking facilities in close proximity to Site 8A. We request that Condition F13(5) is deleted.

03 Environmental Impact

The proposed modifications do not impose any detrimental environmental impacts on the receiving environment. The modifications are requested to ensure the efficient facilitation of development already approved.

The documentation included in support of the original Environmental Assessment application (October 2007) has been prepared for a development with the attributes displayed in the development as sought in this Modification Application. We submit to the Department of Planning that there will not be any environmental impacts that will require additional assessment.

04 Summary and Conclusions

It is considered that the proposal, as modified, still achieves the same objectives as the originally approved Major Project 06_0175 and does not alter the overall nature, need or justification of the proposal. The amended car parking and loading arrangements, in addition to substation location and active retail frontages are necessary amendments to the conditioned approval for a viable development at the site.

The required amendments as conditioned in the approval for the site have been deemed to be unnecessary, or have been addressed through the supporting documentation provided in this application that illustrates, in accordance with the Applicant's letter (Appendix E) that:

- The stacked car parking operation as proposed can efficiently operate and be suitable managed via the Car Parking Management and Operation Plan as approved by the RTA;
- The current location of the substation meets all Energy Australia requirements, is the only feasible location for the entirety of Site 8 in the SOPA Town Centre and has been architecturally treated to integrate it into the overall design of the building;
- The retail frontage and accompanying canopy is provided along the key street frontages. The area of secondary frontage to Australia Avenue that is dedicated to the substation is negligible in terms of providing active or passive surveillance to key activity areas.

It is therefore submitted that the Minister grants approval to this Section 75W application and amend the development consent in the manner requested.

Appendices

Appendix A

Car Parking Management and Operations Plan

Appendices

Appendix B

Correspondence from RTA

Appendices

Appendix C

Correspondence from Energy Australia

Appendices

Appendix D

Correspondence from SOPA

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Appendix E

Correspondence from WatPac

Appendices

Appendix F

Car Park Design Options