

Stages 2 & 3, Site 3 Mixed Use Development 1 – 11 Australia Ave, Sydney Olympic Park

May 2012

Prepared for Site 3 Development Company Pty Ltd

Section 75W Modification Major Project MP 10_0027 MOD 1

Architectus Group Pty Ltd
ABN 90 131 245 684
Level 3 341 George Street
Sydney NSW 2000
Australia
T 61 2 8252 8400
F 61 2 8252 8600
sydney@architectus.com.au
www.architectus.com.au

Contents

1	Introduction	1
1.1	Preliminary	1
1.2	Project team	2
1.3	Consent authority	2
1.4	Consultation with SOPA	3
1.5	Structure of this report	5
2	The site and locality	6
2.1	The site and locality	6
2.2	Legal description	6
2.3	Zoning	6
3	Development consent history	7
3.1	Introduction	7
3.2	Development Consent DA 246-10-2004	7
3.3	Major Project MP 10_0027	8
4	The proposed modifications	9
4.1	Introduction	9
4.2	Unit mix	9
4.3	Car parking	17
4.4	Floor Space Ratio (FSR)	18
4.5	Modifications to conditions	18
5	Environmental Assessment	19
5.1	Introduction	19
5.2	Section 75W modifications to MP 10_0027	19
5.3	Environmental Planning Instruments and Policies	21
5.4	Variation to development standard under Clause 21, Part 23 of Schedule 3, SEPP (Major Development) 2005	23
5.5	Staged Development Consent DA246-10-2004	26
5.6	Environmental Assessment requirements	28
5.7	Built Form and Urban Design	29
5.8	Environmental and Residential Amenities	29
5.9	Energy Efficiency	33
5.10	Transport and traffic impacts	34
5.11	Other matters	34
6	Conclusion	35

Quality Assurance

Reviewed by



Murray Donaldson
Associate Director
Urban Design and Planning
Architectus Sydney Pty Ltd

21.05.12

Date

This document is for discussion purposes only unless signed.

Figures

Figure 1. Approved and proposed layout of Level 12 layout Tower 1	11
Figure 2. Approved Levels 13 – 21 and proposed Levels 13 – 18 layouts Tower 1	12
Figure 3. Proposed Levels 19 – 21 layout Tower 1	13
Figure 4. Approved and proposed layouts for Level 22 layout Tower 1	14
Figure 5. Approved and proposed layouts for Level 23 Tower 1	15
Figure 6. Approved and proposed layouts for Level 24 Tower 1	16
Figure 7. Approved and proposed Basement 001	17
Figure 8. Tower 1 North Elevation	24
Figure 9. Level 13 Cross Ventilation diagram	31
Figure 10. Level 23 Natural ventilation diagram	31
Figure 11. Level 24 Cross Ventilation diagram	32
Figure 12. Typical Plan and cross section of plenum for natural ventilation	32

Tables

Table 1. Proposed modifications	1
Table 2. Approved unit mix for Stages 2 and 3	9
Table 3. Modified unit mix for Stages 2 and 3	9
Table 4. Modified unit mix for whole of Site 3	9
Table 5. SOPA Master Plan 2030 Apartment mix controls	10
Table 6. Parking provision as modified	27
Table 7. MP10_0027 Department of Planning and Infrastructure's Key Environmental Issues	28
Table 8. NSW RFDC 2002 assessment	29

Appendices

- A Architectural Drawings**
Prepared by Bates Smart
- B Instrument of Consent for Major Project MP 10_0027**
- C Instrument of Consent for Development Application DA246-10-2004**
- D Solar Access Analysis**
Prepared by Windtech Consultants Pty Ltd
- E Access Review**
Prepared by Morris-Goding Accessibility Consulting
- F BASIX Assessment and Certificate**
Prepared by Windtech Consultants Pty Ltd
- G Sydney Olympic Park Authority letter**
Dated 24 April 2012

1 Introduction

1.1 Preliminary

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

This Section 75W application seeks to modify consent no. MP10_0027, granted by the NSW Department of Planning and Infrastructure on 24 January 2012 for Stages 2 and 3, Site 3 Mixed Use Development, 1 – 11 Australia Ave, Sydney Olympic Park.

Table 1 provides a summary description of the proposed modifications to the approved Project Application MP 10_0027 describing the proposed changes which are to Tower 1 (northern building). **Section 4** of this report provides a detailed written and graphical description of the proposed modifications.

Architectural drawings are provided at **Appendix A**.

Table 1. Proposed modifications

Level	Proposed modifications
Basement level 001	4 car park spaces converts to 2 disabled spaces to accommodate increase in total adaptable apartment numbers (increase from 59 to 61 adaptable apartments).
Level 12	1 x 2-bedroom unit and 1 x 3-bedroom unit converts to 1 x 1-bedroom units and 1 x 3-bedroom units.
Levels 13 – 21	1 x 3-bedroom unit converts to 2 x 1-bedroom units. Apartments C14.04 – C22.04 and C14.05 – C22.05 allocated as adaptable units.
Level 22	1 x 3-bedroom unit converts to 2 x 1-bedroom units and 1 x 3-bedroom unit converts to 1 x 1-bedroom unit and 1 x 2-bedroom unit. Apartments C23.04 and C23.05 adaptable units. 1 x 4-bedroom unit converts to 1 x 2-bedroom unit and 1 x 3-bedroom unit.
Level 23	1 x 3-bedroom loft converts to 1 x 2-bedroom single storey apartment. 1 x 3-bedroom loft converts to 1 x 2-bedroom single storey apartment. 1 x 2-bedroom loft and 2 x 4-bedroom lofts converts to 4 x 1-bedroom single storey apartments including 2 units allocated as adaptable units. 1 x 3-bedroom loft converts to 1 x 2-bedroom single storey apartment. 1 x 1-bedroom apartment and 1 x 3-bedroom apartment converts to 2 x 2-bedroom apartments.
Level 24	2 x 3-bedroom loft converts to 2 x 2-bedroom single storey apartment. 1 x 2-bedroom loft and 2 x 4-bedroom lofts converts to 4 x 1-bedroom single storey apartments including 2

Level	Proposed modifications
	units adaptable. 1 x 3-bedroom loft converts to 1 x 2-bedroom single storey apartment. Lift access extended to serve Level 24 apartments. Garbage room added to serve Level 24 apartments.

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

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	Bates Smart
Urban Planner	Architectus Group Pty Ltd
Accessibility Consultant	Morris-Goding Accessibility Consulting
Solar Access Consultant	Windtech Consultants Pty Ltd
BASIX Consultant	Windtech Consultants Pty Ltd

1.3 Consent authority

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

The effect of Clause 2(1) of Schedule 6A of the EP&A Act 1979 is that the approved MP10_0027 and any changes to it are dealt with as a transitional Part 3A project, as follows:

“2 Transitional Part 3A projects

*(1) The following are, subject to this Schedule, **transitional Part 3A projects**:*

(a) an approved project (whether approved before or after the repeal of Part 3A),

...

(5) A transitional Part 3A project extends to the project as varied by changes to the Part 3A project or concept plan application, to the concept plan approval or to the project approval, whether made before or after the repeal of Part 3A.”

Clause 3 of Schedule 6A of the EP&A Act (below) states that Part 3A provisions and any State Environmental Planning Policies made under Part 3A will continue to apply to transitional Part 3A projects.

“3 Continuation of Part 3A—transitional Part 3A projects

- (1) *Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.*
- (2) *For that purpose:*
 - (a) *any State environmental planning policy or other instrument made under or for the purposes of Part 3A, as in force on the repeal of that Part and as amended after that repeal, continues to apply to and in respect of a transitional Part 3A project,”*

Part 3A, as in force immediately before the repeal of that Part of the Act, required the Minister’s approval for the carrying out of these projects.

1.4 Consultation with SOPA

The Proponent submitted a draft Environmental Assessment and supporting architectural drawings to SOPA for landowner’s consent. SOPA wrote to the Proponent on 24 April 2012 and advised that:

“The documentation provided required some additional information and it is suggested that the matters below be either addressed or more detail provided on issues raised in the finalisation of the application prior to submission to NSW (Department of Planning & Infrastructure”.

In conclusion, SOPA states that:

“On the basis that the items outlined are addressed as advised, SOPA grants Land Owner’s Consent for the proposed S75W application to be lodged to the Department of Planning and Infrastructure for approval under Transitional Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act)”.

The following information was requested by SOPA to be addressed in this Environmental Assessment:

- *The currently approved Floor Space Ratio (FSR) is already higher than is allowed for this site. Further increases to the FSR should not be justified on the basis of the Minister’s previous approval to exceed the maximum FSR.*

Comment:

The total gross floor area of the development Towers 1 and 2 (Stages 2 and 3) is proposed to increase from 56,266sqm to 56,318sqm. (Stage 1 as approved has a GFA of 23,012sqm). The increase in the GFA for Towers 1 is 52sqm.

The proposed area schedule is provided at **Appendix A**. As a result, the FSR will change from 5.37:1 to 5.374:1 over the Stages 2 and 3 site.

Consideration of the proposed variation to the Development Standard is provided at **Section 5.4** of this Environmental Assessment.

- *The application should provide a detailed rationale for amendments to the apartment mix.*

Comment:

The proposed amendments to the unit mix are documented in **Section 4.2** of this Environmental Assessment. Changes to unit mix are brought about as a result of the response from the market from the initial sales. The loft apartments at Levels 23 and 24 have been removed and replaced with single level apartments on account of the desire for people to live on a single level. Internal stairs are. The number of large 3 and 4 bedroom units have been reduced, however unit sizes remain compliant with the SEPPP 65/RFDC minimum apartment sizes.

The proposed development retains multiple different unit layouts for each of the 1, 2, 3 and 4 bedroom unit types.

- *The application should explain the need for adaptable units and demonstrate that the proposed mix changes meet the relevant standards;*

Comment:

Under Sydney Olympic Park Access Guidelines 2010 Guidelines, 10% of proposed units within the development are required to be designed according to Australia Standard AS 4299. The Access Guidelines ask for the adaptable units to be built to Class B requirements with all the essential features and 50% of desirable features included.

The proposed modifications increase the number of units to 607 and therefore a total of 61 units are required to be built compliance with AS4299. The proposed modifications to unit designs have satisfied this requirement.

Morris Goding Access Consultants have provided an Access Review of the proposed Section 75W Modification. Refer to **Appendix E**. The Access Review states that:

“The Adaptable units are to be a mixture of 1, 2 and 3 bedroom units distributed equitably and providing a choice of levels, aspect and price range”.

- *Increase the number of 2br units in the apartment mix to ensure greater variety in residential options. The option of combining 2 x 1 br units into a dual key title could be a reasonable compromise.*

Comment:

Refer to above rationale for proposed unit mix. The highest proportion of unit types in the development are two bedroom units at 50%. It is proposed provide 7 additional two bedroom units. It is not proposed to amend further increase the number of 2

bedroom units. Other nearby precincts such as at Rhodes West included developments with a higher proportion of 2 bedroom units. The Applicant wishes to provide some differentiation in the market with more 1 bedroom units.

- *Retain a higher proportion of the loft units on Levels 23 and 24.*

Comment:

It is unclear why the loft apartments on Levels 23 and 24 are required to be retained in the design. The proposed development complies with the solar access and natural cross ventilation requirements under the RFDC. The apartment sizes comply with the recommended sizes under the RFDC. Single level apartments have proved to be more desirable than apartments with internal stairs. Single level apartments are more suited to adaptable housing needs.

- *Provide information on cross-ventilation for Tower 1 (Stage 2).*

Comment:

Written and graphic analysis of the natural cross ventilation performance of Tower 1 is provided at **Section 5.8** of this Environmental Assessment.

- *Provide a comprehensive compliance table against RFDC provisions.*

Comment:

The compliance table for the NSW Residential Flat Design Code 2002 has been updated to provide comment on the relevant aspects of the development that are proposed to be amended. Refer to **Table 8**.

1.5 Structure of this report

This report has the following structure:

- **Section 1: Introduction**
- **Section 2: The site and locality**
Provides a description of the site and locality in which the development proposed to be modified is to take place.
- **Section 3: Development consent history**
Describes the modifications sought to the approved Major Project MP 10_0027.
- **Section 4: The proposed modifications**
Describes the relevant development consent history being DA 246-10-2004 and Major Project Application MP 10_0027.

- **Section 5: Environmental assessment**

Provides an assessment of the proposed modifications against the relevant EPIs and policies and the DGRs issued by the Department of Planning and Infrastructure for MP 10_0027.

- **Section 6: Conclusion**

2 The site and locality

2.1 The site and locality

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 relatively level, however there is a steep embankment adjacent to the railway corridor to the east.

Stages 2 and 3 of Site 3 comprise the southern and central portions of Site 3, as identified in the Sydney Olympic Park Master Plan 2030 and is 1.048 hectares in area. The area of the whole of Site 3 is approximately 14,990m².

The lot adjoining the site immediately to the north forms part of Site 3 and Stage 1 of development of Site 3 is currently under construction on this lot. This development comprises retail / commercial, car parking and child care centre on the ground floor podium and two residential towers of 16 and 24 storeys.

To the west of the site is a two storey educational building and a warehouse building forming part of the commercial precinct. The area to the west is identified as suitable for 8 to 10 storey commercial buildings in the Master Plan 2030.

2.2 Legal description

The registered property description of the site is Lot 2 in DP 1134933.

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 listing in schedule 3 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; and
- Major Project 10_0027.

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

3.2 Development Consent DA 246-10-2004

Staged development consent was granted on 21 December 2005 by the then Minister of Planning for four mixed use residential towers across Site 3. The staged development application was determined under Part 4 of the Act pursuant to the savings and transitional provisions for pending applications.

The staged development consent comprised:

- (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”, “childcare 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 childcare centre and 1 community facility) with;
- (4) a maximum number of 1360 bedrooms for residential development (including all “live/work” units);
- (5) a total Gross Floor Area of no more than 79,053 square metres and maximum floor plates; and
- (6) car parking with a total number of vehicles not exceeding 930 spaces.

A project approval for Stage 1 consisting of the North buildings (A and B) was approved by the Minister for Planning on 21 June 2007. This project is currently under construction and interim occupation certificates have recently been issued for the residential components of the North building.

Whilst the staged development consent provided the above parameters for development of the site, including indicative building envelopes, the Master Plan 2030 has since provided more recent controls as a result of strategic planning undertaken for the broader Sydney Olympic Park precinct. The proposal was not bound by the staged development consent as the proposal is considered to be a new project given the

substantial departures that have been approved by MP10_0027.

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

3.3 Major Project MP 10_0027

Major Project MP 10_0027 was granted consent on 24 January 2012 for:

- Construction of:
 - a two storey mixed use podium with commercial, retail, gymnasium and communal resident facilities with a total gross floor corridor of 2090 sqm;
 - a 24 storey tower and a 29 storey tower to provide a total of 587 residential units with a total gross floor area of 54,176 sqm; and
 - 806 car parking spaces and 245 bicycle spaces in a basement car park.
- Provision of open space areas;
- Site preparation and excavation works; and
- Landscaping works.

A copy of the Instrument of Consent for Major Project MP 10_0027 is provided at **Appendix B**.

4 The proposed modifications

4.1 Introduction

This section describes the modifications proposed under Section 75W of the EP&A Act 1979 in terms of the following headings:

- Unit mix
- Car parking
- Change to FSR
- Modifications to conditions

A3 copies of the architectural drawings prepared by Bates Smart illustrating the proposed modifications are submitted with this Environmental Assessment at **Appendix A**.

The following sections describe each of the above modifications.

4.2 Unit mix

It is proposed to change the unit mix from the following approved unit mix for Stages 2 and 3 of Site 3:

Table 2. Approved unit mix for Stages 2 and 3

Unit type	No. of units	Unit mix
One bedroom	214	36%
Two bedroom	295	50%
Three bedroom	64	11%
Four bedroom	14	2%
Total	587	100%

to the following modified unit mix:

Table 3. Modified unit mix for Stages 2 and 3

Unit type	No. of units	Unit mix
One bedroom	244	40%
Two bedroom	302	50%
Three bedroom	50	8%
Four bedroom	11	2%
Total	607	100%

Table 1 in **Section 1.1** lists the modifications being made at each level of Tower 1.

The unit mix over the whole of Site 3 will be modified to the following:

Table 4. Modified unit mix for whole of Site 3

Unit type	No. of units	Unit mix
One bedroom	321	39%
Two bedroom	426	52%
Three bedroom +	76	9%
Total	823	100%

The proposed modifications will result in an increase in the number of 1 bedroom units (30 units, which equates to 4%), increase the number of 2 bedroom apartments (7 units, which equates to 1%), a reduction of 3 bedroom units (14 units, which equates to 2%) and a reduction of 4 bedroom units (3 units, which equates to <1%).

Table 5 provides the unit mix requirement under Clause 4.6.17 of the Master Plan 2030.

Table 5. SOPA Master Plan 2030 Apartment mix controls

Unit type	Percentage
Studio/1 bed	Minimum 15%
2 bed	No minimum/maximum
3 or more	Minimum 15%

The proposed modifications in unit mix are minor, having regard to the Stage 2 and 3 developments, and the overall Site 3 development.

The increase in 1 bedroom and 2 bedroom units and reduction in 3 and 4 bedroom units are on account of the demand by the market to live in smaller more affordable units.

The number of 2 bedroom units complies with the Master Plan 2030 controls and at 50% of the proposed units is the highest proportion of all unit types proposed.

In relation to Tower 1, **Figure 1** illustrates the approved layout and proposed new layout for level 12, **Figure 2** illustrates the approved layout for levels 13 – 21 and proposed new layout for levels 13 – 18, **Figure 3** illustrates the proposed new layout for levels 19 – 21, **Figure 4** illustrates the approved layout and proposed new layout for level 22, **Figure 5** illustrates the approved layout and proposed new layout for level 23 and **Figure 6** illustrates the approved layout and proposed new layout for level 24.

Approved Level 12



Proposed Level 12



Figure 1. Approved and proposed layout of Level 12 layout Tower 1

Approved Levels 13 - 21



Proposed Levels 13 - 18



Figure 2. Approved Levels 13 – 21 and proposed Levels 13 – 18 layouts Tower 1

Approved Level 22

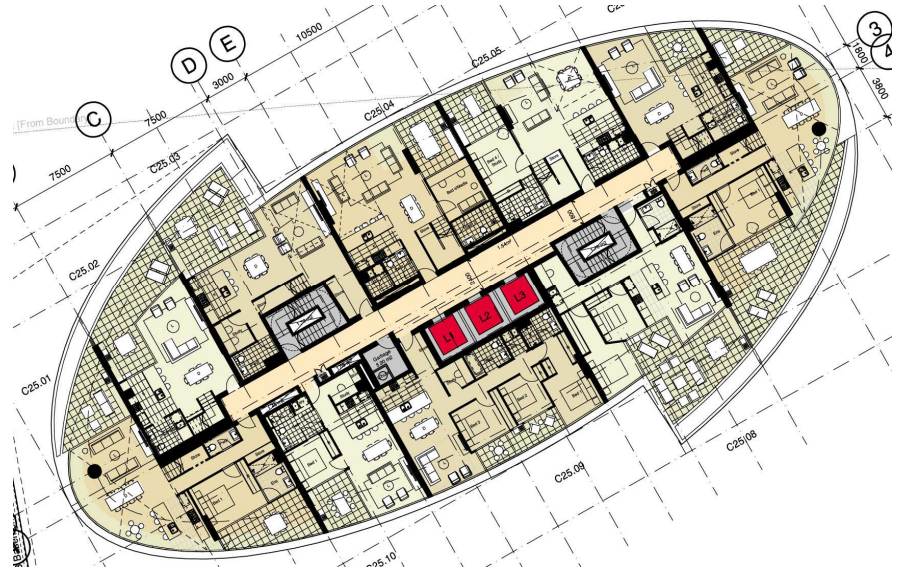


Proposed Level 22



Figure 4. Approved and proposed layouts for Level 22 layout Tower 1

Approved Level 23



Proposed Level 23



Figure 5. Approved and proposed layouts for Level 23 Tower 1

Approved Level 24



Proposed Level 24

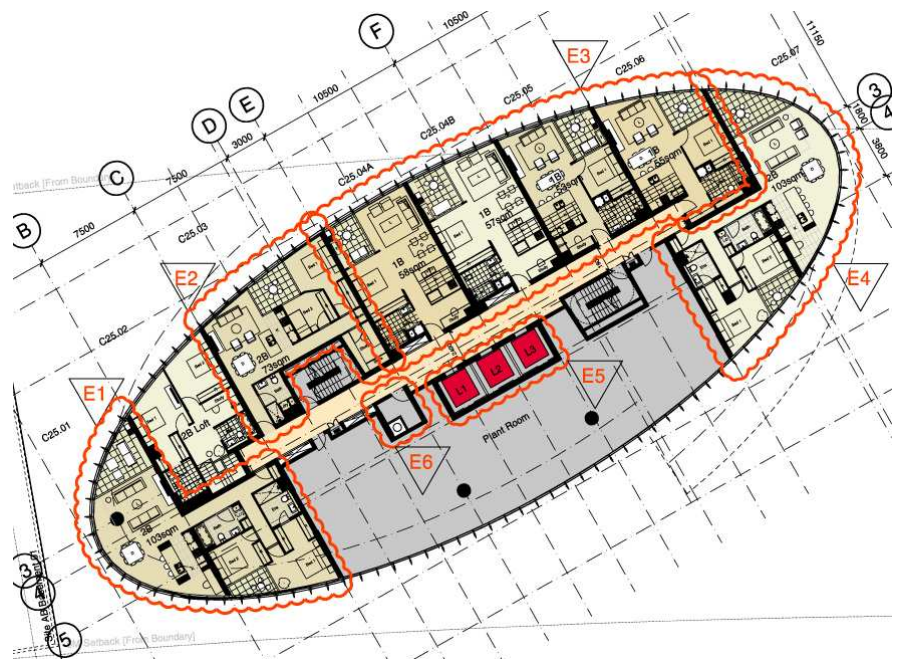


Figure 6. Approved and proposed layouts for Level 24 Tower 1

At Basement level 001 (refer Figure 7), four (4) car parking spaces have been converted to two (2) disabled spaces to accommodate the increase in total adaptable apartment numbers. This increase the total number of disabled parking spaces from 59 to 61 for the proposed development. Refer **Figure 7** below.

[illegible][illegible]

Figure 7. Approved and proposed Basement 001

4.4 Floor Space Ratio (FSR)

The total gross floor area of the development in Towers 1 and 2 (Stages 2 and 3) is increasing from 56,266sqm to 56,318sqm. The change in the GFA for Towers 1 is a result in the change to the apartment mix as set out in **Table 2** and **Table 3** to increase the number of one and two bedroom units and decrease the number of three and four bedroom units.

The proposed area schedule is provided at **Appendix A**. As a result, the FSR will change from 5.289:1 over the entire Site 3 to 5.292:1 over the entire site and from 5.37:1 to 5.374:1

4.5 Modifications to conditions

The project approval and conditions of consent will require amending to adjust the total number of residential units to 607 with a total gross floor area of 54,228m² (total floor space for the Stage 2 and 3 development is 56,318sqm).

In addition, changes to the drawings schedules and adding reference to the Section 75W modification document are also required, as detailed in this report. Refer to **Section 5.2** for the proposed modifications to conditions.

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) issued for Major Project MP 10_0027.

5.2 Section 75W modifications to MP 10_0027

As set out at **Section 1.3** of this report, Part 3A of the EP&A Act, as in force immediately before the repeal of that Part of the Act continues to apply to transitional Part 3A projects. Major Project MP10_0027 is a transitional Part 3A project. Part 3A required the Minister's approval for the carrying out of these projects – refer Section 75W below:

Section 75W Modification of Minister's approval, EP&A Act 1979, stated:

(1) *In this section:*

“Minister's approval” means an approval to carry out a project under this Part, and includes an approval of a concept plan.

“modification of approval” means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *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.*
- (3) *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.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *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.*

The Proponent, Site 3 Development Company Pty Ltd, requests that the Minister for Planning and Infrastructure, 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 10_0027 seek to modify the project description and conditions A2 and A4. Deletions are struck-through and additions are shown in red text below:

“SCHEDULE 1

...

Project: *Stages 2 and 3 of the mixed use development of Site 3, Sydney Olympic Park, including:*

- *construction of:*
 - *a two storey mixed use podium with commercial, retail, gymnasium and communal resident facilities with a total gross floor corridor of 2,090sqm*
 - *a 24 storey tower and a 29 storey tower to provide a total ~~587~~ 607 residential units with a total gross floor area of ~~54,176~~ 54,228 sqm*
 - *806 car parking spaces and 245 bicycle spaces in a basement car park*
- *provision of open space areas*
- *site preparation and excavation works*
- *landscaping works.*

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

...

Development in Accordance with Plans and Documents

A2. The proponent shall carry out the project generally in accordance with the:

...

(c) Stages 2 and 3, Site 3 Mixed Use Development, 1 – 11 Australia Ave, Sydney Olympic Park, Section 75W Modification dated March 2012;

~~(e)~~ *(d) The following plans:*

Architectural (or Design) Drawings prepared by Bates Smart			
Drawing No.	Revision	Name of Plan	Date
DA02.100[D]	D	Plan Basement 004	04/11/11
DA02.101[D]	D	Plan Basement 003	04/11/11
DA02.102[D]	D	Plan Basement 002	04/11/11
DA02.103 [DE]	D E	Plan Basement 001	04/11/11 12/03/12
DA02.200 [DE]	D E	Ground Floor Plan	04/11/11 12/03/12
DA02.201 [DE]	D E	Plan Level 1 [Podium]	04/11/11 12/03/12
DA02.202 [DE]	D E	Plan Level 2	04/11/11 12/03/12

DA02.203[DE]	DE	Plan Level 03-11	04/11/11 12/03/12
DA02.212[DE]	DE	Plan Level 12	04/11/11 12/03/12
DA02.213[DE]	DE	Plan Level 13-21	04/11/11 12/03/12
DA02.222[DE]	DE	Plan Level 22	04/11/11 12/03/12
DA02.223[DE]	DE	Plan Level 23	04/11/11 12/03/12
DA02.224[DE]	DE	Plan Level 24	04/11/11 12/03/12
DA05.01[DE]	DE	Elevation North & South	04/11/11 12/03/12
DA05.02[DE]	DE	Elevation West Elevation	04/11/11 12/03/12
DA05.03[DE]	DE	Elevation East	04/11/11 12/03/12
DA06.01[DE]	DE	Section AA	04/11/11 12/03/12
DA06.02[DE]	DE	Section BB	04/11/11 12/03/12

...

Traffic and Parking Details

A4. A maximum of 806 car parking spaces are to be provided, including a minimum:

- 32 car parking spaces for retail and commercial use, including 2 spaces for persons with a disability; and
- 59 **61** adaptable spaces.”

5.3 Environmental Planning Instruments and Policies

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

- SEPP (State and Regional Development) 2011;
- SEPP (Major Development) 2005; and
- Sydney Olympic Park Master Plan 2030.

SEPP (State and Regional Development) 2011

As a result of changes to the previous Part 3A process (now repealed) under the EP&A Act, any development that has a capital investment value of more than \$10 million that is proposed on specified sites as set out in SEPP (State and Regional Development) 2011 will be dealt with as State Significant Development.

Sydney Olympic Park is one of these specified sites. However, as the proposed amendments are a modification to the existing Part 3A approval, the approval process for this modification continues to be Section 75W. The section below on SEPP (Major Development) 2005 addresses this further.

SEPP (Major Development) 2005

Sydney Olympic Park is identified as a 'State Significant Site' to which Part 3A of the EP&A Act 1979 applied (prior to its repeal) and it is listed in Clause 21, Part 23, Schedule 3 of SEPP (Major Development) 2005.

As detailed at **Section 1.3** of this report, transitional arrangements under Schedule 6A of the EP&A Act 1979 establishes that transitional Part 3A projects (which Major Project MP10_0027 is) will continue to be dealt with

under Part 3A, as in force immediately before its repeal. In addition, Schedule 6A also establishes that any State Environmental Planning Policy made under or for the purposes of Part 3A continues to apply to and in respect of a transitional Part 3A project.

Therefore, SEPP (Major Development) continues to apply to transitional Part 3A projects.

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 affect the range of uses previously approved. The proposed modifications will not change the ESD response of Tower 1 as the BASIX requirements will continue to be met.

The modifications will have a positive impact on the affordability of residential accommodation as the unit mix will change to provide a greater number of one and two bedroom units within Tower 1 and less three and four bedroom units.

The modifications to the approved development will not change the permissibility of any uses on the site.

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 as a whole is 5.25:1.

The Stage 1 and 2 area of Site 3 has a site area of 10,480m². The total gross floor area (GFA) for Stages 2 and 3 as approved is 56,266m², which equates to an approved FSR of 5.37:1. The proposed total Gross Floor Area for Stages 1 is 56,318m². The additional floor space as a result of the modifications is 52m². This equates to a proposed FSR for Stages 1 and 2 of 5.374:1. Refer to **Section 5.4** that address the proposed variation to development standards under the SEPP.

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. Consistency with the Master Plan is considered in the next section of this report.

Clause 30 of Part 23 in Schedule 3 of SEPP (Major Development) 2005 relates 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 to the approved building. Minor external changes are proposed to Levels 12 to 24 due to reconfiguration of apartments on these levels. This includes modification of approved two storey apartments on Levels 23 and 24 to single storey apartments. Refer **Figure 8** below for north elevation of Tower 1.

It is considered that the proposed external modifications will result in very little change to the external appearance of the approved development, which was judged to exhibit design excellence by the Minister for Planning (as formerly known) in approving the original development.

5.4 Variation to development standard under Clause 21, Part 23 of Schedule 3, SEPP (Major Development) 2005

The proposed modifications result in a further increase in the gross floor area of 52m² for the residential component of the development to a total GFA of for Stage 2 and 3, which will take the total exceedance of the total gross floor area to 1298m². This results in an FSR of 5.374:1 across the Stages 2 and 3 site and 5.292:1 across the entire Site 3 which exceeds the development standard of 5.25:1 in Clause 19 of the Major Development SEPP.

It is considered that this further minor exceedance of the FSR is acceptable for the following reasons:

- All of the changes are within the approved building envelope therefore there will be no increase in environmental impact in terms of overshadowing or bulk and scale as a result. Efficiencies in floor planning have been achieved through a reduction in some corridor space, slightly smaller balconies for some units, and infilling the voids at Level 24;
- There are only minimal alterations to the external appearance of Levels 12 to 24 as a result of reconfiguration of the apartments. These alterations involve changes in the glazing, for example where full height windows have changed to half height windows and vice versa;
- There is no significant adverse impact upon traffic generation or traffic movements. No increase in car spaces are proposed so traffic movement for smaller one and two bedroom units are less than for larger three and four bedroom units.

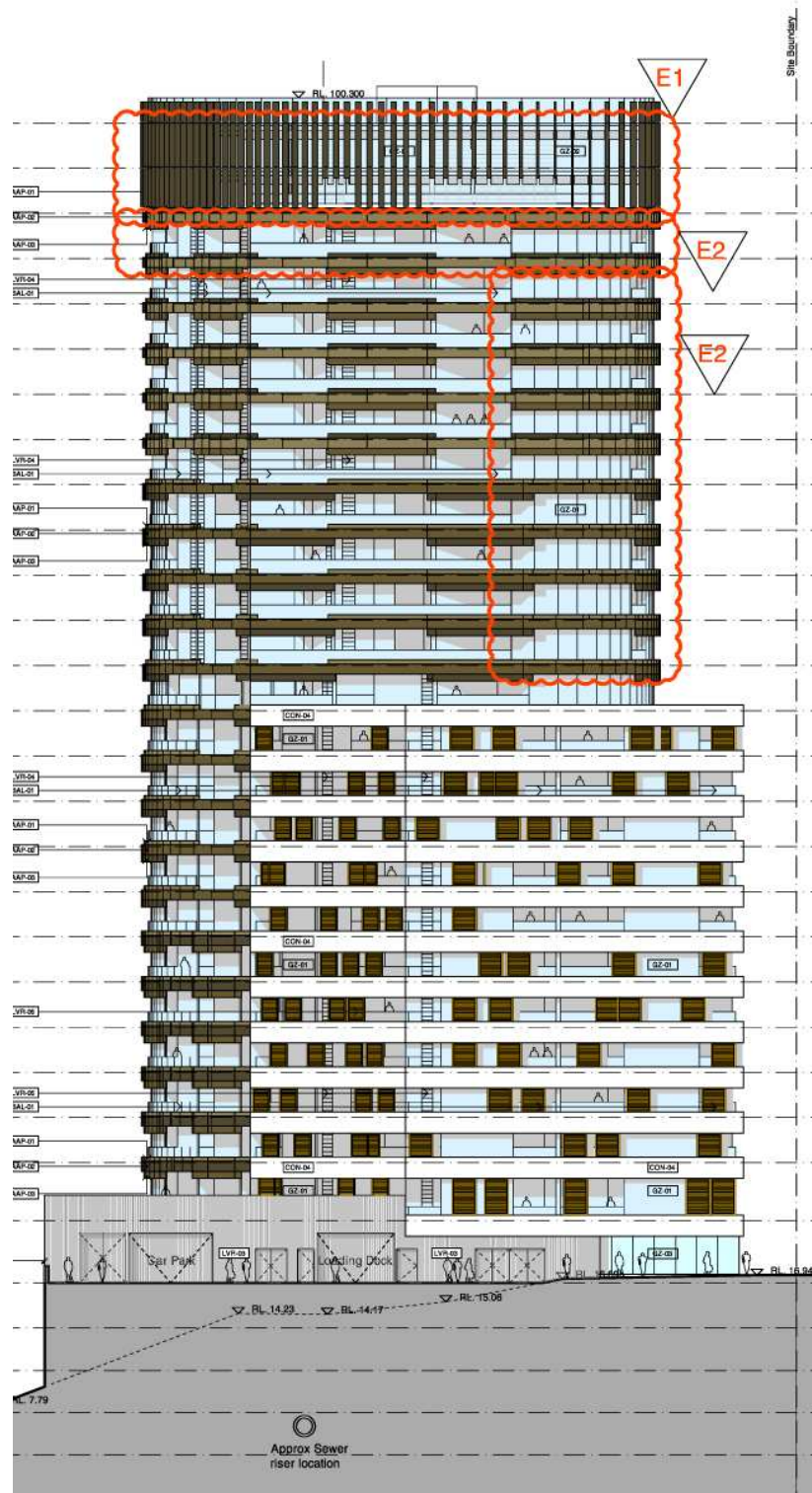


Figure 8. Tower 1 North Elevation

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 number 20 of SEPP (Major Projects) 2005, which is the principal statutory planning instruments regulating land use at Sydney Olympic Park.

The Master Plan 2030 is a 22 year vision for the sustainable development of Sydney Olympic Park. It builds on the Sydney Olympic Park Vision 2025 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 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 Ave and is a commercial, retail and mixed use precinct.

The Master Plan 2030 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 (DA246-10-2004) which approved an FSR of 5.25:1.
- **Building zones and setbacks including through site links.**

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

As noted above the FSR for all of Site 3 is 5.292:1. The proposed modifications will increase the floor area of Tower 1 by 52m², therefore the FSR for the Stage 1 and 2 development will increase only very marginally from 5.37:1 to 5.374:1. The change equates to 0.5% of the total approved floor space.

As noted above the increase to the floor space ratio is the result of the following modifications generally within the approved building envelope:

- Reduction in some internal corridor space at Level 24;
- Slightly smaller balconies for some units; and
- Infilling the voids at Level 24.

An assessment of the proposed variation to the FSR development standard under the Major Development SEPP is provided at **Section 5.8**.

5.5 Staged Development Consent DA246-10-2004

The Staged Development Consent DA246-10-2004 was granted by the (then) 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, unit mix and car parking which are relevant in the assessment of the proposed modification application. The relevant conditions are addressed in the following sub-sections of this report:

“A9 Gross Floor Area

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

- a) 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”.*
- b) 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.*
- c) 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 approved MP10_0027 exceeds the maximum gross floor area for Site 3 by 1246m². The additional 52m² increases this to 1298m². This is a minimal additional variation to the SEPP FSR development standard.

“A11 Unit Mix

Consent is granted to the following unit mix:

Unit type	Unit mix
<i>1 bed</i>	<i>Minimum 10%</i>
<i>2 bed</i>	<i>Maximum 75%</i>
<i>3 bed</i>	<i>Minimum 10%</i>

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 unit mix will comply to a large extent with Staged Development Consent DA246-10-2004 because 39% of the development will be 1-bedroom units and 52% will be 2-bedroom units. However, the proposal results in 9% of the unit mix consisting of 3 and 4 bedroom units, therefore being just short of the 10% requirement in the Staged Development Consent.

“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 001 level by converting 4 car park spaces to 2 disabled spaces to accommodate the increase in total adaptable apartment numbers from 59 to 61. Therefore, as in the approved Major Project MP10_0027, the proposed development will exceed the maximum of 930 car parking spaces for Site 3. However, the exceedance will reduce from 166 to 164. Refer table below.

Table 6. Parking provision as modified

Stage 1	
Car parking spaces in Stage 1	290
Stages 2 and 3	
Car parking spaces in Stages 2 and 3	804
Total for Stages 1, 2 and 3	1094

5.6 Environmental Assessment requirements

In the Department of Planning and Infrastructure's Environmental Assessment Report for MP10_0027 (dated January 2012), it is stated that the Department considers the key environmental issues for the project to be:

- Consistency with the staged development consent (DA 246-10-2004);
- Built form and urban design;
- Environmental and residential amenity;
- Transport and traffic impacts;
- Development contributions.

Table 7 below provides an assessment of the proposed modifications against these key environmental issues.

Table 7. MP10_0027 Department of Planning and Infrastructure's Key Environmental Issues

Key Issues	Response
Consistency with the staged development consent (DA 246-10-2004)	Section 5.4 of this report addresses consistency of the proposed modifications to MP10_0027 with the Stage 1 DA 246-10-2004.
Built form and urban design	Architectural drawings showing the proposed modifications are provided at Appendix A of this report. Section 5.6 below addresses built form and urban design.
Environmental and residential amenity	Refer to Section 5.7 below.
Transport and traffic impacts	Refer to Section 5.8 below.
Development contributions	There is no change to the conclusion of the Department in their assessment for MP10_0027 as development contributions are as addressed by the Project Development Agreement with SOPA.

5.7 Built Form and Urban Design

There is no change in the urban design response of the development as a result of the proposed modifications. The proposal does not change from two residential towers with curvilinear shape of 24 and 29 storeys above a two level podium which was approved in January 2012.

There are some minor external changes required to the elevations from Levels 23 and 24 resulting from the modification of the loft apartments to single storey apartments. Further minor amendments to the exterior of Levels 13 to 23 will result from the alterations to the apartment types.

5.8 Environmental and Residential Amenity

A review of the proposed development against the relevant provisions of the NSW Residential Flat Design Code 2002 (RFDC) is undertaken in **Table 8** below and discussed in the following sections. Only those matters relevant to the proposed modifications are considered, on account of the full assessment provided in the Environmental Assessment of the original Project Application.

Table 8. NSW RFDC 2002 assessment

RFDC Requirements		Proposed	Compliance
Solar access	70% of units to achieve 2 hours in mid-winter.	Tower 1: 62% Tower 2: 82% Total combined: 72%	Yes
Cross-ventilated units	60%	66.6% total for Tower 1 and Tower 2	Yes
Private open space	Balconies – 2m depth	All balconies provide 2m width at least one end of the balcony due to the curved shape of the building.	Yes
Unit layout and size	1 bedroom – 50 sqm min 2 bedroom – 70 sqm min 3 bedroom – 95 sqm min	1 bedroom – 50 sqm min 2 bedroom – 73 sqm min 3 bedroom – 102 sqm min	Yes
Apartment mix	Provide a diversity of apartment types, noting the location in relation to public transport, public facilities, employment areas, schools and retail areas.	1 bedroom – 40% 2 bedroom – 50% 3+ bedroom – 10%	Yes The proposed modifications to the unit mix appropriate response to the proximity of the site to public facilities and transport. A high proportion of smaller 1 and 2 bedroom dwellings are suitable at Sydney Olympic Park.
Storage	50% to be within each apartment	50% within each apartment and 50% in basement	Yes
Single aspect units	Max. 8m to window	All new apartments comply with this requirement.	Yes
	Max. 10% single aspect south facing	24 single aspect south facing units total of Tower 1 and 2 is	Yes

RFDC Requirements		Proposed	Compliance
Kitchen to window	Max. 8m	All new apartments comply with maximum of 8m.	Yes
15m cross-through units	Min. 4m width	No cross-through type units are proposed in Tower 1.	N/A
Floor top ceiling heights	Habitable residential: 2.7 metres Non-habitable Residential rooms: 2.4 metres, however 2.25m is permitted.	All habitable rooms are minimum 2.7 m floor to ceiling height.	Yes
Internal circulation	Maximum number of units accessible off a double loaded corridor is 8.	Approved Level 12: 11 units Level 13-28: 11 units Levels 19-21: 11 units Levels 22: 9 units Level 23: 10 units Level 24: 0 units Proposed Level 12: 12 units Level 13-18: 12 units Levels 19-21: 12 units Levels 22: 12 units Level 23: 11 units Level 24: 8 units	The proposed modifications increase the number of units accessed from an internal corridor by 1 unit at Levels 12, 13-18, 19-21 and 23. It is proposed to provide three additional units at Level 22. The proposed number of units accessible from an internal corridor is considered accessible as there are vertical slots in the building facades which provide natural ventilation and air to the internal corridor spaces as well as outlook which will improve the amenity of the space.
Facades	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.	The proposed modifications to the facades are to resolve changes to the apartment mix and relate to the windows and doors to balconies that as a result of changes to internal room configurations. The proposed façade changes are minimal and will not substantially alter the overall building design and façade compositions, which we judged to exhibit design excellence, under a SOPA endorsed design competition.	Yes

Solar access

The Solar Access Analysis by Windtech (refer Appendix D) found that 72% of the total number of residential apartments in Stages 2 and 3 achieve at least 2 hours of direct solar access to the window(s) of the living area between 9am and 3pm on June 21. This complies with the requirement of the RFDC of a minimum of 70% of units to achieve 2 hours sunlight at mid-winter.

The Solar Access Analysis has also found that the proposed development will meet the 75% requirement for direct solar access to the living areas and private open spaces as required under the Sydney Olympic Park Master Plan 2030.

Natural ventilation

The target in the Residential Flat Design Code is for 60% of units to be naturally ventilated. Towers 1 and 2 have 66.6% of units naturally ventilated, thus complying with the RFDC. All levels apart from level 23 have at least 66.6% of units with cross-ventilation. Level 23 has 27.2% of units with cross-ventilation. Refer to **Figure 10**.



Figure 9. Level 13 Cross Ventilation diagram

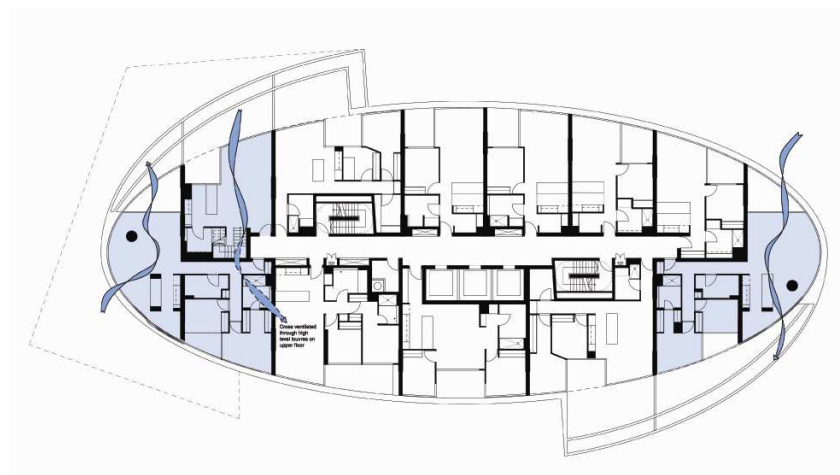


Figure 10. Level 23 Natural ventilation diagram

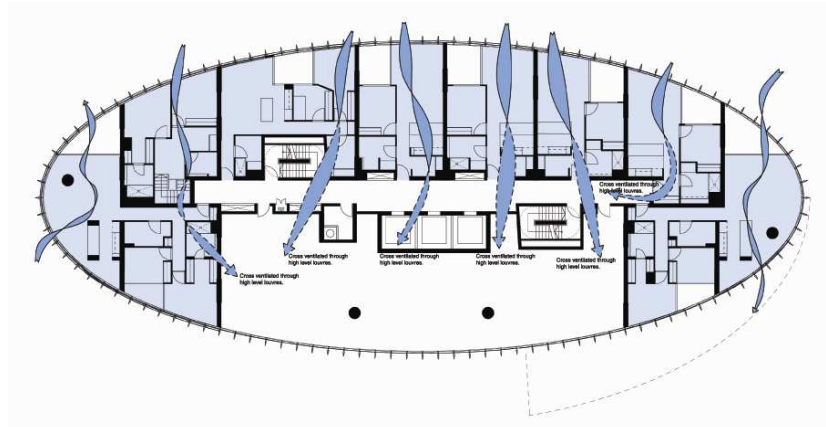


Figure 11. Level 24 Cross Ventilation diagram

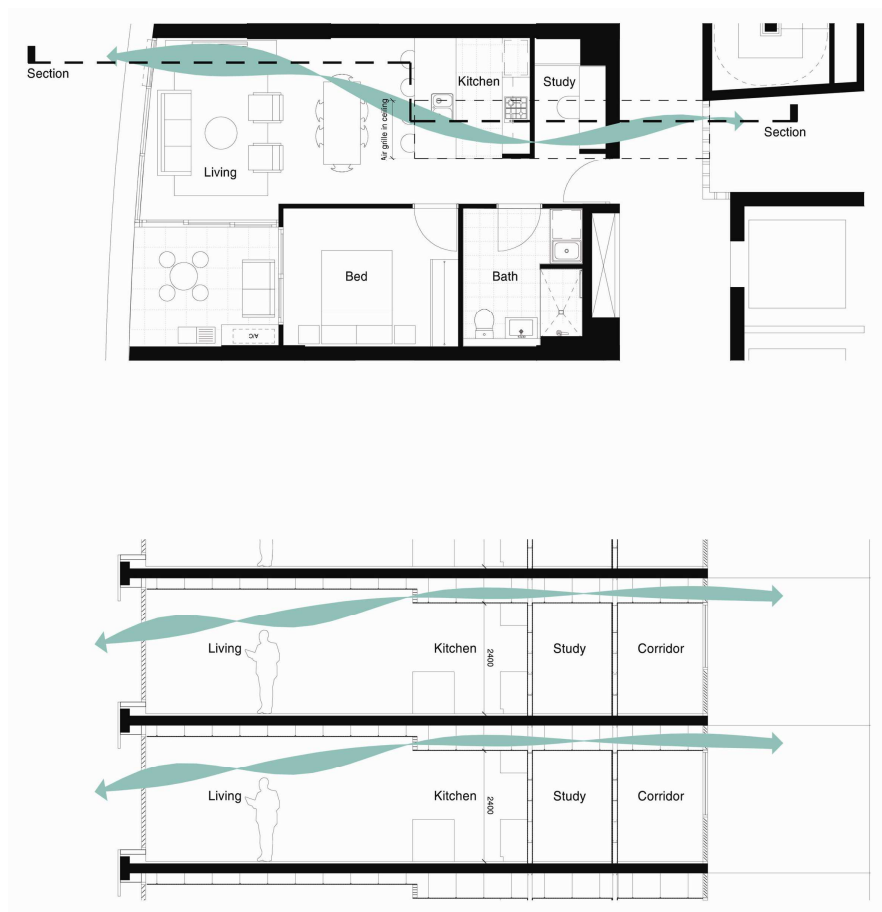


Figure 12. Typical Plan and cross section of plenum for natural ventilation

5.9 Energy Efficiency

A BASIX Assessment has been undertaken by Windtech Consultants Pty Ltd (refer **Appendix F**) which has assessed water, thermal comfort and energy.

Water

The target score in BASIX to achieve water usage compliance is 40%. The proposed development achieves a score of 57% through a number of water efficiency measures including all clothes washers and dryers to have a water efficiency rating of at least 4.0 stars, all showerheads to have a water efficiency rating of at least 3.0 stars, and so on.

Thermal comfort

In BASIX, the required weighted average maximum heating and cooling loads of the entire proposed development are 51.0 MJ/m²/year for heating and 45.0 MJ/m²/year for cooling. The proposed development, with treatments in place, will have a weighted average maximum heating load of 47.3 MJ/m²/year and a weighted average maximum cooling load of 32.8 MJ/m²/year, therefore satisfying the thermal performance requirements of BASIX.

Energy

The target score in BASIX to achieve energy usage compliance is 20%. This target is achieved for the development through a number of energy efficiency measures including the central hot water systems (1 and 2) being gas solar boosted systems, the mechanical ventilation system within the gyms will be an air conditioning system and is to be controlled by time clocks, all lighting in the common internal areas are to be compact fluorescent, and so on.

5.10 Transport and traffic impacts

The proposed modifications require the conversion of four car parking spaces to two disabled spaces to accommodate the increase in total adaptable apartment numbers (from 59 to 61 adaptable apartments).

5.11 Other matters

Accessibility

An Access Review has been prepared by Morris-Goding Accessibility Consulting (refer **Appendix E**) to provide advice and strategies to maximise reasonable provision of access for people with disabilities.

The report has found that, in general, the development has accessible paths of travel that are continuous throughout. In line with the report's recommendations, the proposed development has demonstrated an appropriate degree of accessibility. The architectural drawings indicate that compliance with statutory requirements, pertaining to accessible parking and adaptable units, can be readily achieved.

6 Conclusion

The proposed modifications to Tower 1 under Section 75W of the EP&A Act include the following:

- **Unit mix** – an increase in the number of one and two bedroom units and a decrease in the number of three and four bedroom units.
- **Car parking** – the conversion of four car parking spaces to two disabled spaces.
- **Gross Floor Area / Floor Space Ratio** – the internal changes to apartment mix result in an increase of 52m², a change to the approved FSR of 5.37:1 to 5.374:1. The increase in floor space is on account of internal changes including a reduction in some internal corridor space at Level 24, a slight reduction in the area of balconies for some units and infilling the voids at Level 24 to the approved Tower 1 building envelope.
- **Modifications to conditions** – amendment of the project approval and conditions of consent to adjust the total number of residential units from 587 units to 607 units with a total gross floor area of 56,318m². In addition, changes to the drawings schedules and adding reference to the Section 75W modification document are also required, as detailed in this report.

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 and Infrastructure.