



**Planning &  
Infrastructure**

***MODIFICATION REQUEST:  
Stages 2 and 3, Site 3 Mixed Use  
Development  
Australia Avenue, Sydney Olympic Park  
(MP 10\_0027 MOD 1)***

***Modifications to Tower 1 floor layouts***

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

July 2012

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## 1. BACKGROUND

Site 3 at Sydney Olympic Park is bound by Australia Avenue to the west, Parkview Drive to the north and the Olympic Park railway line along the southern and eastern boundaries. The site (Lot 2 DP 1134933) comprises the southern and central portions of Site 3, as identified in Sydney Olympic Park Master Plan 2030 (Master Plan 2030) and is 1.048 hectares in size. The site is located within the local government area of Auburn and is owned by the Sydney Olympic Park Authority (SOPA). The project location is shown in Figure 1.

On 21 December 2005, the then Minister for Planning, granted staged development consent for four mixed use residential towers (DA 246-10-2004) across Site 3 at Sydney Olympic Park. The staged development application was lodged prior to the commencement of Part 3A of the Act and therefore was determined under Part 4 of the Act pursuant to the savings and transitional provisions for pending applications, at that time.

Figure 1: Project location



The staged development consent allowed for the development of four towers with a maximum 685 units (inclusive of 673 residential units, 6 "live/work units", 4 retail units, 1 childcare centre and 1 community facility), a maximum of 1,360 bedrooms for

residential development and a total maximum Gross Floor Area (GFA) of 79,053 square metres. The staged development consent also set maximum floor plates and a maximum of 930 car parking spaces.

A project approval for Stage 1 consisting of the North buildings (A and B) was approved by the then Minister for Planning on 21 June 2007. The residential components of this project have recently been completed.

On 24 January 2012, the Deputy Director-General, Development Assessment and Systems Performance, under delegation from the Minister for Planning and Infrastructure, approved the Major Project Application for the construction of Stages 2 and 3 of the mixed use development at Site 3 and ancillary works.

The project approval comprised:

- site preparation and excavation works
- construction of:
  - a two storey mixed use podium with commercial, retail, gymnasium and communal resident facilities with a total GFA of 2,090 sqm
  - a 24 storey tower (Tower 1) and a 29 storey tower (Tower 2) to provide a total 587 residential units with a total GFA of 54,176 sqm
  - 806 car parking spaces and 245 bicycle spaces in a basement car park
- provision of open space areas
- landscaping works.

The original Part 4 development consent was issued prior to the introduction of the more recent controls in the Sydney Olympic Park precinct, known as Master Plan 2030.

The Part 4 development consent was considered in the original approval for Stages 2 and 3 of the development, and reference is also made to it for this modification in conjunction with the Master Plan 2030 controls.

## **2. PROPOSED MODIFICATION**

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### **2.1 Modification Description**

The proponent seeks to modify the project as follows:

- removal of two car spaces to facilitate the provision of two new adaptable car spaces
- conversion of 14 x 3 bedroom units and 3 x 4 bedroom units into 30 x 1 bedroom units and 7 x 2 bedroom units in Tower 1, and associated revised layouts for floors 13-24 in Tower 1. The total number of units will change from 267 to 287.
- increase in total gross floor area of Tower 1 by 52 sqm
- consequential modifications to conditions to reflect the proposed project amendments.

The key aspects of the proposed modification are listed in Table 1.

**Table 1: Key modifications to project components**

<b>Aspect</b>	<b>Description</b>		
<b>Site 3 - Stages 2 and 3</b>	<b>Approved Tower 1</b>		<b>Proposed Tower 1</b>
<i>Units</i>	267		287
<i>Unit Mix</i>	1 Bed – 95 2 Bed – 132 3 Bed – 26 4 Bed – 14		1 Bed – 125 (+30 units) 2 Bed – 139 (+7 units) 3 Bed – 12 (-14 units) 4 Bed – 11 (-3 units)
<i>GFA</i>	25,267 sqm		25,319 sqm (+52 sqm)
<b>Site 3</b>	<b>Stage 1 (completed)</b>	<b>Proposed Stages 2 and 3</b>	<b>Proposed Site 3 Total (Stages 1, 2 and 3)</b>
<b>Residential Units</b>	218	607	825
<b>Total GFA</b>	23,012 sqm	56,318 sqm	79,330 sqm
<b>Site Area</b>	4,510 sqm	10,480 sqm	14,990 sqm
<b>FSR</b>	5.1	5.37	5.29:1
<b>Car Parking Spaces</b>	290	804	1,094
<b>Bicycle Parking Spaces</b>	70	245	315

### 3. STATUTORY CONTEXT

#### 3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to change the total number of units, car parking spaces and the approved amount of floor space, the modifications will require the Minister's approval.

#### 3.2 Delegated Authority

The Director-General has delegated his functions to the Deputy Director-General, Development Assessment and Systems Performance, to issue a Director-General's Certificate to waive compliance with development standards, under clause 21, Part 23, Schedule 3 of the MD SEPP.

Accordingly, a Director-General's certificate waiving compliance with development standards can be issued by the Deputy Director-General, Development Assessment and Systems Performance. This is discussed in Section 5.1.

In addition, the Minister has delegated his functions to determine Part 3A applications to the department where:

- the council has not made an objection, and
- there are less than 25 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

There has been no submissions received from the public objecting to the proposal and council has not made an objection to the proposed modification. There has also been no political disclosure statement made for this application or for any previous related applications.

Accordingly the application is able to be determined by the Deputy Director-General, Development Assessment and Systems Performance, under delegation.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition**

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request. The request was referred to Sydney Olympic Park Authority (SOPA) for comment. As council provided no comment during the exhibition of the original project application and given the minor and internal nature of the modifications, the application was not referred to council.

SOPA raised no objections to the modifications, however, provided the following comments:

- potential similar modifications to Tower 2 should be identified to allow the cumulative impacts to be considered
- the reduction in the larger units would preclude families or other groups from residing at Sydney Olympic Park
- the design of some of the new adaptable one bedroom units is not adaptable
- the size of the new triangular balconies are considered unusable
- further information is required regarding compliance with cross ventilation requirements
- the modification to layout inadvertently results in a more solid appearance
- the access assessment refers to superseded guidelines
- any modification to the number of units will impact on the affordable housing requirements.

The proponent provided a response to SOPA's comments, which stated that: no modifications to unit mix in Tower 2 are anticipated at this point in time; the surrounding residential areas have lower scale and larger units more suitable for families; larger units are not in demand as evident in Stage 1 sales history; and the modifications would have minimal impact on the appearance of the tower.

The proponent also confirmed that: the one bedroom units are adaptable; the proposal provides adequate private open space areas in accordance with the design guidelines; the access requirements of SOPA can be met; and that affordable housing will be provided in accordance with SOPA requirements which results in an additional two affordable housing units based on the three percent stipulated in the conditions of approval.

## 5. ASSESSMENT

The department considers the key issues for the proposed modification to be:

- built form
- consistency with the staged consent
- amenity impacts
- other matters.

### 5.1 Built form

The proposal modifies the layout of the upper levels of Tower 1 to increase the number of one and two bedroom apartments. Whilst there would be an increase in gross floor area (GFA) by 52 sqm as a result of reduction in some corridor space, slightly smaller balconies for some units, and infilling the voids at Level 24, the bulk and scale of the tower would remain generally the same. The appearance of the building will change as a result of the modified articulation with revised balconies, windows and materials due to the modified unit layouts. The amendments would be generally imperceptible from most views to the building and the balustrades and glazing elements would remain relatively unaltered along the elevations (see Figures 1-8).

Figure 1: Approved North Elevation

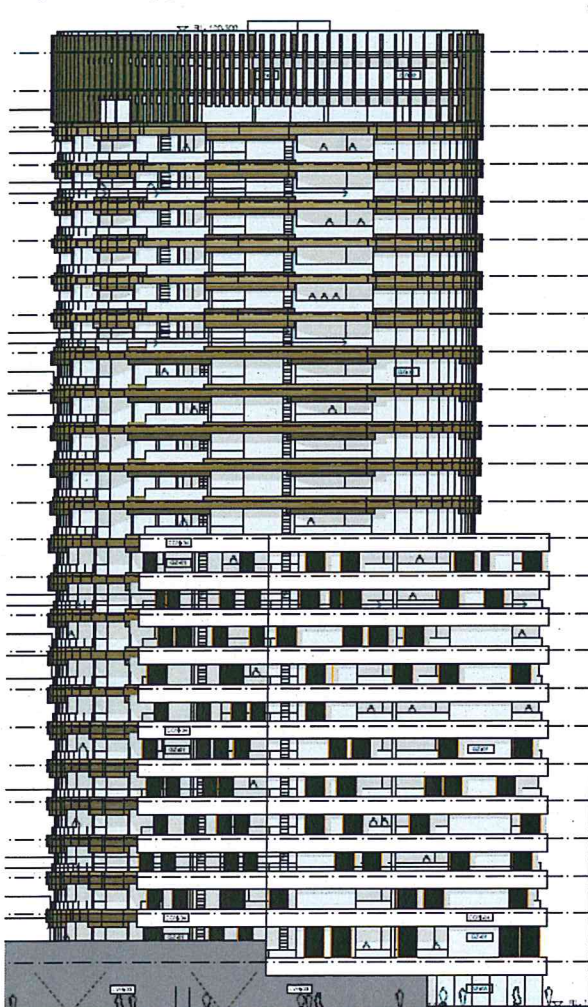


Figure 2: Proposed Modified North Elevation

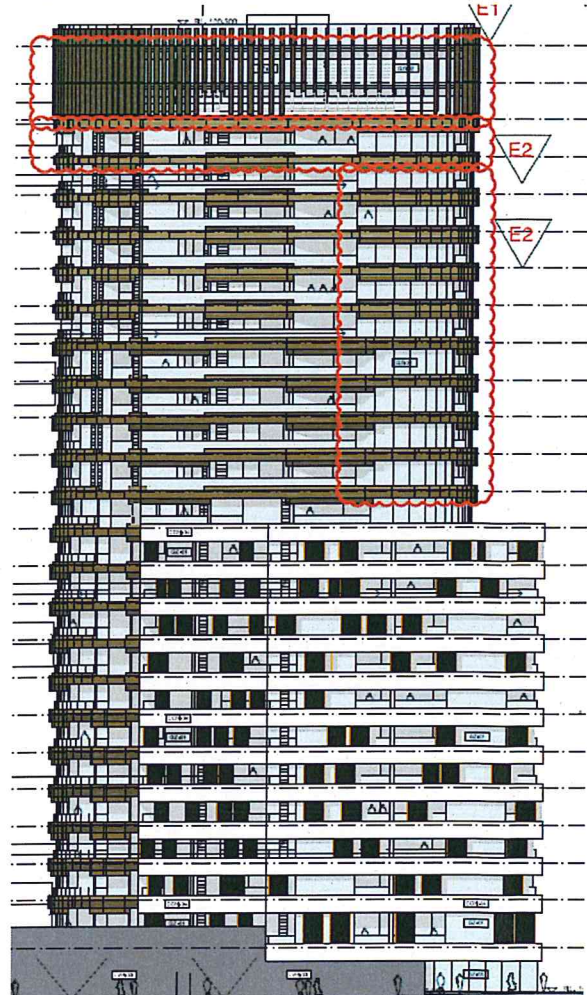


Figure 3: Approved East Elevation

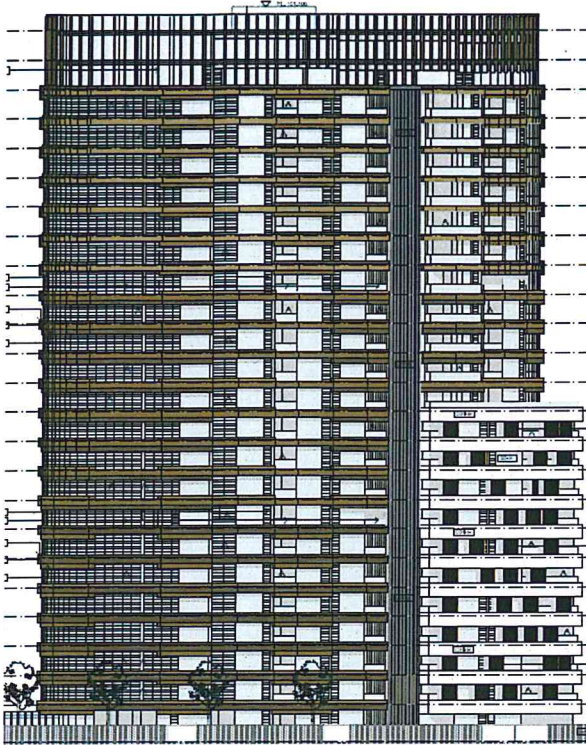


Figure 4: Proposed Modified East Elevation

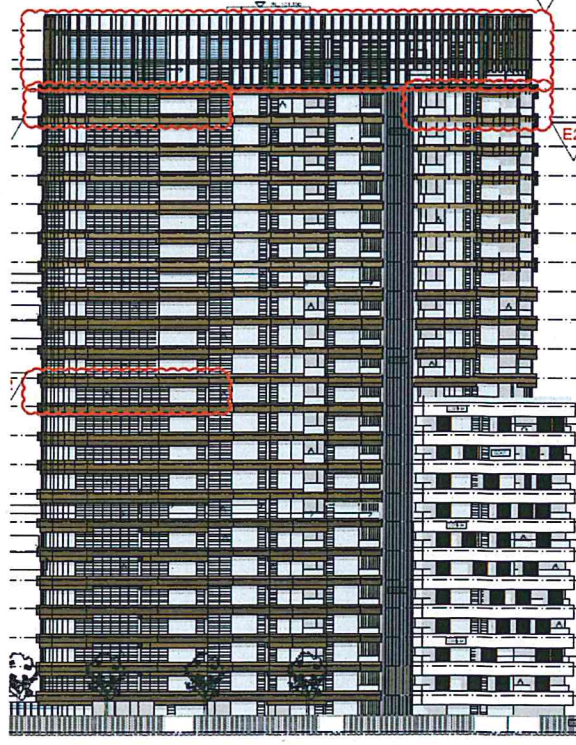


Figure 7: Approved West Elevation

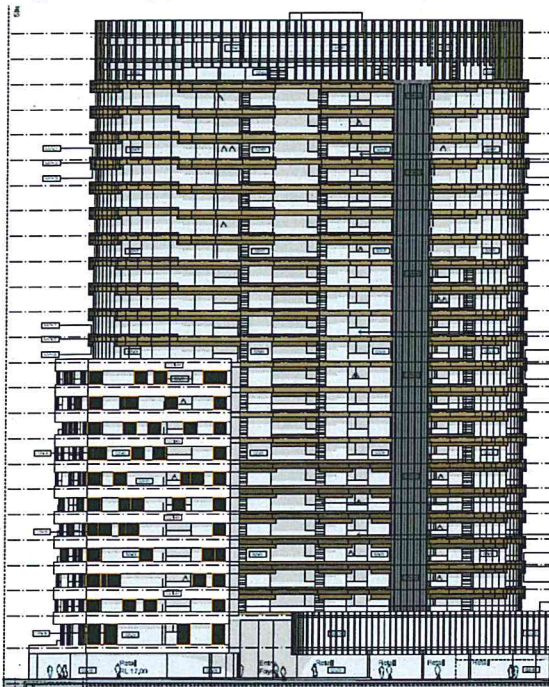
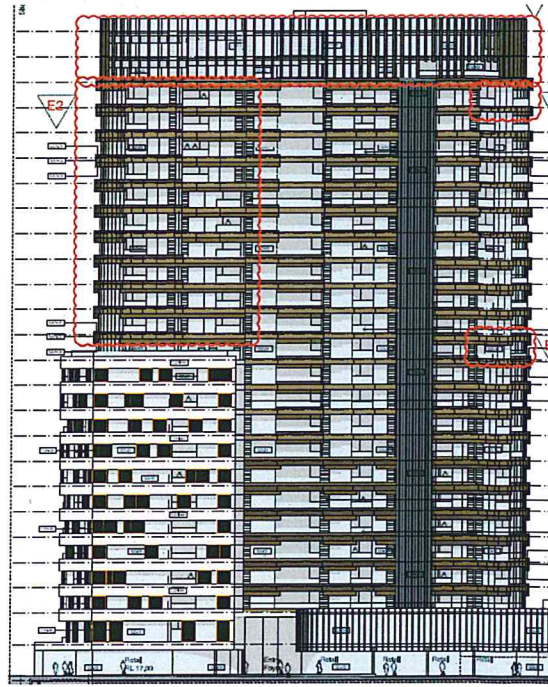


Figure 8: Proposed Modified West Elevation



A maximum FSR of 5.25:1 applies to the site pursuant to clause 19, Part 23, Schedule 3 of the MD SEPP. The increase in GFA would marginally increase the floor space ratio (FSR) for the site from 5.368:1 (approved) to 5.373:1 (proposed). Therefore, the proposal would exceed the maximum FSR of 5.25:1, which applies to the site pursuant to clause 19, Part 23, Schedule 3 of the MD SEPP. The maximum FSR development standard in the MD SEPP is not applicable where there is a Director-General's certificate issued under clause 21, Part 23, Schedule 3 of the MD SEPP in relation to Part 3A applications.



A Director-General's certificate was issued for the original non-compliance by the Deputy Director-General, Development Assessment and Systems Performance, under delegation from the Director-General. Therefore, the FSR for the development of Stages 2 and 3, which exceeds the development standard in the MD SEPP does not apply to the development. The proposed modifications increase the exceedance of the maximum permissible GFA from 1,246 sqm to 1,298 sqm and varies the development and therefore a new Director-General's certificate would be required.

The department considers the modified proposal and the non-compliance would not raise any matter of significance for State or regional environmental planning as the development standards for the site are site specific and therefore would not set an adverse precedent. The modified proposal would also be in the public interest as the provision of additional housing would address housing targets for the region and the State. The reasons for supporting the non-compliance for the project would not be impacted by the minor increase as the built form is largely unaltered and is consistent with the envisaged surrounding built form and the slender and tall forms of the nearby hotel development. An appropriate scale and built form would be maintained as the reconfigurations do not extend the building envelope.

Accordingly, the compliance with the development standard continues to be unnecessary in the circumstances of the case given the minor increase and negligible environmental impacts resulting from the modified proposal.

Accordingly, a Director-General's certificate has been prepared for the site so that the maximum FSR is waived in this instance for the modified development.

## **5.2 Consistency with staged development consent**

The modified proposal is still generally consistent with the scope of development and the intent of the broad planning parameters, including overall density and overall height outlined in the staged development consent. The modified proposal however does further increase the non-compliances with the staged development consent conditions in relation to the number of units and unit mix. The other built form and urban design variations to the staged development consent previously accepted would not be impacted by the modifications.

SOPA has identified that as a result of the reduction in larger units, families would be excluded from housing in the Sydney Olympic Park area. The proponent has argued that the current demand for housing is for one bedroom and two bedroom units and there is an appropriate supply of the larger units in the surrounding suburbs, which have lower density development that is more suitable for families.

The department considers the proposed increase in the total number of units to be acceptable as the units can be generally accommodated in the approved building envelope with no bulk or scale impacts, and therefore negligible environmental impacts. Whilst the proposal would result in an overall loss in three bedroom and four bedroom units to below nine per cent, which is below the 10 per cent required in the staged development consent and the 15 per cent required in SOP Master Plan 2030 for Site 3, the department notes that Stages 2 and 3 would still provide 10 per cent of the units as three bedroom and four bedroom units. Furthermore, the provision of additional units would be in the public interest given the housing shortage across the Sydney area and increasing housing to meet the demands of the changing

changing population, which includes an increase in lone person households. Accordingly, the department considers the variations can be supported.

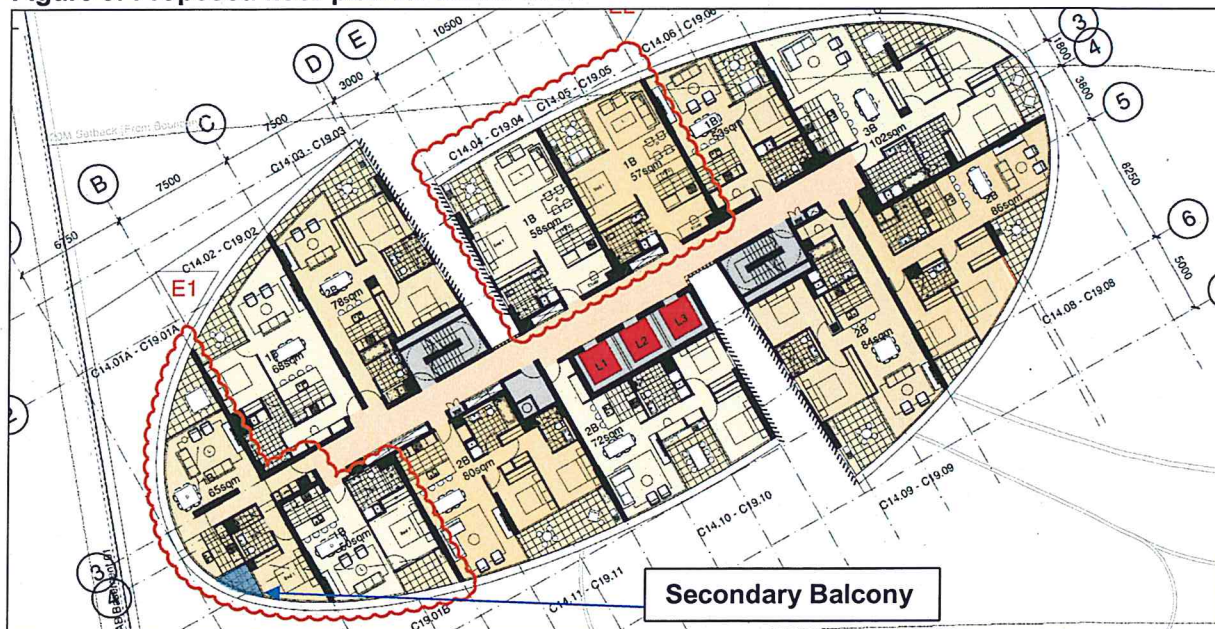
### 5.3 Amenity impacts

The proposal alters the layout of the upper levels of Tower 1, which would not have any overshadowing impacts as the reconfiguration of the units would be generally internal and within the approved envelope of the building. However, the proposed modifications would alter the number of units that would receive the minimum two hours of solar access during mid-winter recommended by the Residential Flat Design Code (RFDC) for dense areas. The proposal would result in a minor reduction in the percentage of units that receive the minimum recommended solar access in Tower 1 from 63 per cent to 62 per cent.

The department originally considered that the non-compliance in regards to Tower 1 acceptable to facilitate a better design outcome with the Tower aligned on a diagonal axis to the site frontage to reduce the bulk and scale impacts and optimise views through the site. The department considers that these reasons for supporting the alignment of the original towers remain relevant and that whilst the changes to Tower 1 marginally increase the non-compliance within Tower 1, the development as a whole complies with the minimum 70 per cent required. Therefore, the department considers solar access for the reconfigured layouts satisfactory.

SOPA raised concerns regarding the ability of the modified proposal to achieve adequate levels of cross-ventilation and the functionality of some of the new balconies given their small size. The proponent has demonstrated that the units in Tower 1 and Tower 2 meet the minimum 60 per cent of units required in the RFDC to be cross-ventilated. Whilst SOPA identified the size of some of the new balconies (see Figure 9) as being dysfunctional due to their size, the department considers that they are acceptable as they are secondary balconies and the primary balconies meet RFDC guidelines. Furthermore, balconies of a similar size and design were previously included in the design of units within both the towers (see Figure 10) and were considered consistent with the RFDC guidelines, which promote the provision of secondary balconies.

Figure 9: Proposed floor plan for levels 19-21



**Figure 10: Approved floor plan for levels 13-21 in Tower 2**



Accordingly, the department considers that as the modifications are essentially internal reconfigurations and that the overall compliance with the RFDC can be maintained, the amenity impacts are minimal and acceptable.

#### **5.4 Other matters**

The department notes that the original conditions of the approval did not identify a minimum number of visitor car spaces. To provide further clarity given the proposed changes to the total number of units, the department has recommended an additional condition be included that requires a minimum of 121 visitor car spaces be provided. The minimum number of visitor spaces has been calculated in accordance with the Roads and Maritime Services Guide to Traffic Generating Development Guideline of one visitor space per five units. The minimum number of adaptable spaces will also need to be increased to accommodate the two additional adaptable spaces required as a result of the increased total number of adaptable units from 59 to 61.

### **6. CONCLUSION**

The department has considered the requested modification to the project approval for the construction of Stage 2 and 3 of the mixed use development at Site 3, Sydney Olympic Park (MP 10\_0027) and considered the key issues associated with the modification. The proposed modification is considered appropriate in the context of the site and will provide public benefit.

The department has recommended the approval be modified to incorporate the design changes and modifications to the total number of units, car parking spaces and total floor space as the proposal would have minimal environmental impacts. The proposal would be in the public interest as it would ensure a greater supply of housing in an urban renewal centre that has good access to jobs and open space areas.

It is therefore recommended that the modification application be approved.

## 7. RECOMMENDATION

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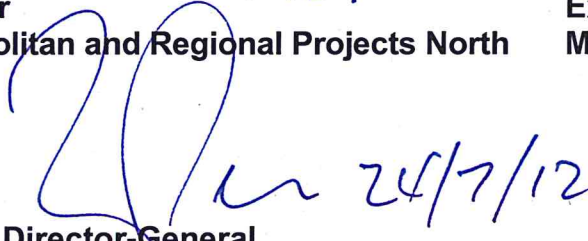
It is recommended that the Deputy Director-General, Development Assessment and Systems Performance:

- note the information provided in this report;
- sign the attached Director-General's Certificate;
- approve the modification request, pursuant to section 75W of the EP&A Act; and
- sign the attached modifying instrument (see Appendix D).

Endorsed by:

  
23/7/12.  
**Director**  
**Metropolitan and Regional Projects North**

  
23.7.12  
**Executive Director**  
**Major Projects Assessment**

  
24/7/12  
**Deputy Director-General**  
**Development Assessment and Systems Performance**