

21 August 2012

NSW Department of Planning and Infrastructure  
23-33 Bridge Street  
Sydney  
NSW 2000

Architecture  
Urban Design  
Planning  
Interior Architecture

Attention: Megan Fu, Senior Planner

RE: Major Project MP10\_0027 Site 3, Australia Ave, Sydney Olympic Park  
Section 75W Modification

Dear Megan,

The following letter is a Modification under Section 75W of the Environmental Planning and Assessment Act 1979 prepared for Major Project MP10\_0027. MP10\_0027 was granted consent 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. Major Project MP 10\_0027 Modification 1 (MOD 1) was granted consent on 24 July 2012.

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The proposed modification which is the subject of this letter seeks to:

- amend the total number of car parking spaces from 804 (included in conditions of MP10\_0027 MOD 1) back to 806 (approved by MP10\_0027); and
- amend the number of visitor car parking spaces from 121 to 87 (including the sharing of 8 parking spaces between commercial/retail uses and residential visitors).

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## 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.

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. Stages 2 and 3 are 1,048m<sup>2</sup> in area. The area of the whole of Site 3 is approximately 14,990m<sup>2</sup>.

The lot adjoining the site immediately to the north forms part of Site 3 and Stage 1 of the Site 3 development has been constructed 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.

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

## 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 23 of Schedule 3. The listing in Schedule 3 zones the site "B4 Mixed Use". Development for the purpose of a mixed residential, child care and retail development is permissible with consent.

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

## Development consent history

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

- Development Consent DA246-10-2004;
- Major Project 10\_0027; and
- Major Project 10\_0027 MOD 1.

### Development Consent DA246-10-2004

Staged development consent was granted on 21 December 2005 by the then Minister of Planning for four mixed use residential towers across Site 3.

### 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 MP10\_0027 is provided at **Attachment A**.

### Major Project 10\_0027 MOD 1

Major Project MP 10\_0027 MOD 1 was granted consent on 24 July 2012 to:

*“Modify the unit mix and the floor layouts on the upper levels of Tower 1, increase the total number of units by 20 units from 587 to 607, increase the total gross floor area for the residential units by 52 sqm from 54,176 sqm to 54,228 sqm and delete two car spaces.”*

A copy of the Instrument of Consent for Major Project MP10\_0027 MOD 1 is provided at **Attachment B**.

## The proposed modifications

It is proposed to modify the consent so that the total number of car parking spaces for Stages 2 and 3 is 806 (as approved by Major Project MP10\_0027) rather than 804 (as modified by MP10\_0027 MOD1). The parking spaces were reconfigured through MP10\_0027 MOD 1 to provide for an additional two adaptable parking spaces. However, the intention was never to reduce the overall number of parking spaces approved in the original MP10\_0027, which remains at 806.

A figure of 121 visitor car spaces was included in the approved MP10\_0027 MOD 1 although this was not requested in the modification application. There is insufficient space within the development to accommodate the 121 visitor spaces required by the approved modification, in addition to the residential and retail car parking requirements. It is considered that this number of visitor parking spaces is excessive for the proposed development in the context of its location and proximity to public transport. It is therefore requested that the number of visitor spaces be

amended to require 87 visitor spaces, eight (8) of which will be shared between commercial/retail uses and residential.

The proposed modifications to the approved Major Project MP 10\_0027 as modified by MP10\_0027 MOD 1 seek to alter condition A4 as shown below. Deletions are struck-through and additions are shown in red text below:

**“Traffic and Parking Details**

**A4.** A maximum of ~~804~~ 806 car parking spaces are to be provided, including a minimum:

- ~~424~~ 87 visitor car spaces, including the sharing of 8 parking spaces between commercial/retail uses and residential visitors;
- 32 car parking spaces for retail and commercial use, including 2 spaces for persons with a disability; and
- 61 adaptable spaces.

**Environmental Assessment**

This section provides an assessment of the proposed modifications against the relevant planning instruments and addresses potential environmental impacts of the modifications.

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 of the EP&A Act. 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.

Transitional arrangements under Schedule 6A of the EP&A Act 1979 establish 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 site is in an accessible location within close proximity of public transport (buses and trains) and a lower number of visitor parking spaces are appropriate in this location because of the high level of public transport accessibility. Efficient utilisation of parking spaces will be provided through sharing of eight (8) of the 87 spaces between commercial/retail visitors primarily during the day and residential visitors after working hours, which is consistent with the objective of integrating mixed uses in accessible locations so as to maximise public transport use.

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.

### 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 are the principal statutory planning instruments regulating land use at Sydney Olympic Park.

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

### 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, including conditions which limit the car parking, which are relevant in the assessment of this proposed modification application. The car parking condition is as follows:

#### ***“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.*

<b>Tower</b>	<b>North Buildings</b>	<b>Centre Buildings</b>	<b>Centre Building</b>	<b>South Building</b>	<b>Total</b>
<b>Car parking</b> (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.”*

Therefore, as is the case for the approved Major Project MP10\_0027, the proposed modifications to the development will still exceed the maximum of 930 car parking spaces for Site 3. The table below shows the parking in each of Stages 1, 2 and 3:

**Parking provision as modified by approved Major Project MP10\_0027:**

<b>Stage 1</b>	
Car parking spaces in Stage 1	290
<b>Stages 2 and 3</b>	
Car parking spaces in Stages 2 and 3	806
<b>Total for Stages 1, 2 and 3</b>	<b>1096</b>

### Environmental Impacts

A traffic and parking assessment has been prepared by Colston Budd Hunt and Kafes (CBHK) (appended as **Attachment C**). The assessment supports a rate of 1 visitor parking space per 7 residential apartments for the proposed development at 1 – 11 Australia Ave, Sydney Olympic Park, which equates to 87 visitor parking spaces in total. The rate of 1:7 is recommended by the traffic consultant as the appropriate rate in this locality to cater for the likely peak demands of residential visitors. It is also consistent with the Roads and Maritime Services (RMS) guidelines' recommended provision for high density residential apartment in locations readily accessible by public transport. The RMS rate is one space per five to seven apartments for high density residential flat buildings (defined as buildings with 20 or more dwellings), however the guidelines note that *"Council may wish to reduce this requirement for buildings located in close proximity to public transport"*.

It is recommended in the CBHK report that eight (8) of these visitor parking spaces be spaces that are shared retail / residential visitor parking spaces, which will enable efficient use of these eight spaces, as retail visitor spaces will primarily be used during day time hours and residential visitor spaces will primarily be used during night time hours. This sharing of spaces maximises the utility of these visitor parking spaces and recognises the location of the development in an area well served by public transport.

In addition, there are six (6) parking spaces which are located in the cul-de-sac between Stages 1 and 2 of the development, three of which are built and three of which are yet to be built. Those which are built have time restrictions to ensure short stay only. The Stage 1 development has 36 visitor parking spaces in the basement which provides an adequate number for that development. The additional six spaces in the cul-de-sac will be shared visitor spaces between the Stage 1 and 2 developments. These are in close walking distance to the entrance of the Stage 2 development therefore are likely to be well utilised by Stage 2 visitors as some will prefer to park in short stay parks close to the entrance rather than longer stay parks in the basement.

As a comparison, it is noted that the Rhodes West area is a newly developing area in close proximity to a railway station and it is being developed at a similar high density to the Parkview Precinct of Sydney Olympic Park. The Rhodes West Development Control Plan (DCP) car parking rates are a maximum of 1 visitor car parking space per 10 units (1:10) and a minimum of 1:20 visitor car parking spaces. These rates have been determined on the basis of the area's good public transport infrastructure and services and also the proximity to commercial and retail areas. The proposed development at 1-11 Australia Ave is very similar in context to the Rhodes West area. The Rhodes West DCP visitor parking rates support a reduction in private vehicle use and encouragement of greater patronage of public transport, with a goal of improving the environmental sustainability of newly developing high density residential/mixed use localities.

## Conclusion

The proposed modifications under Section 75W of the EP&A Act are as follows:

- **Modifications to conditions** – amendment of Condition A4 of Schedule 2 of MP10\_0027 MOD 1 to:
  - amend the total number of car parking spaces to 806; and
  - amend the number of visitor parking spaces to 87 including 8 visitor spaces shared between commercial/retail and residential uses.

Having regard to the 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.**

Yours sincerely,

Jayne Klein  
Senior Urban Planner