



**Planning &  
Infrastructure**

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

***Minor design changes and conversion of  
rooftop plant area into additional residential  
floor space***

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

July 2013

© Crown copyright 2013  
Published July 2013  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

**Disclaimer:**

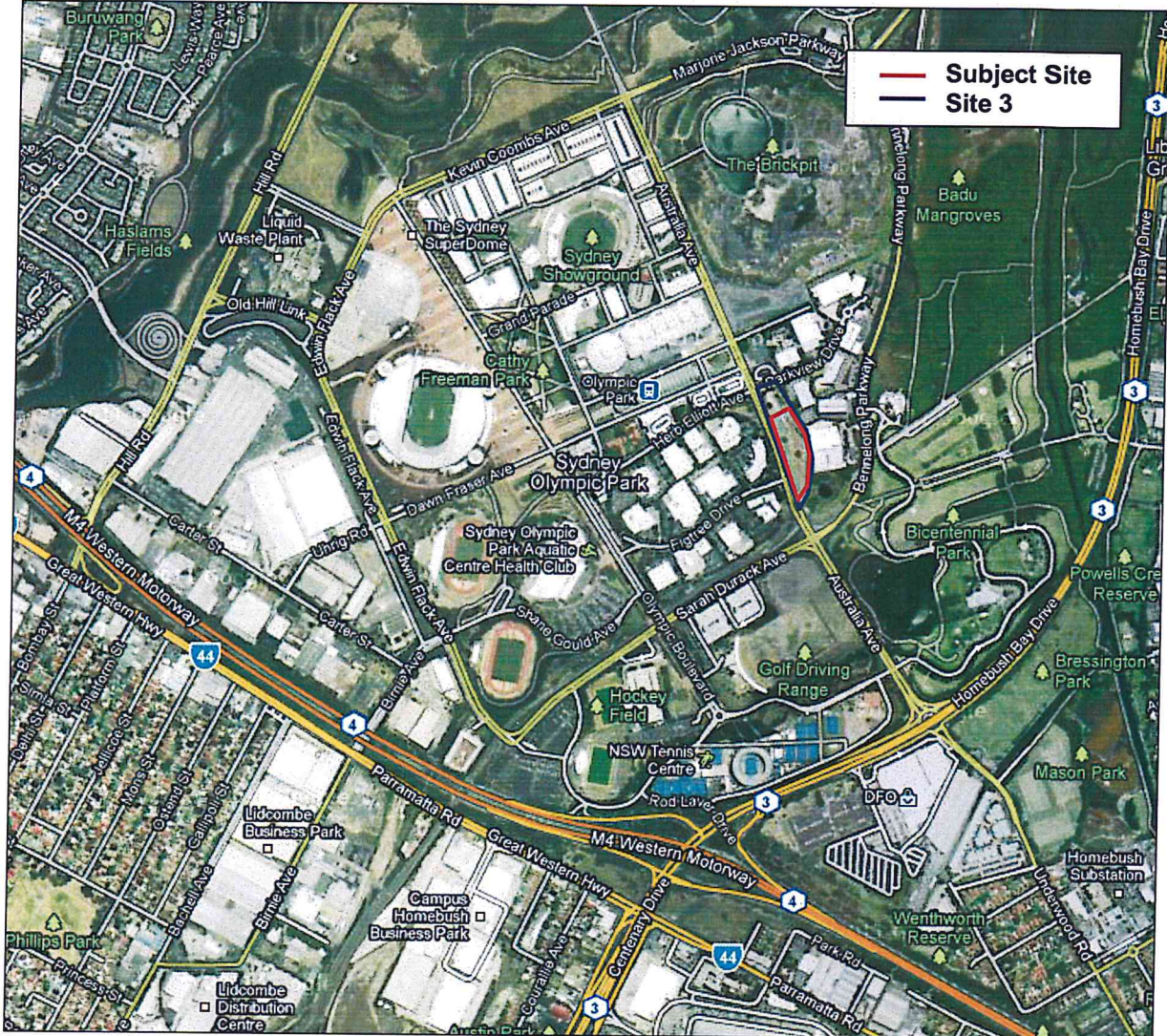
While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



## 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.

**Figure 1: Project location**



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.

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 and are now occupied.

On 24 January 2012, the then 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; and
- 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.

On 24 July 2012, the then Deputy Director-General, Development Assessment and Systems Performance, under delegation from the Minister for Planning and Infrastructure, approved a modification request (MP 10\_0027 MOD 1) 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.

On 12 October 2012, the Director, Metropolitan and Regional Projects North, under delegation from the Minister for Planning and Infrastructure, approved a modification request (MP 10\_0027 MOD 2) to increase the total number of car spaces by four and reduce the minimum number of visitor spaces from 121 to 89.

## 2. PROPOSED MODIFICATION

---

The proponent is seeking approval to modify the project as follows:

- reconfigure the rooftop plant of Tower 2, including conversion of part of the rooftop plant area of Tower 2 to residential floor space and communal gathering space with lift access;
- increase in height of Tower 2 by 4.5 metres to a building height (excluding plant) of 103.95 metres (RL 119), and reduction in overall height of Tower 2 via a 200mm reduction of the plant from RL 120.6 to RL 120.4;
- reconfigure the circulation space in the podium pods at Level 1;
- amend the design of the vertical slots for Towers 1 and 2 to reduce the depth of the slot adjacent to the lift core;
- internal unit layout changes resulting in a reduction in the total dwellings from 607 to 603;
- variations to the dwelling mix; and
- increase the total gross floor area (GFA) by 629 sqm to 56,947 sqm, resulting from the reconfigured podium, floor layouts and rooftop plant area of Tower 2.

### **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 approved amount of floor space and height of Tower 2, the modifications will require the Minister's approval.

#### **3.2 Delegated Authority**

The Director-General has delegated his functions to the Executive Director, Development Assessment Systems and Approvals, 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 Executive Director, Development Assessment Systems and Approvals. This is discussed in Section 5.1 of this report.

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

- the council has not made an objection, and
- there are less than 10 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 Executive Director, Development Assessment Systems and Approvals, under delegation.

### **4. CONSULTATION AND SUBMISSIONS**

---

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) and Auburn Council for comment. SOPA raised no objections to the modifications and Auburn Council has not provided any comment.



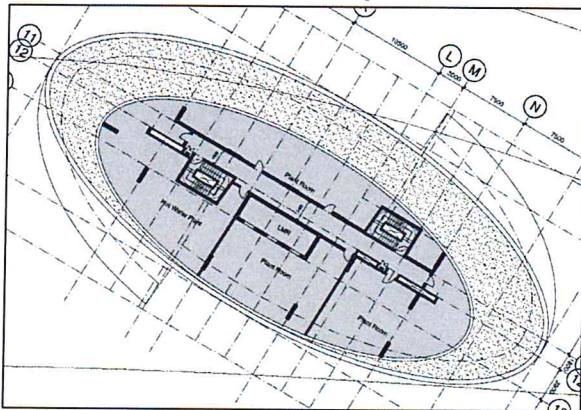
## 5. ASSESSMENT

The department considers the key issues for the proposed modification to be built form and consistency with planning controls.

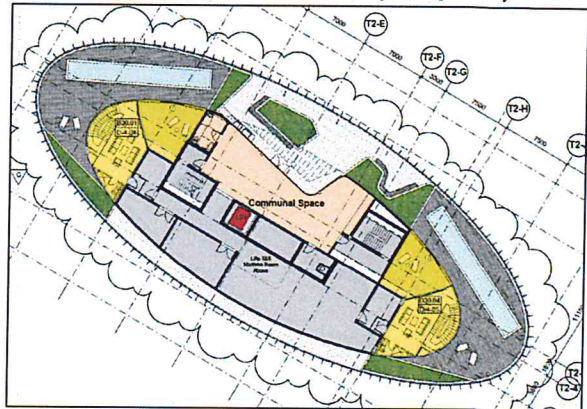
### 5.1 Built form

The rooftop plant area of Tower 2 has been reduced in size through detailed design work and the proponent is seeking approval to convert this surplus plant area into additional residential floorspace for the penthouses (living rooms, winter gardens and private open space with pools) and an additional communal area for residents (see **Figures 2 and 3**). The proposed additional residential floorspace is confined to the approved envelope for the rooftop plant area. The rooftop plant area is screened by a glazed curtain wall that extends 1.05 metres above the rooftop plant and therefore the proposed changes would have minimal built form impacts.

**Figure 2: Approved Roof Top Plant Level**



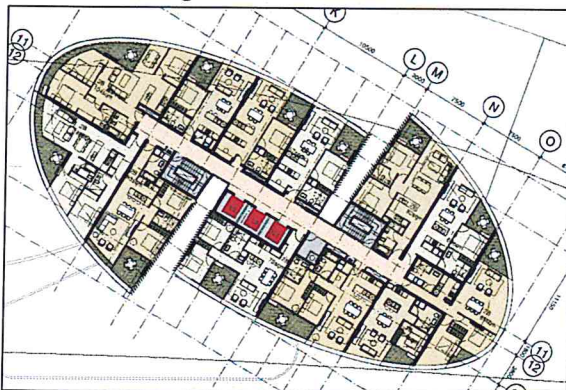
**Figure 3: Proposed Level 30 (inc. plant)**



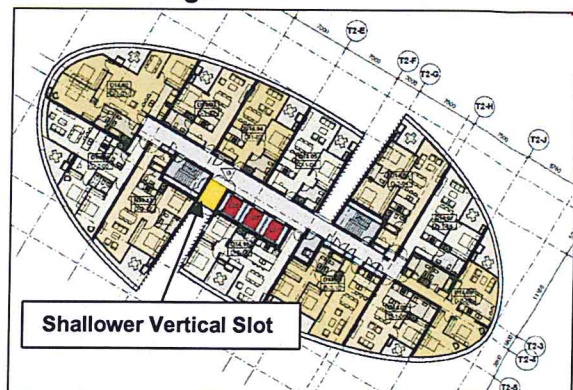
The proposed minor variations to the vertical slots (adjoining the lift core) for the two towers and the variation to the podium layout will not be visually discernible from Australia Avenue (see **Figures 4 to 7**). The proposed variations are sought to satisfy engineering and structural load requirements and improve circulation between the two towers. The vertical slots will be slightly shallower and the shape of the commercial and gym area on the podium will change, however, the general alignment along the Australia Avenue frontage will remain unchanged. The variations would result in a minor increase in gross floor area, however, these variations do not provide any additional habitable floorspace.

The department therefore considers that the proposed modifications are minor and would have negligible built form impacts.

**Figure 4: Approved Typical Vertical Slot Design**

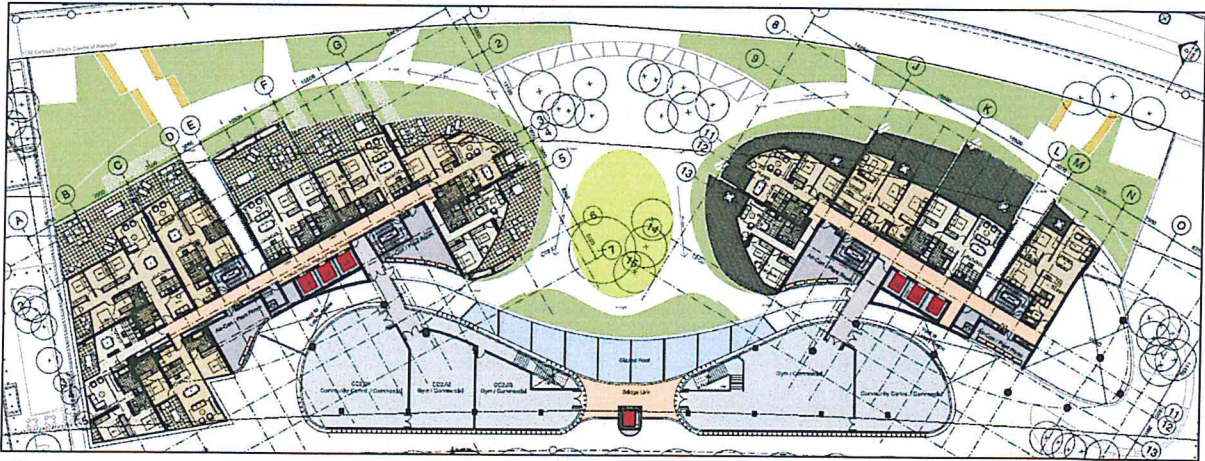


**Figure 5: Proposed Typical Vertical Slot Design**

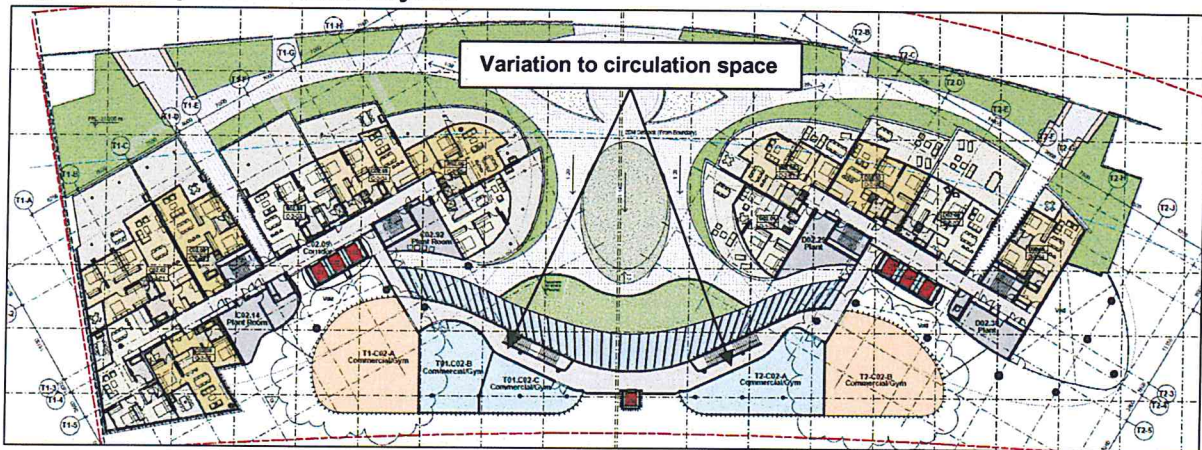




**Figure 6: Approved Podium Layout**



**Figure 7: Proposed Podium Layout**



## 5.2 Consistency with planning controls

A maximum building height of 90 metres and FSR of 5.25:1 applies to the site pursuant to clause 18 and 19, Part 23, Schedule 3 of the MD SEPP, respectively. The conversion of rooftop plant area to residential floorspace constitutes an increase to the height of the building (as plant is excluded from building height) from 99.45 metres to 103.45 metres. The floorspace variations increase the total gross floor area from 56,318 sqm to 56,947 sqm and marginally increase the total floor space ratio (FSR) for the site from 5.373:1 to 5.433:1. The floorspace and height increases therefore exceed the controls in the MD SEPP.

The development standards in the MD SEPP are 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.

The development standards in the MD SEPP can be waived where the Director-General is satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify exempting the development from that development standard. In deciding whether to issue a certificate, the Director-General must consider:

- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- the public benefit of maintaining the development standard, and
- any other matters required to be taken into consideration by the Director-General.

A Director-General's certificate was issued for the height and FSR non-compliances in the original project approval and FSR non-compliance in MOD 1 by the Deputy Director-General,



Development Assessment and Systems Performance, under delegation from the Director-General. The proposed modifications vary the development and increase the exceedance of the maximum permissible GFA (from 1,298 sqm to 1,927 sqm) and height (from 9.45 metres to 13.95 metres). Therefore a new Director-General's certificate is 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 they would support the continued growth of Sydney Olympic Park as a specialised centre and compliment the additional housing. The reasons for supporting the original non-compliance for the project continue to be relevant as the built form is largely unaltered and is consistent with the envisaged surrounding built form, including the slender and tall forms of the nearby hotel development. An appropriate scale would be maintained as the reconfigurations do not extend the overall height or bulk of the building.

Accordingly, the compliance with the development standards continue to be unnecessary in the circumstances of the case given the minor increases 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 and height is waived in this instance for the modified development.

### **5.3 Other matters**

#### **Amenity Impacts**

The proposal reconfigures the layout of a number of the three bedroom units but the living spaces and private open space areas of these units would continue to receive the minimum two hours of solar access during mid-winter recommended by the Residential Flat Design Code (RFDC) for dense urban areas and will continue to achieve cross ventilation.

The overall compliance with the RFDC, Master Plan 2030 and the staged development consent will not vary as a result of the variations proposed. The department considers the reconfigured layouts would not result in any amenity impacts for future residents or existing surrounding residents as the variations are generally internal and confined to the approved building envelope.

#### **Car Parking**

The department notes that the total number of dwellings has reduced, however, as the car parking provided is well below the maximum permissible in Master Plan 2030, the change in the total number of dwellings and variations to the unit mix does not warrant any changes to the level of car parking provided and would have negligible impacts on traffic generated by the proposal.



## 6. CONCLUSION AND RECOMMENDATION

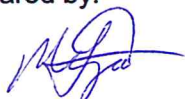
The department has considered the requested modification to the project approval for the construction of Stage 2 and 3 of the mixed use development at Site 3, Sydney Olympic Park (MP 10\_0027) and considered the key issues associated with the modification. The proposed modification is considered appropriate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

The department has recommended the approval be modified to incorporate the proposed design changes as the proposal would have minimal environmental impacts.

It is recommended that the Executive Director, Development Assessment Systems and Approvals:

- 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).

Prepared by:

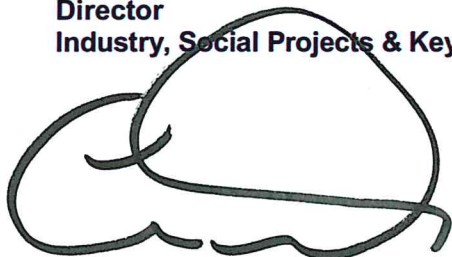


**Senior Planner**  
**Industry, Social Projects & Key Sites**

Endorsed by:



**Director**  
**Industry, Social Projects & Key Sites**



CHRIS WILSON

FED DEPT

29.7.13



## **APPENDIX A    MODIFICATION REQUEST**

---

See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5994](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5994).



## **APPENDIX B SUBMISSIONS**

---

See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5994](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5994).



**APPENDIX C    DIRECTOR-GENERAL'S CERTIFICATE**

---