



***MODIFICATION REQUEST:  
Stages 2 and 3, Site 3 Mixed Use  
Development  
Australia Avenue, Sydney Olympic Park  
(MP 10\_0027 MOD 4)***

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

Secretary's Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

October 2014

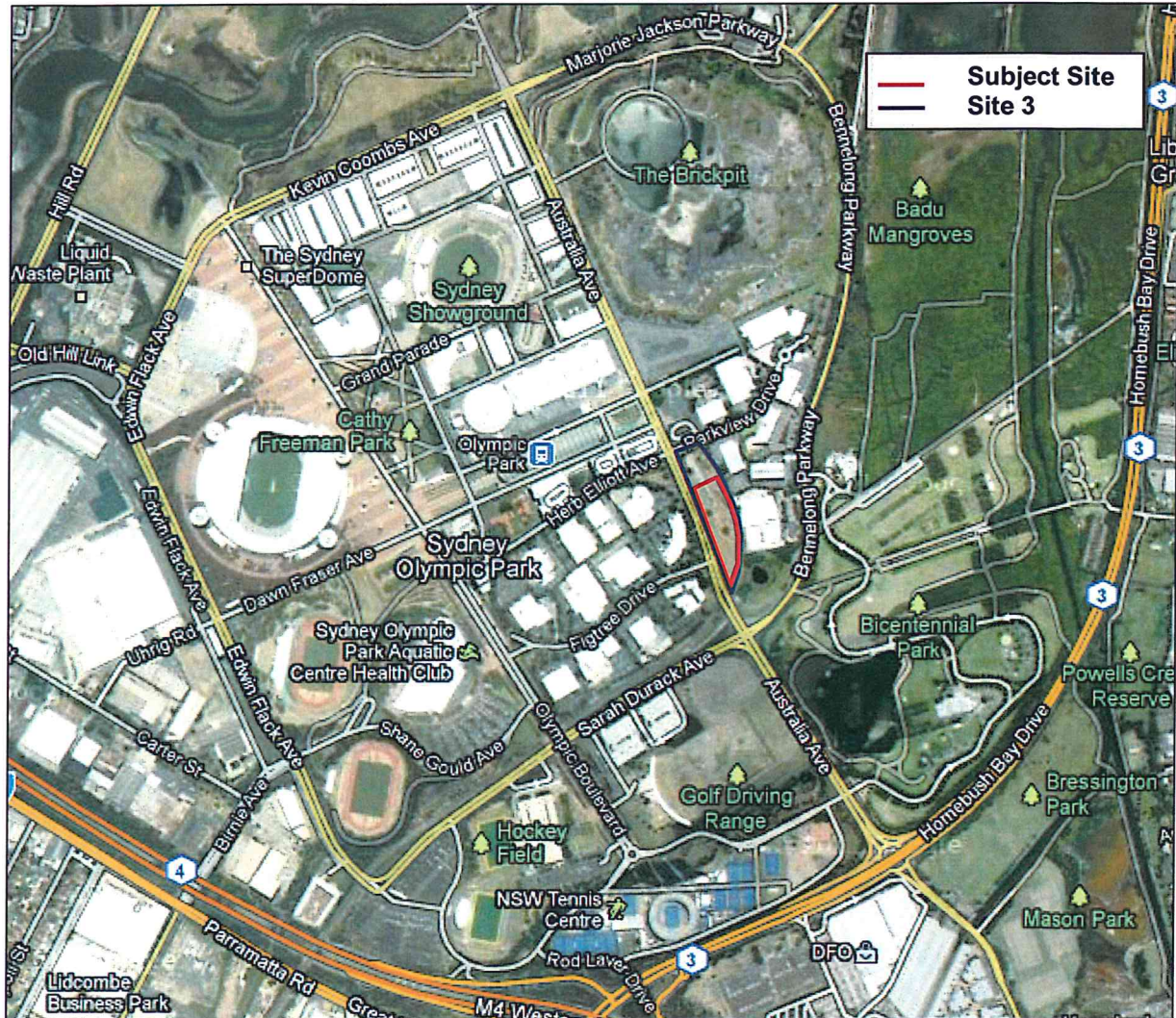
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## 1. BACKGROUND

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**.



**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 under Part 3A of the EP&A Act for Stage 1 (MP 06\_0127) 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 a further project approval for the construction of Stages 2 and 3 of the mixed use development at Site 3 and ancillary works (MP 10\_0027). 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.

On 24 July 2012, the a modification request (MP 10\_0027 MOD 1) was approved to amend 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, a second modification request (MP 10\_0027 MOD 2) was approved to increase the total number of car spaces by four and reduce the minimum number of visitor spaces from 121 to 89.

On 29 July 2013, a third modification request (MP 10\_0027 MOD 3) was approved to:

- 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 the height of Tower 2 by 4.5 metres decrease the overall height of Tower 2 by 200 mm;
- 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;
- amend the internal unit layouts resulting in a reduction in the total dwellings from 607 to 603;
- vary 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.

The proponent has further refined the design and identified that there is surplus plant area and that the configuration of the ground floor and podium level could be designed more efficiently, delivering additional commercial floor space.

## 2. PROPOSED MODIFICATION

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

- conversion of plant area on Level 24 of Tower 1 to two new residential units (1x2 bed and 1x3 bed unit);
- conversion of plant area on Level 30 of Tower 2 to one new residential unit (3 bed);
- reconfiguration of lift motor room and overrun of Tower 2 and subsequent increase in height by 3.19 metres from RL 120.4 to RL 123.59;
- minor internal reconfiguration of ground floor and podium levels resulting in an increase in the number and size of commercial tenancies; and
- reconfiguration of communal area on Level 30 of Tower 2 to enlarge the internal communal area and subsequently reduce the outside communal open space.

The proposed amendments will result in an increase in the number of approved units from 603 to 606 and an increase in the total gross floor area by 1,197 sqm from 56,947 sqm to 58,144 sqm.

## 3. STATUTORY CONTEXT

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### 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 development standards in *State Environmental Planning Policy (Major Development)* (MD SEPP) relevant to Sydney Olympic Park are not applicable where there is a Secretary'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 Secretary 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.

Given the minor built form increases and negligible environmental impacts resulting from the modified proposal, the Department considers it appropriate that a Secretary's certificate be issued. This is discussed further in Section 5.2 of this report.

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

- 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 Auburn 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 Secretary 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 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 areas for Tower 1 and 2 have been reduced in size through detailed design work and the proponent is seeking approval to convert this surplus plant area into additional residential floorspace (see **Figures 2 to 5**). The proposed additional residential floorspace (three units) is confined to the approved envelope for the rooftop plant area. The additional residential units would therefore be screened by the glazed façade curtain wall, which extends 1.05 metres above the uppermost level, resulting in no built form impacts.

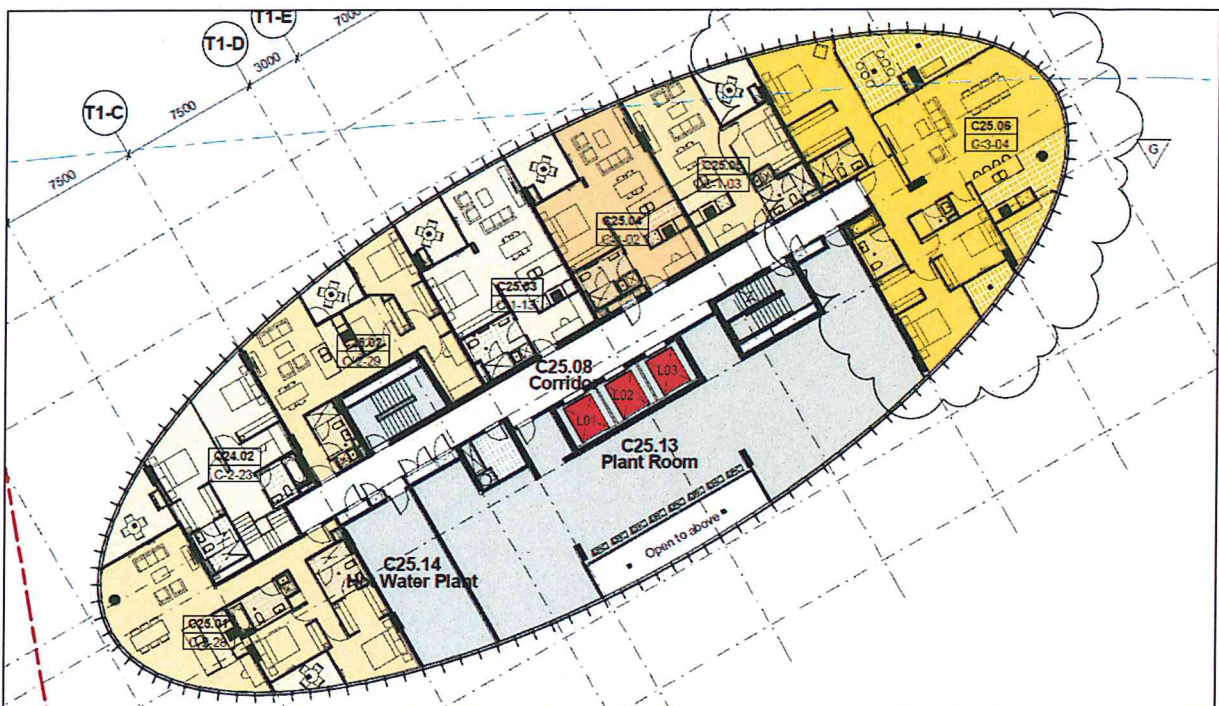


Figure 2: Tower 1 Approved Level 24

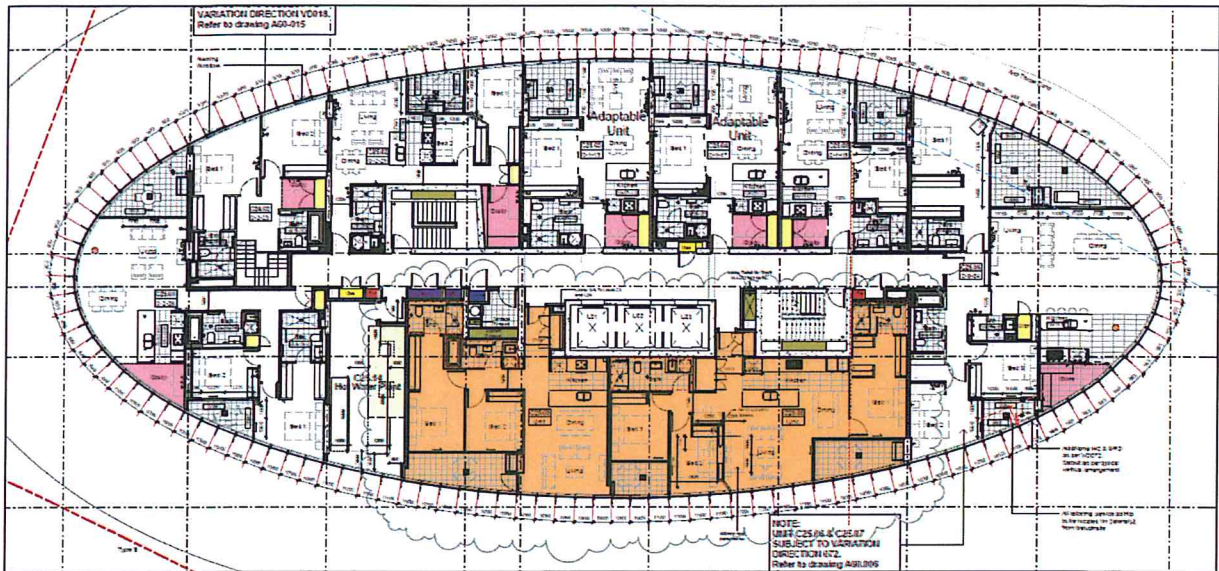


Figure 3: Tower 1 Proposed Level 24

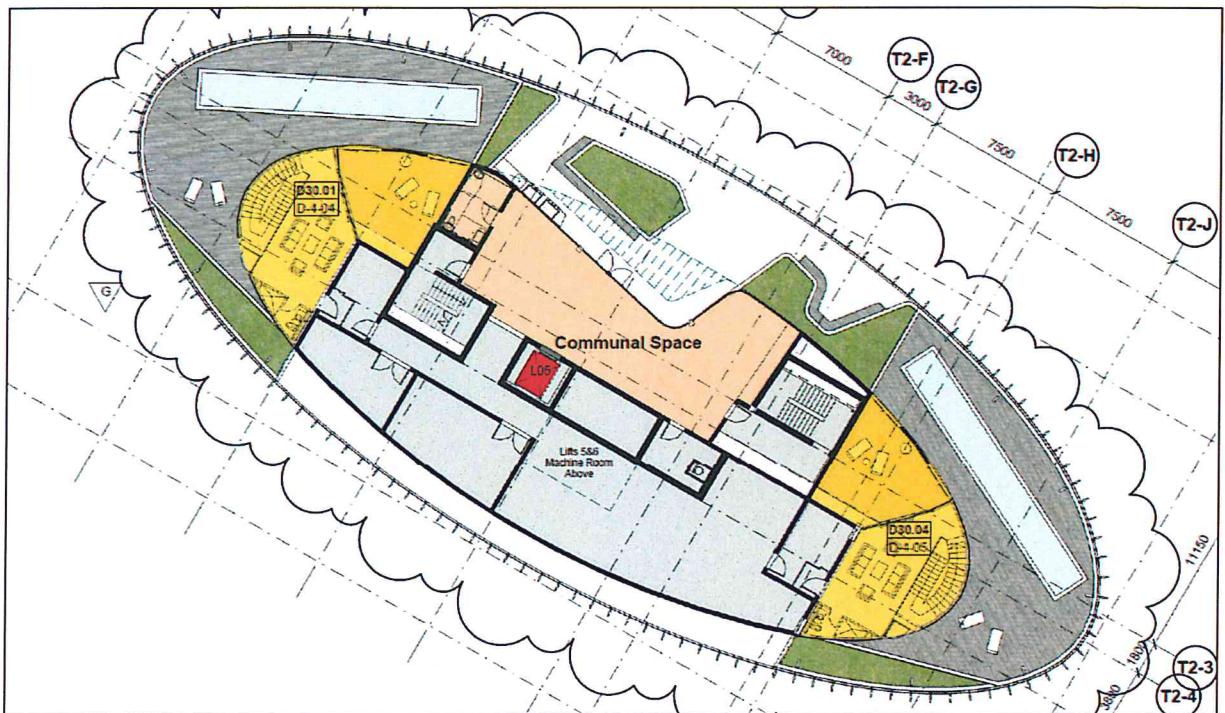
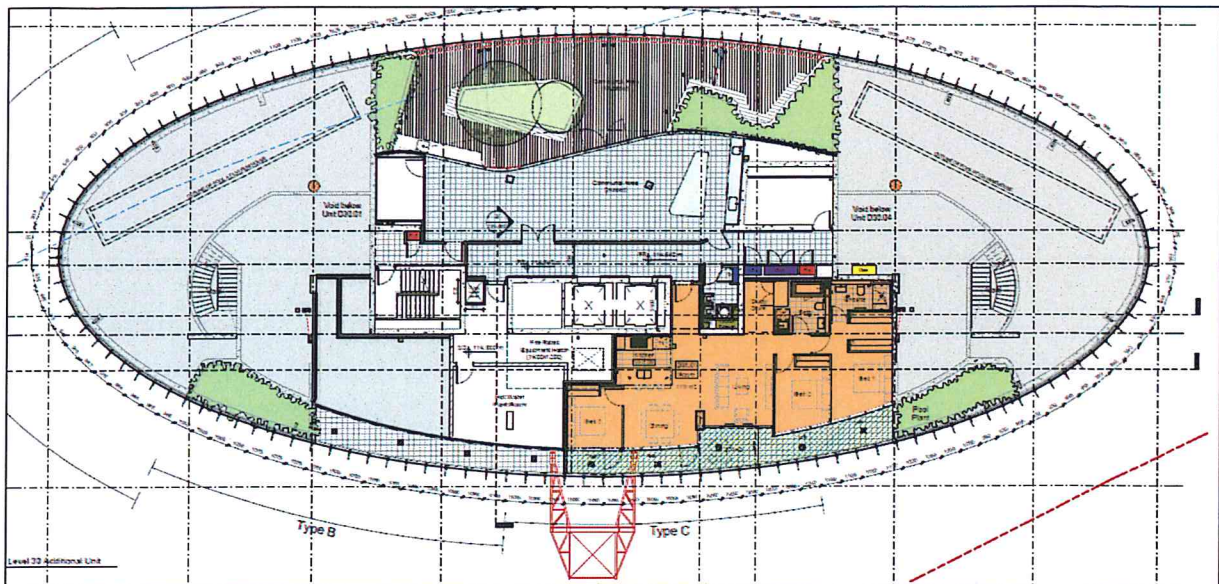


Figure 4: Tower 2 Approved Level 30



**Figure 5: Tower 2 Proposed Level 30**

The proposed increase to the size of the internal common area on Level 30 of Tower 2 will increase the amount of floorspace but as it is located behind the glazed façade, it would also have no built form impacts.

The proposed increase to the lift overrun for Tower 2 by three metres, to support faster and more efficient lifts, would extend above the height of the glazed façade by approximately two metres. The lift overrun is located centrally within Tower 2 and measures approximately 10 metres by six metres and is setback a minimum of 2.7 metres from the building façade. Therefore, the structure would not be visually discernible from the street level in the vicinity of the site or from surrounding buildings given the relative height of the tower. The lift overrun would only be visible from a distance or from other tall buildings within the precinct. As the depth and width of the overrun would be a relatively small protrusion above the height of the glazed façade, the Department considers the structure would have minor visual impact and would not significantly increase the massing of the development. The proposed lift overrun would have a negligible impact on views to and from Sydney Olympic Park given its size relative to the tower.

The proposed variations to the ground floor and podium levels (see **Figures 6 to 9**) are sought to provide more efficient use of the space by consolidating building management and mail rooms and removing walkways to commercial tenancies where alternate access from the tower cores can be provided. This has resulted in a marginal increase in commercial floor space (85.6 sqm), including reconfiguration of existing commercial tenancies and additional commercial tenancies where the mail rooms were previously located. The variations would result in a minor increase in gross floor area, however, as the reconfigured ground floor and podium layouts are internal and setback from the Australia Avenue frontage, they would not have any built form impacts.

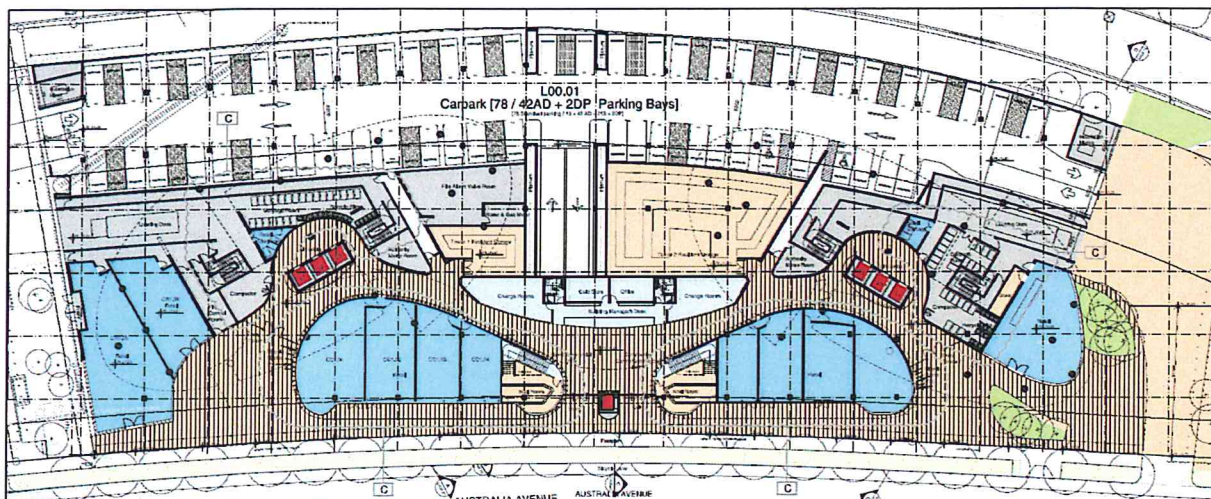


Figure 6: Approved Ground Floor Layout

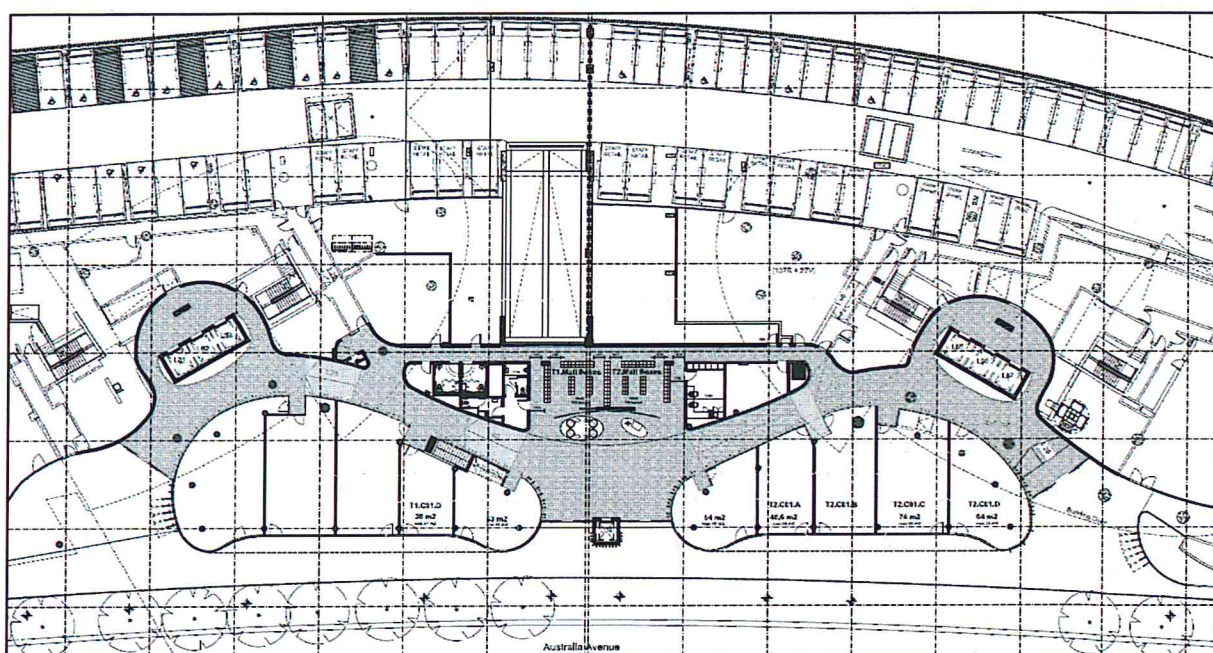


Figure 7: Proposed Ground Floor Layout

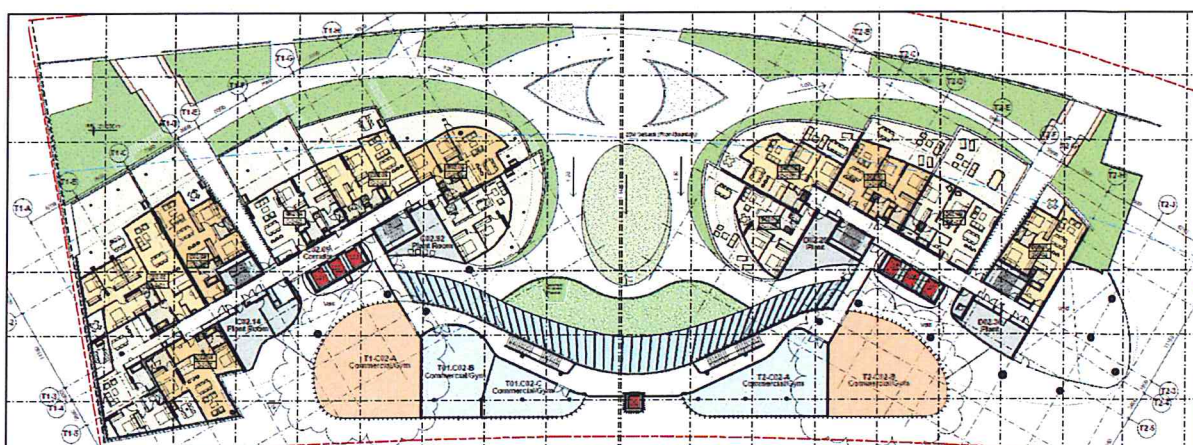


Figure 8: Approved Podium Layout

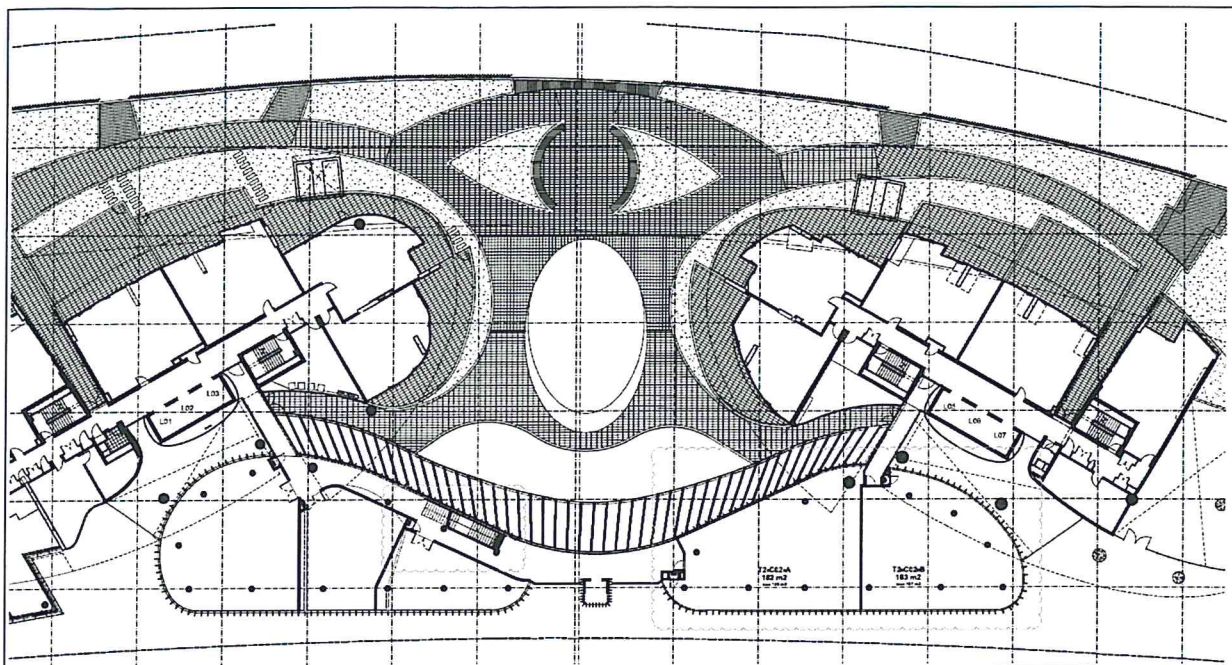


Figure 9: Proposed Podium Layout

## 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 clauses 18 and 19, Part 23, Schedule 3 of the MD SEPP, respectively.

The conversion of approved rooftop plant area to residential floorspace will not increase the height of the building. The increased height of the lift overruns does not result in an increase to the approved height of the building as defined in the MD SEPP, as plant is excluded from building height.

The increase in floor space resulting from the additional residential units, enlarged internal communal areas and the reconfigured ground and podium levels increases the total gross floor area from 56,947 sqm to 58,144 sqm and increases the total floor space ratio (FSR) for the site from 5.43:1 to 5.55:1. The additional floor space therefore results in further exceedance of the floor space control in the MD SEPP.

The development standards in the MD SEPP are not applicable where there is a Secretary'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 Secretary 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 Secretary must consider:

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

A certificate was issued for height and FSR non-compliances in the original project approval and FSR non-compliance in MOD 1 by the then Deputy Director-General, Development Assessment and Systems Performance, under the delegation from the then Director-General. A further certificate was issued for the non-compliance with the height and FSR

controls in MOD 3 by the Executive Director, Development Assessment Systems and Approvals, under the delegation from the then Director-General. The proposed modifications vary the development and increase the exceedance of the maximum permissible GFA (from 1,927 sqm to 3,124 sqm). Therefore a new Secretary'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 it would support the continued growth of Sydney Olympic Park as a specialised centre and provide 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. Whilst the lift overrun protrudes above the height of the façade curtain wall, an appropriate massing would be maintained as the protrusion is centrally located on the tower and relatively minor in comparison to the extent of the tower footprint and height of the tower.

Accordingly, the non-compliance with the development standards continues to be acceptable in the circumstances of the case given the minor increases and negligible environmental impacts resulting from the modified proposal.

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

### **5.3 Other matters**

#### **Amenity Impacts**

The proposal provides three additional units, of which only one would receive the minimum two hours of solar access recommended for mid-winter by the Residential Flat Design Code (RFDC) for dense urban areas. This would result in over 71 per cent of units receiving the recommended solar access. The design of the units will also have layouts similar to the rest of the development and therefore would generally comply with the rules-of-thumb in the RFDC, including private open space requirements, balcony depths, ventilation requirements and storage space. Accordingly, the proposal would continue to comply with the RFDC.

The overall compliance with the RFDC, Master Plan 2030 and the staged development consent will not vary significantly as a result of the three additional units proposed and additional internal communal area. The Department considers the modifications would not result in any amenity impacts for future residents or existing surrounding residents as the variations are generally contained within the approved building envelope.

#### **Car Parking**

The proposed development currently provides for 808 car parking spaces, which is less than the maximum allowed by Master Plan 2030 (i.e. 892 spaces). In this regard, Master Plan 2030 does not stipulate a minimum rate for residential development.

Whilst the total number of dwellings is proposed to increase by three units, the proponent does not propose to provide any additional car parking. Car parking can be allocated to the units from the existing approved car parking.

The approved rate for visitor parking for this development is one visitor car space for every seven dwellings. As the change to unit numbers is less than seven, it would not trigger the requirement for any additional visitor parking spaces.

While the proposed modification results in a net increase in retail/commercial GFA of approximately 85.6 sqm, the proponent does not seek to provide additional retail and commercial parking. Under Master Plan 2030, two additional car spaces are allowed to be

provided as a consequence of this floor space increase. The proponent has detailed in their application that the development seeks to provide car parking below the allowable amount in an effort to support the State Government's priority to promote a modal shift towards public transport. The site is well serviced by public transport and the retail uses are intended to be local shops and would not generate additional demand for car parking.

The Department considers the existing car parking that has been provided for the commercial and retail components of this development acceptable as the proposed increase in commercial floorspace in this application is minimal and would only generate a maximum of two additional spaces. The Department also accepts that the proposed retail shops would be primarily catering for the local residential community and workforce and therefore would not require any additional car parking. The car parking rates in SOPA Master Plan 2030 are maximum rates and therefore a reduced level of commercial and retail car parking is supported.

## 6. CONCLUSION AND RECOMMENDATION

The Department has considered the modification request 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 Secretary:

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

Endorsed by:



David Gibson  
Team Leader  
Key Sites



3.10.14

Chris Wilson  
Executive Director  
Infrastructure and Industry Assessments