

Tuesday 2 July 2013

Department of Planning and Infrastructure
GPO Box 39
Sydney
NSW 2001

Architecture
Urban Design
Planning
Interior Architecture

Attention: Mr Peter McManus, Senior Planner

RE: Project Approval MP 10_0168 – Stage 1 building at Site 43/44 – 6 Australia Avenue, Sydney Olympic Park – Planning Statement in support of Section 75W Modification

Dear Peter,

This letter comprises a Planning Statement in support of a Section 75W Modification (s75W) to Project Approval (MP 10_0168) for the mixed commercial and retail development at 6 Australia Avenue, Sydney Olympic Park made on behalf of Capital Corporation. The proposed development (known as the Stage 1 building) was approved by a delegate of the Minister for Planning and Infrastructure under the former Part 3A provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 31 July 2012. Changes are proposed to the scope of development which warrants the preparation of this s75W to modify the Project Approval.

Architectus Sydney
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

Auckland
Brisbane
Melbourne
Shanghai
Sydney

The structure of this Planning Statement is as follows:

1. Background
2. Site and locality
3. Development consent history
4. The proposed modifications
 - a. Change to scope of development
 - b. Change to description of development in Instrument of Approval
 - c. Change to conditions of approval
5. Statutory Planning Framework
 - a. Statutory requirements for Section 75W Modifications
 - b. Relevant State Environmental Planning Policies
6. Other Planning Framework
 - a. Sydney Olympic Park Master Plan
 - b. Environmental Guidelines for Sydney Olympic Park
7. Environmental Assessment
 - a. Design quality of architecture and public domain
 - b. Traffic and transport
 - c. Wind
 - d. Construction
 - e. Waste
8. Conclusion

Architectus Group Pty Ltd
ABN 90 131 245 684

Managing Director:
David Sainsbery
Nominated Architect
NSWARB 5551
ARBV 13176

This letter should be read together with the following attached plans and documents:

- **Attachment A:** Section 75W Architectural plans - prepared by Architectus;
- **Attachment B:** Landscape Plan/Public Domain Interface Plan – prepared by Scott Carver and Associates;
- **Attachment C:** Addendum to Traffic and Accessibility Report – prepared by Traffix;
- **Attachment D:** Pedestrian Wind Environment Statement for Stage 1A building – prepared by Windtech;
- **Attachment E:** Traffic and Pedestrian Construction Management Plan – prepared by Taylors Construction;
- **Attachment F:** Sydney Olympic Park Authority Design Review Panel Advice Sheet – prepared by SOPA;
- **Attachment G:** Integrated Water Management Report and Stormwater Plan – prepared by Insync Services Pty Ltd.
- **Attachment H:** Letter from SOPA dated 7 June 2013 granting Land Owner's Consent.

The key design changes proposed in the Section 75W were presented to the Sydney Olympic Park Design Review Panel on 21 March 2013. The minutes prepared by SOPA of this meeting are at **Attachment F**. The matters raised in the minutes are discussed more at **Section 6.1** below.

A letter was sent to SOPA together with the draft-final Environmental Impact Statements for the State significant developments for the Stage 1A and 2 buildings, to provide a more detailed overview of the proposed changes than was presented to the SOPA Design Review Panel on 21 March 2013. SOPA's support for the application and their Land Owner's Consent, was granted in the attached letter at **Attachment H**.

1. Site and locality

The subject site is located at Site 43/44 at 6 Australia Avenue, Sydney Olympic Park. The site is legally described as Lot 56 in DP773763 and Part Lot 72 in DP1134933.

The site is currently occupied by a two storey warehouse and ancillary office building, associated structures including a metal shed, and at-grade carparking.

Those land uses surrounding the site are described below.

- To the west of the site is an existing office building currently occupied by the Sydney Water Corporation data centre;
- To the north of the site are two 7 storey commercial buildings;
- To the east of the site is a high rise residential development with ground floor retail uses and a child care centre; and
- To the south of the site is an existing two storey office development.

The site is owned by SOPA. The applicant is Capital Corporation Limited. Owner's consent is submitted at **Attachment H**.

The site was formerly occupied by the Silex solar manufacturing plant.



Figure 1: Property description (Site 43/44)

Note: this shows the existing warehouse building on site

2. Development consent history

2.1 Major Project MP 10_0168

The Instrument of Approval for the Project Application MP 10_0168 described the project as follows:

“Site 43/44 mixed commercial and retail development, including:

- *Excavation and construction of a two level basement car park for provision of 225 car spaces, 24 motorcycle spaces and 121 bicycle spaces (20 located at ground level) and associated amenities and facilities.*
- *Construction of an eight storey mixed commercial/retail development comprising 16,450 sqm of gross floor area*
- *Part construction of new East West Street*
- *Tree removal and landscape open space at ground level*
- *Removal of existing at-grade parking areas and relocation of 30 existing office-warehouse building parking spaces into the basement carpark*
- *Provision of 85 new temporary at-grade parking for office-warehouse building staff and visitors.”*

This description of development has been modified at **Section 3.2** below.

2.2 Development applications for construction of warehouse

The original development applications for the establishment of the warehouse building on site were granted in December 1999 and August 2000 by Auburn Council to DA 746/99 and DA 194/00 for the current manufacturing operation and the administration offices at the site.

Development Application No.65-3-2002-i made by BP Solar Pty Ltd to expand the capacity of the Solar Cell and Module Plant was determined on 23 July 2002.

2.3 Development application for demolition of warehouse

A Development Application for the demolition of the existing warehouse (DA09-05-2013) on the site was lodged to the Sydney Olympic Park Authority (SOPA) on 15th May 2013. This was approved by SOPA under delegation of the Minister for Planning on 05/06/2013. The application proposes demolition of:

- Warehouse and office building;
- Metal shed and associated structures;
- Hard surface areas (at-grade parking, paths and the like).

The warehouse building covers the extent of works proposed by the s75W, Stage 1A and Stage 2 applications and so this is why it was the subject of a separate application.

2.4 Concurrent applications

The following applications are being lodged concurrently to the Department of Planning and Infrastructure with this Section 75W Modification for determination. They comprise two State significant developments relating to the Stage 1A and Stage 2 buildings on site 43/44 where the s75W is proposed.

State significant development for Stage 1A building

A State significant development application for the Stage 1A building has been lodged concurrently to this Section 75W. This will provide for an expansion of the building form of the Stage 1 building along New Road 10. This building will be located at the southern portion of Site 44 that is shown on **Figure 1** above.

State significant development for Stage 2 building

A State significant development application for the Stage 2 building has been lodged concurrently to this Section 75W. This building will be located on Site 43 that is shown on **Figure 1** above.

3. The proposed modifications

The proposed modifications that are the subject of this s75W application are shown in the architectural plans at **Attachment A** and are numbered on the plans in accordance with the points below. The architectural plans show the areas of proposed changes (proposed s75W modifications) shaded in blue and the areas of the approved building that is not being modified, shaded in yellow.

3.1 Change to scope of development

This Section 75W to MP 10 _0168 proposes a raft of physical changes to the Stage 1 building and associated works. The rationale for the changes is also provided under each point below.

Note a key change between the Project Approval and this Section 75W is that the works within the road reserve do not form part of this application. The civil road design and the landscaping of the road verge areas are subject to SOPA designs. This is illustrated in **Figure 2** below.

Another key change is that the extent of proposed works has both expanded and been reduced in this s75W. This is illustrated at **Figure 3** further below, and is described below:

- Extends to future New Road 16 to the west at ground level and the two basement levels;
- Reduced at the southern boundary to extend to the boundary with New Road 10 at ground level and reduced extent at basement levels to just extend over road boundary under future New Road 10;
- The extent of works to the eastern and northern boundary end at the boundary to the road reserve;

The s75W also will develop two levels of basement car park to serve the future Stage 1A building.

These changes have arisen during development of tender drawings relating to the Project Application for the Stage 1 building.

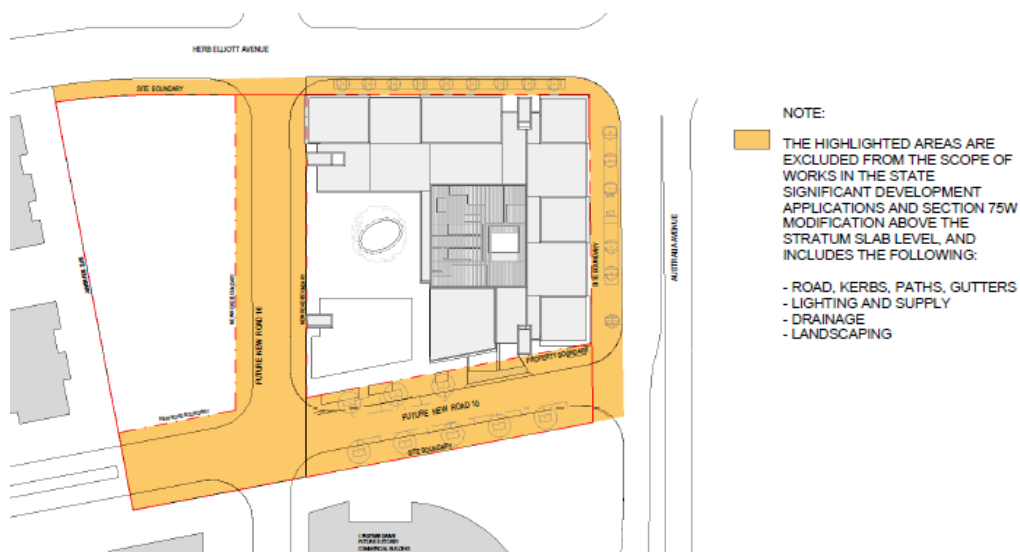


Figure 2: Areas excluded from scope of Section 75W Modification and State Significant Developments

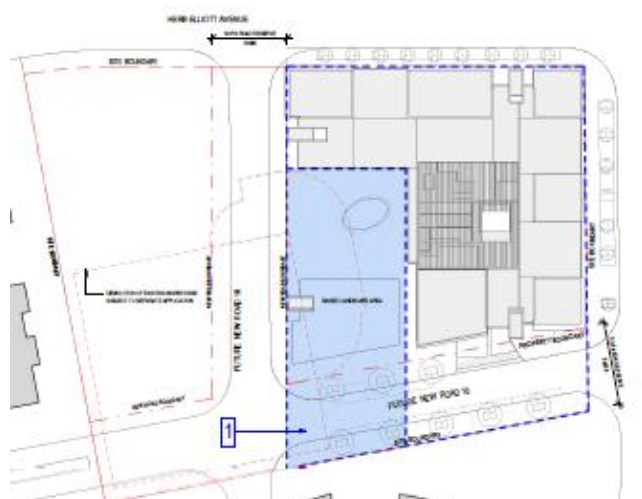


Figure 3: Site Plan – Section 75W

This shows the area of extent of works for the Section 75W Modification. The area shaded in blue relates to the expansion of the basement carpark compared with the Project Application, to accommodate 55 new car spaces for allocation to the Stage 1A Building.

- 1. Expansion of the excavation area to the west of the basement carpark and construction of extended basement car park at two levels to accommodate a total of 280 car spaces (55 additional car spaces). Reduction to excavation to the south of the basement below road 10.**

The basement carpark has been expanded to provide for 55 additional car spaces that will be reallocated to the other buildings once constructed. This necessitates a greater area of excavation compared with the Project Approval.

However note that the excavation has been pulled back from the southern boundary that previously extended completely under New Road 10 to the site boundary, to just extend over the road boundary under future New Road 10.

- 2. Changes to landscaping of the courtyard and undercroft area.**

The landscaping to the courtyard and undercroft areas has changed. A revised Landscape Plan / Public Domain Interface Plan have been prepared by Scott Carver and Associates. Refer to this plan at **Attachment B**. There is sufficient detail in this plan to meet SOPA's requirements

for an Urban Domain Interface Plan, as it addresses the prerequisites of the SOPA Urban Elements Design Manual.

Features of the new landscape design include:

- The plan shows that a radial paving treatment will be implemented around the central tree in the courtyard. Proposed “Twig” seating is aligned with the radial feature paving.
- The undercroft area has more “twig” seating associated with steel planters.
- Provision has been made for temporary turf at the location of the Stage 1A Building footprint, to be in place until this building is constructed.

3. Removal of kiosk to undercroft area.

The kiosk has been removed as the area will be served from a single café within the foyer of the building. The façade of the foyer is proposed to be operable with large bi-folding doors which will allow the foyer café seating to spill out into the undercroft bringing activation to this space.

4. Continuation of ground floor slab over car parking extension.

The extent of the basement carpark is being pulled back from the southern boundary compared with the Project Approval. The finished ground surface will show a concrete ground floor slab. This will later accommodate SOPA’s road and streetscape design.

5. Removal of vertical blades from building façade and their replacement with timber soffit to the balconies and other façade treatment.

The vertical blades that were shown in the Project Application to balconies are proposed to be replaced with timber soffits to balconies.

This proposed modification was presented to the SOPA Design Review Panel (DRP) meeting held on 21 March 2013. The DRP supported this change. Refer to the minutes of this meeting prepared by SOPA at **Attachment F**.

6. The central atrium is divided into three, with continuous floor plates and no internal glazing partitions on levels 2 & 5. Internal floor to ceiling glazing partitions are replaced with glass balustrades on levels 3 & 6. Levels 4 & 6 incorporate floor to ceiling internal glazing partitions.

The division of the central atrium as described still allows for a sense of space upon entry into the foyer, but allows for functional space above.

This proposed modification was presented to the SOPA Design Review Panel (DRP) meeting held on 21 March 2013. The DRP supported this change. Refer to the minutes of this meeting prepared by SOPA at **Attachment F**. In response to the DRP’s comment about natural ventilation, refer to Section 6.1 ‘SOPA Design Review Panel’ below.

7. Change to ground floor level from rl. 117.500 to 117.200.

The finished floor level of the building has been revised from rl. 117.500 to rl. 117.200 in order to achieve the necessary grades to allow rain water dispersion and accessible traffic from the street to building entrances.

8. Rationalisation of core and column layout.

Rationalisation of the core and column layout has been undertaken to achieve greater efficiencies in the design.

9. Removal of terracotta to the east & south elevations. The southern wall is proposed as painted pre-cast panels. The western wall is proposed as lightweight cement panel, painted with same paint finish as southern pre-cast wall.

The terracotta cladding has been removed from a portion of the south and the west elevations. The south wall, adjacent to the core, is replaced with painted pre-cast panels, whilst the west wall is a lightweight cement panel matching in colour to the painted precast. The terracotta material is a high quality and expensive finish and in this application would be temporary until the construction of Stage 1A. Under Stage 1A the lightweight cement panel is the wall that would be removed and the precast would be concealed within the development.

10. Temporary raised grassed area until stage 1a building is constructed.

The Stage 1A building will be constructed after the Stage 1 building (s75W) is constructed. The temporary ground treatment to the area of the Stage 1A building footprint is a grassed area that can be used as a recreational area by employees of the Stage 1 building until the Stage 1A building is constructed. This is shown on the Landscape Plan/Public Domain Interface Plan.

11. Inclusion of cyclist facilities for green star requirements.

Cyclist facilities have been provided to meet Green Star requirements for the building. Refer to **Section 3.2** and **Section 3.3** for details.

12. Inclusion of the flat roof over the car park entry on level 1 to new road 10.

A flat roof has been provided over the carpark entry to New Road 10. This will allow for the carpark to be in constant use during construction of Stage 1A.

13. Bi-fold doors to retail façade.

Glazed bi-fold doors are being introduced to the ground floor retail tenancies. This allows for flexibility to the foyer and undercroft as the demarcation between internal/external spaces becomes blurred and allows an occupant to “flow” between the internal café and external seating.

14. Reconfiguration of retail tenancies, including reduction of floorspace for supermarket [from 541 to 504 sqm].

The retail tenancies have been reconfigured due to an expansion to the amenities/core area. The supermarket tenancy has reduced in area, from 541sqm to 504 sqm Net Lettable Area (NLA). The area of secondary retail has also reduced, down to 108 sqm NLA (a decrease of 148 sqm NLA).

15. Façade screen introduced for improved solar shading and greater articulation of the façades.

The façade screen allows for sun shading and greater articulation of façades.

16. Plant room footprint has been revised and north-south corridor linking stair 1 and 4 to the plant room has been removed. Louvre screen to the plantroom roof and the plant room façade. Terracotta to plant room enclosure is replaced with bronze, aluminium composite panel. Colour to match facade louvres & framing.

During design development for the Stage 1 building, the true plant size on the roof was determined through detailed services design. This meant that the plant room footprint has changed.

Revised access routes were accommodated to the roof plant enclosure meaning that the north-south corridor on the roof plant level has been removed. The removal of this corridor meant that the continuous terracotta form linking the stair cores and the roof plant enclosure was no longer required.

The plant room façade treatment has been revised from terracotta to a bronze powder-coated aluminium panel to match the glazing system.

A louvre screen has been provided to the plant room roof to visually screen the plant room and to allow for it to be naturally ventilated.

3.2 Change to Schedule 1 of the Instrument of Approval

The proposed changes to the description of the project in Schedule 1 of the Instrument of Approval (Mp10_0168) for the Section 75W are described below. The original description of the project has been modified to showing deletions with ‘strikethrough’ text, and additions as **red** text.

The amended project description is to read as follows:

Site 43/44 mixed commercial and retail development, including:

- *Excavation and construction of a two level basement car park for provision of ~~225~~ **280** car spaces, ~~24-25~~ motorcycle spaces and ~~424~~ **151** bicycle spaces (~~20~~ **21** located at ground level) and associated amenities and facilities.*
- *Construction of an eight storey mixed commercial/retail development comprising ~~16,450 sqm~~ **17,605 sqm** of gross floor area*
- ~~Part construction of new East West Street~~

- Tree removal and landscape open space at ground level
- ~~Removal of existing at-grade parking areas and relocation of 30 existing office-warehouse building parking spaces into the basement carpark~~
- ~~Provision of 85 new temporary at-grade parking for office-warehouse building staff and visitors.~~

A Development Application (DA 09-05-2013) for demolition of the existing warehouse/office building and associated structures on the site was approved by SOPA under delegation from the Minister on 05/06/2013. The 85 new temporary at-grade parking spaces for the office/warehouse building will therefore not be required. And the 30 car spaces allocated to the warehouse/office building are no longer required for the office/warehouse.

The increase in Gross Floor Area to the Stage 1 building is attributed primarily to filling in the atrium on levels 2 and 5, the remainder from rationalising the grid and the plans.

3.3 Changes to Schedule 2 Terms of Approval of Instrument of Approval

Development in Accordance with Plans and Documents

Changes are made to the drawings specified under 'Terms of Approval - A2' of the Instrument of Approval as described in **Table 1** below.

Table 1: Changes to Drawings Set

Architectural (or Design) drawings prepared by ARCHITECTUS

Drawing No.	Revision	Name of Plan	Date
DA-S75-0001	B	Drawing Notes	20/06/2013
DA0005	B	Site Plan — Stage 1	08.06.12
DA-S75-0004	B	Site Plan	20/06/2013
DA1001	G	Basement Level 2 Plan	08.06.12
DA-S75-1000	B	Basement 2 Plan	20/06/2013
DA1002	I	Basement Level 1 Plan	08.06.12
DA-S75-1001	B	Basement 1 Plan	20/06/2013
DA1003	L	Ground Floor Plan	08.06.12
DA-S75-1002	B		20/06/2013
DA1004	G	Level 1 Plan	08.06.12
DA-S75-1003	B		20/06/2013
DA1005	G	Level 2 Plan	08.06.12
DA-S75-1004	B		20/06/2013
DA1006	G	Level 3 — 7 Plan	08.06.12
DA-S75-1005	B		20/06/2013
DA-S75-1006	B	Level 4 Plan	20/06/2013
DA-S75-1007	B	Level 5 Plan	20/06/2013
DA-S75-1008	B	Level 6 Plan	20/06/2013
DA-S75-1009	B	Level 7 Plan	20/06/2013
DA1007	G	Plant Level Plan	08.06.12
DA-S75-1010	B		20/06/2013
DA1008	G	Roof Level Plan	08.06.12
DA-S75-1011	B		20/06/2013
DA2000	D	North East Elevation	08.06.12
DA-S75-2000	B	Elevations	20/06/2013
DA2001	D	North West Elevation	08.06.12
DA-S75-2001	B	Elevations	20/06/2013
DA2002	G	South West Elevation	08.06.12
DA2003	G	South East Elevation	08.06.12
DA2005	G	Section 1	08.06.12
AD-S75-2010	B	Sections	20/06/2013
DA2006	G	Section 2	08.06.12
DA-S75-2011	B	Sections	20/06/2013

DA2010	B	Detail Sections 1—2	08.06.12
DA2011	B	Details Sections 3—4	08.06.12
DA5000	B	Material Finishes	08.06.12
Landscape Drawings prepared by SCOTT CARVER			
Drawing No.	Revision	Name of Plan	Date
DWG No. 03	B	Design Statement	6 June 2012 1 July 2013
DWG No. 04	B	Plant Schedule	6 June 2012
DWG No. 05	C	Stage 1 Concept Plan	6 June 2012
Dwg. No. 100	6	Landscape Plan	28 June 2013
Dwg No. 101	3	Forecourt Plan and Details	25 June 2013

The following changes to conditions of approval are proposed:

Condition: A2 Development in accordance with plans and documents

Response:

All of the Architectural drawings and Landscape drawings referred to in condition A2 will change as a result of the modifications described above. Refer to the s75W architectural plans at **Attachment A** and the list/description of proposed changes at **Section 2** above.

Condition: B7 Number of car spaces

Response:

Revise the car parking allocations for the proposed development as follows in **Table 1** below.

Table 2: Car parking allocations

Car parking allocation	Number
<i>Stage 1 building:</i>	
Retail — local	5 21
Retail — Supermarket	15
Number of supermarket car spaces to be disabled spaces	4
Commercial	194 202
Number of commercial car spaces to be disabled spaces	8
Number of dedicated courier spaces	2
Existing office-warehouse building	85
<i>Total reallocation to future Stage 1A building</i>	<i>55</i>
<i>Total disabled parking spaces (Stage 1 & Stage 1A)</i>	<i>10</i>
TOTAL	340 280

The total car parking allocation to the Stage 1 building will be 223 spaces. Note that this figure is not inclusive of the 2 courier spaces that are allocated to serve that building. This is consistent with the Traffic and Parking Assessment for the Preferred Project Report.

The retail car spaces (inclusive of supermarket and retail – secondary) have been combined in the table as a single figure.

Note that the additional 55 car spaces in the basement carpark will be reallocated to the Stage 1A building once construction of the Stage 1A building is complete.

Condition: B9 Bicycle Spaces

Response:

Revise the condition to read as follows:

B9. A minimum of ~~404~~ 151 basement bicycle spaces and ~~20~~ 21 ground level visitor bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Note the 151 bicycle spaces are to serve the Stage 1 and Stage 1A buildings. The ground level bicycle visitor spaces are for allocation to the Stage 1 building only, as the concurrent Stage 1A State significant development will provide the at-grade bicycle spaces for that building.

Condition: C9 & C10 Traffic & Pedestrian Management Plan

C9. Prior to the commencement of any works on the Subject Site, a Traffic and Pedestrian management Plan, prepared by a suitably qualified person, shall be submitted to the PCA. The Plan must be prepared in consultation with SOPA. The Plan shall address:

- (a) Ingress and egress of vehicles to the Subject Site;*
- (b) Loading and unloading, including construction zones;*
- (c) Predicted traffic volumes, types of vehicles, routes and the times vehicles are likely to be accessing the site;*
- (d) Pedestrian and traffic management methods, including access arrangements;*
- (e) Changes to on-street parking restrictions on roads; and*
- (f) Management of car parking demand during construction including preparation and distribution of a Travel Access Guide.*

C10 The proponent shall submit a copy of the final Plan to SOPA, prior to the commencement of work.

Response:

A Traffic and Pedestrian Management Plan has been prepared for the proposed modified development (s75W). This is provided at **Attachment E**. Therefore this condition can be removed.

Condition: D22 Existing office/warehouse building

Adequate provision is to be made for car parking and vehicle access to the existing office/warehouse building and maintained throughout the duration of construction activities, in accordance with the Construction Environmental management Plan.

Response:

This condition can be removed as the approved Development Application with SOPA for demolition of warehouse and associated structures includes the removal of these car spaces.

4. Statutory Planning Framework

The key statutory planning framework for the proposed modification is set out below.

4.1 Sydney Olympic Park Authority Act 2011

Section 22 of the *Sydney Olympic Park Authority Act 2001* provides that the Minister for Planning is the consent authority for any development carried out in Sydney Olympic Park and requires that the Minister considers the consistency of the proposal with the Environmental Guidelines.

22 Consent authority

- (1) *The consent authority for any development carried out by any person on land within Sydney Olympic Park is the Minister for Planning.*
- (2) *In determining an application for consent to carry out development on land within Sydney Olympic Park, the Minister for Planning must consider the consistency of the proposed development with the Environmental Guidelines.*

Consistency of the development with the Environmental Guidelines is discussed further below.

4.1 Statutory requirements for Section 75W Modifications

Transitional arrangements for Part 3A projects

Schedule 6A of the EP&A Act provides:

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, and

(b) declarations, orders, directions, determinations or other decisions with respect to a transitional Part 3A project continue to have effect and may continue to be made under Part 3A (including for the purpose of the application or continued application of Part 4 or 5 or other provisions of this Act in relation to the project).

Editorial note. For orders under former sec 75B, declarations under former sec 75C, or orders or declarations in relation to those sections under this paragraph, see the Historical notes at the end of this Act.

(3) This clause is subject to the other provisions of this Schedule.

The EP&A Act as in force immediately before its repeal on 1 October 2011 continues to apply to transitional Part 3A projects. Section 75R(3) under Part 3A provides that environmental planning instruments (other than SEPPs) do not apply to approved Part 3A projects.

Modification of Minister's approval

Section 75W of the EP&A Act states the following:

'75W Modification of Minister's approval

(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 modifications 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.*
- (6) *Subsection (5) does not apply to a request to modify:*
 - (a) *An approval granted by or as directed by the Court on appeal, or*
 - (b) *A determination made by the Minister under Division 3 in connection with the approval or a concept plan.*

The Proponent requests that the Minister for Planning, as the consent authority, approve the proposed modifications to the Project Application MP 10_0168 (as modified).

The proposed development is considered to be largely consistent with the Project Approval.

There are no provisions of Section 75W that impose any prohibition or limitations on the proposed modifications. The Proponent has not been notified of any environmental assessment requirements at the time of preparing this report. However a preliminary environmental assessment of the proposed changes to the development has been undertaken at **Section 6** below. Should the Director-General consider additional environmental assessment requirements are necessary to be addressed by the Proponent, the proposal will provide an additional response to that request. Therefore it is considered that the proposed modifications satisfy the provisions of this Section.

Application of environmental planning instruments to approved projects

75R Application of other provisions of Act

(3) Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project.

The implication of this sub-section of the EP&A Act for the Project is that in accordance with Section 75W there is no requirement to assess the s75W application against the requirements of environmental planning instruments - including Local Environmental Plans - except for State Environmental Planning Policies (SEPPs).

The subject land does not have any Local Environmental Plan that apply, as the land is subject to *State Environmental Planning Policy (Major Development) 2005* and the Sydney Olympic Park Master Plan.

4.2 Relevant State Environmental Planning Policies

Those State Environmental Planning Policies relevant to the proposed development include:

- *State Environmental Planning Policy (Major Development) 2005* (SEPP Major Development);
- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP No. 55); and
- *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

The relevant provisions from SEPP Major Development, SEPP No. 55 and ISEPP are addressed below.

State Environmental Planning Policy (Major Development) 2005

SEPP Major Development provides for the zoning of the site, the permissibility of development, the consent authority for the application, and the requirement for demolition work requiring consent.

Clause 9 - Zone B4 Mixed Use

The objectives of the B4 Mixed Use Zone 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 intended use of the site, for mixed use (commercial and retail development) will satisfy objectives (b) – (f) of the zone above through this s75W and the concurrent State Significant Development applications for the Stage 1A and 2 buildings.

Clause 18 – Height of buildings

Clause 18 Height of buildings provides that the height of a building on any land within Sydney Olympic Park site is not to exceed the 'Height of Buildings Map' or the 'Reduced Level Map', whichever is applicable. The Building Heights Plan shows a maximum of 8 storeys for the site. The proposed building will be 8 storeys above ground level, therefore complying with this requirement. Note the proposed building height is RL 149.250 to top of roof.

Clause 19 – Floor space ratio

Clause 19 Floor space ratio provides that the maximum floor space ratio for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map shows the site as having a maximum Floor Space Ratio of 3.5:1. The proposed Gross Floor Area (GFA) of the modified Stage 1 building is 17,605 sqm.

Combined with the proposed GFA's of the other buildings, the FSR for the total development of the site will be 3.47:1.

Clause 23 – Public utility infrastructure

Clause 23 Public utility infrastructure provides that the development consent must not be granted unless the consent authority is satisfied that any public utility infrastructure that is essential for the development is available or adequate arrangements have been made.

An Integrated Water Management Plan and Stormwater Plan has been prepared for the Stage 1 and Stage 1A developments, as for the purposes of servicing these buildings, they are regarded as a single building. Refer to these documents at **Attachment G**.

Clause 24 – Major events capability

Clause 24 was addressed as part of the Project Application and does not require further assessment.

Clause 25 – Transport

Clause 25 provides that the consent authority is not to grant consent unless the development includes measures to promote public transport use, cycling and walking.

The Traffic and Accessibility Report prepared by Traffix that formed part of the Project Application adequately addressed issues of public transport and walking.

The Addendum to the Traffic and Accessibility Report that has been prepared by Traffix for the purposes of the Section 75W at **Attachment C** provides an assessment of the cycling facilities.

Clause 26 – Master plan

Clause 26 refers that the consent authority must not grant consent to development in Sydney Olympic Park unless the authority has considered a master plan. In the case of the subject site, this is the Sydney Olympic Park Master Plan.

It should be noted that despite Clause 26, a master plan is not a statutory consideration in the assessment of a Section 75W Modification. Full assessment of the Master Plan was undertaken in the Project Application. As only minor modifications are being made to the development, assessment against only key provisions of the Master Plan is provided at **Section 5.1** below.

Clause 30 – Design excellence

Clause 30 Design excellence applies to new buildings and alterations to buildings. It requires that the consent authority must consider whether a proposed development considers design excellence.

Clause 30 - Provision	Response
<p>(1) Development consent must not be granted for development that is the erection of a new building or external alterations to an existing building unless the consent authority:</p> <p>(a) has considered whether the proposed development exhibits design excellence, and</p> <p>(b) in the case of a building that will attain the maximum height shown for that land on the <u>Height of Buildings Map</u> or the <u>Reduced Level Map</u> (whichever is the lesser), is satisfied that the development exhibits design excellence.</p>	<p>(a) Refer below</p> <p>(b) The maximum height as shown on the Maximum building heights map is 8 storeys. The height of the proposed building is 8 storeys.</p>
<p>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</p> <p>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,</p> <p>(d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.</p>	<p>(2) The architectural scheme has been presented to the design review panel and SOPA. The panel and SOPA were accepting of the design resolution of the building with the proposed changes. Refer to minutes of the DRP Meeting at Attachment F.</p> <p>A competition was held in relation to the original master plan scheme for the overall site. The proposed modifications do not represent a significant deviation from the master plan.</p>
<p>(3) Development consent must not be granted to the following development unless a design competition has been held in relation to the proposed development:</p> <p>(a) the erection of a new building with a building height greater than 42 metres above ground</p>	<p>(a) Not applicable</p> <p>(b) The proposed building that formed the Project Application was the subject of a design competition that was considered and selected by the design jury. Since then it has been presented to SOPA's design review panel. The proposed modified building is consistent with the competition entry.</p>

Clause 30 - Provision	Response
level (existing), (b) the erection of a new building identified as requiring a design competition in a master plan.	
(4) In this clause: design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.	-

State Environmental Planning Policy No. 55 – Remediation of Land

This Section 75W Modification relies on the Phase 1 Environmental Site Assessment (Contamination) report in the Project Application. This study included sampling/testing from areas across the site. While the extent of excavation work is both expanding and reducing in this s75W, there is no further contamination testing required for the purposes of supporting this s75W, and there is no need for additional measures specified in the Statement of Commitments or the Conditions of Approval.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of ISEPP requires referral of traffic generating development to the Roads and Maritime Services (RMS). The Traffic and Accessibility Report prepared by Traffix that formed part of the Project Application referred that the application required referral to the RTA (RMS) under ISEPP. As the proposed modified development (s75W) will be increasing the number of car spaces (for future allocation to the other buildings on the site) the s75W will need referral to the RTA.

5. Other Planning Framework

The planning framework that is not a statutory consideration in the assessment of s75W is discussed below.

5.1 Sydney Olympic Park Master Plan

The proposed modified development is consistent with the provisions of the Sydney Olympic Park Master Plan. The key changes to the development which would warrant assessment include an increase in Gross Floor Area, and changes to the public domain.

Floor space ratio controls

The proposed commercial and retail uses are consistent with the FSR provisions of the Master Plan (maximum 3.5:1 across the site). The proposed FSR across the site accounting for Stage 1 (Section 75W figure), Stage 1A and Stage 2 is 3.47:1. Refer to response to the Central Precinct controls further below.

Building Height

The proposal complies with the maximum 8 storey height limit.

Public Domain

The landscape design of the courtyard and undercroft area has changed since the Project approval. The trees and vegetation will not block lighting or field of vision for pedestrians in the public domain.

5.2 Environmental Guidelines for Sydney Olympic Park (2008)

Section 3.5 'Development Planning and Design' of the Environmental Guidelines provides that SOPA will manage the evolution of the place through a formal Master Plan. The Sydney Olympic Park Master Plan is the formal master plan for Sydney Olympic Park. A site-specific master plan was also prepared for site 43/44 as part of a design competition process. The

controls for the Central Precinct and the site in the formal Master Plan and the site-specific master plan prepared for the site by Architectus will guide the evolution of the site's redevelopment. The realisation of each master plan requires the demolition of the existing warehouse and structures on site to make way for commercial development.

6. Environmental Assessment

6.1 Architectural and public domain design quality

The design quality of the architectural and public domain is discussed below. This includes discussion of the Sydney Olympic Park Authority Design Review Panel's comments on the development.

SOPA Design Review Panel

A Sydney Olympic Park Authority Design Review Panel (DRP) meeting was held on 21 March 2013. At this meeting, Capital Corporation and Architectus presented the proposed changes to the site master plan for Stages 1A and 2 buildings and the proposed Section 75W Modification to the Stage 1 building. Refer to the Sydney Olympic Park Authority DRP Advice Sheet at **Attachment F** that was prepared by SOPA.

Overall, the DRP was supportive of changes to Stages 1A and 2 and proposed modifications to Stage 1 building (S75W). However the DRP recommended that the following issues be addressed. The way in which the proposed development addresses each of these is noted below each point.

Issues

- *The width of the passageway (1.2 metres) between fire stairs and the building along Herb Elliott Avenue is too narrow. The proponent should consider an alternative fire stair configuration to increase the passageway width from 1.2m to at least 1.8m.*

The width of the passageway will be 1.5 metres.

- *Consider wind impact to the courtyard until Stage 2 has been completed.*

Refer to **Section 6.3** below for a response to this issue.

- *FSR calculations will be affected.*

Noted. Refer to **Section 4.2** (response to clause to 19) above for FSR calculations.

Matters for consideration

- *Deletion of Stage 1A through link should be considered.*

This is subject to the Stage 1A State Significant Development. The link has been retained as it enhances permeability through the site to the southern road and activates the retail tenancies facing New Road 10. It also visually breaks up the mass of the building.

- *Further detail to western façade of Stage 2 to be provided.*

This is subject to the Stage 2 State Significant Development.

- *Drainage to be considered. Proponent to consider the use of bio-swales as part of the drainage strategy for the site.*

Bio-swales are not proposed as part of the s75W as the streetscape landscaping is being designed and documented by SOPA. Works within the road reserve are not part of this application.

- *Natural ventilation to atrium spaces.*

The atrium spaces have changed since the Project Application.

As a result of a fire engineered solution, the atrium is now split into three spaces with the potential to remove the internal perimeter glazed partitions between the atrium and commercial space on two levels of the three level atrium. It is not possible to part ventilate the atrium space without an adverse effect on the commercial office space hence they will be mechanically ventilated.

Recommended Supporting Action

- *The ground floor plaza public domain interface plan be prepared in accordance with SOPA's Urban Elements Design Manual and should include tree planting and verge gardens (to both sides of Park Street) as part of the landscape design and potential drainage strategy for the site.*

A Public Domain Interface Plan has been prepared in accordance with the Urban Elements Design Manual. Refer to this plan at **Attachment B**.

- *Temporary screening provided to courtyard as part of the Stage 1 development to minimize further wind impact.*

Refer to **Section 6.3** below for a response to this issue.

- *Further consideration of natural ventilation to the atrium spaces.*

As a result of a fire engineered solution, the atrium is now split into three spaces. These spaces are not able to be naturally ventilated. They will be mechanically ventilated.

Architecture

The proposed architectural plans have been modified to allow for greater design efficiencies to the internal layout of the building and design improvements to the façade, amongst other changes. Refer to these plans at **Attachment A**.

The proposed modified development includes replacement of the vertical blades on the building façade with timber soffit to the balconies. This change was supported by the SOPA Design Review Panel. Refer to **Attachment F** for details.

The proposed modifications to the Stage 1 building were presented to SOPA's Design Review Panel on 21 March 2013. This canvassed changes to building treatments/materials to external building facades.

Since presentation to the Design Review Panel, the kiosk has been removed and the area will be served by a café within the foyer.

The façade of the foyer is proposed as an operable façade with larger fold up sections which will allow the foyer café seating to spill out into the undercroft bringing activation to this space.

Public Domain and Landscaping

The landscaping and public domain design has changed. Refer to the revised Landscape Plan / Public Domain Interface Plan prepared by Scott Carver and Associates at **Attachment B**.

Note that the extent of works proposed as part of the s75W landscaping has been reduced compared with the Project Approval, as the road reserves are not included in this application as they are subject to SOPA design.

There is sufficient detail in this plan to meet SOPA's requirements for an Urban Domain Interface Plan, as it addresses the prerequisites of the SOPA Urban Elements Design Manual.

Features of the new landscape design include:

- The plan shows that a radial paving treatment will be implemented around the central tree in the courtyard. Proposed "Twig" seating is aligned with the radial paving.
- The undercroft area has more "twig" seating associated with steel planters.
- Provision has been made for temporary turf at the location of the Stage 1A Building footprint, to be in place until this building is constructed.



Figure 4: Visualisation showing intended treatment for courtyard

6.2 Traffic and transport impacts

An Addendum to the Traffic and Accessibility Report has been prepared by Traffix for the s75W. Refer to this addendum at **Attachment C**. This covers the parking requirements, traffic generation, access, vehicular control point, and internal design.

Parking requirements

The Addendum provides that a maximum of 227 car spaces can be provided for allocation to the Stage 1 (s75W) building. A total of 223 car spaces will be provided and allocated to the Stage 1 building.

Table 3: Parking rates and provision – Stage 1 building (excluding Stage 1A building)

Type	Area	SOPA Parking Rates	Spaces required (maximum)	Spaces provided
Proposed Stage 1 commercial	16,435 sqm	1 space per 80 sqm	205	202
Proposed Stage 1 retail	108 sqm	1 space per 50 sqm	2	21
Proposed Stage 1 supermarket	504 sqm	1 space per 25 sqm	20	
			227	223

As the s75W is expanding the basement carpark, an additional 55 car spaces will be constructed as part of the s75W for future reallocation to the other buildings on the site. A total of 280 car spaces will be provided as part of the s75W scope of works.

Traffic generation

As parking provision is consistent with the approved Stage 1 development, and assessment of the traffic generation is being undertaken as part of the Stage 1A State significant development, no further assessment is required.

While the GFA of the proposed building is slightly increasing compared with the Project Approval, the traffic consultant has concluded that any additional employees associated with the minor increase in floorspace can utilise public transport.

Access / vehicular control point

The location of access to the basement carpark of the proposed building is not changing compared with the Project Approval.

Swept path analysis has been undertaken as part of the Stage 1A State significant development.

The retail parking will have a separate vehicular control point. The layout of the car parking is consistent with the requirement to provide for 2 cars queued between the property boundary and the within the basement level.

Internal design

The internal design of the basement carpark and loading area comply with the requirements of AS 2890.1.

6.3 Wind impacts

A Pedestrian Wind Environment Statement was prepared to support the Project Application. Since this was prepared, comments were made by SOPA's Design Review Panel who was concerned with the wind impacts associated with the staging of buildings on the site. The Pedestrian Wind Environment Statement that was prepared to support the State significant development for the Stage 1A building has been updated to consider the staging of the development. Refer to this report at **Attachment D**. This provides that the installation of a hoarding along the boundary between Stages 1 and 2 will provide wind mitigation until such time as the Stage 2 building construction is complete.

This has not been shown on architectural drawings but can be implemented as a condition of consent if required. Note that the hoarding will be required despite this because once excavation for the Stage 2 basement and building is underway there will be a big hole in the ground and it will be needed from a safety point of view.

6.4 Construction

A Traffic and Pedestrian Management Plan has been prepared for the proposed development by Lack Trading. Refer to this plan at **Attachment E**. It includes a Traffic Control Plan.

This has been prepared despite being a requirement as a condition of approval, (condition C9 'Traffic & Pedestrian Management Plan') for the Project Application prior to the commencement of works, as set out in the Project Approval MP10_0168 granted on 31 July 2012.

A Construction Environmental Management Plan is a requirement in a condition of approval for the Project Application (condition C5) prior to the commencement of works, as set out in the Project Approval MP10_0168 granted on 31 July 2012.

6.5 Waste

An Operational Waste Management Plan was prepared to support the Project Application. Given that the footprint and floorspace of the proposed development is not changing (the future Stage 1A building will rely on the separate Waste Management Plan as part of that application), a revised WMP is not required.

The requirement for a Waste Management Plan during construction is a condition of approval in the Project Application (conditions C6, C7 and C8), and must be submitted to the PCA prior to the commencement of any works, as set out in the Project Approval MP10_0168 granted on 31 July 2012.

6.6 Stormwater

An Integrated Water Management Plan and Stormwater Plan have been prepared for the s75W modified development at **Attachment G**. These have been prepared for the Stage 1 and Stage 1A buildings, as for the purposes of servicing they are considered the same building. An Addendum is provided to the Integrated Water Management Plan that responds to the matters raised by SOPA in their letter granting Land Owner's Consent. The Addendum is at **Attachment G** and the Land Owner's Consent letter is at **Attachment H**.

7. Conclusion

The proposed modified development at 6 Australia Avenue, Sydney Olympic Park that is the s75W scheme is not a significant deviation from the Project Approval scheme and the master plan that was developed for the overall site and presented to the Design Jury.

The proposed s75W development will retain the design quality of the master plan scheme that was presented to the design jury and awarded as the winning scheme. The proposed changes were supported by SOPA's Design Review Panel.

The changes are as a result of detailed design development for tender drawings. They are also associated with construction efficiencies, for example, the excavation and construction of the basement carpark for the Stage 1 building is now proposed to occur together with and as part of the Stage 1 excavation and basement.

The suitability of the site for the proposed development has already been assessed in the Project Application. The development remains in the public interest.

Accordingly, it is recommended that SOPA and the Minister for Planning and Infrastructure support the proposed modification and grant consent subject to appropriate standard conditions.

Please do not hesitate to contact Jane Fielding, Senior Planner, for further information or clarification of the above. Jane can be contacted on (02) 8252 8400 or jane.fielding@architectus.com.au.

Yours sincerely,



Michael Harrison
Director Urban Design and Planning
Architectus Group Pty Ltd

Attachments:

- Attachment A: Section 75W Architectural plans - prepared by Architectus
- Attachment B: Landscape Plan and Urban Interface Plan – prepared by Scott Carver and Associates;
- Attachment C: Addendum to Traffic and Accessibility Report – prepared by Traffix
- Attachment D: Pedestrian Wind Environment Statement for Stage 1A building – prepared by Windtech
- Attachment E: Traffic and Pedestrian Construction Management Plan – prepared by Taylors Construction;
- Attachment F: Sydney Olympic Park Authority Design Review Panel Advice Sheet – prepared by SOPA
- Attachment G: Integrated Water Management Report and Stormwater Plan – prepared by Insync Services Pty Ltd.
- Attachment H: Letter from SOPA dated 7 June 2013 granting Land Owner's Consent.

Attachment A

Attachment B

Attachment C

Attachment D

Attachment E

Attachment F

Attachment G

Attachment H