



**Planning &
Environment**

***STATE SIGNIFICANT DEVELOPMENT:
Section 96(2) Modification***

Site 68, Sydney Olympic Park

SSD 6603 MOD1



Secretary's Environmental Assessment Report
Section 96(2) of the
Environmental Planning and Assessment Act 1979

December 2015

ABBREVIATIONS

Applicant	Ecove Group Pty Ltd
CIV	Capital Investment Value
Consent	Development Consent
Council	Auburn City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environmental Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FSR	Floor space ratio
GFA	Gross floor area
MS SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
TfNSW	Transport for New South Wales

Cover Photograph: Perspective view of the proposed residential tower (Source: applicant's application)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent (SSD 6603) issued for Site 68 on Bennelong Parkway (the site) at the Sydney Olympic Park (SOP), under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks approval for the insertion of two additional residential levels providing for 23 apartments, internal and external alterations, provision of an additional retail unit at ground floor, reconfiguration and increase of car parking and bicycle parking and amendments to public domain.

1.2 Sydney Olympic Park and the site

The site is located within the SOP at the southern end of the SOP Parkview Precinct identified in the *SOP Master Plan 2030* (refer to **Figure 1**). It is situated north of the intersection of Australia Avenue and Bennelong Parkway, and approximately 500 metres to the south-east of the SOP Town Centre (refer to **Figure 2**). The site falls within the Auburn Local Government Area.

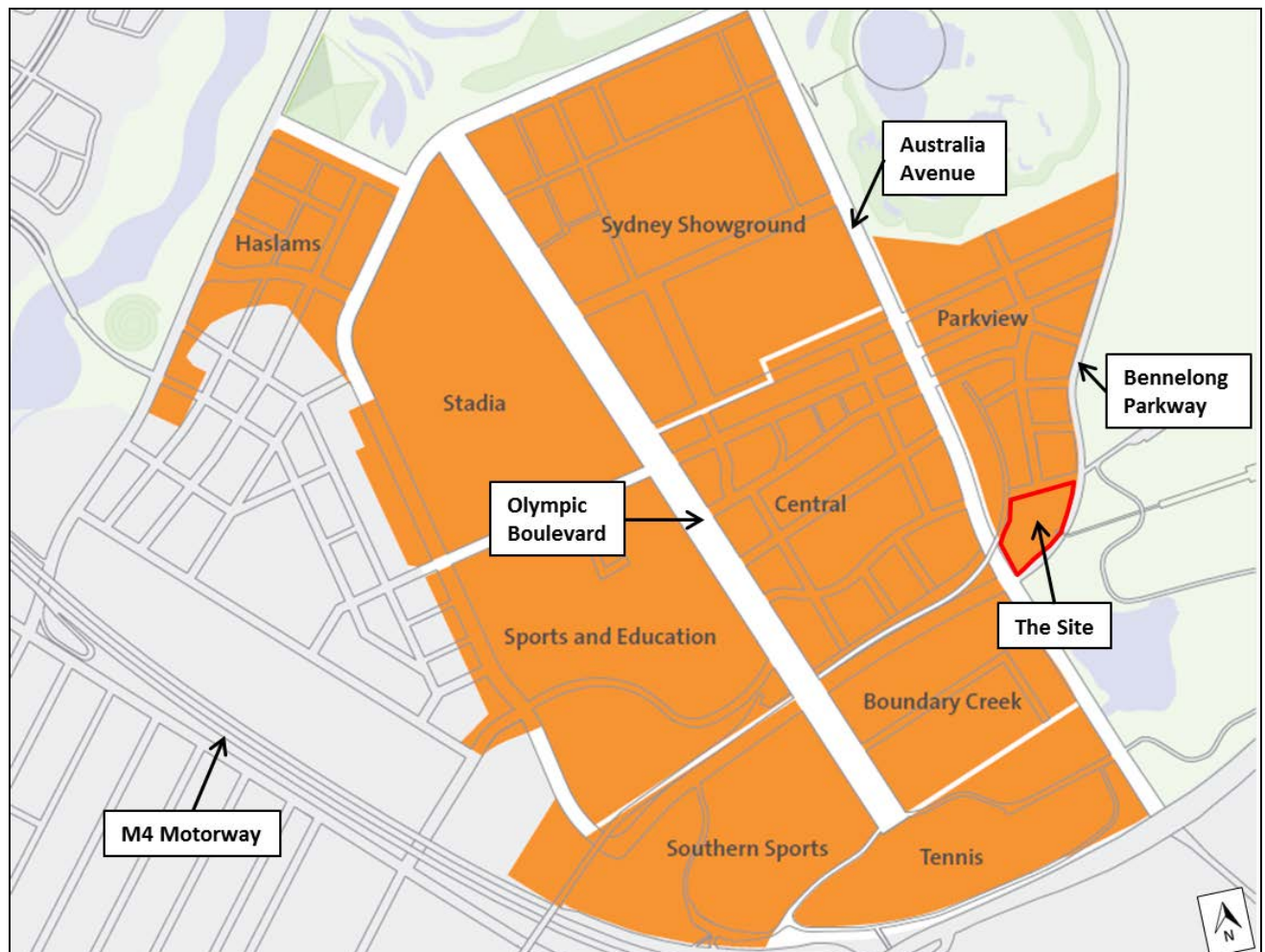


Figure 1: The SOP (highlighted orange) and its nine precincts. The site is outlined in red (Base source: *SOP Masterplan 2030*)

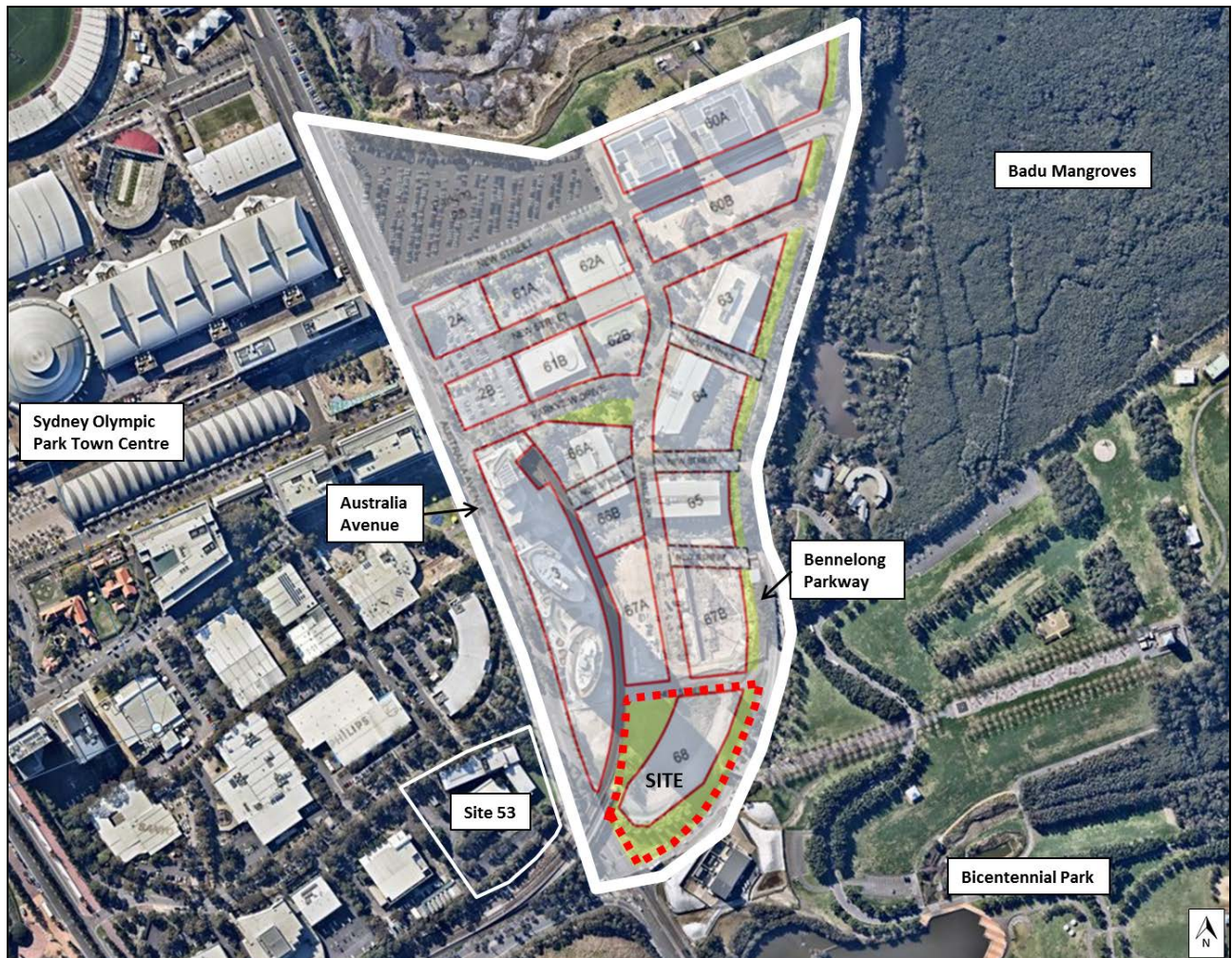


Figure 2: The SOP Parkview Precinct (outlined in white) and the location of the site within the precinct (outlined by red-dashed line) (Base source: Nearmaps and SOP Masterplan 2030)

The site is irregular in shape, with a total area of 13,998m² and contains a stormwater detention pond constructed in 1997. The elevated SOP railway line and two residential towers known as Australia Towers (up to 30 storeys) are located to the north west of the site. Site 67 is located to the north, which contains two residential buildings (up to 10 storeys), which are currently under construction. The southern and eastern boundaries of the site are formed by Bennelong Parkway. Further south and east is Badu Mangroves and Bicentennial Park, which comprise a wetland ecosystem and recreation facilities. To the west of the site, the Department is currently assessing a mixed use proposal to redevelop Site 53 for residential and retail uses with height up to 15 storeys.

1.3 Previous approvals

On 18 June 2015, the Acting Executive Director, Infrastructure and Industry Assessments, (as delegate of the Minister) approved a SSD application for the redevelopment of the site for a mix of residential, commercial/retail and public open space development. Key aspects of the approval include:

- construction of a 34 storey mixed use tower and an 80-place child care centre;
- 369 residential apartments;
- 120m² of retail / commercial uses on the ground floor;
- three basement car parking levels;
- bicycle parking spaces, provided at ground level and basement level one; and
- associated stormwater, landscaping works and associated pedestrian and street network.

The approved layout of the development is show below at **Figure 3**.

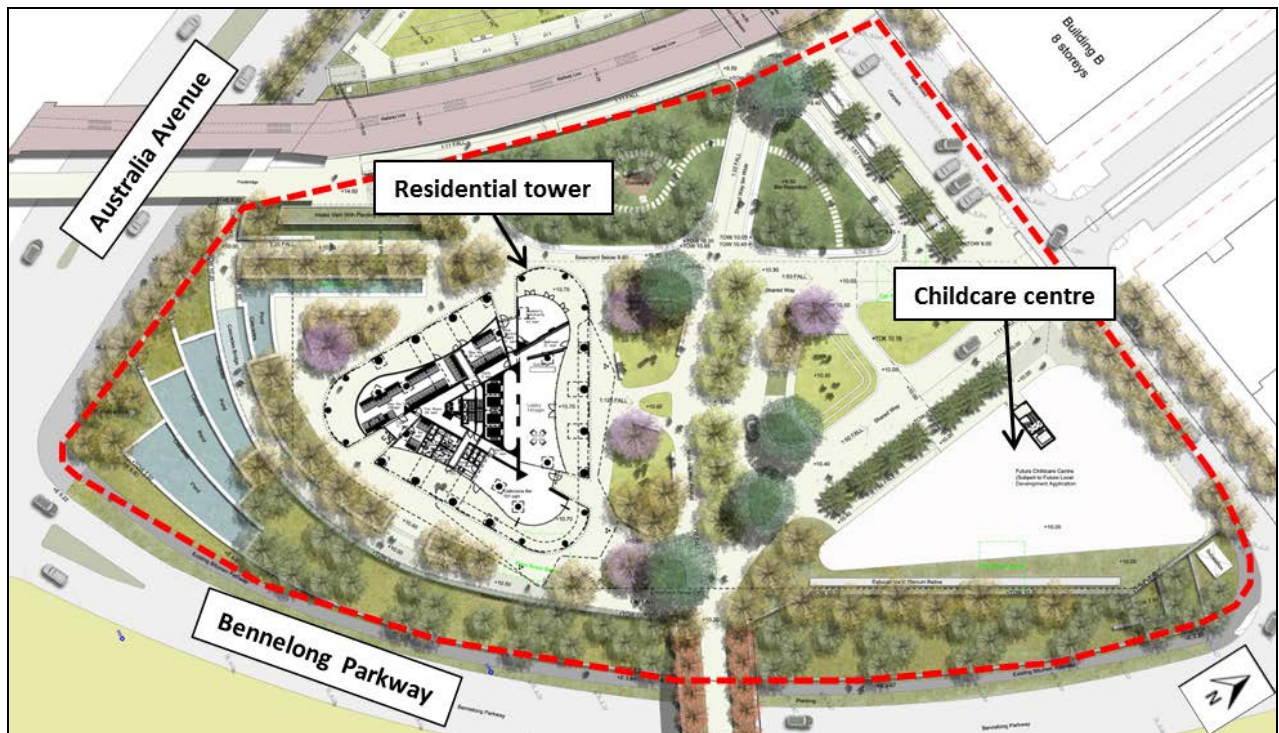


Figure 3: Approved site layout (Source: SSD 6603)

2. PROPOSED MODIFICATION

The key proposed modifications, as refined by the Response to Submissions (RtS) are summarised in **Table 1** below and are shown in **Figures 4 and 5**.

Table 1: Key proposed modifications

Built form	• Increase in height (residential levels) by 6.4 metres, from 110.7 to 117.1 metres, to match the height of the approved rooftop plant (RL 127.40). • Insertion of two additional residential floors (at levels 25 and 35), increasing the height of the building from 34 to 36 storeys. • Reduction of typical floor to floor heights from 3.2 to 3.1 metres. • Modifications to the façade materials and rooftop plant / roof design.
Gross Floor Area (GFA)	• Increase total GFA by 2,484m² from 33,167m² to 35,651m², comprising: - o an additional 2,349m² residential GFA; and - o an additional 135m² retail GFA.
Floor Space Ratio (FSR)	• Increase total FSR by 0.13:1, from 2.37:1 to 2.5:1.
Residential	• Increase of 23 residential apartments, from 369 to 392 including an increase of three adaptable apartments, from 37 to 40.
Retail	• Provision of an additional retail unit at ground floor level.
Access and parking	• Increase of 33 car parking spaces, from 482 to 515. • Alterations to basement car parking layout and relocation of the vehicular access ramp. • Increase of 40 bicycle parking spaces, from 518 to 558, including provision of 98 visitor bicycle spaces within the public domain. • Relocation of bicycle parking spaces from ground to basement level.
Landscaping	• Provision of an east/west accessible walkway linking the residential tower, childcare centre and New Street. • Amendments to the landscape design, including an increase to the area of bio-retention wetlands.

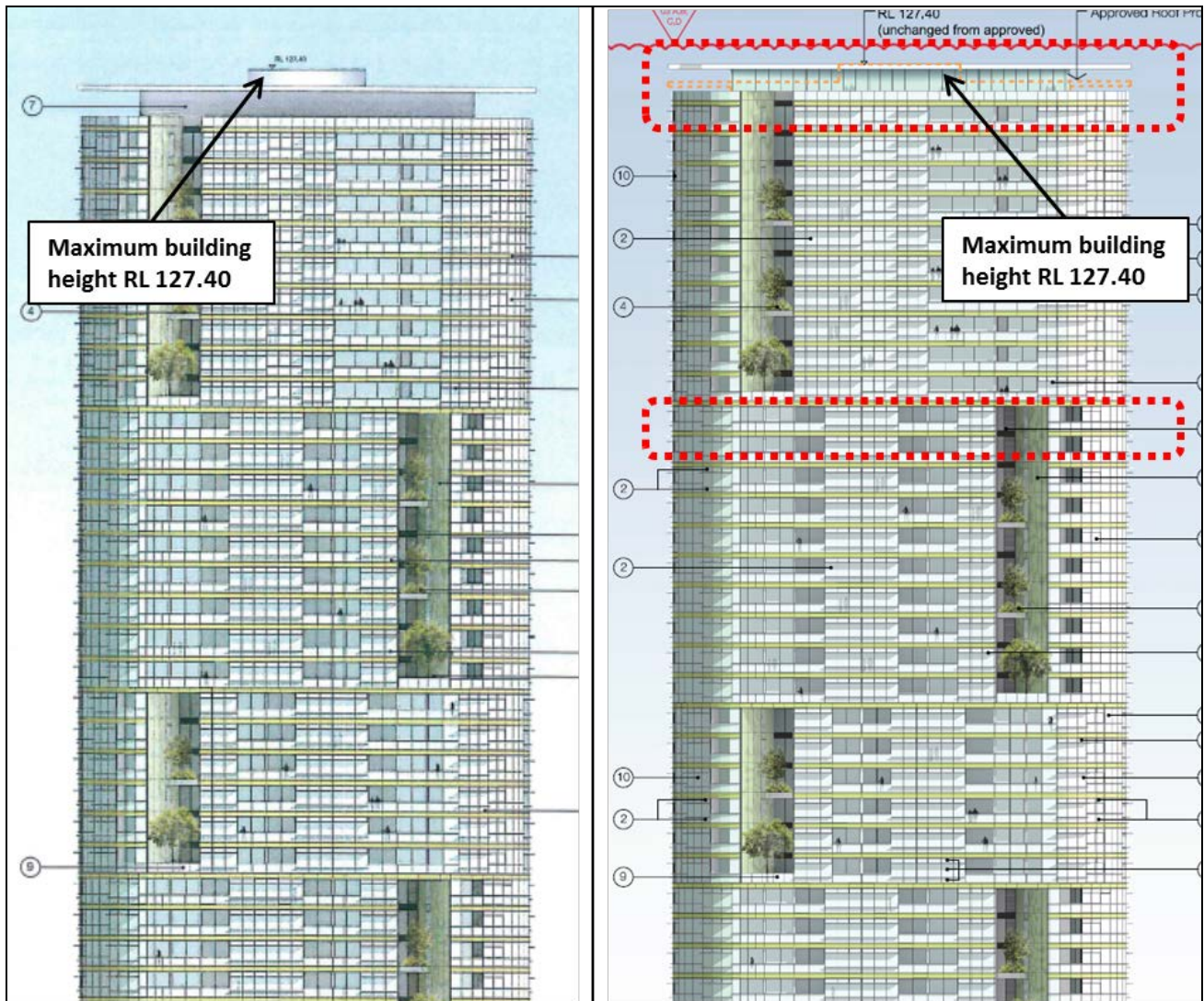


Figure 4: Approved (left) and proposed (right) western elevation, additional levels circled with a red-dashed line (Base source: applicant's Rts)

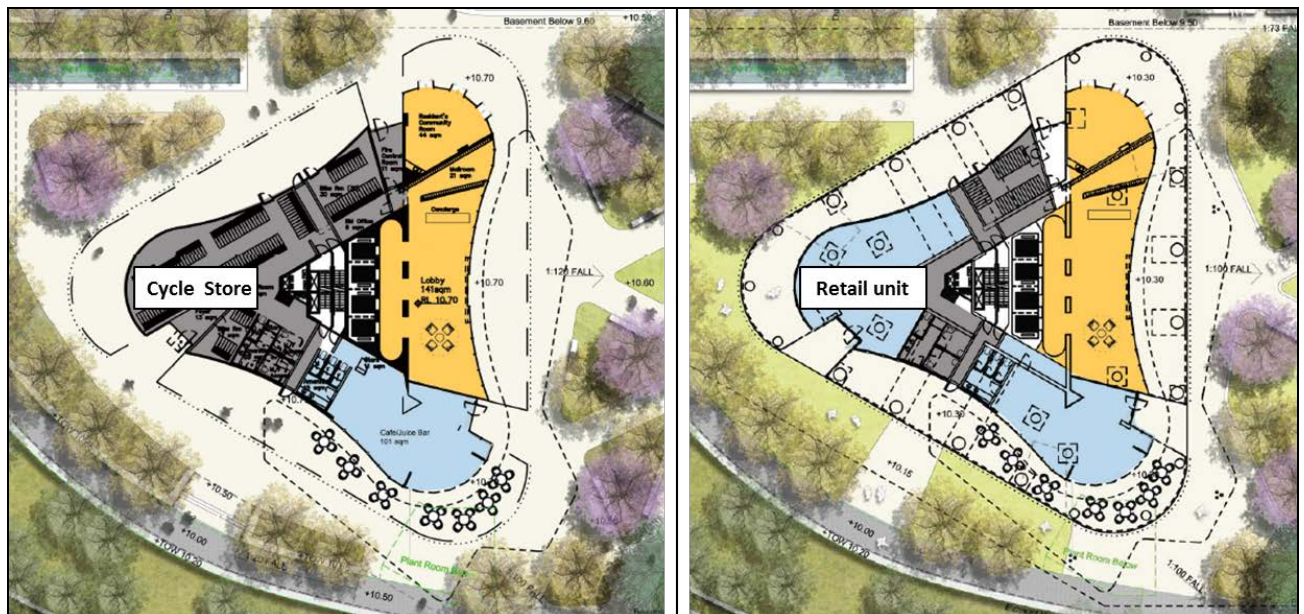


Figure 5: Approved (left) and proposed (right) ground floor layout (Base source: applicant's application)

3. STATUTORY CONTEXT

3.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters in **Table 2** are addressed in respect of all applications that seek modification approvals.

Table 2: Consideration of proposed modification against Section 96(2) of the EP&A Act

Section 96(2) matters for consideration	Comment
(a) that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The proposal remains a residential building above a ground level lobby and retail, with a three storey basement car park. The height of the building and façade design are not proposed to change. The proposed increase in GFA, by introducing two additional levels and changes to the roof treatment, will not substantially change the building form as approved. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved through SSD 6603.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.	The Department has consulted all relevant public authorities on the proposed modification application, and no objections were received from these authorities.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified. Details of the notification are provided in Section 4 of this report.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	All submissions made during the exhibition are considered in Sections 4 and 5 of this report.

3.2 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the application:

- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*
- *State Environmental Planning Policy No. 65 – Residential Apartment Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Sydney Harbour Catchment) 2005*
- *Sydney Olympic Master Plan 2030*

The Department comprehensively assessed the original SSD application for the site against these EPIs. The Department has considered the proposed modification against these EPIs and is satisfied that it remains acceptable in this regard.

3.3 Delegation

On 16 February 2015, the Minister for Planning delegated functions to determine modifications under section 96 of the EP&A Act to the Acting Executive Director, Key Sites and Industry Assessments, where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

In accordance with the Minister's delegation, the Acting Executive Director, Key Sites and Industry Assessments may determine this project under delegated authority.

4. EXHIBITION CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with section 89F of the EP&A Act and Clause 83 of the *Environmental Planning & Assessment Regulation 2000*, the Department publically exhibited the proposal on its website, in its Information Centre, at Council's office and at the SOPA office from Thursday 20 August 2015 to Monday 21 September 2015 (33 days).

Public notice of the exhibition was placed in The Sydney Morning Herald and The Daily Telegraph newspapers. The Department also notified adjoining landholders and relevant State and local government authorities in writing.

The Department received six submissions in response to the exhibition of the proposal comprising five submissions from public authorities and one submission from the general public.

Copies of the submissions may be viewed at **Appendix A**. A summary of the issues raised in the submissions is provided below.

4.2 Public Authority Submissions

A total of five submissions were received from public authorities in response to the exhibition. Auburn Council did not provide a submission.

The issues raised by government authorities are summarised in the **Table 3** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instruments of consent at **Appendix C**.

Table 3: Summary of issues raised in the public authority submissions

Sydney Olympic Park Authority (SOPA)
SOPA did not object to the proposal, but provided comments relating to: • verification of design excellence; • clarification of retail GFA provision and overall floor space ratio; and • updated perspective drawings.
Transport for NSW (TfNSW) (including Sydney Trains)
TfNSW did not object to the proposal and recommended standard conditions relating to the rail corridor.
Roads and Maritime Services (RMS)
RMS advised that it does not object to the proposal.
Environment Protection Authority (EPA)
The EPA recommended that construction activities be undertaken in accordance with relevant guidelines.
Office of Environment and Heritage (OEH)
OEH advised that it had no comments on the proposal.
Federal Department of Environment (DoE)
DoE advised that the proposal does not constitute a controlled action subject to the applicant adhering to DoE conditions.

4.3 Public Submissions

One submission was received during the exhibition of the proposal from Meriton, the owner of Site 67 to the north. Meriton objected to the increased height and GFA as these changes further exceed the controls in the SOP Master Plan.

4.4 Response to Submissions (RtS)

The applicant provided a response to the issues raised in submissions on 9 October 2015 and also clarified the total quantum of retail GFA.

The RtS document is included at **Appendix A**. The Department is satisfied that the issues raised in all submissions have been addressed through the RtS, this report and the relevant appendices of the modification request and EIS.

5. ASSESSMENT

5.1 Key Assessment Issues

The Department considers that the key considerations associated with the proposals are::

- built form; and
- amenity.

5.2 Built Form

Built form was a key consideration of the Department's assessment of the original application. In its assessment the Department considered that the site was well suited to accommodate a high density development that maximised the use of the site for mixed use / residential purposes. The Department also specifically considered design excellence and the exceedance of the FSR and building height development standards within the MD SEPP, concluding that the exceedances were reasonable and that the development exhibited design excellence.

The approved building has a maximum building height of 110.7 metres (excluding plant level). The approval also allows for the provision of six metre rooftop plant level (refer to **Figure 4**) and floor to floor heights of 3.2 metres. The overall building height (including plant level) is therefore 116.7 metres.

The proposed modification seeks to amend the FSR, GFA and maximum building height as shown in **Table 4**. The key built form changes include:

- introduce two additional residential levels including 23 apartments;
- reduce floor to floor heights (from 3.2 to 3.1 metres);
- lower the ground floor level (from RL 10.7 to RL 10.3); and
- alter the rooftop design and the external appearance of the building.

The Department notes that due to the proposed minor reductions to the floor to floor heights and the ground floor level, in conjunction with the rationalisation of rooftop plant, the proposed additional residential levels have been accommodated within the overall height of the building (i.e. not extending above the height of the approved plant level) as shown at **Figure 4**.

The Department considers that the following aspects are the key assessment issues in determining the appropriateness of the proposed built form modifications:

- height and floor space; and
- design excellence.

5.2.1 Height and floor space

The proposed modification seeks to:

- increase the maximum building height to the top of the residential levels by 6.4 metres (to 117.1 metres, RL 127.4), being no taller than the approved plant room height, as shown at **Figure 6**; and
- increase the GFA by 2,468m² (to 35,635m²) and corresponding increase in FSR of 0.13:1 (to 2.5:1).

The MD SEPP prescribes a 90 metre building height restriction (at the southern part of the site), excluding plant, and a maximum FSR of 2.2:1 for the site. Both the approved development and the proposed modification exceeds the height and FSR development standards as detailed in **Table 4**.

Table 4: Comparison between the MD SEPP, approved and modified developments

	MD SEPP Development standard	Approval	Proposed
FSR	2.2:1	2.37:1 (exceeds by 0.17:1 or 7.7%)	2.5:1 (exceeds by 0.3:1 or 13.6%)
GFA	-	33,167m ²	35,635m ²
Building Height	90m	110.7m (exceeds by 20.7m or 23%)	117.1m (exceeds by 30%)

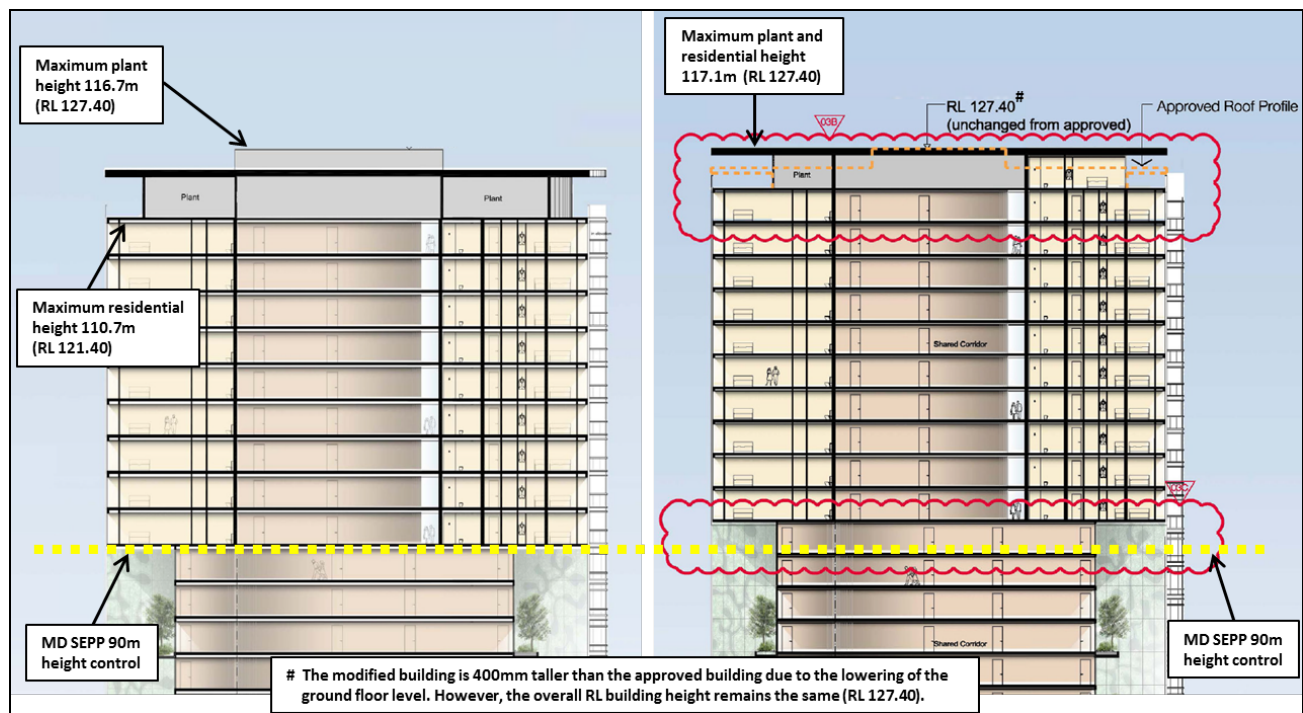


Figure 6: Part elevation plans (above Level 22) showing the approved (left) and proposed (right) building heights and RLs (Base source: applicant's application)

Clause 22 (4) of the MD SEPP provides flexibility in the application of the development standards where it is demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standard; and
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In support of the proposed insertion of two additional residential levels, the applicant contends that the variation to the development standards is reasonable as the modified building would maintain consistency with setback controls, be consistent with the objectives of the B4 Mixed Use zone, be no taller than the maximum height of the approved plant level (RL 127.4), not have any adverse amenity impacts and continue to exhibit design excellence.

The Department considered the exceptions to the building height and FSR development standards in its original assessment and concluded that the exceedance of the standards were reasonable as the development is consistent with setback and spatial arrangement controls, reinforces the site's importance as the gateway to SOP, does not result in additional traffic impacts, creates an iconic built form that exhibits design excellence and does not result in any detrimental amenity impacts.

The Department notes that the approved building has an overall maximum height of 116.7 metres to the top of rooftop plant, which is not included in the height for purposes of compliance with the development standard. The proposal seeks to rationalise plant and utilise this space for residential uses increasing the height of the uppermost residential level to 117.1 metres, while retaining the approved overall maximum height of RL 127.4. The proposal will therefore not result in any change to the actual height of the building and will therefore not result in any material impacts to the visual bulk of the building and its relationship with emerging high rise dense urban character of the Parkview Precinct within the *SOP Master Plan 2030*.

The increase in FSR and the provision of additional apartments and retail floor space within SOP will contribute to achievement of the objectives of the B4 Mixed Use zone and the vision for SOP within the *SOP Master Plan 2030* to create a compact urban neighbourhood with a mix of high density residential, community and retail uses.

In addition the proposed 0.13:1 increase in FSR and insertion of two additional residential levels is acceptable as:

- the proposal will not result in any adverse privacy or view impacts and has only a negligible increase in overshadowing of Bicentennial Park;
- the overall built form of the modified proposal is consistent with the dense future character of the Parkview Precinct and the principles in the *SOP Master Plan 2030* which seek to locate taller buildings along the eastern edge of Australia Avenue;
- the modified proposal continues to display design excellence (as discussed in **Section 5.2.2**) and the reduction of plant area and inclusion of residential accommodation at roof level improves the architectural finish and appearance of the building;
- the resulting traffic generation and car parking provision is acceptable (as discussed in **Section 5.4.1**);
- the proposal will continue to deliver a significant improvements to public domain and community facilities; and
- no amendments are made to setbacks or spatial arrangements for the site.

The Department therefore supports the proposed variation of the development standards. The variation of the height and FSR development standards do not raise any matters of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised.

5.2.2 Design excellence

The Department supports the overall design of the development, which is considered to achieve a high standard of design that will positively contribute to the locality and wider Parkview Precinct.

The applicant has submitted a Design Verification Statement, prepared by Bates Smart, which confirms that the modified proposal continues to achieve design excellence.

The Department notes that the two additional residential levels:

- have been discreetly integrated into the overall design of the building and would not interrupt the unique architectural identity, articulated or modulation of the building facades;
- have been incorporated into the overall maximum height (to rooftop plant) and therefore are unlikely to be discernible; and
- would not otherwise alter the overall design or appearance of the building.

In light of the above assessment, the Department is of the view that the proposed modified development continues to exhibit design excellence.

5.3 Residential Amenity

The original application was assessed against the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying Residential Flat Design Code (RFDC), which set out best practice design principles for residential flat development at that time. Since the approval of the original application, the Department has carried out a comprehensive review of SEPP 65 and the RFDC and on 17 July 2015, SEPP 65 and the RFDC were superseded by SEPP 65 (Amendment no.3) and the Apartment Design Guide (ADG). SEPP 65 (Amendment no.3) and the ADG therefore apply to the current modification application.

The Department considered the quality of internal residential amenity as part of its assessment of the original application. The Department considered key departures from the RFDC relating to solar access, building depth, apartment depth, single aspect apartments and deep soil zones and concluded that despite these departures the proposed development was acceptable.

The ADG includes a number of additional or different residential development guidelines when compared with the RFDC. The Department notes that the proposed additional 23 apartments are consistent with the ADG recommended guidelines, except:

- the number of apartments off a single lift core;
- the number of single aspect apartments; and
- universal design requirements.

The proposed additional apartment layouts generally replicate the layout of the approved apartments and are constrained by the parameters of the dimensions of the approved building and include the departures previously considered. Notwithstanding these departures, the Department considers that the additional and amended apartments provide for an acceptable level of amenity, which is generally in accordance with the aims and objectives of SEPP 65. An assessment of the proposal against the principles of SEPP 65 is provided at **Appendix B**.

5.4 Other Matters

5.4.1 Traffic generation and car parking

The approved development is estimated to generate a total of 251 vehicle movements during the AM peak, 211 vehicle movements during the PM peak and allows for a total of 482 on-site car parking spaces. The Department's assessment on traffic and car parking concluded that the surrounding roads and intersections have been designed to accommodate the anticipated traffic volumes generated by the renewal of the SOP the estimated traffic generation and car parking provision is acceptable.

The proposed modification proposes increase of 33 car parking spaces to 515 and anticipates that the additional 23 apartments will generate an additional 15 vehicles movements during each of the AM and PM peaks.

The Department is satisfied that the proposed quantum of car parking is acceptable for a development of this size and notes that the proposal proposes 30 spaces less than that the maximum number of car parking spaces allowed on the site by the *SOP Master Plan 2030* (maximum of 545 spaces).

The Department considers that the generation of an additional 15 vehicle movements during the AM and the PM peak periods represents a minor increase, which would have a negligible impact on the operation of the local road network.

The Department recommends that condition A11 be updated to reflect the amendments to car parking spaces.

5.4.2 Bicycle parking

The proposal includes an increase of 30 bicycle parking spaces commensurate with the increase in GFA and residential apartments. In addition, the proposal seeks approval for the conversion of part of the ground floor bicycle store into a retail unit (refer to **Figure 5**) and provision of 98 visitor bicycle spaces within the public domain.

The Department considers that the above amendments to bicycle storage are acceptable as the provision of visitor spaces throughout the public domain will encourage the use of bicycles to and from the development. In addition the provision of a new retail unit at ground floor level will provide for additional ground floor level activation.

The Department recommends that condition A12 be updated to reflect the amendments to bicycle parking spaces.

5.4.3 Landscape amendments

The proposal includes a number of key changes to the public domain / landscaping, including reduction of hard-paved areas and ramp gradients, removal of steps, increase and reconfiguration of lawn and bio-retention areas and replacement of Kauri trees with Cabbage Palms.

The Department considers that the proposed alterations are minor in nature and generally represent improvements to the access and usability of the spaces and a positive refinement to the visual aesthetic of the landscaping.

5.4.4 Railway corridor

The subject site adjoins the SOP railway corridor, which comprises an elevated railway track supported by retaining walls. The western wall of the approved below ground storm water detention tank will be within 16 metres of the railway line. In its assessment of the original application the Department concluded that the proposed excavation and construction works can be designed and undertaken so not to have a detrimental impact on the railway corridor and imposed a number of conditions recommended by TfNSW to ensure that the development does not impact on the rail corridor.

The proposal does not propose any significant changes to the storm water detention tank.

TfNSW (Sydney Trains) has reiterated its recommended conditions provided with its submission to the original application.

The Department considers that the relevant conditions from TfNSW's recommended conditions were imposed on the original consent and the key aspects of the remaining conditions were addressed by the Department's standard conditions. As there has been no substantive changes to the development that would have an impact on the railway corridor the Department considers that it is not necessary to amend the relevant conditions.

5. CONCLUSION

The Department has assessed the merits of the proposed modification taking into consideration the issues raised in submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and Department's recommended conditions. The Department concludes that the modification is reasonable and acceptable as:

- despite the departure from the building height and FSR development standards in the MD SEPP, the height, bulk and scale of the modified development is appropriate and results in a form and scale of development which is consistent with the desired future character of the area;
- the development would not result in any unreasonable visual or amenity impacts;
- the modified building continues to exhibit design excellence;
- the new apartments will be afforded an appropriate standard of residential amenity; and
- there would be no adverse traffic impacts.

The proposed modification falls within the scope of section 96(2) of the EP&A Act and does not alter the original assessment as to the site's suitability for the approved development.

Accordingly, the Department recommends that the application be approved, subject to conditions.

6. RECOMMENDATION

It is recommended that the Acting Executive Director, Key Sites and Industry Assessments:

- (a) **considers** the finding and recommendations of this report;
- (b) **approves** the modification under delegated authority, subject to conditions; and
- (c) **signs** the attached Instrument of Modification (**Appendix C**) for SSD 6603 MOD1.

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Key Site Assessments

Endorsed by:



Amy Watson
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Key Sites Assessments



Ben Lusher
Director
Key Sites Assessments

Approved by:

David Gainsford
Acting Executive Director
Key Sites and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

Documents and information to support this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7206

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7206

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7206

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

The following environmental planning instruments (EPIs) are relevant to the application:

- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP)*
- *State Environmental Planning Policy No. 65 – Residential Apartment Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Sydney Harbour Catchment) 2005*
- *Sydney Olympic Master Plan 2030*

The Department comprehensively assessed the original SSD application for the site against these EPIs. The Department has considered the proposed modification against these EPIs and is satisfied that it remains acceptable in this regard.

Due to the proposed increase of building height and FSR and also as SEPP 65 (Amendment No.3) and accompanying ADG are now in force, a review of the MD SEPP provisions and SEPP 65 and ADG guidelines are provided below.

State Environmental Planning Policy (Major Development) 2005

Part 23 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (MP SEPP) identifies a number of provisions relating to the carrying out of development within the SOP.

The Department notes that MP SEPP provisions relating to land use zones, demolition, public utility infrastructure, major events capacity, transport and the masterplan were considered in detail by the Department's original assessment and the proposed modification will not alter the Department's conclusions on these matters.

The proposal seeks exceptions to the height of the building and the maximum overall floor space ratio. In addition these changes result in minor alterations to the external appearance of the building. The following MP SEPP provisions are therefore relevant:

MD SEPP Provision	Department comment
<u>Exceptions to development standards—other development</u> Development consent may be granted for development, even though the development would contravene a development standard imposed by the MD SEPP or any other environmental planning instrument, provided the consent authority considers a written request from the applicant that seeks to justify the contravention of the development standard and the proposal is in the public interest.	Exceptions to building height and FSR development standards are considered in Section 5.2 .
<u>Height of Buildings</u> The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the <i>Height of Buildings Map</i> or the <i>Reduced Level Map</i> , whichever is applicable. The subject site has two prescribed height limits on the <i>Height of Buildings Map</i> – 15 m on the northern portion of the site and 90 m on the southern portion.	Building height is considered in Section 5.2.1 .
<u>Floor space ratio</u> 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 <i>Floor Space Ratio Map</i> . The Floor Space Ratio Map identifies that the site has a FSR control of 2:1 for the site. However a bonus floor space allocation of up to 10 per cent may be permitted for buildings over eight storeys in height that exhibit design excellence. The maximum FSR for the site is therefore 2.2:1.	Floor space ratio is considered in Section 5.2.1 .
<u>Design excellence</u>	The proposal does not significantly

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 has considered whether the proposed development exhibits design excellence. In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters: • whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved; • whether the form and external appearance of the building will improve the quality and amenity of the public domain; • 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; and • if a competition is held in relation to the development, the results of the competition.	change the building design and materials, and therefore continues to exhibit design excellence. The application has been accompanied by a Design Verification Statement that confirms that the development continues to achieve design excellence.
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State Environmental Planning Policy No. 65 – Residential Apartment Development

Residential amenity in original application was considered against relevant provisions of the SEPP 65 and the accompanying RFDC. The Department concluded that the proposal generally complied with the requirements of SEPP 65 and the RFDC.

Since the approval of the original application, SEPP 65 and the RFDC have been superseded by SEPP 65 (Amendment No.3) and ADG. As the proposed modification was lodged after the ADG commenced, the modifications have been assessed against the relevant design criteria in the ADG and not the RFDC.

SEPP 65 (Amendment no.3) Principle	Department's Response
1. Context and Neighbourhood Character	The proposal is consistent with the desired future character of the locality and the proposed modifications will not have any adverse visual impacts. The proposal will have acceptable impacts on the amenity of existing and future adjoining development.
2. Built Form and Scale	The proposal results in a minor increase building residential building height when compared to the original approval and would not be taller than the approved overall maximum building height of RL 127.40 (to the top of rooftop plant). The proposed increase in height is considered acceptable as discussed at Section 5.2 . The height and general scale of the development is appropriate within this part of the SOP Masterplan area. The scale of the development is compatible with existing developments adjoining the site and the other buildings within the Parkview Precinct. The modified development is considered to be of a high standard of architectural design and appearance and continues to achieve design excellence.
3. Density	The increase in GFA/FSR is considered to be acceptable as discussed at Section 5.2 .
4. Sustainability	An updated BASIX certificate was provided with the proposal and demonstrates that the proposed development improves upon the BASIX water, thermal and energy efficiency targets. Further, Ecologically Sustainable Development principles have been incorporated into the proposal.
5. Landscape	The proposed minor alterations to the ground floor levels and pathways of the development will not have any adverse impacts on the appearance or ecological value of the proposed landscaping.
6. Amenity	The proposal generally complies with the principles of SEPP 65 and the recommended standards of the ADG in terms of achieving satisfactory residential amenity. Noting the constraints of the approved building, the proposed additional apartments will achieve satisfactory levels of solar access, natural ventilation, privacy, apartment size and layout.

7. Safety	The proposed modifications do not have an impact on safety. The building continues to provide passive and active surveillance of the surrounding public domain.
8. Housing Diversity and Social Interaction	The proposal does not include affordable housing. However, the proposal provides a mix of apartment sizes to cater for a range of residents with varied incomes and needs.
9. Architectural Expression	The proposal demonstrates a high standard of architectural design through an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building.

An assessment of the proposal against the ADG best practice design principles is provided below:

ADG – Relevant Criteria			Proposal	Consistency?												
3B Orientation																
• Building type/layouts respond to streetscape, optimising solar access • Overshadowing of neighbouring properties is minimised			• No change from original approval. • The proposed building is located within the designated Parkview Precinct development plot for Site 68. • Overshadowing is minimised.	Yes												
3C Public Domain Interface																
• Transition between public/private without compromising security • Amenity of public domain is retained and enhanced			• Active retail frontages provided at ground floor level fronting the landscaped open space and pathways. • Retail units and residential apartments provide passive surveillance of landscaped public domain. • Residential lobbies are easily identifiable. • Suitable public domain / landscaping provided.	Yes												
3D Communal and Public Open Space																
• minimum 25% of the site • minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter			• No change from original approval. • 8,500m² open space is provided (60% of the overall site area).	Yes												
3E Deep Soil Zones																
• For sites greater than 1,500m² a minimum of 7% to 15% of the site should provide for deep soil zone(s)			• The modified proposal reduces the total amount of deep soil area by 373m² providing a total of 2,887m² (21%).	Yes												
3F Visual Privacy																
• Minimum separation distance from building to side boundary: <table><tr><th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>			Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	• No change from original approval. • The residential tower is set within a landscaped setting and is considerable distance from any neighbouring properties. The proposal exceeds minimum separation distances.	Yes
Height	Habitable rooms and balconies	Non-habitable rooms														
Up to 12m (4 storeys)	6m	3m														
Up to 25m (5-8 storeys)	9m	4.5m														
Over 25m (9+ storeys)	12m	6m														
3G Pedestrian Access to Entries																
• Building entries and pedestrian access			• No change from original approval.	Yes												

- connects to and addresses the public domain - Access, entries and pathways are accessible and easy to identify - Large sites provide pedestrian links for access to streets and connection to destinations	- Entries and pedestrian access connects to and addresses the public domain. - Entries are well located, designed and easily identifiable. - A new accessible pathway is provided from the residential tower to the childcare centre.	
3H Vehicle Access		
Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	- No change from original approval. - Appropriate sight lines are achieved. - Car park entry is well designed. - Pedestrians/cyclists are separated from traffic.	Yes
3J Bicycle and Car Parking		
- Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less - Parking is available for other modes of transport - Car parking design access is safe and secure - Visual and environmental impacts of underground, at grade or above ground car parking are minimised	- The modification provides for 33 additional car parking spaces (515 in total) comprising: 505 basement spaces; and 10 on-street spaces. - Car parking will be safe and secure. - A total of 588 bicycle parking spaces, comprising: 454 residential bicycle spaces; 98 residential visitor bicycle spaces; and 6 non-residential bicycle spaces;	Yes
4A Solar and Daylight Access		
- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area - Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter - Shading and glare control is provided	18 of the 23 additional apartments (78%) will achieve 2hrs of direct sunlight between 9am-3pm in mid-winter. 5 (22%) of the 23 additional apartments have a solely south facing aspect and therefore achieve no direct sunlight between 9am-3pm in mid-winter.	No Apartment layouts replicate the approved layouts and were previously assessed as acceptable.
4B Natural Ventilation		
- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) - Overall depth of a cross-over or cross-through apartment does not exceed 18m	All of the new apartments are located above the 10 storey mark of the building and are therefore deemed to be cross ventilated.	Yes
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7m - Non-habitable rooms 2.4m	The proposed reduction in floor to floor heights (3.2 to 3.1 metres) will not reduce the approved internal floor to ceiling height of 2.7 metres	Yes
4D Apartment Size and Layout		
- Minimum apartment sizes - Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 90m² - Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and	- The additional apartment sizes exceed the minimum guidelines. - Not all apartments meet the ceiling height to room depth ratio. However, notwithstanding this, it is considered that sufficient light and ventilation is achieved. - Open plan layouts achieve	Yes

- air may not be borrowed from other rooms - Habitable room depths are limited to 2.5 x the ceiling height - In open plan layouts the maximum habitable room depth is 8m from a window - Master bedroom have a minimum area of 10m² and other bedrooms have 9m² - Bedrooms have a minimum dimension of 3m (excluding wardrobes) - Living rooms have a minimum width of: 3.6m for studio and one bed 4m for 2 and 3 bed - The width of cross-over or cross-through apartments are at least 4m internally.	- minimum depth. - Bedrooms and living rooms meet or exceed minimum dimensions. - Apartments meet minimum internal widths.	
4E Private Open Space and Balconies		
- Primary balconies are provided to all apartments providing for: - Studios apartments min area 4m² 1 bedroom min area 8m² min depth 2m 2 bedroom min area 10m² min depth 2m 3 bedroom min area 12m² min depth 2.5m - For apartments at ground floor level or similar, private open space must have a minimum area of 15m² and depth of 3m² - Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building - Primary open space and balconies maximises safety	- No change from original approval. - Balcony sizes are consistent with the area and depth guidelines. - All balconies are integrated into the architectural form/detail of the building. - Balcony design avoids opportunities for climbing and falls.	Yes
4F Common Circulation and Spaces		
- Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. - For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 - Natural ventilation is provided to all common circulation spaces where possible - Common circulation spaces provide for interaction between residents - Longer corridors are articulated	- The modified proposal provides for between 7 and 11 apartments off each circulation core. - The building is served by four lifts. The modified proposal proposes 392 apartments, which is 232 more than the ADG recommends to share lifts. - Natural ventilation and light is provided to the residential internal corridor/circulation areas. - The residential lobbies and corridors provide opportunities for interaction. - Corridors are not excessively long.	No The addition of 23 apartments will not materially impact on lift-wait times or the overall security of the building.
4G Storage		
- The following storage is required (with at least 50% located within the apartment): - Studio apartments 4m³ 1 bedroom apartments 6m² 2 bedroom apartments 8m² 3 bedroom apartments 10m²	The modified proposal continues to meet residential storage minimum guidelines.	Yes
4H Acoustic Privacy and 4J Noise and Pollution		
- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. - Noise impacts are mitigated through internal apartment layout and acoustic treatments.	- No change from original approval. - Noise transfer is minimised through the appropriate layout of the building. - Apartments are appropriately stacked and laid out to prevent	Yes

	noise transfer.																	
4K Apartment Mix																		
• Provision of a range of apartment types and sizes • Apartment mix is distributed to suitable locations within the building.	• The modified proposal continues to provide for a variety of apartment sizes and types. • The apartments are logically located within the building.	Yes																
4M Facades																		
• Building facades provide visual interest along the street while respecting the character of the local area • Building functions are expressed by the facade	• The modifications to the facades of the building continue to ensure that proposal achieves a high standard of architectural design and will positively contribute to the Parkview Precinct of SOP. • The retail and residential uses are externally expressed in the design of the building.	Yes																
4N Roof Design																		
• Roof treatments are integrated into the building design and positively respond to the street • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features	• The modifications to the roof continue to provide an architecturally expressed and visually interesting roofline. • The roof is not accessible as open space. However, vertical 'sky-gardens' are included within the elevations of the building, which allow for planting on the structure.	Yes																
4O Landscape Design and 4P Planting on Structures																		
• Landscape design is viable and sustainable • Landscape design contributes to streetscape and amenity • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure	• The minor modifications to the ground level and paths will not have any adverse impacts on the approved landscaping. • Landscaping includes a mixture of native and non-native plants and shading trees. • Planting and furniture is provided within the landscaped open spaces • Planting is provided on the structure within 'sky gardens'.	Yes																
4Q Universal Design																		
<table><tr><th>Universal Design Guidelines (20% of apartments)</th><th>SSDA 6376</th></tr><tr><td>Dwelling Access</td><td>Compliant</td></tr><tr><td>Dwelling Entrance</td><td>Compliant</td></tr><tr><td>Internal Doors and Corridors</td><td>Compliant</td></tr><tr><td>Toilet</td><td>10% Compliant</td></tr><tr><td>Shower</td><td>10% Compliant</td></tr><tr><td>Reinforcement of Bathrooms and Toilet Walls</td><td>10% Compliant</td></tr><tr><td>Internal Stairways</td><td>Compliant</td></tr></table>		Universal Design Guidelines (20% of apartments)	SSDA 6376	Dwelling Access	Compliant	Dwelling Entrance	Compliant	Internal Doors and Corridors	Compliant	Toilet	10% Compliant	Shower	10% Compliant	Reinforcement of Bathrooms and Toilet Walls	10% Compliant	Internal Stairways	Compliant	No The proposed Apartment layouts replicate the approved layouts and are constrained by the approved building envelope. Two of the 23 apartments (10%) are adaptable.
Universal Design Guidelines (20% of apartments)	SSDA 6376																	
Dwelling Access	Compliant																	
Dwelling Entrance	Compliant																	
Internal Doors and Corridors	Compliant																	
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Shower	10% Compliant																	
Reinforcement of Bathrooms and Toilet Walls	10% Compliant																	
Internal Stairways	Compliant																	
• A variety of apartments with adaptable designs are provided • Apartments layouts are flexible and accommodate a range of lifestyle needs	• The modified proposal provides an additional three adaptable apartments (40 in total) are provided. • Apartment layouts are flexible and can accommodate a range of lifestyle needs.																	
4S Mixed Use																		
• Mixed use development are provided in	• The provision of an additional	Yes																

appropriate locations and provide street activation and encourage pedestrian movement Residential levels are integrated within the development, safety and amenity is maximised.	retail unit at ground floor level will provide for increased street/ground level activation. Residential circulation areas are clearly defined and communal open space is provided.	
4T Awning and Signage		
- Awnings are well located and complement and integrate with the building - Signage responds to the context and design streetscape character	- No change from original approval. - Awnings are incorporated into the design of the building and appropriately located. - No signage proposed.	Yes
4U Energy Efficiency		
- Development incorporates passive environmental and solar design - Adequate natural ventilation minimises the need for mechanical ventilation	The modified development exceeds BASIX water, thermal and energy efficiency targets.	Yes
4V Water Management and Conservation		
- Potable water use is minimised - Urban stormwater is treated on site before being discharged to receiving waters - Flood management systems are integrated into the site design	- No change from original approval. - Water efficient fittings and appliances will be installed. - A Water Sensitive Urban Design strategy has been prepared.	Yes
4W Waste Management		
- Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity - Domestic waste is minimised by providing safe and convenient source separation and recycling	- No change from original approval. - Waste storage is provided at basement level in convenient locations. - Separate waste and recycling containers will be provided and will be managed by the building manager.	Yes
4X Building Maintenance		
- Building design detail provides protection from weathering - Systems and access enable ease of maintenance - Material selection reduced ongoing maintenance cost	- No change from original approval. - The building has been appropriately designed to allow ease of maintenance. - The materials are robust.	Yes

APPENDIX C RECOMMENDED CONDITIONS OF APPROVAL
