

**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:**  
***Site 53, 2 Figtree Drive, Sydney Olympic  
Park***

**SSD 7033**



Environmental Assessment Report  
Section 89H of the *Environmental Planning and  
Assessment Act 1979*

July 2016

## ABBREVIATIONS

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Applicant	Mirvac Projects Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Local Government Area	Cumberland Local Government Area
Department	Department of Planning and Environment
EIS	Environmental Impact Statement reference SSD 15_7033, prepared by Urbis dated September 2015
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
Minister	Minister for Planning
RtS	Response to Submissions prepared by Urbis titled SSD 7033: <i>Submissions</i> dated May 2016
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment, or her delegate
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development
SSP SEPP	<i>State Environmental Planning Policy (State Significant Precincts) 2005</i> (formally known as the State Environmental Planning Policy (Major Development) 2005)

Cover Photograph: Photomontage of proposed development viewed from Figtree Drive (Source: Applicant's EIS)

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## EXECUTIVE SUMMARY

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This report is an assessment of a State significant development application (SSD 7033) lodged by Mirvac Projects Pty Ltd (the Applicant) seeking approval for the construction of a mixed-used development. The proposal comprises four residential apartment buildings ranging in height from five to 15 storeys, retail floor space, landscaping, basement parking and a new road. The site is located at Site 53, 2 Figtree Drive, Sydney Olympic Park (SOP), in the Cumberland local government area.

The development has a capital investment value (CIV) of approximately \$143 million and will generate approximately 500 jobs during construction and 20 ongoing jobs.

The development is State significant development under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is a development within the Sydney Olympic Park site that has a CIV of more than \$10 million. Therefore, the Minister for Planning is the consent authority.

The Environmental Impact Statement (EIS) was publically exhibited from 15 October 2015 to 16 November 2015 (33 days). The Department of Planning and Environment (the Department) received five submissions from public authorities (including Sydney Olympic Park Authority (SOPA)) and one public submission supporting the proposal. The key issues raised in submissions include built form, design quality and residential amenity. The Department has also considered other potential impacts including car parking, traffic, stormwater management, odour and noise.

A Response to Submissions (RtS) was submitted on 4 May 2016 which provided additional information to address the concerns raised during the exhibition period and to respond to key issues raised by the public authorities. In addition, the RtS included amended plans with minor changes to apartment layouts, building façade treatment and materiality.

The RtS was made available on the Department's website but was not publically exhibited. The public authorities generally supported the proposal and have provided conditions of consent that the Department has incorporated into the development consent. However, SOPA did have ongoing concerns relating to building design, height and street activation.

The Department has fully considered all relevant matters under section 79C of the Environmental Planning & Assessment Act 1979 (EP&A Act), the objects of the EP&A Act and the principles of ecologically sustainable development.

The proposal departs from the building height and floor space ratio (FSR) development standards in *State Environmental Planning Policy (State Significant Precinct) 2005* (SSP SEPP). Despite the departure, the Department is satisfied that the height, bulk and scale is appropriate and would not result in any unreasonable visual or amenity impacts to adjoining residential properties or Linear Park and would be commensurate with existing and future development in the area.

In addition, the proposed building exhibits design excellence, was the subject of a design competition process and is generally supported by SOPA. The Department considers the proposal would present a strong urban presence at the southern gateway to the town centre and would positively contribute to SOP.

The Department is satisfied that the proposal is also consistent with the strategic objectives for the area, as outlined in *A Plan for Growing Sydney* and the *Sydney Olympic Park Master Plan 2030* (SOP Master Plan), and is consistent with the requirements of relevant environmental planning instruments and policies. Based on this assessment, the Department considers the development would be in the public interest and recommends the SSD application be approved, subject to conditions.



# 1. BACKGROUND

## 1.1 Introduction

Mirvac Projects Pty Ltd (the Applicant) seeks approval for a mixed use development comprising four residential buildings with retail/commercial uses at ground floor at Site 53, 2 Figtree Drive, Sydney Olympic Park (SOP) (the site) (**Figure 1**).

## 1.2 Site location and context

The site is located within SOP, approximately 350 metres (m) to the south of Olympic Park Station (**Figure 2**). It is bound by Australia Avenue to the east, Figtree Drive to the north, a commercial building at 4 Figtree Drive to the west and the linear open space corridor / elevated SOP railway line to the south.



**Figure 1:** Site location (Basemap source: Google).

The site has a total area of 12,697 m<sup>2</sup>, comprising Lot 22 in DP 787402 (area of 12,320 m<sup>2</sup>) and a portion of Lot 10 in DP 1185060 (area of 377 m<sup>2</sup>). It is generally rectangular in shape and slopes from the north-west corner (RL 21) to the southern and eastern boundaries (RL 13). The site currently contains a two-storey commercial building with surface car parking and a number of mature fig trees.

## 1.3 Surrounding development

The site and surrounding area forms part of SOP, which is experiencing significant renewal through the development of new commercial, residential and supporting community uses. The character of the surrounding area is summarised as follows:

- directly to the north are predominantly two-storey commercial and light industrial buildings, including office and warehouse space, with at-grade car parking and tree planting;
- directly to the west are predominantly three to four-storey commercial and light industrial buildings, including the existing Fujitsu Australia building at 4 Figtree Drive. Further to the west is Olympic Boulevard;
- further north and north-west is the Olympic Park Station with the retail and commercial uses of Olympic Park town centre, and the major event facilities, including the Sydney Showground,



Spotless Stadium, ANZ Stadium, Qudos Bank Arena, Athletic Centre and Aquatic Centre, and the Liquid Waste Treatment Plant;

- to the south is the linear open space corridor, an existing shared pedestrian/cycle path, the elevated SOP railway line and Sarah Durack Avenue. To the south-west is the Boomerang mixed use building (38 storeys) which is expected to commence construction in 2017. Further south is the Bicentennial Marker, playing fields and tennis centre; and
- to the east and north-east are the residential towers of Australia Towers (up to 30 storeys) and Opal Tower (36 storeys). Bicentennial Park is located further to the east.



Figure 2: Site shown in red (Basemap source: Nearmap).

## 2. PROPOSED DEVELOPMENT

### 2.1 Project description

The proposal seeks approval for a mixed use development comprising four residential apartment buildings ranging in height from five to 15 storeys, ancillary retail/commercial floor space at ground floor, three levels of basement car parking, a new access road and associated landscaping works (see Figure 4).

The key components of the proposal are detailed in Table 1.

Table 1: Key components of the development.

Aspect	Description
GFA / residential mix	<ul style="list-style-type: none"> <li>• 34,886 m<sup>2</sup> total gross floor area (GFA) comprising: <ul style="list-style-type: none"> <li>○ 1,500 m<sup>2</sup> of retail GFA; and</li> <li>○ 33,386 m<sup>2</sup> of residential GFA or 422 residential apartments</li> </ul> </li> </ul>



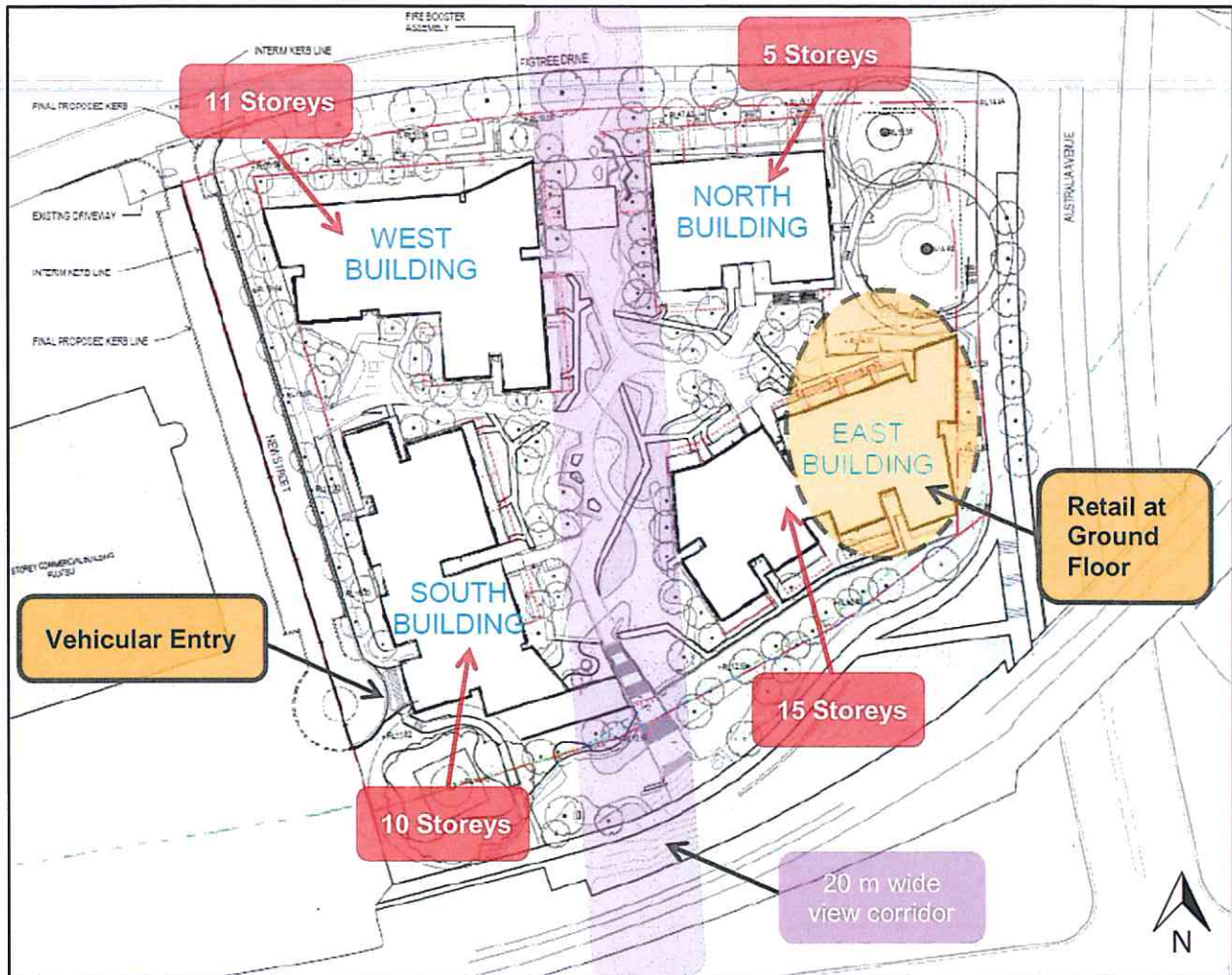
Aspect	Description
	(including a 63.7 m <sup>2</sup> community room) with the following mix: <ul style="list-style-type: none"> <li>158 one-bedroom units (37%);</li> <li>220 two-bedroom units (52%); and</li> <li>44 three-bedroom units (11%).</li> </ul>
<b>Building heights</b>	<ul style="list-style-type: none"> <li>North building: 5 storeys (15.25 m / 33.45RL);</li> <li>east building: 15 storeys (45.75 m / 63.95RL);</li> <li>south building: 10 storeys (30.5 m / 48.7RL); and</li> <li>west building: part 10/11 storeys (33.55 m / 51.75 RL).</li> </ul>
<b>Access and parking</b>	<ul style="list-style-type: none"> <li>Vehicular access into the site via a new road from Figtree Drive between Site 52 and Site 53;</li> <li>500 car parking spaces, comprising: <ul style="list-style-type: none"> <li>456 spaces for residents (43 accessible spaces); and</li> <li>44 spaces for visitors and the retail component (five accessible spaces);</li> </ul> </li> <li>624 bicycle parking spaces, comprising: <ul style="list-style-type: none"> <li>488 spaces for residents;</li> <li>116 spaces for residential visitors and retail employees; and</li> <li>20 spaces for visitors to the retail component;</li> </ul> </li> <li>25 motorcycle parking spaces; and</li> <li>loading dock / delivery facilities.</li> </ul>
<b>Site preparation works and landscaping</b>	<ul style="list-style-type: none"> <li>Excavation for the basement car park and site preparation works;</li> <li>provision of a 20 m wide view corridor that dissects the site; and</li> <li>landscaping, including the retention of two mature fig trees, public open space, private communal open space, deep soil landscaping and children's play area.</li> </ul>
<b>Staging</b>	<ul style="list-style-type: none"> <li>Construction of the north building is likely to follow that of the west, south and east buildings; and</li> <li>the fit out of the retail floor space will be subject to future development applications.</li> </ul>
<b>Employment and CIV</b>	<ul style="list-style-type: none"> <li>500 construction jobs and 20 operational jobs; and</li> <li>capital investment value (CIV) of \$143m.</li> </ul>

The Department of Planning and Environment (the Department) notes that Sydney Olympic Park Authority (SOPA) has approved the demolition of the existing commercial building, site clearing, the diversion of sewer infrastructure and the relocation of one mature fig tree from the western boundary to the south-west corner of the site.



**Figure 3:** Photomontage showing north facing elevation on Figtree Drive (Source: Applicant's EIS).





**Figure 4:** Proposed site layout (Source: Applicant's EIS).



**Figure 5:** Photomontage showing south-east facing elevation on the corner of Figtree Drive and Australia Avenue (Source: Applicant's EIS).



### 3. STATUTORY CONTEXT

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#### 3.1 State significant development

The proposal is State Significant Development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development with a CIV of more than \$10 million and located within the Sydney Olympic Park site pursuant to clause 2(f) of Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore the Minister for Planning is the consent authority.

#### 3.2 Delegations

On 16 February 2015, the then Minister for Planning delegated functions to determine SSD applications under section 89E of the EP&A Act to Executive Directors who report to the Deputy Secretary, Planning Services, where:

- the relevant council has not objected;
- no political disclosure statement has been made; and
- where there are less than 25 public submissions in the nature of objection.

The Executive Director, Key Sites and Industry Assessments, may determine this application as Cumberland Council (Council) did not make a submission, no political disclosure statements were received and the public submission received did not object to the proposal.

On 1 December 2014, the Secretary of the Department delegated functions for granting concurrence to variations to development standards requested under Schedule 3 of the *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP) to the Executive Director, Key Sites and Industry Assessments.

Accordingly, the Executive Director, Key Sites and Industry Assessments, may grant consent under delegation to the proposed variations to the maximum building height and floor space ratio (FSR) standards.

#### 3.3 Permissibility

The site is zoned as B4 Mixed Use under Part 23 (Schedule 3) of the SSP SEPP. The proposed residential and retail uses are permitted in this zone with consent.

#### 3.4 Environmental planning instruments

Under section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPI that substantially governs the carrying out of the project and that have been taken into consideration in the assessment of the project. Applicable EPIs include:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (State Significant Precincts) 2005*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy 55 – Remediation of Land*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The Department's detailed consideration of the proposal against relevant EPIs is provided in **Appendix A**. This concludes the proposal is consistent with the relevant provisions of the abovementioned EPIs, with the exception of clause 18 (height of buildings) and clause 19 (FSR) of the SSP SEPP. The Department has considered the Applicant's request to contravene the building height and floor space ratio development standards in **Section 5**.



### 3.5 Objects of the EP&A Act

Decision-makers are required to consider the objects in Section 5 of the EP&A Act when making decisions under the Act. The Department has considered the objects of the EP&A Act in **Table 2** and is satisfied that the proposal complies with all objects.

**Table 2:** Consideration of the proposal against the objects of the EP&A Act.

<b>Objects of the EP&amp;A Act</b>	<b>Consideration</b>	<b>Complies?</b>
<b>(a) to encourage:</b>		
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment</i>	The proposal does not impact on natural and artificial resources, as it involves the development within an already disturbed urban area. The proposal will increase housing supply to meet a range of housing needs, which will enhance economic and social welfare.	Yes
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land</i>	Redevelopment of the site is identified in the SSP SEPP and the <i>Sydney Olympic Park Master Plan 2030</i> (Master Plan). The proposed land use is permitted and the merits of the proposal are considered in Section 5 of this report.	Yes
(iii) <i>the protection, provision and co-ordination of communication and utility services</i>	The proposal does not impact on existing communication and utility services, but will provide suitable utilities to service future development.	Yes
(iv) <i>the provision of land for public purposes</i>	The proposal will result in improvements to the linear park to the south of the site and a new access road to the west of the site.	Yes
(v) <i>the provision and co-ordination of community services and facilities</i>	In addition to the improved linear park and new road, the proposed retail floor space will provide convenience shopping opportunities for the local community.	Yes
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats</i>	The proposal does not impact on native animals and proposes to retain two existing mature fig trees.	Yes
(vii) <i>ecologically sustainable development (ESD)</i>	Section 3.6 of this report considers the proposal against the principles of ESD.	Yes
(viii) <i>the provision and maintenance of affordable housing</i>	The proposal does not involve the provision / maintenance of affordable housing, although the proposed 422 new residential units will improve housing supply in the SOP.	Yes
<b>(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State</b>	The proposal is SSD in accordance with the SPP SEPP. The Department consulted with Council, SOPA and other relevant agencies on the proposal.	Yes
<b>(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.</b>	Section 4 of this report sets out details of the Department's public exhibition of the proposal.	Yes

### 3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) from the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:



- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Applicant has considered and addressed ESD principles as they relate to the proposal in Section 8.2 and Appendix I of the EIS. This describes the Applicant's approach to integrating energy efficient technologies and sustainable practices in the design, construction and ongoing operation of the development.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** - the proposal will not result in any serious or irreversible environmental damage, as:
  - the site is already developed and has been appropriately planned for development;
  - the location of the site encourages sustainable transport choices as it is well served by public transport, proposes bicycle parking and two car share bays and has good access to local employment, retail, recreation and leisure opportunities;
  - the proposal includes a detailed stormwater management strategy and proposes rainwater re-use for irrigation and other non-potable uses; and
  - the proposal includes measures to reduce water, energy and waste through a mixture of passive design and efficient systems, including:
    - showers will be 3 star water efficient;
    - toilets will be 4 star water efficient;
    - kitchen taps will be 4 star / bathroom taps will be 5 star water efficient;
    - dishwashers will have a Water Efficient Labelling and Standard (WELS) rating of at least 4.5 stars;
    - building design to control natural ventilation and solar access to reduce energy for heating by 12% and energy for cooling by 66% of the BASIX requirements; and
    - use of low energy lighting fittings, such as LED and other control strategies, to reduce energy consumption.
- **Inter-Generational Equity** – the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as:
  - the proposal will not result in any serious or irreversible environmental damage, as detailed above;
  - the proposal considers existing environmental impacts in the area, such as noise and odour impacts;
  - any contaminated land identified during the excavation will be remediated and any potential ground water contamination of the basement car park will be adequately mitigated; and
  - the proposal will increase housing supply, provide new retail opportunities and deliver improvements to the surrounding public domain, including a new access road and enhanced linear park for the benefit of current and future generations.
- **Biodiversity Principle** – the proposal will have no significant impact on biodiversity or ecological value, as the site contains existing buildings and paved car parking. The proposal involves the retention of two existing mature fig tree. The Applicant has obtained separate approval from SOPA for the relocation of one existing mature fig tree to the south-west corner of the site.
- **Valuation Principle** – the proposal includes a number of energy, water and waste reducing measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied that the proposal encourages ESD.



### 3.7 Environmental assessment requirements

Section 1.4 of the EIS demonstrates how the proposal complies with the Secretary's Environmental Assessment Requirements. The Department considers these matters have been addressed sufficiently in the EIS to adequately consider and assess the proposal for the purposes of determination.

### 3.8 Strategic context

#### ***A Plan for Growing Sydney***

*A Plan for Growing Sydney* (the Plan) is a strategic document that guides land use planning decisions in the Sydney Metropolitan area over the next 20 years. It presents a strategy to accommodate Sydney's population growth, strengthen its global competitiveness and deliver investment and jobs for Western Sydney.

The Plan seeks to accelerate housing supply and local housing choices across Sydney (Action 2.1.1), with a target of 664,000 new dwellings by 2031. It identifies the most suitable areas for significant urban renewal being those best connected to employment and areas in and around strategic centres. The Plan identifies SOP as a 'strategic centre' within the global economic corridor. SOP is also identified as a major precinct within the proposed Greater Parramatta to the Olympic Peninsula priority growth area, which will identify infrastructure to support medium to long term opportunities for urban renewal and population growth.

The proposal is consistent with the Plan as it provides 422 new residential dwellings in a range of one, two and three bedroom apartments to meet varying housing choices for SOP. This housing growth, together with the proposed additional retail floor space, will support the urban renewal of the SOP as a 'strategic centre' providing homes in close proximity to employment opportunities.

#### ***Sydney Olympic Park Master Plan 2030***

SOPA is responsible for managing development in SOP through the *SOP Master Plan 2030* (*Master Plan*). The *Master Plan* was approved by the Minister for Planning on 8 October 2009. It guides the redevelopment and transformation of SOP to ensure that it becomes an active and vibrant centre within Sydney. It sets out detailed planning controls and guidelines to encourage development that responds to its context and contributes to the quality of the built environment, future character and cultural significance of SOP.

The site is located in the central precinct, which is being transformed into a high density, mixed use neighbourhood with commercial offices, retail and residential uses.

The proposal is consistent with the *Master Plan* as the intensification of the site, land uses and layout will enhance the activity and vibrancy of the centre and contribute to the wider redevelopment and transformation of SOP. The proposal for 422 new residential apartments is consistent with the intended future character of the central precinct and consistent with the identified land use for the site. The proposal also contributes to delivery of a new access road, delivers a 20 m view corridor and retains two mature fig trees.

Further consideration of the proposal against the planning controls and guidelines in the *Master Plan* is set out in **Section 5** and **Appendix B**.

SOPA is required to review the *Master Plan* every five years in accordance with the SSP SEPP. The Department notes SOPA have commenced this process and at the time of this assessment, a draft Master Plan is imminent and includes a review of the built form controls.



## 4. CONSULTATION

### 4.1 Exhibition

In accordance with section 89F(1)(a) of the EP&A Act, the Secretary is required to exhibit the EIS for at least 30 days. The Department publicly exhibited the EIS from Thursday 15 October 2015 until Monday 16 November 2015 (33 days) on its website, at its office in Bridge Street, at Auburn Council's office and at SOPA's office. The Department advertised the public exhibition in the Auburn Pictorial Review on 13 October 2015 and the Sydney Morning Herald and Daily Telegraph on 14 October 2015. It also notified surrounding landholders and relevant State and local government authorities of the public exhibition in writing.

### 4.2 Submissions

The Department received five public authority submissions and one public submission during the exhibition of the application. Council did not make a submission. A link to the submissions may be viewed at **Appendix A**.

The issues raised by public authorities regarding the EIS and the Response to Submissions Report (RtS) where relevant, are summarised in **Table 3** and a summary of the public submission is contained thereunder. The submissions are considered in **Section 5** and/or by way of recommended conditions at **Appendix B**.

### 4.3 Response to Submissions

The Applicant submitted a RtS Report to the Department on 4 May 2016, responding to issues and concerns raised by the agencies. The RtS includes amended plans with minor changes to apartment layouts, building façade treatment and materiality. The RtS was made publically available on the Department's website.

Details of amendments made and additional information within the RtS have been considered in the Department's assessment of the proposal. The Department is satisfied that the RtS satisfactorily addresses the issues raised in the submissions, with the exception of the parapet design of the east building. Key issues are further considered in Section 5 of this report.

**Table 3:** Summary of public authority submissions and the Applicant's RtS.

<b>Sydney Olympic Park Authority (SOPA)</b>	
EIS	<p>SOPA supports the application however, raised the following concerns:</p> <ul style="list-style-type: none"> <li>the tallest building (east building) lacks articulation;</li> <li>further street activation and direct site access is required;</li> <li>the Figtree Forecourt requires increased public accessibility;</li> <li>streetscape impact of the freestanding electrical substation on Figtree Drive;</li> <li>the stairs linking the communal open area to Linear Park should provide flexibility in its relationship and connectivity to the future redesign of the park; and</li> <li>the following additional information is required: <ul style="list-style-type: none"> <li>stormwater management and rainwater reuse;</li> <li>erosion and sediment control management plan; and</li> <li>a Construction Management Plan should detail groundwater management.</li> </ul> </li> </ul>
RtS	<p>SOPA commented that the following items remain outstanding and requested that further consideration be given to:</p> <ul style="list-style-type: none"> <li>the articulation of the east building, particularly the infill of the castellated parapet design that was considered during the design excellence competition;</li> <li>the electrical substation on Figtree Drive should be relocated to minimise visibility;</li> <li>the provision of direct access to all building lobbies from the surrounding streets;</li> <li>the activation of the public domain particularly to the retail area; and</li> <li>the Figtree Forecourt should incorporate more direct alignments, wider paths and stairs, and removal of the enclosing fence to be more publicly accessible.</li> </ul> <p>SOPA recommended conditions of consent in relation to stormwater management, and soil erosion and sediment control.</p>



<b>NSW Environment Protection Authority (EPA)</b>	
EIS	<p>The EPA did not object to the proposal however, provided the following comments:</p> <ul style="list-style-type: none"> <li>the proposal should assess potential odour impacts from the Homebush Liquid Waste Treatment Plant;</li> <li>the proposal should assess potential noise impacts from the adjoining data centre and rail line and identify noise mitigation measures;</li> <li>a Construction Environment Management Plan (CEMP) should be prepared to: <ul style="list-style-type: none"> <li>prevent / minimise dust emissions;</li> <li>assess and mitigate potential noise impacts; and</li> <li>include a soil and water management plan.</li> </ul> </li> <li>further information is required on the proposed management and maintenance of the proposed stormwater treatment;</li> <li>further information is required on potential groundwater contamination and water pollution; and</li> <li>conditions should require construction waste from the site is classified, managed and disposed of accordingly to current legislation and guidelines.</li> </ul>
RtS	EPA did not raise any further concerns and recommended conditions to mitigate noise impacts from the nearby data centre and potential groundwater impacts during excavation.
<b>Transport for NSW (TfNSW)</b>	
EIS	<p>TfNSW did not object to the proposal, however advised that:</p> <ul style="list-style-type: none"> <li>688 bicycle parking spaces should be provided in accordance with the <i>Master Plan</i>;</li> <li>safe crossing facilities across Figtree Drive should be investigated to provide safe access to bus stops on Australia Avenue and the Olympic Park Station; and</li> <li>a construction traffic management plan (CTMP) should be prepared prior to the commencement of construction.</li> </ul>
RtS	TfNSW did not raise any further concerns and recommended conditions of consent to mitigate impacts on Sydney Trains operations.
<b>Roads and Maritime Services (RMS)</b>	
EIS	RMS advised that it does not object to the proposal, noting that the proposed increase of 37 vehicles per hour would be moderate and any future intersection upgrades would need to be referred to RMS for concurrence.
<b>Heritage Council of NSW (HC)</b>	
EIS	HC notes the proposed scale is consistent with the surrounding development, will not impact on listed heritage items and does not have Aboriginal or historic archaeological potential.

The Department received one public submission providing the following comments:

- the height of the proposal could be increased to match, or exceed, the buildings on the opposite side of Australia Avenue; and
- the proposal should incorporate adequate sound proofing, sufficient private communal space and balcony railings should be 1.3 m to improve safety.

## 5. ASSESSMENT

The Department considers the key planning issues for the project to be:

- built form (building height, floor space ratio, design quality);
- public domain; and
- residential amenity.

Each of these issues is discussed in the following sections of this report.

### 5.1 Built form

The Department has carefully considered the key development parameters relating to building height and FSR to assess the built form of the proposal and its relationship to the immediate area as well as the wider context.



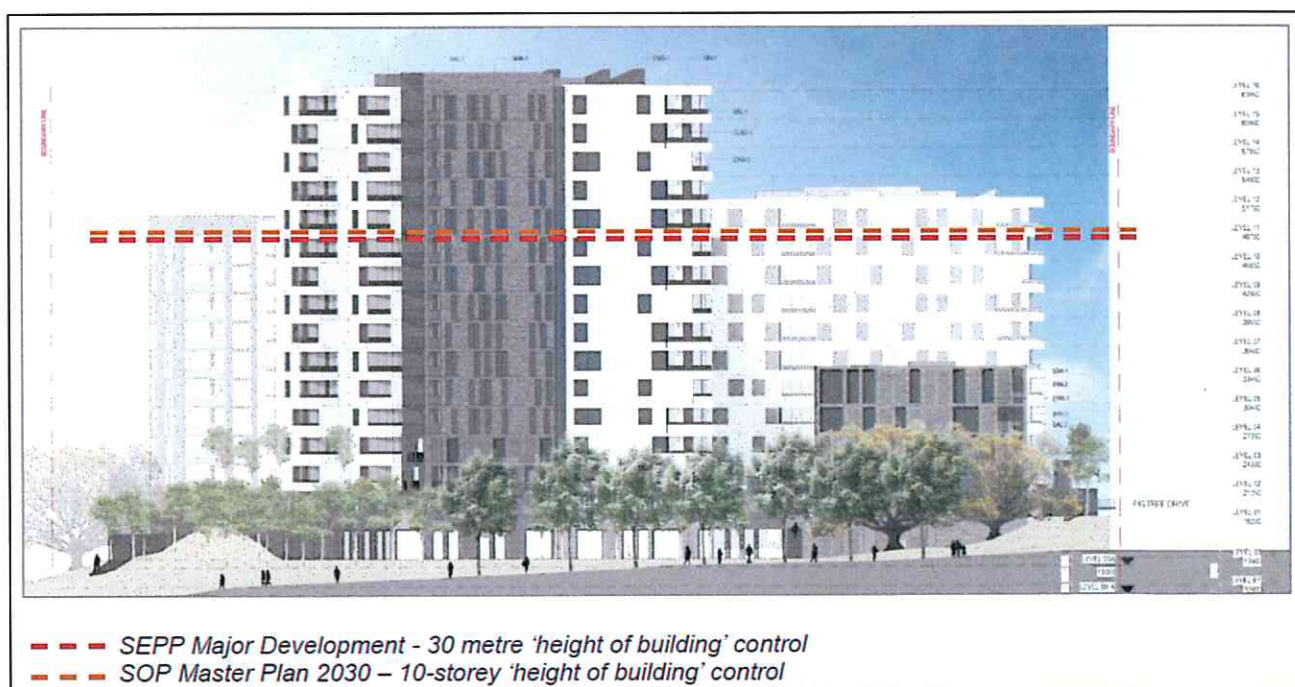
The proposal exceeds the maximum building height and FSR development standards in the SSP SEPP and the *Master Plan* as detailed below. The Applicant has therefore submitted a written request as part of the EIS to justify the contravention of these development standards in accordance with clause 22 of Part 23 (Schedule 3) of the SSP SEPP (see **Appendix A**).

### 5.1.1 Building height

Three of the four proposed buildings exceed the 30 m maximum building height development standard in the SSP SEPP. Two of the four proposed buildings exceed the similar 10-storey building height control in the *Master Plan*. This is set out in detail in **Table 4** and illustrated in **Figures 6 and 7**.

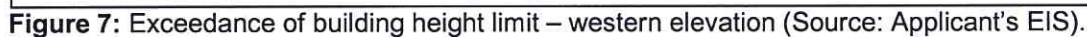
**Table 4:** Proposed building heights.

Building	Proposed height (m)	Complies with SSP SEPP (30 m)	Proposed height (storeys)	Complies with SOP Master Plan (10 storeys)
Northern	15.25	Yes	5	Yes
Southern	30.50	No (+0.50)	10	Yes
Eastern	45.75	No (+15.75)	15	No (+ 5 storeys)
Western	33.55	No (+3.55)	Part 10 / Part 11	Yes / No (+1 storey)

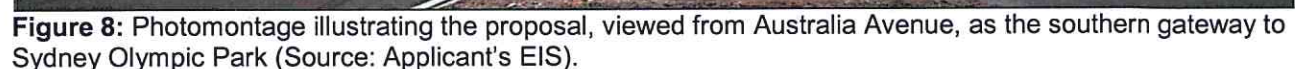


**Figure 6:** Exceedance of building height limit – eastern elevation (Source: Applicant's EIS).





- the proposal was subject to a design excellence competition and on-going consultation with SOPA and the SOPA Design Review Panel (DRP);
- the proposal is consistent with the surrounding built form and the desired future character as envisaged by the *Master Plan*;
- the distribution of building height maximises solar access to residential apartments, private and communal open spaces and minimises overshadowing impacts; and
- the site presents an opportunity as a gateway site to Sydney Olympic Park for those approaching the precinct from the south on Australia Avenue (refer to **Figure 8** below).



- is more responsive to the constraints of the site and resulted in improvements to the internal amenity of the apartments, such as solar access and outlook, improved amenity in the communal open space and created a diversity of architecture; and



- creates a more successful transition with the 30-storey towers to the east and the Central Precinct to the west.



**Figure 9:** Aerial view illustrating the building height of the surrounding existing and future developments (Source: Ecove Group Boomerang Tower website).

As outlined in **Section 1.3** and shown in **Figure 9**, the site is surrounded by existing residential development of up to 30 storeys (Australia Towers) with approved developments of up to 38 storeys (the Opal Tower and the Boomerang development).

Further, the contravention predominantly results from redistributing building height allowance from the north building (at five storeys) to the east building (at 15 storeys), which together with the buildings on the east of Australia Avenue (the Australia Towers and Opal Tower) create an entry gateway into the SOP from the south and reinforce the Sydney Olympic Park skyline.

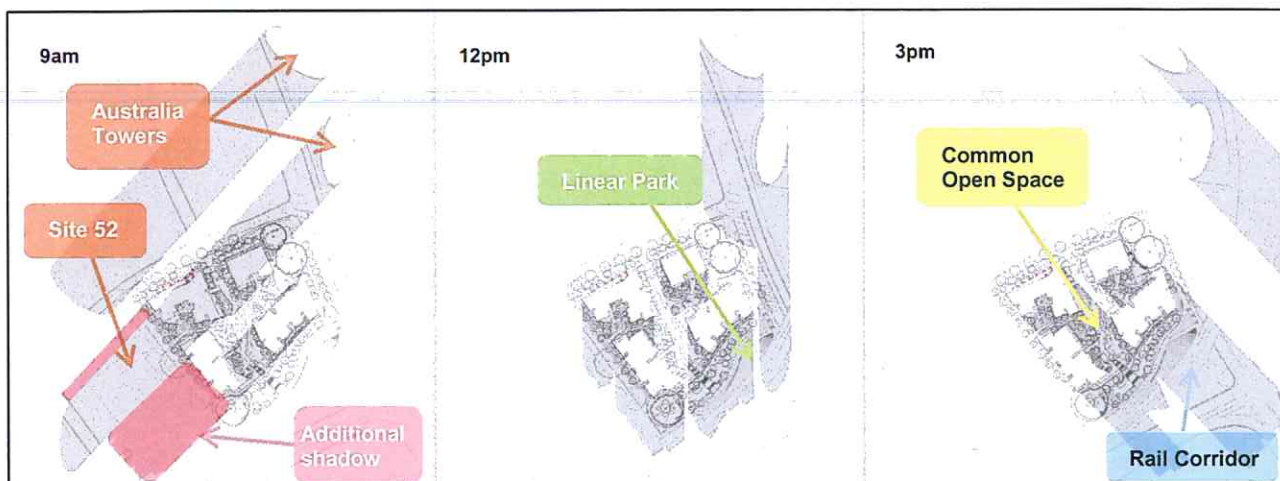
As such, the Department considers the proposed building height would be commensurate with the built form in the surrounding context.

The Department notes the proposed height distribution has carefully considered shadows cast by surrounding development and the natural slope of the land. The proposed increase in building height will not adversely impact on current or future residential amenity, and would not result in unreasonable overshadowing impacts on the amenity of the public open space corridor to the south (see **Figure 10**).

The shadows cast by the Australia Towers to the north of the site are significantly greater than the proposed development and extend across the site and beyond. Notwithstanding, the proposal will cast a shadow to the southern portion of Site 52 in the morning period only.

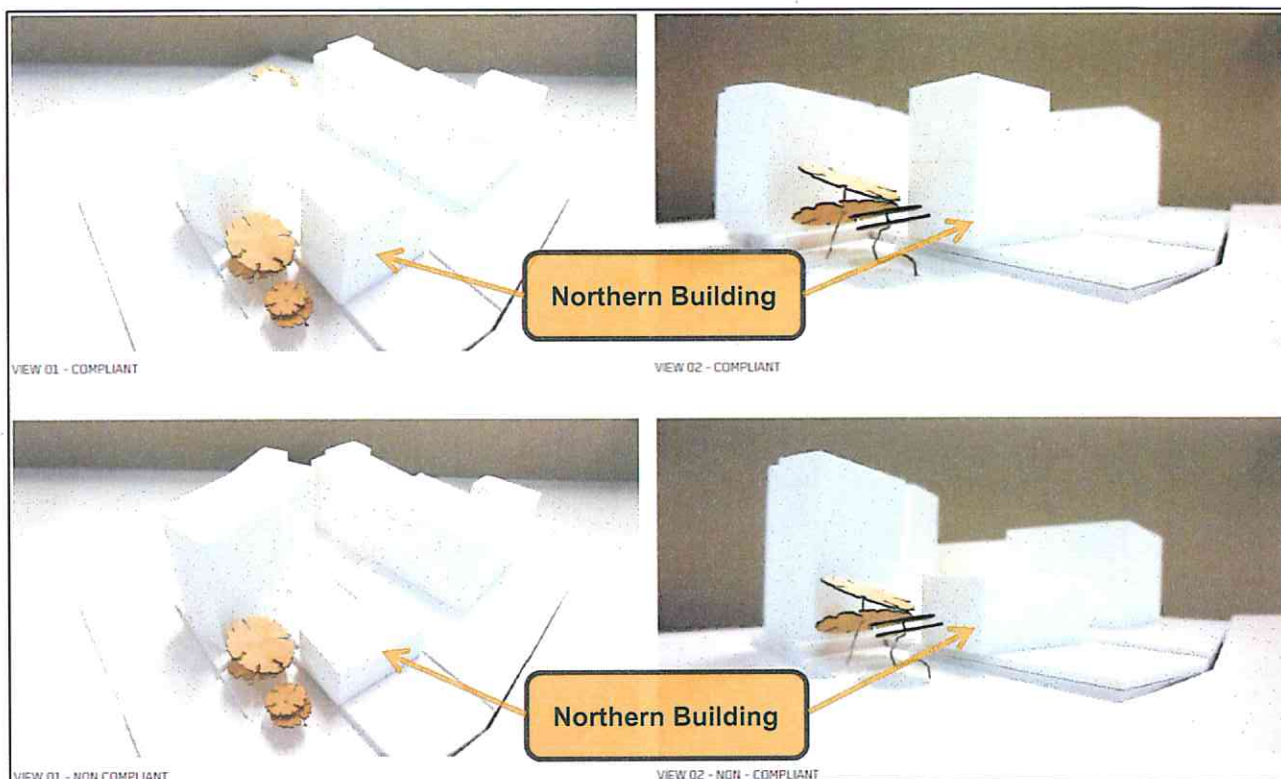
As illustrated in **Figure 10**, the proposal will cast a shadow to a portion of Linear Park to the south from midday onwards in mid-winter. However, this portion of Linear Park will have direct solar access prior to 12 pm. The Department notes the proposed building height distribution will maximise the amount of solar access to residential apartments and the principal useable part of the communal open space and view corridor will receive more than two hours of sunlight at mid-winter.





**Figure 10:** Shadows cast by the proposal and the existing Australia Towers at mid-winter (Source: Applicant's EIS).

The Department notes a design scheme complying with the 10-storey height requirement in the *Master Plan* would appear to have greater bulk and scale (see **Figure 11**). In addition, a 10-storey building at the northern portion of the site would adversely impact solar access to residential units at the southern portion of the site, the communal open space and view corridor.



**Figure 11:** Comparison between a compliant and non-compliant scheme (Source: Applicant's EIS).

The Department is satisfied the Applicant's written request to vary the building height development standard adequately addresses the matters required to be considered in the SSP SEPP and the variation from 30 m to 47.5 m is reasonable for the following reasons:

- the proposal does not unreasonably impact upon the amenity of the surrounding area;
- the proposal is commensurate with the built form in the surrounding context (see **Figure 9**);



- the proposal is consistent with the objectives of the B4 Mixed Use zone in the SSP SEPP as it comprises a mixture of compatible land uses and reinforces the precinct as a vibrant town centre;
- the variation of the development standards do not raise any matter of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised; and
- the proposed building height is supported by SOPA and is consistent with its desired future built form for the area.

#### 5.1.2 Floor Space Ratio

A maximum FSR of 2.5:1 (31,742.5 m<sup>2</sup>) applies to the site under the SSP SEPP. The proposal has a FSR of 2.75:1 (34,886 m<sup>2</sup>) and exceeds the FSR standard by 3,143.5 m<sup>2</sup>.

Notwithstanding the FSR development standard, the Department notes that clause 26 of Part 23 (Schedule 3) of the SSP SEPP requires the proposal to be considered against the *Master Plan*. Importantly, the *Master Plan* allows an additional 10% GFA for schemes that exhibit design excellence (see **Section 5.2**).

The Department considers the proposal is generally consistent with the *Master Plan* for the following reasons:

- the proposal is consistent with the setback controls and spatial arrangement for the site;
- the proposal incorporates a 20 m view corridor through the site to visually connect the new street (at the north of the site) to the bicentennial marker (at the south of the site);
- the proposal incorporates the construction of half the new road on the boundary of site 52 and site 53;
- the additional density would not result in any adverse traffic impacts; and
- the proposal is within the additional 10% allowance permitted under the *Master Plan*.

As outlined in earlier Section 5.1, the proposal is also a direct result of a design excellence competition that was supported in principle by the DRP. The Department considers the proposal incorporates a better design outcome on a prominent site at the main southern gateway to SOP. The proposal is commensurate with existing development in the area and the future desired character of the SOP Central Precinct.

The Department is satisfied the written request to vary the maximum floor space ratio development standard adequately addresses the matters required to be considered in the SSP SEPP and the variation is reasonable for the following reasons:

- the proposed GFA (of 34,886 m<sup>2</sup>) is consistent with the floor space ratio (FSR) in the *Master Plan* of 2.75:1 (of 34,916.75 m<sup>2</sup>). This includes the 10% bonus GFA available if the consent authority is satisfied the proposal exhibits design excellence and results from a design competition (considered in **Section 5.1**); and
- the variation of the development standard does not raise any matters of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised.

#### 5.1.3 Design Quality

The SSP SEPP requires the Department to be satisfied the building exhibits design excellence having regard to the standard of architectural design and materials, relationship to the public domain and sustainable design principles

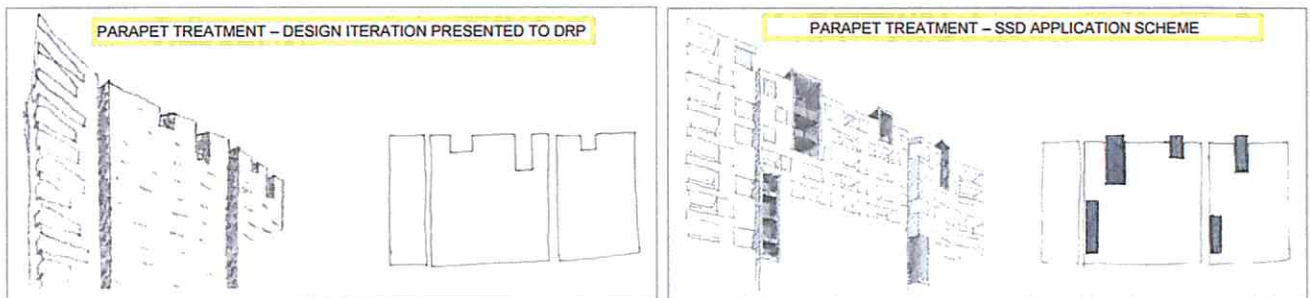
Further, the SSP SEPP requires a design competition to generate alternative design options for development proposals on this site. The competition jury selected the proposal as its preferred design.

Following the design competition, the proposal was the subject of ongoing consultation with the DRP and SOPA. The Department notes that while the DRP and SOPA support the design in



principle, they raised some concerns in respect of the lack of articulation to the 15-storey eastern building and the materiality of its south-east frontage. No other changes were requested by the DRP and SOPA in respect of the other buildings.

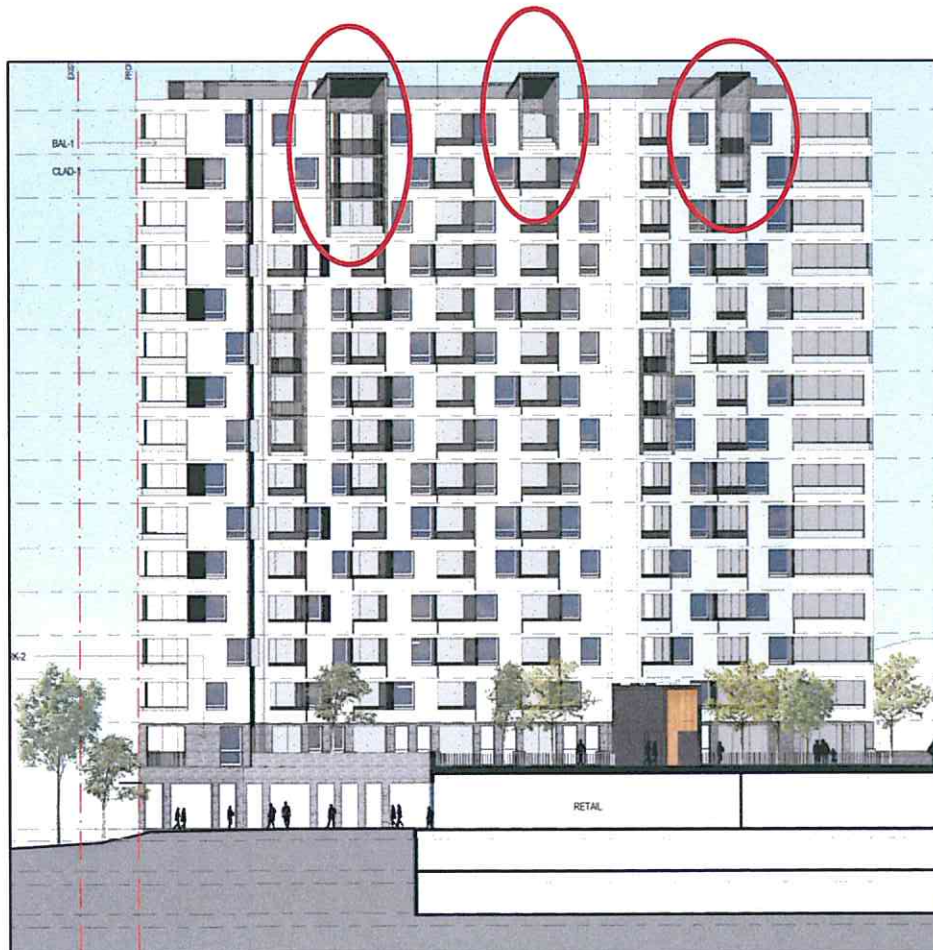
The design competition scheme incorporated a castellated parapet to the eastern building. Prior to the lodgement of the development application, the castellated parapet was infilled with pop-out elements (refer to **Figure 12**).



**Figure 12:** Parapet Treatment of eastern building (Source: Applicant's EIS).

During the exhibition of the proposal, SOPA expressed its continued concerns relating to the parapet treatment of the tallest building (eastern building) and that it did not support the current scheme. SOPA requested the castellated parapet be reinstated to minimise the bulk of the building and its perception as an additional storey.

The Applicant contends in the RtS, that the pop-out elements introduce variation in the materiality and finishing which would sufficiently articulate the building.



**Figure 13:** Elevation drawing of the eastern building with pop-out elements circled in red (Source: Applicant's EIS).





**Figure 14:** Photomontage of the proposal viewed from Figtree Drive, noting the 'pop-out' elements to the eastern building circled in red (Source: Applicant's EIS).

The design quality of the proposal is an important consideration given the site is at the southern gateway of SOP and the building is already 5 storeys (15.75 m) above the maximum height limit for the site.

In respect of the design quality of the buildings, the Department has considered the design excellence criteria contained within the SSP SEPP and concludes the application exhibits design excellence for the following reasons:

- the DRP concluded the development would meet a high degree of design excellence subject to addressing matters relating to the parapet design, building access from the public domain, location of the substation and design of the Figtree Forecourt. These matters have been discussed in **Section 5** and recommended conditions of consent where relevant;
- the building's overall design, shape and form and use of materials will provide for a distinct and iconic landmark development at the southern gateway of SOP;
- the proposal is appropriately activated and landscaped and will provide an overall high standard and quality of public domain and amenity (see **Section 5.2**);
- the residential component generally complies with the Apartment Design Guide design criteria and objectives (see **Appendix B**);
- the proposal will not have negative wind impacts on the public domain; and
- the design implements a variety of environmentally sustainable measures to achieve the minimum BASIX energy efficiency requirements and a 5-star Nationwide House Energy Rating Scheme (NatHERS) rating.

The Department has considered the design of the building, and noting the above points, considers the buildings exhibit design excellence. However, the Department notes the castellated parapet line was a design feature to minimise the scale and perceived height of the eastern building. As illustrated in **Figures 12** and **13** above, the parapet design presents as an additional storey and increases the bulk and mass of the building.

The Department has therefore recommended a condition requiring the Applicant to update the architectural plans to reinstate the castellated parapet to the eastern building and remove the pop-out elements which is consistent with SOPA's recommendation. The plans would be required to be submitted to the Secretary for approval prior to the issue of a Construction Certificate.

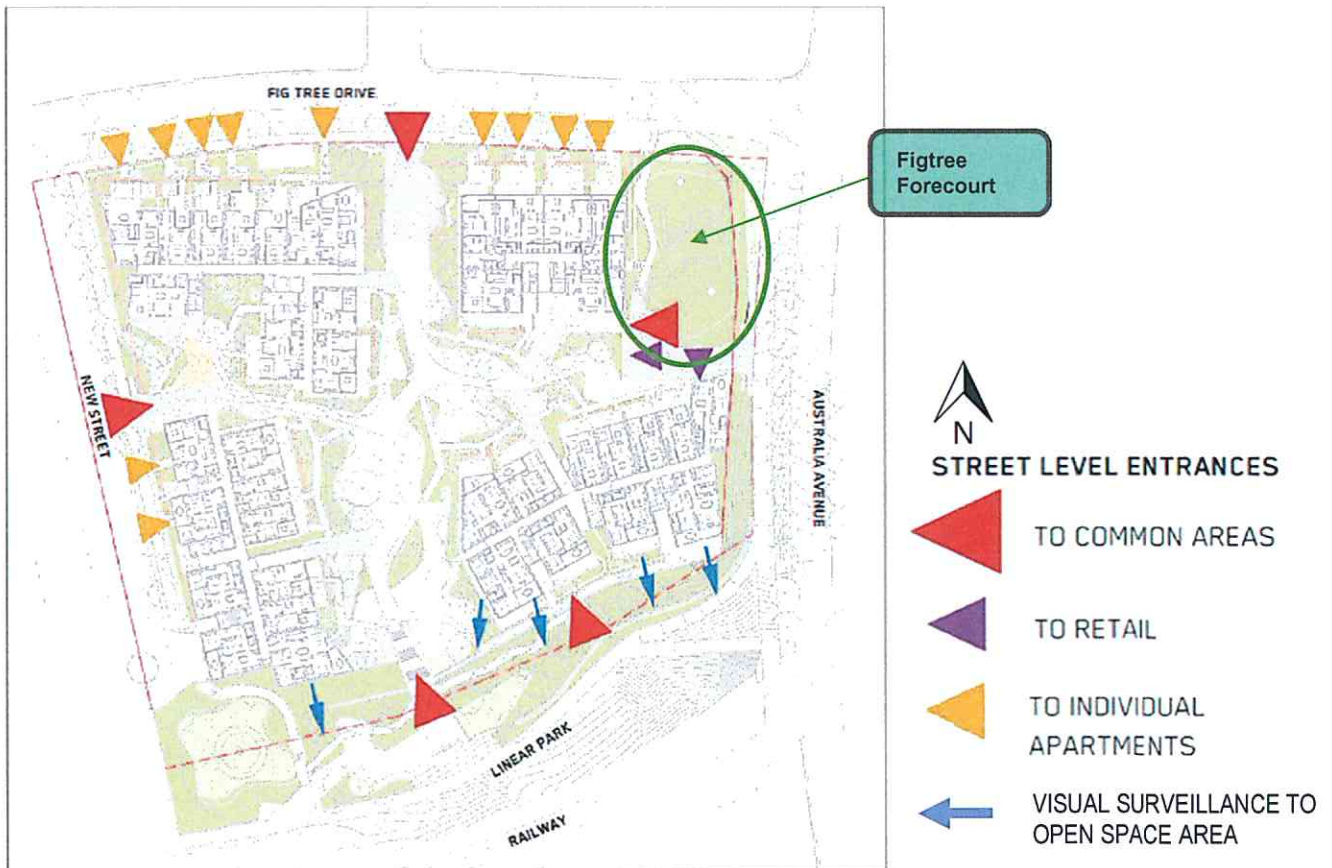


## 5.2 Public Domain

### Accessibility

The site has frontage to Linear Park, Australia Avenue, Figtree Drive and the new street between sites 52 and 53 which forms part of this proposal. Vehicular access to the site is via New Street and the common open space area is accessible from each street frontage. The retail component of the proposal is accessible from Australia Avenue and Figtree Drive (see **Figure 15**).

As illustrated in **Figure 15**, access to the common open space area is accessible from all four frontages. The building lobbies are accessed from the common space area within the site and the retail area is accessed from both Figtree Drive and Australia Avenue. Direct access to ground floor units has been provided from New Street and Figtree Drive.



**Figure 15:** Accessibility of the site from the public domain and views to Linear Park (Source: Applicant's EIS).

During the exhibition period, SOPA raised the following concerns:

- building lobbies should have direct access from the public streets;
- the design of the Linear Park entry is restrictive of future design options of Linear Park; and
- the Figtree Forecourt should incorporate a larger deck, a more direct pathway and the removal of the proposed fence (see **Figure 17**).

The Department notes that street level entrances have been provided to all ground floor apartments fronting Figtree Drive and two of three apartments fronting New Street (see **Figure 15**).

The Applicant contends that due to the sloping topography of the site, it is not feasible to provide direct access to the remaining ground floor units and that individual stairs would detract from the streetscape presentation of the proposal.





**Figure 16:** Accessibility of the site from Figtree Drive (Source: Applicant's EIS).



**Figure 17:** Accessibility of the site from Linear Park (Source: Applicant's EIS).

The *Master Plan* requires that building entry points are within clear site of a public street frontage to maximise safety and security and promote active street frontages.

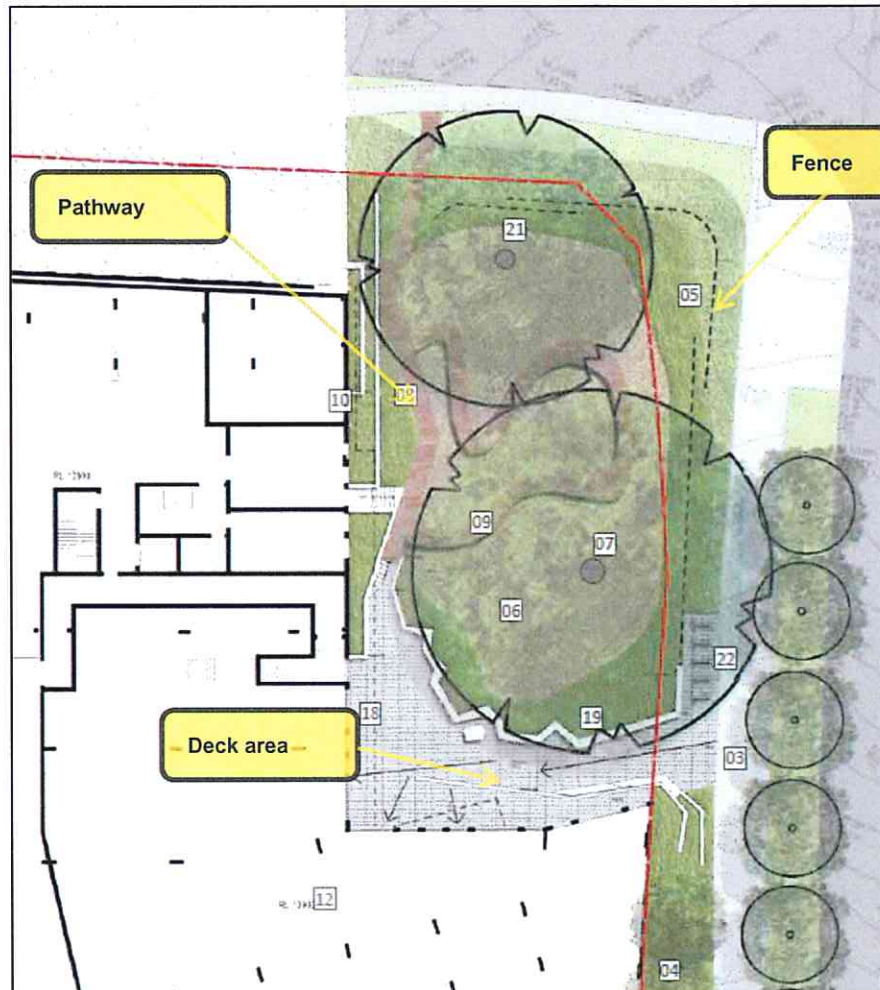
The Department notes each building has been designed with the lobbies being accessed via the internal common areas. However, the main site entrances to the internal common areas are clearly legible from the street (see **Figures 16 and 17**). Moreover, the apartments overlooking the public domain provide passive surveillance at the upper levels and the internal common areas form part of the view corridor that encourages pedestrian activity.

Given the slope of the land, the Department considers the proposal adequately achieves the objectives of providing casual surveillance of the public domain and active street frontages.



Notwithstanding, the Department agrees with SOPA that the site entry point from Linear Park could be improved to integrate with the future design options of Linear Park to maintain connectivity, access and movement within the central precinct and the relationship with the view corridor.

The Department also shares SOPA's concern that the Figtree Forecourt appears to lack clear legibility and accessibility due to the indirect pathways and narrow stairs from Australia Avenue. Further, the fence appears to enclose this area when it should present as an open space (see **Figure 17**).



**Figure 18:** Figtree Forecourt (Source: Applicant's EIS).

Accordingly, the Department has recommended a condition requiring the Applicant to prepare detailed landscape plans in consultation with SOPA. The landscape plans will be required to:

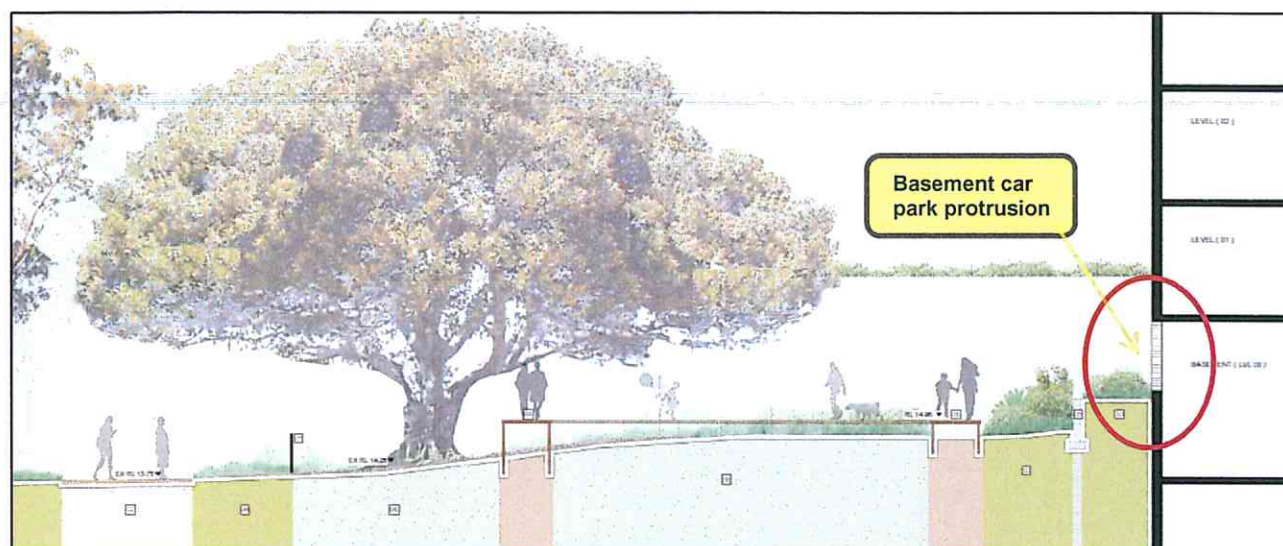
- allow for flexibility of the Linear Park entry steps to consider the future design of Linear Park;
- remove the perimeter fence to the Figtree Forecourt; and
- give further consideration to the recommendations detailed in the Arborist Report, submitted with the EIS, in relation to the potential extension of the forecourt deck and reconfiguration of the pedestrian pathway.

These landscape plans will be required to be prepared in consultation with SOPA and submitted to the Secretary for approval prior to the issue of a construction certificate.

#### Basement carpark

Car parking has been provided within three basement levels. The Apartment Design Guide requires the visual and environmental impacts of above-ground enclosed car parking are minimised. However, due to the site topography, the car park protrudes by more than one metre at several locations (see **Figure 19**).





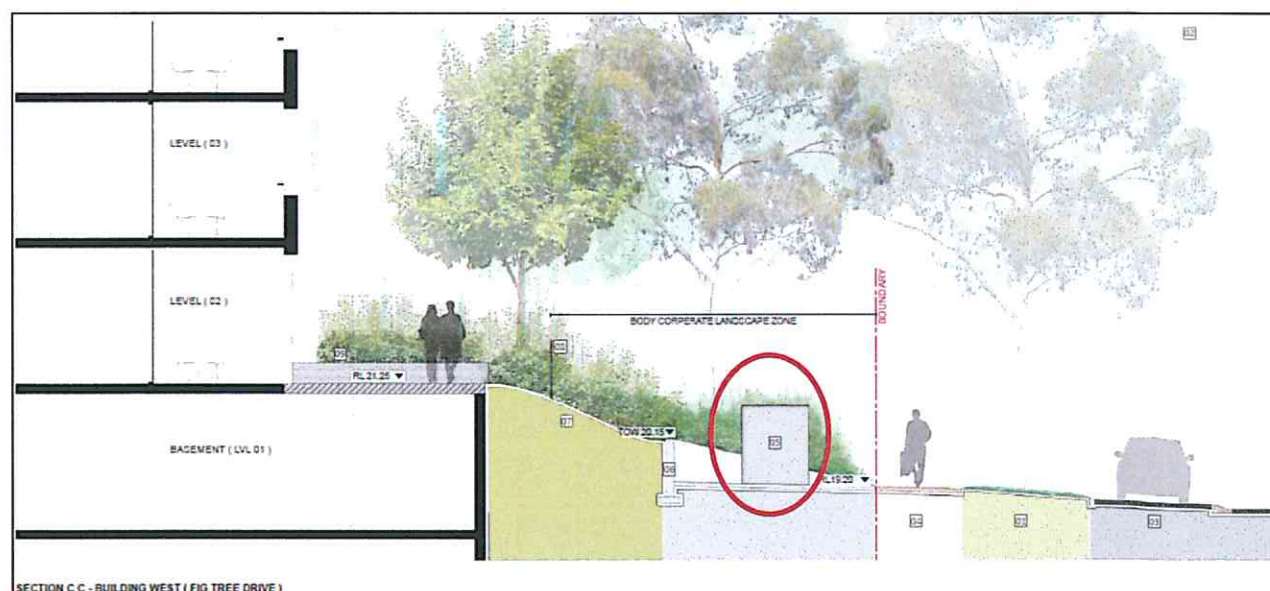
**Figure 19:** Section plan illustrating the retail forecourt and the carpark protrusion (Source: Applicant's EIS).

The proposed car park includes a supply fan and exhaust on level 00, with openings integrated into the façade design to provide articulation. Where possible, any protrusions are screened by landscaping and activated by private courtyards, direct street access and the retail tenancy.

As such, the Department considers the car park protrusion would not have a negative visual impact on the streetscape.

#### Electrical substation

The proposal includes a freestanding electrical substation on Figtree Drive (see **Figure 19**). The Department and SOPA have raised concerns regarding its prominent location and high visibility on Figtree Drive.



**Figure 20:** Section plan illustrating the proposed location of the electrical substation on Figtree Drive (Source: Applicant's EIS).

The Department requested the Applicant explore further options for its location and the possibility of integrating the substation into the building.

The Applicant outlined in the RtS that alternative locations for the substation and integration into the building had been investigated. However, accessibility requirements and the slope of the site



constrain its location. In addition, integration into the building would compromise the activation of New Street or Australia Avenue.

The Department acknowledges the Applicant has attempted to integrate the substation into the landscaped setback area to minimise its visual presence. Notwithstanding, the Department considers the visual treatment of the substation requires further consideration and further options should be presented for review. As such, a condition requiring the Applicant prepare final landscape plans, detailing the location and treatment of the substation, be prepared in consultation with SOPA and submitted to the Secretary for approval prior to the issue of a construction certificate.

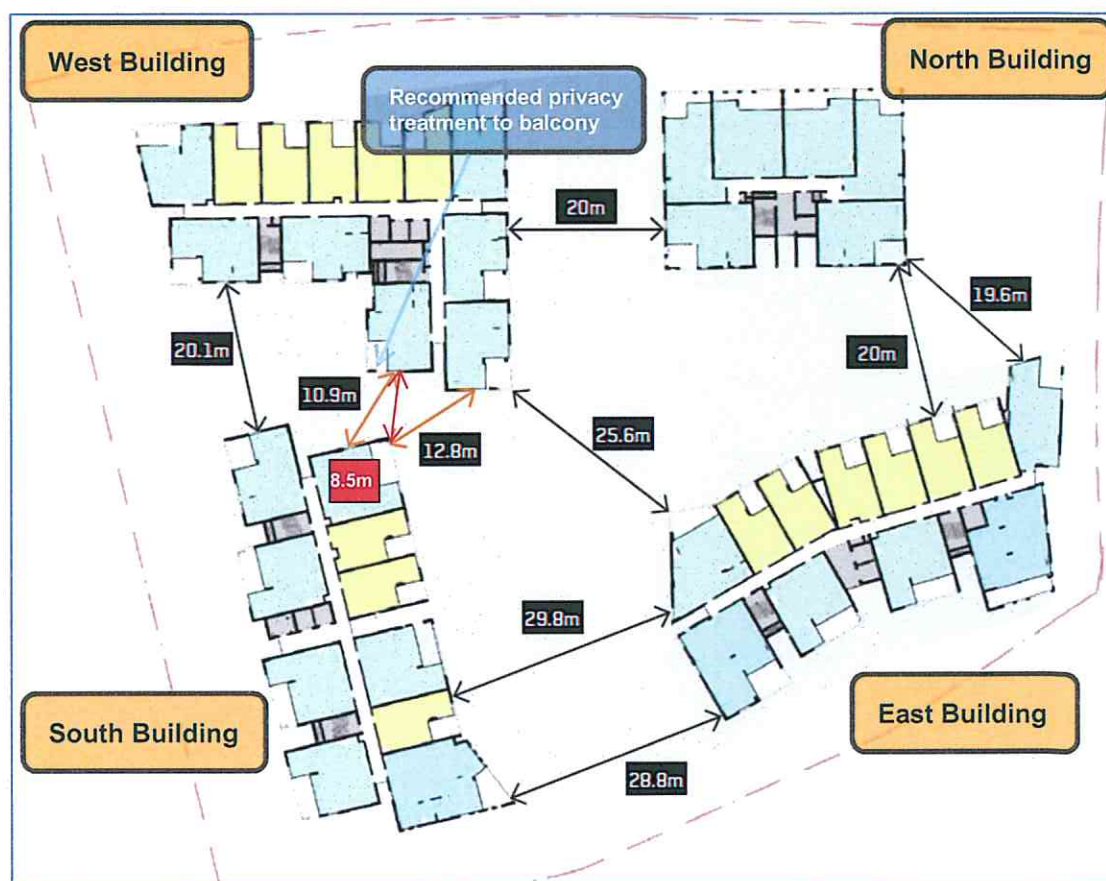
### 5.3 Residential Amenity

The residential amenity provided for the proposed apartments has been considered against relevant policies including *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying Apartment Design Guide (ADG). A detailed assessment is provided at **Appendix B**.

The proposal satisfies the principles of SEPP 65 and meets the criteria and objectives of the ADG, with the exception of criteria relating to building separation, solar access and overshadowing, apartment size and private open space provisions. These variations are discussed below.

#### Building separation

To ensure adequate visual privacy for residents within an apartment development, the ADG outlines a range of building separation distance requirements between three to 12 m. The proposed building separation distances generally comply with the ADG. However, the separation distance between the west and south buildings of approximately 8.5 m (see **Figure 21**) is less than the 12 m separation requirement for buildings with a height over 25 m.



**Figure 21:** Distance between living rooms and balconies. Note the distance between the south and west buildings (Source: Applicant's EIS).



The rooms at which the non-compliance occurs is to balconies and living room windows. In order to maintain a reasonable level of privacy, privacy screens are provided to the balconies in the south building and smaller and staggered window openings are provided to both buildings. The separation distances between these window openings and the balconies are 10.9 m (-1.1 m non-compliance) and 12.8 m (see **Figure 21**).

The Department notes that reasonable measures have been provided to address the reduced separation distance between the buildings. However, it is also recommended that privacy screens be provided to the southern wall of the west building balconies (see **Figure 21**) to minimise any potential visual privacy impacts between the buildings.

#### Solar access

The ADG recommends the following solar access provisions between 9 am and 3 pm at mid-winter:

- a minimum 70% of living rooms and private open spaces of apartments receive a minimum of two hours direct sunlight; and
- a maximum of 15% of apartments receive no direct sunlight.

The EIS included a solar access report that concludes:

- 271 of the 422 apartments (64.2%) receive a minimum of two hours direct sunlight to living rooms and private open space between 9 am and 3 pm in mid-winter; and
- 48 of the 422 apartments (11%) receive no direct sunlight to either the living area or the balcony between 9 am and 3 pm in midwinter.

The ADG notes that achieving the minimum solar access provisions may not be possible on some sites. This includes south facing sloping sites and when significant views are orientated away from the desired aspect for direct sunlight.

The Department notes that achieving the required solar access is difficult for the following reasons:

- the site slopes towards the south;
- the significant views are orientated away from the desired aspect for direct sunlight to the south-east towards Bicentennial Park and beyond to the Sydney CBD;
- the proposal provides a 20 m wide view corridor that dissects the site;
- the proposed new access road, as required by the *Master Plan*, will be orientated at an angle that limits the building orientation and layout; and
- the site is overshadowed by the Australia Towers located to the north.

In addition to the above, the judgement in the matter of *Botany Development Pty Ltd. v Botany Council [2013] NSW LEC 10360*, notes that the 9 am to 3 pm time span nominated in the ADG may be extended in some cases. This includes where the analysis clearly demonstrates solar access before and after those times can be obtained, and high quality design considerations and orientation of buildings would maximise solar access.

The solar access report concludes that a number of apartments would receive two hours direct solar access before and after the 9 am to 3 pm time span. The Department notes that 298 of the 422 apartments (70.6%) would receive a minimum two hours solar access between 8 am and 4 pm which is consistent with the objectives of the ADG.

The Department is satisfied the proposal maximises the number of apartments receiving solar access by:

- concentrating building height to the south of the site;
- designing the west building in an L-shape to maximise its orientation to the north and east;
- orientating the south building so the longest elevation faces north; and
- providing shallow apartment layouts.



The Department's assessment therefore concludes there would be adequate solar access and amenity for future occupants of the development.

#### Apartment size

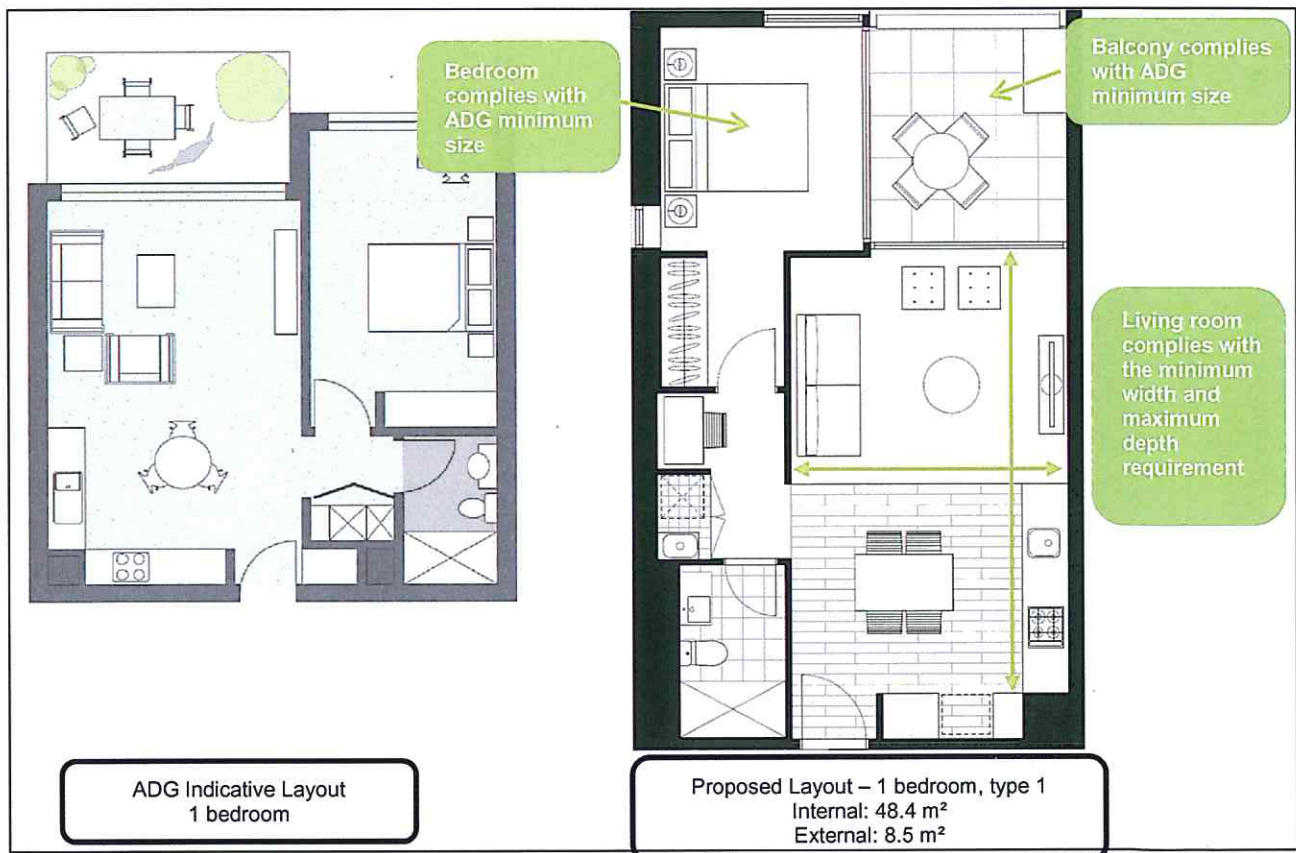
The Department notes that while 60% of the apartments do not comply with the minimum internal area required under the ADG, the non-compliant 1-bedroom apartments are within a 3.6% variance of the minimum unit size and the non-compliant 2-bedroom apartments are within a 4.8% variance of the minimum unit size (see **Table 5**).

**Table 5:** Minimum apartment internal areas.

ADG Requirements	Proposed	Compliance
1 bed – 50 m <sup>2</sup>	48.2 m <sup>2</sup> - 57.1 m <sup>2</sup>	No – maximum 1.8 m <sup>2</sup> non-compliance (3.6%).
2 bed – 75 m <sup>2</sup>	71.5 m <sup>2</sup> – 82.2 m <sup>2</sup>	No – maximum 3.6 m <sup>2</sup> non-compliance (4.8%).
3 bed – 90 m <sup>2</sup>	98 m <sup>2</sup> - 105.1 m <sup>2</sup>	Yes

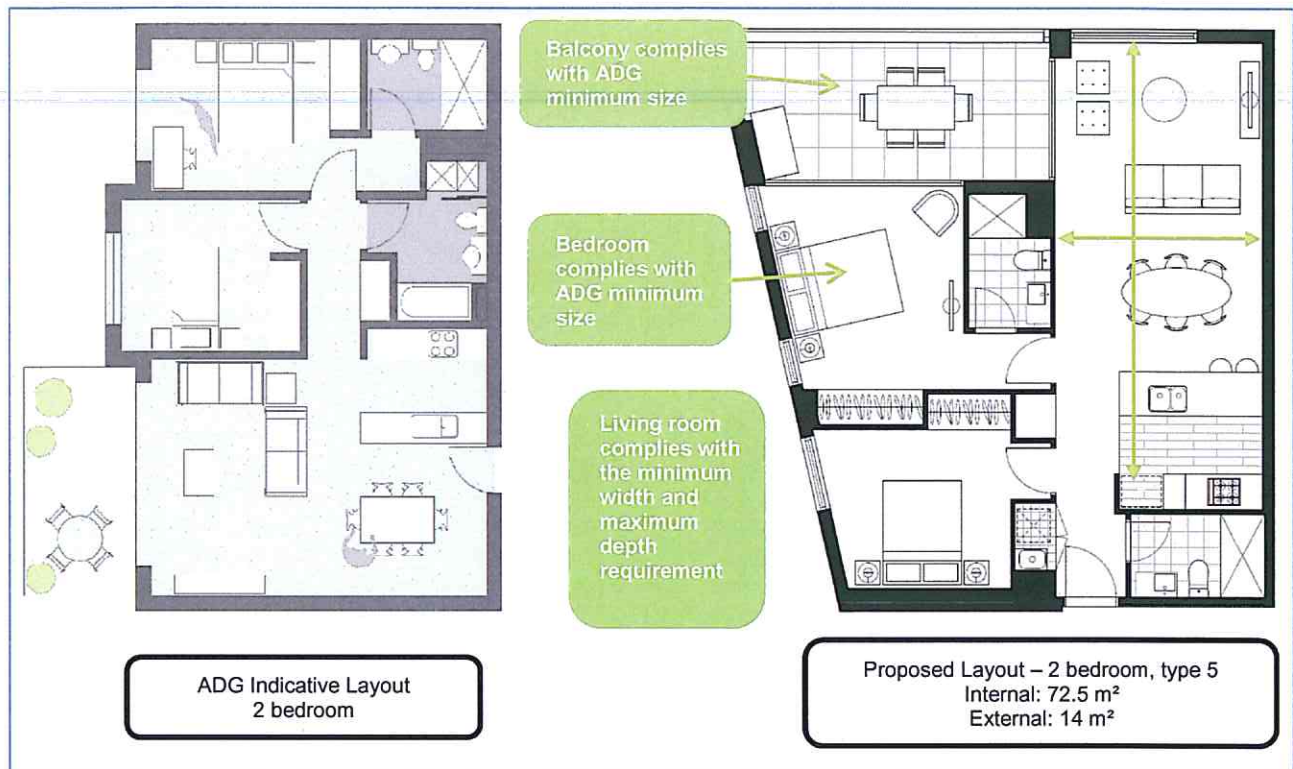
While the non-compliances may in isolation cause concern, the Department acknowledges it is well established to accept a diversity of unit types and sizes and that the variations to the minimum unit sizes are minor in nature.

Most apartments include a study, media area, open plan living / dining / kitchen area, storage space and private open space in the form of a balcony or winter garden courtyard.



**Figure 22:** 1 bedroom layout comparison (Source: ADG and the Applicant's EIS).





**Figure 23:** 2 bedroom layout comparison (Source: ADG and the Applicant's EIS).

Moreover, in accordance with the objectives of the ADG, the one and two bedroom apartments have been well designed and deliver high standards of residential amenity and functionality (see **Figure 22** and **23**). The proposal ensures that:

- a window is visible from any point in a habitable room;
- the maximum habitable room depth is 8 m from a window;
- master bedrooms have a minimum area of 10 m<sup>2</sup>; and
- living rooms have a minimum width of 3.6 m<sup>2</sup>.

The proposed apartment layouts are functional and facilitate a variety of furniture arrangements. The proposal also achieves the minimum solar access and natural ventilation requirements under the ADG, and adequate building separation distances and design treatment has been provided to ensure visual and acoustic privacy.

Consequently, the Department is satisfied the proposal meets the broad objectives of the ADG and the non-compliance with the apartment size criteria are acceptable in this instance.

#### Private open space

The ADG recommends minimum private open space (POS) dimensions to enhance the amenity and indoor/outdoor lifestyle of residents (see **Table 6**).

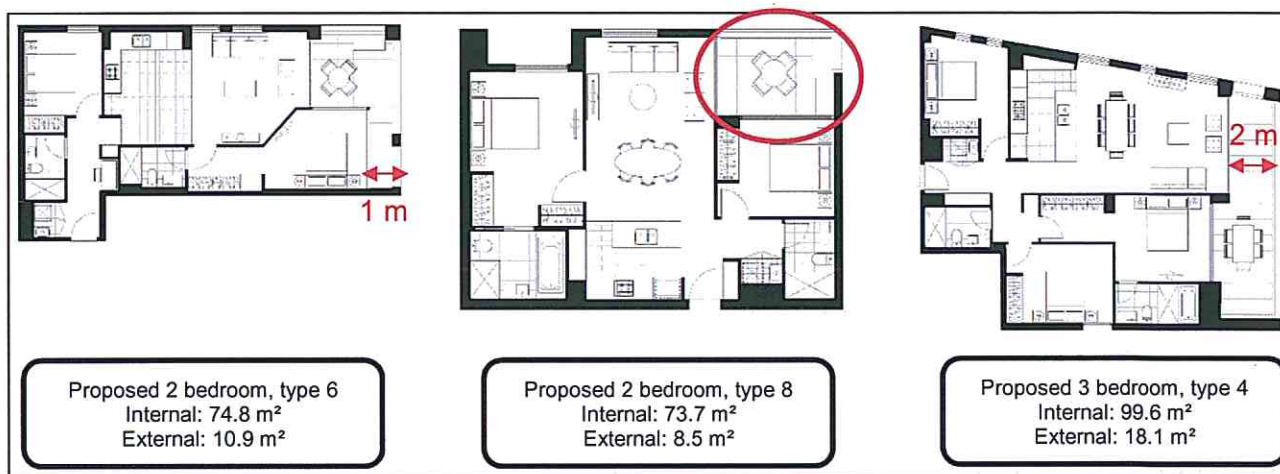
**Table 6:** Minimum private open space areas.

Dwelling type	ADG Minimum area	Area Compliance	ADG Minimum depth	Depth Compliance
Studio	4 m <sup>2</sup>	100%	-	100%
1 bedroom	8 m <sup>2</sup>	100%	2 m	100%
2 bedroom	10 m <sup>2</sup>	91%	2 m	95%
3+ bedroom	12 m <sup>2</sup>	100%	2.4 m	70%
Ground Floor	15 m <sup>2</sup>	89%	3 m	89%



The proposal provides POS to all apartments in the form of balconies, private gardens or winter gardens, and 15 of the 18 proposed apartment layout types (83%) comply with the minimum area and depth for balconies / wintergardens. The three apartment types that do not comply are as follows:

- 2 bedroom apartment - Type 6: complies with the minimum area requirements, although the balcony has a depth of 1 m to a portion of the POS due to its irregular shape (see **Figure 24**);
- 2 bedroom apartment - Type 8: provides a POS area of 8.5 m<sup>2</sup>, however the balcony complies with the minimum depth requirement;
- 3 Bedroom – Type 4: complies with the minimum area requirement however, the balcony has a depth of 2 m to a portion of the POS due to its irregular shape (see **Figure 24**); and
- Ground floor apartments: due to the significant level changes to the southern portion of the site, three of the 27 ground floor apartments provide a POS area of 11.3 m<sup>2</sup> to 12.1 m<sup>2</sup> and a minimum depth of less than 3 m.



**Figure 24:** Proposed balconies that do not comply with the minimum depth requirement (Source: Applicant's EIS).

Notwithstanding, all POS is located adjacent to living spaces and have been designed to be integrated within the building architecture. The architectural plans also illustrate that the balconies can accommodate a table and chairs.

The Department considers the POS areas are functional and have been designed to maximise residential amenity. The development also provides a communal facility and a generous amount of communal open space within the site which is not characteristic of other high density sites in the locality.

In addition to the communal open space, the proposed building line has been setback from the southern boundary which has effectively added approximately 860 m<sup>2</sup> to Linear Park.

The Department's assessment therefore concludes the proposal generally satisfies the relevant amenity criteria within the ADG. Furthermore, the proposal provides for a high level of residential amenity through functional apartment layouts that achieve visual and acoustic privacy, maximise solar access and natural ventilation and the provision of communal open space that connects positively to the public domain.



## 5.4 Other Matters

Other matters for consideration that have been raised and not addressed above are addressed in **Table 7**.

**Table 7:** Other matters for consideration

Issue	Consideration
<b>Retail Activation</b>	
<p>The retail area has been setback from Australia Avenue to allow for a terraced landscape setback.</p> <p>SOPA suggested the retail area be extended towards the boundary of Australia Avenue as the landscaped setback area creates a suburban character to the major entry to the town centre.</p> <p>However, the Department notes the footpath along Australia Avenue follows the natural slopes from Figtree Drive down towards the Linear Park and the railway line.</p> <p>To maximise flexibility and minimise accessibility issues, the retail lot has a consistent floor level. Consequently, the difference in level between the Australia Avenue footpath and the retail lot varies from 1500 mm to 2200 mm.</p> <p>The setback area will improve visibility of the retail windows and the landscape strip will provide a higher level of amenity for those using the footpath.</p>	<p>The Department and SOPA agree with the Applicant's rationale and are satisfied with the proposed setback to Australia Avenue.</p> <p>The Department has recommended a condition that requires the interior fit-out and configuration of the retail area to maximise visibility to Linear Park.</p>
<b>Car Parking</b>	
<p>The Applicant submitted a Transport and Traffic Impact Assessment prepared by GTA Consultants which reviewed the traffic, transport and parking implications for the proposed development.</p> <p><u>Car Parking</u></p> <p>As the site is within 400 m of the Sydney Olympic Park train station, RMS' guideline requires a minimum of 439 car parking spaces and the <i>Master Plan</i> requires a maximum of 654 spaces.</p> <p>The application proposes 500 car parking spaces, of which 44 of the retail parking spaces will be shared with residential visitors.</p> <p><u>Bicycle Parking</u></p> <p>The proposal includes 25 motorcycle parking spaces within the basement.</p> <p>The proposal includes 624 bicycle parking spaces in accordance with the <i>Master Plan</i> requirements and has located these spaces as follows:</p> <ul style="list-style-type: none"> <li>• 488 secure spaces for residents proposed within the ground level of the west building, with direct access from the communal area</li> <li>• 116 spaces for residential visitors and retail employees proposed within level 00 of the basement, with direct access from the main entrance off new road and with easy access to the retail tenancy</li> </ul>	<p>RMS, TfNSW and SOPA did not raise any further concerns to the parking provisions or traffic impact of the proposal.</p> <p>The Department is satisfied the proposal:</p> <ul style="list-style-type: none"> <li>• provides sufficient car parking and bicycle parking spaces; and</li> <li>• will not have negative impacts on the surrounding road network.</li> </ul> <p>The Department has recommended a condition requiring the Applicant to prepare a Construction Traffic Management Plan that will outline Construction traffic generation, truck routes and construction impact management measures, prior to the issue of a construction certificate.</p>
<b>Noise and Vibration</b>	
<p>The EIS includes a Noise Impact Assessment (NIA) report prepared by Renzo Tonin and Associates that assessed the potential noise impacts on the proposal from rail, traffic and</p>	<p>The Department, the EPA and SOPA have reviewed the NIA and are satisfied the proposal can be made suitable for the</p>



Issue	Consideration
<p>the adjoining mechanical plant to the west of the site.</p> <p>The NIA concluded the development would be capable of achieving a satisfactory accommodation environment for the occupants subject to acoustic glazing, detailed in the NIA.</p>	<p>proposed use and will not create any unacceptable impacts.</p> <p>The Department has recommended a condition requiring the Applicant to prepare a noise validation report to validate the performance of the glazing recommendations in the NIA.</p>
<b>Air Quality</b>	
<p>The EIS included an Air Quality Impact Assessment (AQIA) report prepared by Pacific Environment Limited. The report assessed the potential odour impacts from the operation of the Homebush Liquid Waste Treatment Plant (HLWTP) on the proposal.</p> <p>The AQIA modelling concluded that a maximum of two odour units (OU) would be detected in the vicinity of the subject site which is within the criterion applied to residential receivers.</p>	<p>The Department, the EPA and SOPA have reviewed the AQIA and are satisfied there would be negligible odour impacts from the HLTWP on the amenity for future residents of the proposal.</p>
<b>Water Quality and Stormwater Management</b>	
<p>The EIS included a Stormwater Management Plan and Rainwater Re-use Strategy.</p> <p>SOPA raised concerns that the proposed stormwater management system was not sufficient in size.</p>	<p>The Department has recommended a condition of consent requiring the Applicant to prepare a stormwater management system in accordance with the SOPA Stormwater Management and Water-Sensitive Urban Design Policy 2013 prior to the issue of a Construction Certificate.</p>
<b>Contamination</b>	
<p>The EIS included a Phase 1 and Phase 2 Environmental Site Assessment which confirmed the presence of fill across the site. The assessment found that the concentrations of potential contaminants were below the residential land use criteria.</p> <p>In addition, the EIS included a Hazardous Materials Survey which conclude that no asbestos containing material was identified on site. As such, it is considered the site can be made suitable for the proposed use.</p>	<p>The Department has considered the potential for contamination and considers that a condition requiring any fill material be inspected and appropriately disposed of would be sufficient.</p>
<b>Waste Management</b>	
<p>The EIS included a Waste Management Plan prepared by Elephant's Foot Pty Ltd and outlines provisions and procedures for residential waste, retail waste and bulky goods.</p>	<p>The Department is satisfied that the Waste Management Plan will appropriately manage the handling of waste on the site.</p> <p>The Department has recommended a condition that the Waste Management Plan be implemented and consider both construction and operation waste prior to the issue of a construction certificate.</p>
<b>Wind and Reflectivity</b>	
<p>The EIS included both a Wind Assessment and Reflectivity Assessment.</p> <p>The Wind Assessment concluded the wind conditions around the site would be suitable for use as a public access way without any additional wind mitigation measures.</p> <p>The Reflectivity Assessment concluded the proposal would not have any adverse impact on train and vehicles travelling in directions approaching the site.</p>	<p>The Department is satisfied the proposal will not have any adverse wind or reflectivity impacts to the local area.</p> <p>The Department has recommended a condition requiring the application to consider the recommendations of the Reflectivity Assessment in its detailed design.</p>



Issue	Consideration
<p><b>Development Contributions and Affordable Housing</b></p> <p>The Applicant has advised that Mirvac have entered into a Planning Agreement with SOPA (the landowners) in accordance with Section 93F of the EP&amp;A Act 1979.</p> <p>The planning agreement requires the developer to make a monetary contribution that would contribute to the SOPA Infrastructure Contribution Framework, which provides appropriate funding for the delivery of SOP infrastructure.</p> <p>In addition, the planning agreement includes 'works-in-kind' contributions including the:</p> <ul style="list-style-type: none"> <li>• construction and dedication of half of 'New Street', located on the western boundary of the site;</li> <li>• construction and dedication of the retail lot; and</li> <li>• construction and dedication of 3% of apartments for affordable housing in accordance with SOPA's 'Affordable Housing Guidelines'.</li> </ul>	<p>The Department is satisfied that:</p> <ul style="list-style-type: none"> <li>• the Applicant will continue ongoing discussions with SOPA regarding development contributions; and</li> <li>• the proposal is consistent with the affordable housing requirements in the <i>Master Plan</i>.</li> </ul>
<p><b>Railway Corridor</b></p> <p>The site adjoins the future landscape corridor to the south. Immediately beyond this lies the Olympic Park Railway Line.</p> <p>The EIS has considered potential impacts on the Olympic Park Rail Corridor and includes assessments of reflectivity, noise and vibration, and geotechnical impacts.</p> <p>The Applicant's geo-technical investigation concludes that the proposed excavation and construction works can be designed and undertaken in such a way it would not have a detrimental impact on the railway corridor or associated infrastructure.</p> <p>The Department referred the application to TfNSW during the public exhibition process. Sydney Trains recommended a suite of conditions to mitigate potential impacts on the rail corridor and rail operations.</p>	<p>The Department is satisfied the proposal would not have any adverse impacts upon the operation of the Sydney Olympic Park Railway Corridor subject to the implementation of conditions provided by TfNSW.</p>

## 5. CONCLUSION

The Department has undertaken a merit assessment of the proposal taking into consideration the issues raised in all submissions and is satisfied the impacts have been addressed within the proposal and the recommended conditions.

The Department has considered the built form impacts of the proposal noting the height and scale of the development would provide a strong urban presence at the southern gateway to the town centre and would positively contribute to SOP.

Notwithstanding, SOPA and the Department share concerns relating to the built form design and parapet treatment to the tallest building (eastern building). The proposal departs from the original castellated parapet, which was supported by SOPA, to an infilled parapet. Both the Department and SOPA consider this has added unnecessary bulk to the building and presents as an additional story when it already exceeds the building height standard by five storeys (15.75 m).

As such, the Department has recommended a condition requiring the applicant to reinstate the original castellated parapet. Subject to the recommended condition, it is considered the proposal responds to the constraints of the site and surrounding context in a more positive way and would



not result in any unreasonable visual or amenity impacts to adjoining residential properties or public domain areas.

The proposed development is generally consistent with the *Master Plan* as the proposed intensification of the site, land uses and layout will enhance the activity and vibrancy of the centre and contribute to the wider redevelopment and transformation of SOP. The proposal for 422 new residential units is consistent with the intended future character of the central precinct and consistent with the identified land use for the site.

The proposal also contributes to the delivery of the new access road, delivers the 20 m view corridor and retains two existing mature fig trees. Further, the proposed setback from the southern boundary effectively adds 860 m<sup>2</sup> to Linear Park.

The Department is satisfied the recommended conditions and implementation of measures detailed in the Applicant's EIS and RtS report, will adequately mitigate the residual environmental impacts of the proposal.

Subject to the recommended conditions, the Department considers that the proposal is in the public interest, that the variations to the maximum building height and floor space ratio are acceptable and recommends the application for approval.

## 6. RECOMMENDATION

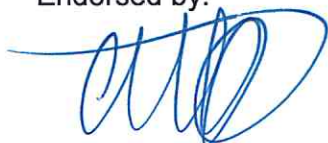
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In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- a) **considers** the findings and recommendations of this report;
- b) **grants** concurrence to the proposed variations to the maximum building height and floor space ratio development standards;
- c) **approves** the SSD application subject to conditions; and
- d) **signs** the attached development approval (see **Appendix C**).

Prepared by: Ashley Cheong  
Planner - Key Sites Assessments

Endorsed by:



Cameron Sargent  
**Team Leader**  
**Key Sites Assessments**

Approved by:



Anthea Sargeant 22/7/16  
**Executive Director**  
**Key Sites and Industry Assessments**