
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 03-02-2020
Application Site:	3-5 Olympic Boulevard, Sydney Olympic Park, 2127
Proposal:	Alteration to level 39 and level 40 to provide roof access for maintenance
Applicant:	Ecove Site 9 Pty Limited
Determining Agency:	Sydney Olympic Park Authority

1 Purpose

The purpose of this report is to provide an assessment of the subject development application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the Sydney Olympic Park Authority Act 2001.

SOPA has completed the assessment and is referring the Application to the Department of Planning, Industry and Environment (DPIE) as the delegate of the Minister in determining the application.

An assessment of the application has been made against the relevant provisions of the following Environmental Planning Instruments and Policies:

- State Environmental Planning Policy (State Significant Precincts) 2005
- Sydney Olympic Park Master Plan 2030 (2018)

2 Recommendation

It is recommended that the delegate of the Minister for Planning and Public Spaces in accordance with the prescribed delegation:

- Consider all relevant matters prescribed under Section 4.15 of the EP&A Act, as contained in the findings and recommendations of this report;
- Accept and adopt all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- Determine that the development application be **approved subject to the recommended conditions** pursuant to Section 4.16 of the EP&A Act, having considered the relevant matters in accordance with (A) above
- Sign the attached development consent and recommended conditions; and
- Authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 4.18 of the EP&A Act.

3 Site and Surrounds

The site is located at 3-5 Olympic Boulevard, Sydney Olympic Park. It is located within the Boundary Creek Precinct in the Sydney Olympic Park Master Plan 2030 (2018 Review). The State Environmental Planning Policy (State Significant Precincts) 2005 identifies the land zoning to be B4 Mixed Use. The site is occupied by a mixed-use development comprising an 8 storey retail and commercial building and a 39 storey residential tower containing 229 residential units. At the time of assessment, the commercial office space has been occupied for approximately one year, the residential units have been completed, and the ground floor retail remains unoccupied.

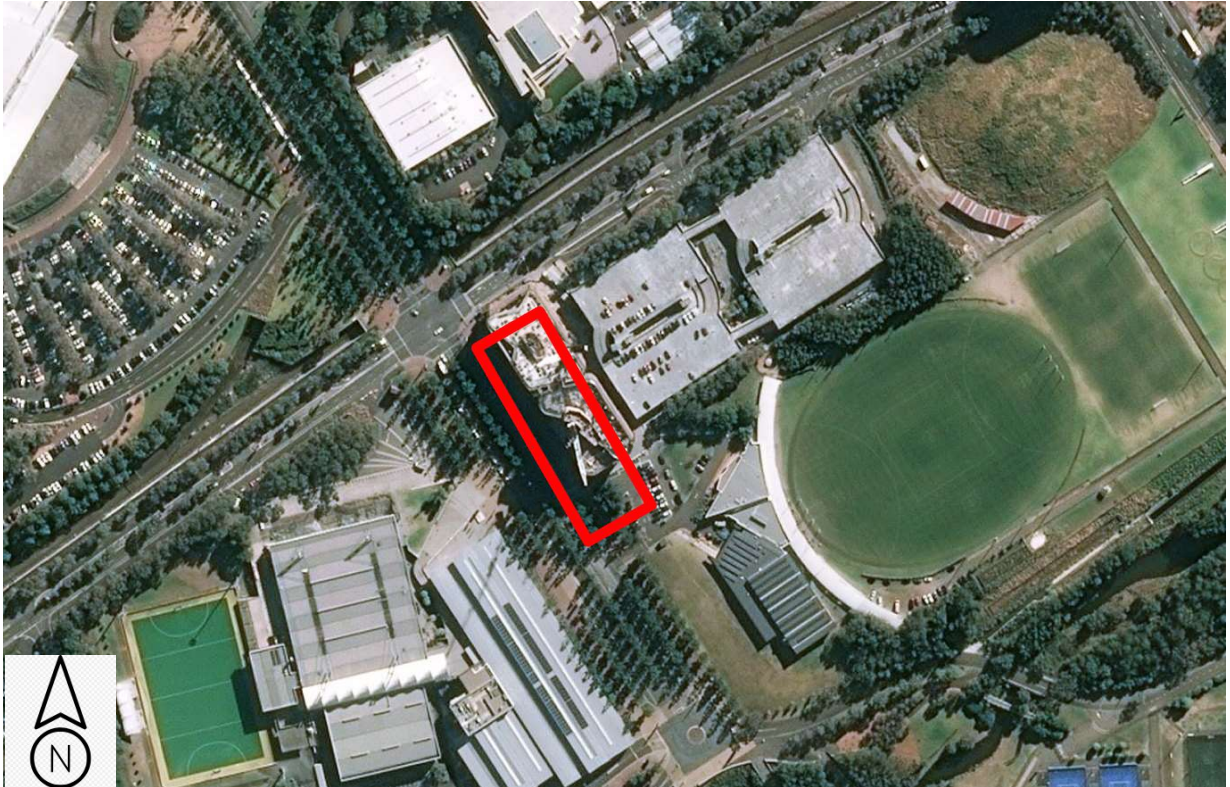


Figure 1 – Aerial photograph of subject site

3.1 Site History

On 28 April 2017, the delegate of the Minister for Planning and Environment granted consent to SSD 7445 for a 39 storey mixed use development at Site 9 including:

- 229 residential apartments on levels 7 to 39;
- Commercial office space on levels 7 and 8;
- Ground floor retail;
- Communal roof terrace area and communal room on level 9;
- Parking for 353 cars and 399 bicycles; and
- Through site link and public domain improvements.

This DA was issued subject to condition B2 which required the submission of amended details of the roof parapet of the building. For clarity, planning condition B2 is set out below in full:

B2. Prior to the issue of a Construction Certificate, the following amended architectural plans / elevations and documentation shall be prepared for review and endorsement of the Sydney Olympic Park Authority Design Review Panel and submitted to the Secretary:

- a) The materiality of the design and the parapet shall be redesigned so that it is expressed as an architectural feature, clearly distinct from the residential levels below, and does not read as continuation of the building façade; and*
- b) A visual analysis demonstrating that the redesigned parapet in accordance with (a) above screens the apartment on level 39, so that it will not be readily visible and will not read as a legible part of the building from surrounding streets and future developments immediately to the north and south.*

On 12 March 2018, the Chair of the SOPA Design Review Panel considered the amended parapet plans and considered that they remained consistent with the original advice, accordingly, the amended plans were subsequently endorsed by the DRP.

On 3 May 2018, the delegate of the Minister for Planning and Environment granted consent to SSD 7445 MOD1 pursuant to s.96(1A) (s.4.55 (1A)) to modify consent SSD 7445 comprising minor changes to the façade, internal configuration and relocation of plant.

On 3 August 2018, SOPA granted consent to DA 05-06-2017 for the fitout and use of commercial tenancies on Levels 7 & 8 of the approved SSD.

On 17 September 2018, SOPA granted consent to DA 09-08-2018 for the subdivision of the site to create five stratum lots:

- Lot 101 Boomerang Tower residential
- Lot 102 Commercial
- Lot 103 Retail space referred to as retail 1
- Lot 104 Retail space referred to as retail 2
- Lot 105 Penthouse stratum on level 38 and 39

No other DAs have been determined or lodged in connection with the development of this site.

4 The proposed development

This Development Application (DA) proposal seeks approval for:

- Installation of an external spiral staircase between level 39 and 40; and
- Installation of glazed balustrade to level 40 to provide a safe area for access and maintenance.

The stairway will be accessed through an existing fire escape onto the roof which does not form part of this DA. The staircase will be cordoned off by a balustrade for access and maintenance.



Figure 2 – Position of the balustrade at roof height

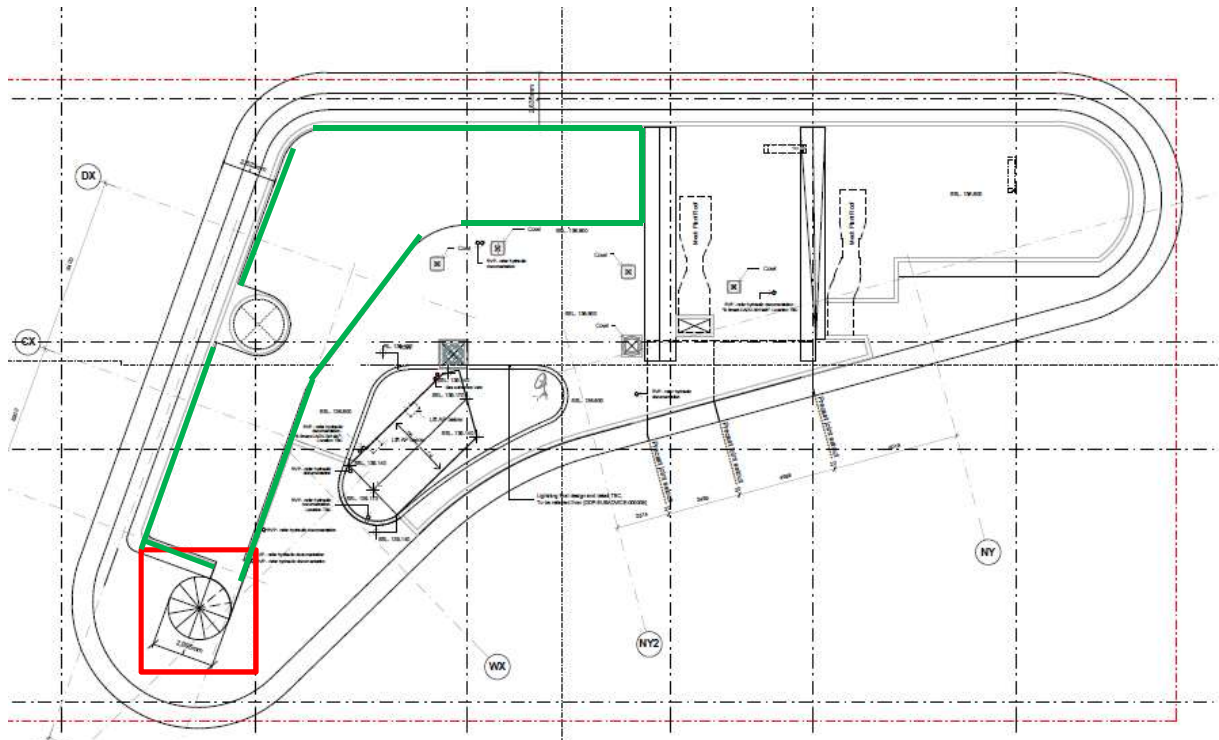


Figure 3 – Level 40 floorplan showing location of the stair. Indicative location of balustrade in green.

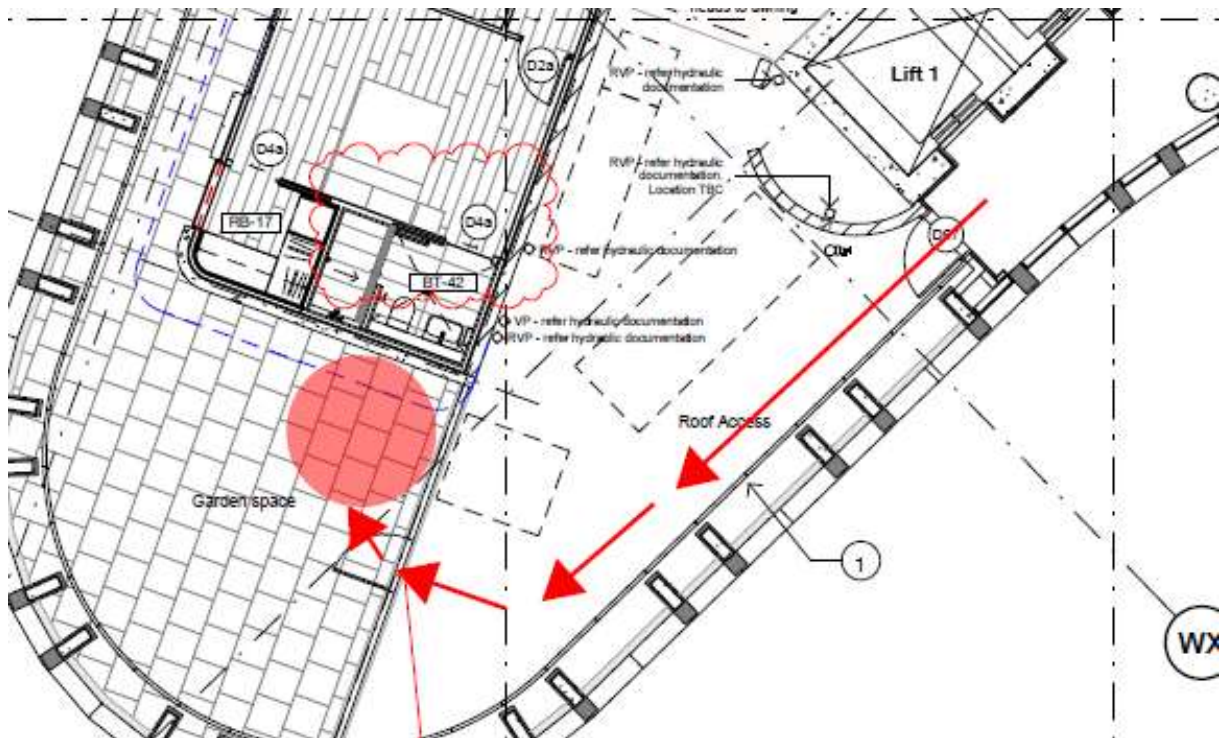


Figure 4 – Plan showing access to the stair which will be controlled by a balustrade from the garden space of the penthouse apartment.

5 Assessment

On 16 March 2020, a letter was issued pursuant to section 54 of the EP&A Act requesting the submission of further information relating to the approved roof plan, access and balustrade details. Further information was submitted by the proponent on 3 April 2020 in relation to access and egress.

The application has been assessed pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including consideration of the following matters:

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (State Significant Precincts) 2005

The Minister for Planning is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP (State Significant Precincts) 2005. The proposed development is permissible with consent pursuant to Schedule 3, Part 23 of SEPP State Significant Precincts 2005 and the relevant provisions are addressed in Table 1.

Table 1: SEPP State Significant Precincts 2005 – Planning Provisions

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposal is in relation to the use of the site as a mixed-use residential-led building which is consistent with the B4 mixed use land zoning as set by the SEPP.	✓
(16) Subdivision	This development application does not seek the subdivision of the site. Nevertheless, DA 09-08-2018 and MOD1 relate to the subdivision of site 9; the roof level of the building is included within lot 101 and comprises residential common property for the building.	N/A
(17) Public infrastructure	The development will not require connection to any public infrastructure; however, essential services such as electricity, potable water and sewer are available at the building.	N/A
(18) Height of Building	Height of building is defined by the SEPP as <i>the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the highest habitable floor (including above ground car parking) of the building, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like</i> . As such, retrofitting of an external staircase and balustrade in non-habitable areas will not result in additional building height as per this definition.	✓
(19) Floor Space Ratio	The balustrade will be at a height of 1.2m and thus the proposed development does not constitute gross floor area and will not alter the FSR of the existing buildings.	N/A
(25) Transport	The development will not impact on vehicle or pedestrian movement within the precinct.	✓
(26) Master Plan	The proposed development is within the Boundary Creek precinct and is consistent with Master Plan 2030 (2018 Review) principles and controls for this precinct.	✓
(29) Development within an environmental conservation area	The site is not located within a conservation area.	✓
(30) Design Excellence	Whilst the staircase and balustrade are of a utilitarian design, it is considered they will not detract from the overall design excellence of the host building. The balustrade will be constructed out of clear glass at a height of 1.2m and will not be visible from the ground level. The glazing will be in-keeping with the design approach to the upper level of the building which comprises a recessed glazed balustrade to the parapet level of the building. The stair will be set back from the parapet and will not be visible from ground level.	✓
(31) Heritage Conservation	The site is not identified as a heritage item or within the vicinity of a heritage item, nor is it within a heritage conservation precinct.	N/A

By virtue of the siting, setback and location of the proposed stairs, the works will not detract from the design quality of the building and will not be visible from the surrounding public domain.

The rooftop balustrade is not out of character for a residential tower such as this. The balustrade, by virtue of its location and construction of clear glazing will not detract from the design quality of the existing building. Overall, it is considered that the proposal will have negligible impact on the design quality of the existing building and complies with the objectives and controls contained within the Master Plan 2030 (2018 Review).

It is proposed to impose a condition restricting the use of free-standing furniture and other unsecured objects on the rooftop to ensure that the development does not introduce a hazard for pedestrians or property or the ability for the balustrade to be climbed onto.

5.1.2 Sydney Olympic Park Local Infrastructure Contributions Framework (ICF)

The proposed development is for the installation of a balustrade and stair and does not result in any additional gross floor area. Accordingly, the ICF does not apply to the proposed development.

5.2 Likely Impacts of the Development

The proposal is considered acceptable and unlikely to have any adverse environmental, social or economic impacts.

5.3 The suitability of the Site for the Development

The suitability of the site for development has been assessed previously under Development Application reference SSD 7445. This application relates to a balustrade and stair for maintenance purposes which is associated with the use of the residential building on the site which is considered appropriate and suitable.

5.4 The public interest

The proposed development is considered to be in the wider public interest as it:

- is consistent with the applicable provisions and controls of the principal environmental planning instrument applying to the land contained within *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- is unlikely to result in any adverse environmental affects, subject to compliance with the recommended conditions.

6 Consultation

6.1 Public notification

The proposal did not necessitate public advertising or notification in accordance with section 4.13 of the EP&A Act 1979. Accordingly, no public submissions were made or received in respect to this DA from the general public; and no submissions were made or received from the LGA, City of Parramatta.

6.2 Internal referrals

Given the proposal will have no material traffic, place making or contamination implications no referrals were made in this regard. The SOPA Building Services Unit were notified of this DA and recommended standard conditions requiring the works meet the requirements of the Building Code of Australia.

7 Findings and Recommendations

The Applicant has indicated that access to the roof is required for on-going maintenance of the building. The proposed development is consistent with the relevant requirements and controls contained within Master Plan 2030 (2018 Review). As such, the development will not impact on the visual amenity of the building. Further, subject to a suitably worded planning condition relating to rooftop furniture the development complies with all relevant controls and policies.

8 Conclusion

The proposal has been assessed against:

- (i) the provisions and controls of *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- (ii) the relevant provisions of Sydney Olympic Park Master Plan 2030 (2018 Review).

The application has been assessed with regard to the matters raised in Section 4.15 of the EP&A Act; the proposed development is considered to be acceptable, in the public interest and is therefore recommended for approval subject to the recommended conditions of consent.

9 Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 2 November 2017, the Minister delegated his powers and functions under Section 80 (now section 4.16) of the EP&A Act for all development at Sydney Olympic Park which have a Capital Investment Value of less than \$10 Million. These delegations have been provided to the Chief Executive Officer of the Authority. The proposed development is consistent with these delegations as:

- The proposed development has a CIV less than \$10 million;
- SOPA is not the applicant; and
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development.

SOPA is in the process of reviewing its delegation in relation to determining development with a CIV of less than \$10 million. In the interim period, it is requested the Minister for Planning and Public Spaces (or delegate) pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the *Sydney Olympic Park Authority Act 2001* exercise their function and determine this DA.

In accordance with the Minister's delegation to the Department of Planning, Industry and Environment dated 9 March 2020, the Director, Key Sites Assessments (DPIE), can determine this application as:

- Council has not objected to the proposal;
- There are ten or less public submissions in the nature of objection; and
- A political disclosure statement has not been made.

As such, it is recommended that the steps as set out in section 2 of this report are undertaken by the Director Key Sites Assessments.

10 Endorsement

In accordance with the aforementioned delegation of the Department of Planning, Industry and Environment of 9 March 2020 and as the delegate of the Minister for Planning and Public Spaces, I adopt the recommendations of this report.



4th June 2020

Anthony Witherdin

Director, Key Sites Assessments (DPIE)