

## Planning Development Application Assessment Report

<b>Application No:</b>	DA 05-06-2017
<b>Application Site:</b>	Lot 9 in DP 1217982, 3 Olympic Boulevard, Sydney Olympic Park (Site 9)
<b>File No:</b>	F17/1104
<b>Proposal:</b>	Fitout and use of commercial tenancy (Levels 7 & 8) and installation of photovoltaic array on the roof of the adjacent P3 Car Park
<b>Applicant:</b>	Ecove Group Pty Ltd
<b>Determining Agency:</b>	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).

### 2 Recommendation

It is recommended that the Chief Executive Officer of the Sydney Olympic Park Authority:

- A) Consider all relevant matters as contained in the findings and recommendations of this report;
- B) Determine that the development application be **approved subject to conditions** pursuant to Section 80(1) and 80(A) of the EP&A Act, having considered the relevant matters in accordance with (A) above;
- C) Sign the attached Instrument of Approval.

### 3 Summary

DA 05-06-2017 seeks consent for the fitout and use of the commercial office component of the approved mixed use development at Site 9, also known as 3 Olympic Boulevard, Sydney Olympic Park.

This report is an assessment of the proposed development in accordance with the requirements of section 79C of the *Environmental Planning and Assessment Act 1979*.

The Minister for Planning and Environment is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP Major Development 2005 and Clause 22 of the *Sydney Olympic Park Authority Act 2001*. The application is presented to the Chief Executive Officer (CEO) of the Authority for determination pursuant to the Minister's delegation dated 10 November 2014.

## 4 Background

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.

## 5 The Site

The site is located on the eastern side of Olympic Boulevard, at the corner of Sarah Durack Avenue (**Figure 1**).

The land to which this application applies is owned by SOPA and is legally described as Lot 9 in DP 1217982.

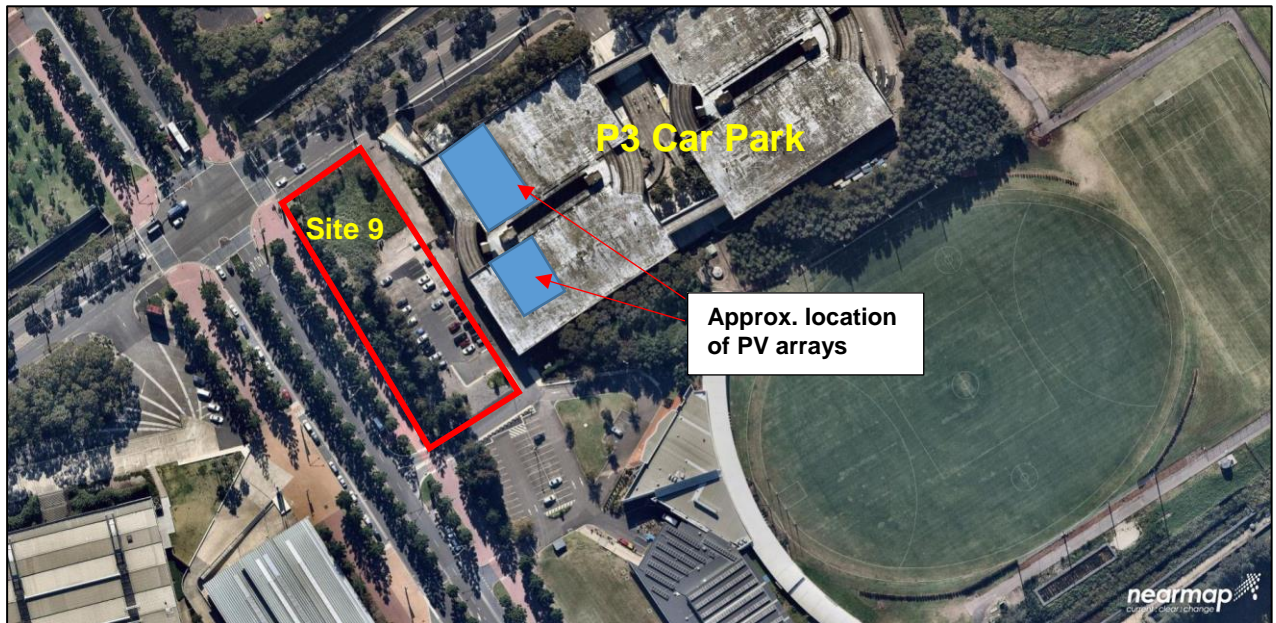


**Figure 1** Location Plan

The application also seeks approval for the installation of a 100kW photovoltaic array on the uppermost level of the adjacent P3 Car Park. **Figure 2** illustrates the relationship of the Site 9 development to the car park.

A site visit was carried out on 25 June 2017.





**Figure 2** Site 9 relative to P3 Car Park

## 5.1 Existing Development

Site 9 is roughly rectangular with an area of 4,071m<sup>2</sup>. Existing development comprises an at grade car park (approx. 50 spaces), soft landscaping with several large established trees (**Figure 3**). The eastern edge of the site interfaces with the P3 Car Park (**Figure 4**).



**Figure 3** Site 9 - existing at grade car park and vegetation, looking north (Source: HMUP)



**Figure 4** Site 9 looking south. P3 Car Park structure to left of photo (Source: HMUP)

## **6 The Proposed Development**

The proposed development comprises the fitout and use of the commercial office component at levels 7 and 8 of the approved mixed use development on Site 9 (No. 3 Olympic Boulevard), and the installation of a 100kW photovoltaic (PV) array on the roof of the neighbouring P3 Car Park.

It is noted that whilst signage zones associated with the commercial tenancy have been identified on the Architectural Plans, no detail has been provided and this element will be the subject of a separate application.

The office fitout provides workstations, offices, meeting rooms, breakout spaces, kitchen facilities and amenities. An internal stair will provide access between each level and access will be available to an outdoor balcony space.

A total of 34 car parking spaces will be provided with the tenancy. Bicycle parking (20 for staff and 40 allocated to visitors) are also provided together with end of trip facilities (showers).

Approximately 115 staff will be accommodated in the office, with core office hours expected from 8.00am to 6.00pm Monday to Friday. The office tenancy will be accessible however to staff outside of these core office hours and on weekends / public holidays.

### **6.1 Photovoltaic Array**

The energy requirements generated by the commercial tenancy are proposed to be offset by the 100kW photovoltaic array installed as a shade structure to the adjacent P3 Car Park. A modular system is proposed so that it may be expanded over time, with the ultimate aim that the commercial office is carbon neutral.



The provision of the PV array is required to satisfy and achieve a 6-star Green Star rating for the commercial fitout under the Green Building Council of Australia.

It is noted that limited technical detail is provided in relation to the PV array. In this regard, the applicant has advised that the array will be designed to be compliant with the relevant Australian Standards and provisions of the Building Code of Australia.

A condition is recommended for inclusion in any consent issued in respect of this application which requires full structural design drawings to be prepared prior to issue of the relevant Construction Certificate.

## **7 Zoning & Permissibility**

Both Site 9 and the P3 Car Park are zoned B4 Mixed Use under the provisions of State Environmental Planning Policy (State Significant Precincts) 2005.

The Land Use Table for the B4 Zone is set out below:

(1) *The objectives of Zone B4 Mixed Use are as follows:*

- (a) to protect and promote the major events capability of the Sydney Olympic Park site and to ensure that it becomes a premium destination for major events,*
- (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,*
- (c) to ensure that the Sydney Olympic Park site becomes an active and vibrant town centre within metropolitan Sydney,*
- (d) to provide for a mixture of compatible land uses,*
- (e) to encourage diverse employment opportunities,*
- (f) to promote ecologically sustainable development and minimise any adverse effect of land uses on the environment,*
- (g) to encourage the provision and maintenance of affordable housing.*

(2) *Development for any of the following purposes is permitted without consent on land within Zone B4 Mixed Use:*

*environmental protection works; recreation areas.*

(3) *Except as otherwise provided by this Part, development for any of the following purposes is permitted with consent on land within Zone B4 Mixed Use:*

*roads; any other development not specified in subclause (2) or (4).*

(4) *Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:*

*bulky goods premises; caravan parks; industries; moveable dwellings; resource recovery facilities; restricted premises; rural industries; sex services premises; truck depots; warehouse or distribution centres.*

The proposed fitout and use of Levels 7 and 8 at No. 3 Olympic Boulevard as a commercial office and the proposed installation of the photovoltaic array on the roof of the P3 Car Park are not

uses/development specified in subclause (2) or (4) of the land use table and are therefore permissible with consent in the B4 Zone.

## 8 Delegated Authority

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP Major Development 2005 and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 10 November 2014, the Minister delegated his powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the 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 it:

- has a CIV less than \$10 million (the estimated cost of the fitout is \$5.8 million);
- SOPA is not the applicant; and
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development.

It is understood that SOPA may occupy the commercial tenancy that is the subject of this application. As a consequence, and to ensure transparency and full disclosure, SOPA has engaged the services of Helen Mulcahy Urban Planning Pty Ltd to:

- (i) undertake an independent assessment of the development application;
- (ii) provide a recommendation to SOPA's CEO;
- (iii) prepare a schedule of draft conditions (assuming the application is recommended for approval); and
- (iv) present the assessment package to SOPA's CEO for determination.

## 9 Consultation

### 9.1 External referrals

No external referrals are required.

### 9.2 Internal referrals

The application was referred for review and comment on 21 June 2017. Responses were received as follows:

INTERNAL DEPARTMENT	RESPONSE
Building Services	No objection subject to conditions
Development Operations	<p>No objections subject to appropriate conditions being included which ensures that:</p> <ul style="list-style-type: none"> <li>• the PV array will not hinder the operation of the car park in terms of reducing the number of spaces or vehicle manoeuvrability; and</li> <li>• all connections between the PV array and the commercial tenancy should minimise visual impact.</li> </ul>

All conditions recommended by the internal specialists have been incorporated into the recommended Conditions of Consent where appropriate and necessary.

At the time of finalising this report, no objections or comments were received from other internal stakeholders.

## 10 Assessment

### 10.1 Environmental Planning and Assessment Act 1979

The proposal is local development to which Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act) applies. Decisions made under the Act must have regard to the objects of the Act, as set out in Section 5 of the EP&A Act. The proposal complies with the objects as it represents the orderly and economic use of land.

### 10.2 State Environmental Planning Policy (State Significant Precincts) 2005

The aims of the SEPP are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

Sydney Olympic Park is identified as a State Significant Site under the SEPP, and Part 23 of Schedule 3 identifies a number of provisions relating to the carrying out of development within Sydney Olympic Park, as set out below.

Clause	Response	Compliance
(9) Zone B4 Mixed Use	The application seeks approval for the fitout and use of Levels 7 and 8 of the approved mixed use development on Site 9 as a commercial office.	✓
(23) Public utility infrastructure	Public utility infrastructure has been considered by the Department of Planning and Environment in its assessment of the SSD for the base building. The fitout and use of Levels 7 and 8 for commercial purposes will not require any further augmentation of utility services.	✓
(24) Major events capability	The proposed fitout and use of the commercial tenancy is not expected to have any substantive impact on major events.	✓
(25) Transport	The proposed fitout and use of the commercial tenancy is within the environmental capacity of the existing public transport servicing Sydney Olympic Park.	✓
(26) Master Plan	Master Plan 2030 applies to the subject site and has been considered in the assessment and the proposed development has been found to be consistent with the Master Plan principles and controls where relevant.	✓ See Section 8.5 below
(29) Development in environmental conservation area	The subject site is not located in an environmental conservation area.	✓

Clause	Response	Compliance
(30) Design excellence	The base building was the subject of a design competition and was deemed to achieve Design Excellence, however these provisions are not relevant to building fitout.	✓
(31) Heritage Conservation	The subject site is not within the visual curtilage of the nearest item of environmental heritage (the Abattoir Precinct is located approximately 450 metres to the north and is obscured by topography and intervening development. As a consequence, it is considered that there will be no impact on heritage conservation.	✓

Having regard to the above, it is considered that the proposal is consistent with the relevant provisions of the SEPP.

### **10.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The Harbour REP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations. Although the Harbour REP applies to the whole of the Sydney Catchment Area, including the subject site, it primarily provides planning provisions relating to the foreshore and waterway areas.

The site is located outside the mapped foreshores and waterways area and therefore the provisions of the Plan do not apply in this instance.

### **10.4 State Environmental Planning Policy 55 - Remediation**

The site is known to be contaminated, the principal source being associated with landfill waste material, associated leachate and landfill gases. Contamination was considered in the Department of Planning and Environment's assessment of SSD 7445 for the base building and it was concluded that subject to the approval and implementation of site audit requirements, risk analysis and the preparation of a groundwater management plan, the site can be made suitable for the intended land use.

Appropriate conditions have been included in the consent issued in respect of SSD 7445 for the base building.

Having regard to the above, it is considered that the requirements of SEPP 55 have been satisfied.

### **10.5 Compliance with Master Plan 2030**

Site 9 and the P3 Car Park are located in the Boundary Creek Precinct in Master Plan 2030.

The Master Plan contemplates commercial and residential development extending along Olympic Boulevard. A zone of residential development terminates the line of towers along Olympic Boulevard. Open space in the precinct will continue to be developed for community uses with amenities and access to new playing fields.

The proposed fitout and use of the commercial tenancy in the approved mixed use development is consistent with the current Master Plan and SOPA's aspirations for the Boundary Creek Precinct.



The Master Plan does not identify any development potential for the P3 Car Park. It is considered that the proposed installation of a photovoltaic array is not inconsistent with the provisions of the Master Plan, provided it does not interfere with operation of the car park.

#### **10.5.1 Master Plan 2030 (2016 Review)**

Sydney Olympic Park Master Plan 2030 (2016 Review) was placed on public exhibition from 10 October to 15 November 2016 and is therefore a matter for consideration by the consent authority in its assessment of the DA.

The 2016 Review does not include any new provisions that would adversely affect the proposed fitout and use of approved commercial floor space within the approved mixed use development at No. 3 Olympic Boulevard.

No change to the future use or development potential of the P3 Car Park is proposed under the 2016 Review.

The proposed development is therefore considered to be consistent with the changes currently under consideration as part of the 2016 Review of SOP Master Plan 2030.

#### **10.6 Prescribed Matters EPA Regulation 2000**

The proposed development is able to comply with prescribed matters of the *Environmental Planning and Assessment Regulation 2000* subject to fulfilment of conditions of consent.

#### **10.7 Impact of the Development**

The proposed development is for the fitout and use of a commercial tenancy in an approved mixed use development at No. 3 Olympic Boulevard and the installation of a 100kW photovoltaic array on the rooftop of the P3 Car Park.

There may be minor potential impacts associated with the proposal during the construction and operational phases, as detailed below, however it is considered that any impacts can be ameliorated through the inclusion of appropriate conditions on any consent issued in respect of this application.

##### **10.7.1 Construction Impacts**

###### General

Minor noise, dust and construction traffic may occur during the construction phase and could cause temporary inconvenience for users or occupants on adjacent sites.

Conditions are recommended requiring all works to be undertaken in accordance with EPA and WorkCover requirements / guidelines to ensure that minimal impacts occur to nearby premises and their occupants and that the safety of workers is afforded the highest continued priority.

###### Construction Waste

A condition is recommended which requires the preparation of a Construction Waste Management Plan prior to commencement of any works on the site.

### **10.7.2 Operational Impacts**

#### ***Parking***

##### Commercial Tenancy

The development provides for a total of 353 parking spaces located within the building podium, which is consistent with the maximum number of spaces permitted under the Master Plan. Furthermore, the on-site parking provision for the base building was deemed to be appropriate by the Department of Planning and Environment in its determination of SSD 7445.

In accordance with the consent issued in respect of SSD 7445, the commercial tenancy is allocated:

- 34 parking spaces (Condition B12); and
- 60 bicycle parking spaces - 20 for staff / 40 for visitors (Condition B13).

Having regard to the above, the operation of the proposed commercial tenancy is unlikely to have any substantive impact in terms of parking.

##### Photovoltaic Array

As indicated previously in this assessment, there is little technical detail included in the DA in relation to the PV array.

Whilst the applicant has indicated that the structures will not result in any loss of parking in the P3 Car park, a condition is recommended which requires detailed design documentation to be submitted which demonstrates that the array will not reduce parking numbers or impede vehicle manoeuvring within the car park.

It is noted that the photovoltaic array will also result in a minor positive impact by providing shade to a portion of the roof of the car park.

#### ***Accessibility***

An Accessibility Review is included in the DA documentation which provides an assessment of the proposed commercial tenancy fitout against the relevant statutory guidelines, including SOPA's Access Guidelines.

The report indicates that the architectural drawings comply with statutory requirements pertaining to site access, common area access, accessible parking and accessible sanitary facilities can be readily achieved.

A condition is recommended which requires compliance with the relevant Australian Standards, the recommendations of the Accessibility Review and SOPA's Access Guidelines.

### **10.8 Suitability of the Site**

The proposed development is of a form and nature that is in keeping with the overall objectives and functions of Sydney Olympic Park.

The proposal is demonstrably consistent with the objectives and function of the site and the relevant provisions of both *SEPP (State Significant Precincts) 2005* and Sydney Olympic Park Master Plan 2030.

The subject site is not subject to any other known flooding or land slip or other natural hazard.

## 10.9 The Public Interest

The proposal is considered to be in the wider public interest as:

- it is consistent with the relevant statutory controls, including Master Plan 2030;
- it is not expected to result in any substantive adverse environmental effects in terms of either the fitout or the use of the premises as a commercial office;
- the fitout and use of the commercial tenancy will contribute to activation, economic activity and employment generation in the Boundary Creek Precinct at Sydney Olympic Park; and
- the installation of the photovoltaic array will offset the energy requirements generated by the commercial tenancy, thereby providing an environmentally sustainable development outcome.

## 9 Conclusion

The proposal is of a nature that is generally in keeping with the overall objectives and functions of the site and permissible land use. It is consistent with:

- (i) the in-force provisions and controls of the principal environmental planning instrument applying to the land contained with *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- (ii) the relevant provisions of Sydney Olympic Park Master Plan 2030.

The application has been considered with regard to the matters raised in section 79C of the EP&A Act. The proposed development is considered to be acceptable, is in the public interest and is recommended for approval subject to conditions.

On this basis, the proposed development is considered to be acceptable, is in the wider public interest and is therefore recommended for **conditional approval**.



**Helen Mulcahy**  
Director  
Helen Mulcahy Urban Planning Pty Ltd  
5 July 2017