

Our Ref: 2.28
E-mail: mark.ross@kadorgroup.com.au



4 August 2011

Ms Heather Warton
Director, Metropolitan and Regional Projects North
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Madam

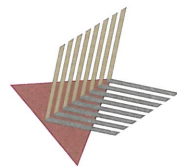
**Re: Review of Major Project Application MP10_0027
Site 3 (Stages 2 & 3) - 1 Australia Avenue, Sydney Olympic Park**

Kador Group Holdings Pty Ltd is the land owner of 1 Figtree Drive, Sydney Olympic Park, a two-storey commercial building located directly southwest of the proposed development. The purpose of this letter is to identify the likely impacts to 1 Figtree Drive as a result of the proposed development, as outlined and addressed in the Environmental Assessment report and accompanying appendices.

The project site location and 1 Figtree Drive is shown in Figure 1.



Figure 1 Proposed development site in relation to 1 Figtree Drive



Overview

The Project Application appears to be generally consistent with the Sydney Olympic Park Master Plan 2030 and the staged DA for Site 3. In summary:

- The proposed land uses comprise primarily of residential uses with some communal facilities, gymnasium and retail/commercial suites, which are permissible under the B4 Mixed Use Zone under SEPP Major Development 2005.
- The height of the proposed development is consistent with the height controls outlined in Sydney Olympic Park Masterplan 2030 and the winning scheme of the design excellence competition (i.e. two towers with heights of 24 and 30 storeys).
- The proposal marginally exceeds the maximum floor space ratio for the site by 300m² and is considered negligible in terms of bulk/scale and traffic impacts. (The proposal achieves a total FSR of 5.277:1 for the entire site, whilst the maximum FSR controls specified in Master Plan 2030 is 5.25:1).
- 800 car parking spaces are to be provided as part of the proposal, which is consistent with the maximum car parking spaces specified for the site (868) under the Masterplan 2030.

Impact of the proposed development

While the proposed development appears to be consistent with the planning standards the proposal is also required to consider “ the likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality” and the *Director-General's Requirement 4 – Environmental and Residential Amenity*.

A review of the Environmental Assessment report and accompanying appendices indicates that the proposal does not adequately address the impacts on the surrounding area. Specifically the proposal does not adequately address solar access and overshadowing, and view loss from 1 Figtree Drive and the western footpath of Australia Avenue.

Further discussion of these key issues is provided below.

Solar access and overshadowing

The assessment of solar access and overshadowing contained in the Environmental Assessment report and the accompanying Solar Access Analysis report primarily focus on the residential amenity of the proposed development and does not adequately address overshadowing impacts to surrounding developments. The documents submitted as part of the application do not include shadow diagrams showing solar access to the site and adjacent properties.

The site of 1 Figtree Drive is particularly vulnerable to overshadowing impacts as it is located directly southwest of the proposed towers. However, shadow diagrams demonstrating the overshadowing impacts of the development to 1 Figtree Drive have not been provided, nor has a detailed assessment of the number of hours of direct solar access that 1 Figtree Drive will achieve as a result of the development.

Further assessment of solar access and overshadowing impacts is required and should take into consideration impacts on the existing and potential future building envelopes of 1 Figtree Drive, as specified in Sydney Olympic Park Master Plan 2030.

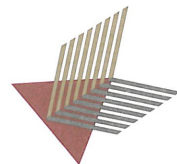


Figure 2 below highlights the potential overshadowing impacts of the development

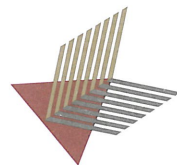


Figure 2 Overshadowing impacts on Australia Ave (facing south) at 9am on 29 July 2011.

View loss

Currently, the site of 1 Figtree Drive enjoys naturalistic views of Bicentennial Park facing east. The bulk and scale of the proposed development will have significant impact on these existing views. The approved Master Plan massing involved a number of small floor plate buildings however the winning scheme of the design excellence competition consolidated the massing into two larger buildings which have been located to maximise the proposed development's views. Under the Sydney Olympic Park Master Plan 2030 the future height of a building on 1 Figtree Drive could be between 8-10 storeys high which would be above the tree line and potentially share the "excellent views towards the CBD and Sydney Harbour, across Bicentennial Park to the east, and towards Homebush Bay and the Parramatta River to the north-east." as identified in the Bates Smart Design Report.

However, the Environmental Assessment report does not provide any diagrams or visual aids such as a photomontage to demonstrate visual impacts of the proposed building envelopes. As such, further view analysis is required to adequately consider view loss impacts from 1 Figtree Drive and other key viewing locations.



The view analysis should follow the four-step assessment process specified in Tenacity Consulting v Warringah [2004] NSWLEC 140:

1. Assessment of views to be affected
2. What part of the property the views are obtained
3. Extent of the impact
4. Reasonableness of the proposal that is causing the impact

Similar to solar access and overshadowing impacts, the assessment should consider view impacts from key viewing points at 1 Figtree Drive, as well as potential viewing points at various heights according to building height provisions specified in Sydney Olympic Park Master Plan 2030.

Conclusion

The Major Project Application MP10_0027 is generally consistent with Sydney Olympic Park Master Plan 2030, SEPP Major Developments 2005 and the winning design scheme of the Design Competition. However, the Environmental Assessment has not adequately addressed the issues of solar access and overshadowing and view loss to 1 Figtree Drive and the western footpath of Australia Avenue. All of these issues have the potential to severely impact the value and amenity of 1 Figtree Drive. As such, further assessment of these issues is required to be addressed prior to the issuing of consent. In particular shadow diagrams and view analysis should be provided by the applicant.

Thank you for the opportunity to respond to Major Project Application MP10_0027. If you require any further clarification or additional information with respect to any of the issues raised in this letter, please contact the undersigned on 03 8624 1555.

Yours faithfully,

KAMIRICE PTY LTD

Mark A Ross
MANAGER – INVESTMENT PROJECTS
Encl.