

13 December 2022

Ms Paula Bizimis
NSW Department of Planning and Environment
Locked Bag 5022,
Parramatta NSW 2124

Architecture
Urban Design
Planning
Interior Architecture

To: *Paula Bizimis*
Senior Planning Officer

Sydney Olympic Park Metro Station - Over Station Development
Submission on Behalf of 6 Figtree Drive

Dear Paula,

Architectus has prepared this submission on behalf of our client Figtree OH Pty Ltd, for the NSW Department of Planning and Environment (DPE) in relation to State Significant Development Application (SSDA) Ref. 35283699 for 'Sydney Olympic Park Metro Station Over and Adjacent Station Development' (**the proposed development**), located at 5-7 Figtree Drive, Sydney Olympic Park (**the development site**). The proposed development is currently on public exhibition until 13 December 2022.

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Figtree OH Pty Ltd are the leaseholder of the property at 6 Figtree Drive, Sydney Olympic Park (**the subject site**) which is located directly south of the proposed development.

Figtree OH Pty Ltd has concerns relating to the impact of the proposed development on the subject site and requests several amendments. Our submission is supported by further analysis and information at **Attachment A**.

Objections

On the basis of our analysis, our client objects to the proposed development for the following reasons.

1. The proposed development will result in a loss of solar access to the subject site.
2. Submitted documentation does not include an analysis of feasible alternatives considered (pursuant to Clause 192 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)) including testing of different massing options, and therefore it has not been demonstrated that the proposed envelopes are the most appropriate design outcome for the site.
3. The solar assessment of the proposed development is based on an assumed future-built form on the subject site which is not accurate or likely, i.e. opposing L-shaped buildings.
4. The DA documentation does not consider the shadow impact of the proposed development on compliant future building envelopes on the subject site and surrounding sites and their ability to comply with the Apartment Design Guide (ADG). The proposed development would thus significantly inhibit the development potential of the subject site for residential uses, in contravention of the Sydney Olympic Park Master Plan 2030 Interim Metro Review (Interim Metro Review).
5. The proposal does not consider cumulative impacts to adjoining sites and in its current state would impact on the development potential of adjoining site.

Architectus Australia Pty Ltd
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Nominated Architect
CEO
Ray Brown
NSWARB 6359

Requested amendments

In response to these concerns, on behalf of our client we request the following:

1. The proponent provides further detail of design options considered, including justification as to why the proposed development is the most appropriate.
2. The proponent undertakes additional solar modelling of the surrounding context, including all sites identified for future residential development, south of Figtree Drive.
3. Revised solar modelling should consider the ability for compliant (not L-shaped) envelopes on surrounding sites to achieve full compliance with ADG solar access provisions.
4. The revised solar modelling should be publicly exhibited and our client provided the opportunity to review and respond.
5. Subject to the outcome of this modelling the proposed building envelope should be amended to mitigate overshadowing impacts to surrounding properties. From our analysis this could be achieved with an offset and/or curved built form and / or limits to the overall volume of the Stage 1 envelopes.
6. In the event that the proposed development is approved, as a minimum, conditions of consent must require a reduced and revised building envelope to ensure overshadowing does not prevent sites to the south achieving the full development potential provided for in the Interim Metro Review.

As a result of the impacts of the proposed development summarised above and detailed in **Attachment A**, it is asserted that the proposal should not be approved in its current form.

Thank you for the opportunity to provide comment to SSD- 35283699 for 'Sydney Olympic Park Metro Station Over and Adjacent Station Development', located at 5-7 Figtree Drive, Sydney Olympic Park.

We look forward to a detailed response to the issues raised and would appreciate an opportunity to provide further comment on review of the additional model testing required.

If you require clarifications, further information or wish to discuss the issues raised, please do not hesitate to contact Jonathan Archibald on 0414 747 010 or by email, jonathan.archibald@architectus.com.au

Regards,



Jonathan Archibald
Associate, Planning
Architectus Australia Pty Ltd

Attachment A

1. Background

The subject site

The subject site is located at 6 Figtree Drive, Sydney Olympic Park (Lot 25 DP 793595).

The site currently accommodates two (2) large commercial buildings ranging in height from three (3) to four (4) storeys, including various areas of car parking. Buildings within the subject site are currently occupied by various commercial tenants, including the NSW Institute of Sport, Government Property NSW, Macasa and Winhomes.

The subject site is located within 'Central Precinct' and is identified as 'Site 51' within the Sydney Olympic Park Master Plan 2030 Interim Metro Review (Interim Metro Review). The site is intended for future residential development under this master plan.

The subject site is zoned B4 – Mixed Use pursuant to the State Environmental Planning Policy (Precincts—Central River City) 2021 (CRC Precincts SEPP). It is subject to a maximum building height of part 33m (equivalent 8 residential storeys) on the southern portion of the site and 74m (equivalent 20 residential storeys) on the northern portion of the site under, and a Floor Space Ratio (FSR) of 3.2:1 under the CRC Precincts SEPP.

The development site

The development site is located at 5-7 Figtree Drive, Sydney Olympic Park (Lots 58 and 59 DP 786296 and is owned by Sydney Metro.

The development site is also located within the 'Central Precinct' under the Interim Metro Review (Site 47).

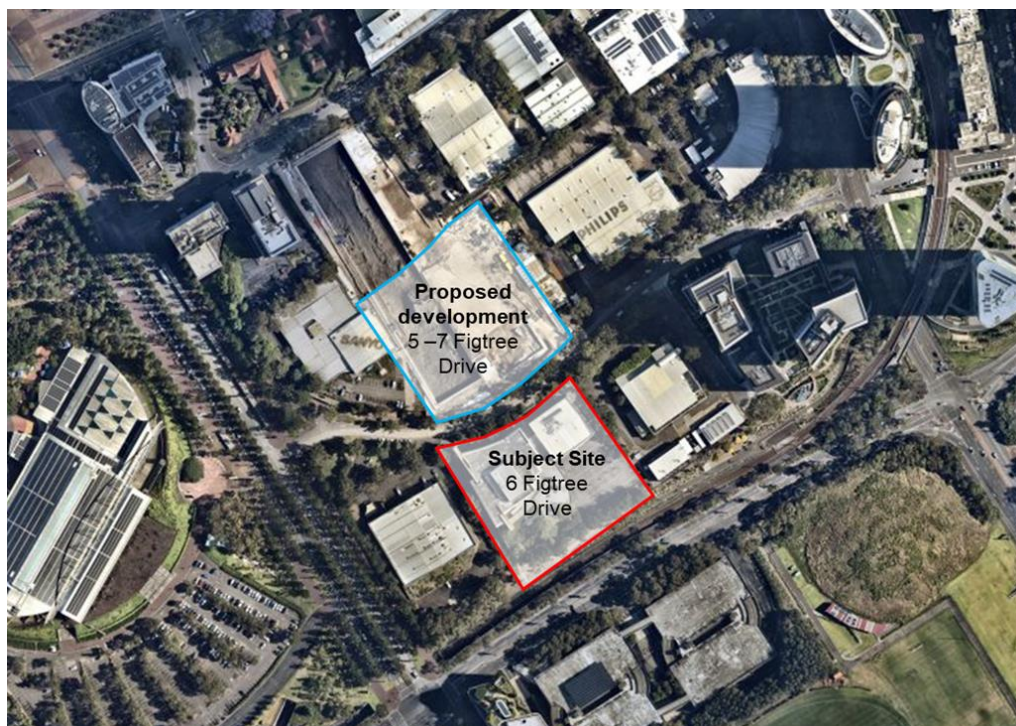


Figure 1 Location of the subject site relative to the proposed development

Sydney Olympic Park Master Plan 2030 (Interim Metro Review)

The development site is subject to the provisions of the Sydney Olympic Park Master Plan 2030 (Interim Metro Review), noting this is required to be updated every 5 years, having previously been updated in 2018 (2018 Review).

However, the proposed development is facilitated by recent amendments to planning controls applying to the development site ahead of this 5 year review period, introduced by Interim Metro Review, approved in July 2022.

The Interim Metro Review amended the planning controls for three sites (40, 47 and 48) owned by Sydney Metro. The amendments increase the development potential with a significant increase in building heights and a redistribution of FSR. Site 47 (the development site) was subject to the greatest uplift, with a doubling of the height control.

In addition, the Interim Metro Review amended the structure plan, including a revised street network, tower locations and open space within Sydney Metro owned land. The Interim Metro Review did not amend the planning controls, structure plan or street network of any privately owned land. An overview of the uplift provided by the Interim Metro Review is provided at **Table 1** below.

Table 1. Overview of controls approved under the Interim Metro Review

Sydney Olympic Park Master Plan 2030	Sites	Land Use	FSR	HOB	Street wall/podium height
2018 Review (former)	40, 47 and 48	Residential and	3.6:1 – 6.5:1 (variable)	20 storeys (74m)	5 - 8 storeys (variable)
Interim Metro Review (current)		Commercial	7:1	45 storeys (149m)	4 storeys

The Interim Metro Review also included additional overshadowing controls to select areas of public open space. Minimum percentages of nominated public spaces must achieve a minimum 2 hours of sunlight between 9am and 3pm at the winter solstice (21 June).

During exhibition and assessment of the Interim Metro Review, concerns were raised by a number of surrounding landowners to the south of Figtree Drive about the potential significant overshadowing that the revised controls (in particular site 47) would cause for the development potential of surrounding land. Specifically, that the additional overshadowing would make it impossible for future development of the subject site to comply with the Apartment Design Guide (ADG).

The proposed development

The proposed development under SSD-35283699:

“Seeks approval for a concept proposal for a mixed-use development within three building envelopes above and adjacent to the Sydney Olympic Park metro station comprising:

- *maximum GFA of 67,370 m² (in addition to the station CSSI GFA of approximately 630m²) comprising:*
 - *32,790 m² of residential accommodation (approx. 316 dwellings)*
 - *1,760 m² of retail premises*
 - *32,820 m² of commercial premises*
- *maximum building envelopes, maximum heights, and land uses for:*

- *Building 1 – up to RL 119.00 (approx. 21 storeys) for a commercial building above a podium that incorporates the station services (which is subject to a separate infrastructure application SSI-22765520)*
- *Building 2 – up to RL 114.20 (approx. 27 storeys) for retail and commercial uses in the 4 storey podium and residential tower above*
- *Building 3 – up to RL 171.00 (approx. 45 storeys) for retail and commercial uses in the 4 storey*
 - *podium and residential tower above*
 - *car parking for a maximum of 358 vehicles in a basement below Buildings 2 and 3 loading, vehicular and pedestrian access arrangements*

Note: the concept proposal does not seek approval for any construction works.”

The proposed development comprises three new buildings ranging between 21 and 45 storeys in height, including commercial and residential uses.

Building 1 is a commercial building located directly over the future Sydney Olympic Park metro station. Buildings 2 and 3, located immediately to the east of the future Sydney Olympic Park metro station, are mixed use buildings with commercial uses at lower levels (up to 4 storeys) and residential accommodation above (Building 2 up to 27 storeys and Building 3 up to 45 storeys)..

The proposed development seeks to maximise the height and setbacks permitted by the Interim Metro review, without any apparent consideration of the impact this bulk would have on the character of the area and related environmental impacts.

2. Objection and requested responses

Loss of solar / daylight

Objection

The proposed development will result in a loss of solar access to the subject site.

The submitted SEPP 65 Assessment (Appendix J of the Environmental Impact Statement (EIS)) provides a review of the proposed buildings 2 and 3 (residential buildings) against SEPP 65 Design Principles and ADG requirements.

The results demonstrate that residential uses within the proposed buildings achieve minimum solar requirements, however this review does not provide consideration of the proposed development on adjoining sites. This is inconsistent with the Interim Metro Review (at 4.6.4) which requires development to ensure “*resident amenity in terms of privacy and solar access is not adversely affected*”.

Our client has undertaken analysis comparing the solar access of the subject site prior to and following the Interim Metro Review. The analysis demonstrates that envelopes previously permitted on the development site (prior to the Metro Review) enabled an ADG compliant building within the subject site.

However, the amendments to controls and site layouts established by the Interim Metro Review have enabled envelopes (including those sought by the proposed development) that would overshadow surrounding sites to the extent they are no longer capable of achieving compliance with the daylight and solar access design criteria in the ADG.

Appendix J of the EIS includes a written assessment of the proposed development against the principles set out in the ADG including *Principle 2: Built form and scale*. It states:

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.”

The written response does not provide consideration of the impact of the proposal when considering the development potential of surrounding sites.

Based on current solar analysis the proposal does not demonstrate that the bulk and scale of the proposal ensures compliant solar access outcomes on land to the south of Figtree Drive (sites 51, 52 and 53). The proposal therefore contravenes the Interim Metro Review (which identifies these sites for future residential development) and the ADG which requires consideration of bulk and scale on adjoining buildings.

Request

Additional solar modelling of sites identified for future residential development south of Figtree Drive is required.

Revised solar modelling should consider the development capability of the subject and surrounding sites under a compliant (non L-shaped) base case scenario, including their ability to comply with ADG solar access provisions.

Should this revised modelling identify non-compliances with regard to ADG solar access for surrounding sites, the proposed envelopes must be revised.

This could be achieved by adjusting the siting of buildings, redistribution of floorspace between the three towers or refinements to the envelope to provide an offset and/or curved built form.

It is requested the outcomes of this modelling (including any revised envelopes) be publicly exhibited, including providing our client the opportunity to review and respond further.

Analysis of feasible alternatives

Objection

Submitted documentation does not include detail or consideration of design options explored, nor any justification as to why the proposed development is considered to be appropriate for the development site.

Proposed envelopes seek to maximise the extent of the development footprint and have not considered a revised envelope form (such as rounded or angled envelopes) to maximise solar access, both within the development site, the subject site or to surrounding properties.

Pursuant to Clause 192 of the EP&A Regulations, there is a requirement to for an SSDA (including any EIS) to include an analysis of feasible alternatives to the carrying out of the development. In the case of the proposed development (being a series of three buildings), this might ordinarily include built form testing to demonstrate why the proposed envelopes are the most appropriate design outcome for the development site (for instance, having regard to solar, wind or view considerations).

In addition, Section 4.6 (Building Form and Amenity) of the Interim Metro Review provides for a range of provisions relating to building form, articulation and expression. Clause 4.6.11 requires development to *“promote high quality architecture and urban streetscapes: (1) Ensure building facades are well modulated and scaled to reflect the aspect, uses and streetscape”*. These should be considered in the design of the proposed envelope to ensure an appropriate response to the local context.

At Section 2.5 of the EIS, there is a reference to options being explored. There is however no detail in the EIS or supporting documentation of these options, nor any analysis as to why the proposed development is the most appropriate built form outcome for the development site.

Request

Additional information detailing the extent of built form options considered in the design of the development must be provided. It should include envelope testing, detailed diagrammatic explanations and overshadowing effects for the subject site, demonstrating the most appropriate design response to the local context.

Revised base case modeling

Objection

The solar assessment of the proposed development is based on an assumed future built form of opposing L-shaped buildings on the subject site. This design approach is not accurate or likely.

(Refer **Figure 2** below).



Figure 2 Extract of Interim Metro Review Figure 5.4 (Town Centre Precinct Illustrative Master Plan
Note: Subject site annotated in red, development site annotated in blue.

Whilst depicted in Figure 5.4 (Town Centre Precinct Illustrative Plan), this L-shaped form is not a requirement of the Interim Metro Review nor any other planning controls applicable to the subject site. Further, this indicative L-shaped form does consider potential layouts, yield or FSR of the subject site and therefore should not be relied upon for any assessment of impacts.

This depiction and related solar testing is not reflective of future development outcomes on the subject site. To rely on this built form in the assessment of the proposed development does not appropriately consider the impact the proposed development would have on future development of the subject site.

Request

Revised solar testing must be undertaken to consider the development capability of the subject site under a compliant base case scenario, including the ability to comply with ADG solar access provisions.

This base case should consider compliant height and setbacks for the entirety of the subject site (to all boundaries) and should not include any articulation (a rectangular envelope only, with no L-shaped or other form). This approach should also be considered for adjoining sites to ensure the full extent of cumulative impacts can be considered, in accordance with the Cumulative Impact Assessment Guidelines for State Significant Projects.

Consideration of Apartment Design Guide (ADG) provisions and Interim Metro Review design guidance

Objection

The DA documentation does not consider the shadow impact of the proposed development on compliant future building envelopes on surrounding sites and their compliance with the ADG or design guidance contained within the Interim Metro Review.

The ADG (at 4A-1) requires the following design criteria in relation to solar and daylight access:

“(1) Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas;

...

(3) A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter”

The proposed development does not properly consider solar access to properties to the south because submitted documents do not depict the full extent of potential built form outcomes at the development site.

Further, the Interim Metro Review provides (at 4.6.8) that:

“Tower buildings are to be spaced to ensure that all north facing frontages affected by the proposed tower building have full solar access for a minimum of 2 hours between 9am and 3pm on 30th June.”

This has not been demonstrated by the proposed development.

Request

Additional solar testing must be undertaken to detail the full extent of potential impacts. This solar testing should test solar access to a compliant development scenario on the subject site and other properties south of Figtree Drive, including analysis of ADG solar access to the façade of future buildings at the winter solstice, and demonstrating compliance with 4.6.8 of the Interim Metro Review.

Cumulative impact

Objection

The application for the proposed development does not consider its cumulative impact, including how the proposed development would impact on the ability of the full extent of the Master Plan to be delivered. If the proposed development is considered in isolation and without consideration of the desired future outcomes of the broader precinct, the fundamental purpose of the Master Plan 2030 is not achieved.

Having regard to the above concerns, by virtue of additional overshadowing and misrepresentations of surrounding built form, the proposed development would inhibit the development potential of the subject site. It could not achieve ADG solar compliance assuming a compliant height, FSR and setbacks.

Request

The proposal seeks concept approval for maximum building envelopes on the development site.

Subject to additional modelling and the outcomes of any revised built form, as a minimum, conditions of development consent must ensure reduced solar impacts to the subject site, as part of any future detailed design refinements and Stage 2 DA.

Compliant solar access for the subject site could for example be included as a Future Environmental Assessment Requirement (FEAR) for any subsequent detailed/Stage 2 DA.

This could be done with certainty by a consent condition or FEAR by limiting tower floor plates and/or volumetric tower envelope utilisation (i.e. the percentage of building within the overall envelope) to improve overall design and solar access outcomes.