

9 October 2015

Brendon Roberts
Senior Planning Officer
Metropolitan Projects, Key Site Assessments
Department of Planning and Environment

Via Email: brendon.roberts@planning.nsw.gov.au

Dear Brendon,

SSD 6603 – Site 68, Sydney Olympic Park – Modification 1: Response to Submissions

Introduction

We write on behalf of *Ecove Group Pty Ltd* (The Proponent) to provide a formal **‘Response to Submissions’** received in relation to SSD 6603 Modification 1. The application seeks approval under Section 96(2) of the *Environmental Planning and Assessment Act 1979* to modify the SSD 6603 consent, issued on 18 June 2015. The proposed modification seeks consent for:

“Internal and external improvements to the approved development, including a minor reduction in structural floor to floor heights, minor changes to landscape levels at ground floor, and minor adjustments to the ‘rooftop crown’, resulting in an additional 23 residential units and associated vehicle and bicycle parking.”

The application was placed on public exhibition from 20 August to 21 September 2015. Following its conclusion, the Department of Planning and Environment (DPE) issued correspondence, dated 22 September 2015, requesting that the applicant respond to the issues raised in the submissions received during the public exhibition period.

This letter provides a comprehensive response to each of the issues raised in the submissions received during the public exhibition, with the provision of additional justification and technical information where relevant.

Submissions

A total of five submissions were received from various government agencies, including Environment Protection Authority, Office of Environment and Heritage, NSW Roads and Maritime Services, Transport for New South Wales, and Sydney Olympic Park Authority. One public submission was received.

ENVIRONMENT PROTECTION AUTHORITY

The submission provided by the Environment Protection Authority (EPA), dated 3 September 2015, states: *“The EPA will not be providing comments on the proposed modification, other than to note that all construction activities should be undertaken in accordance with relevant guidelines, including the relevant guidelines for noise, vibration, and erosion and sediment control”*. Accordingly, we confirm the proposed construction activities will be undertaken in accordance with the relevant guidelines, as provided in the SSD 6603 consent.

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OFFICE OF ENVIRONMENT AND HERITAGE

The submission provided by the Office of Environmental and Heritage (OEH), dated 21 August 2015, states: *"After reviewing the relevant documents, OEH's Greater Sydney Planning Team has concluded that the matter does not contain environment, natural hazards or Aboriginal cultural heritage issues that require a formal OEH response"*. Accordingly, no further comment is provided.

NSW ROADS AND MARITIME SERVICES

The submission provided by NSW Roads and Maritime Services, dated 8 September 2015, states: *"Roads and Maritime has reviewed the submitted documentation and raise no objection to the proposed modifications"*. Accordingly, no further comment is provided.

TRANSPORT FOR NEW SOUTH WALES

The submission provided by Transport for New South Wales (TfNSW), dated 16 September 2015, states: *"TfNSW has assessed the proposed modification development and no transport related issues are raised regarding the proposed modification. However, the comments and conditions provided by Sydney Trains in a letter dated 24 March 2015 should be incorporated into the revised development consent"*.

The letter referred to was issued in response to SSD 6603 in March 2015. The comments and conditions were discussed with Sydney Trains on 7 May 2015 and DPE on 15 May 2015 during the assessment of SSD 6603. During these discussions it was concluded that a number of the comments and conditions provided by Sydney Trains were either irrelevant or unreasonable and unnecessary in the circumstances of the site and the proposed development. Accordingly, only those conditions which were considered relevant were incorporated into the final consent for SSD 6603.

As the proposed modification does not seek to alter any aspect of the approved development relevant to the Sydney Trains corridor or operations, it is not considered appropriate to incorporate these previously determined irrelevant conditions into the modified consent.

SYDNEY OLYMPIC PARK AUTHORITY

The submission provided by Sydney Olympic Park Authority (SOPA), dated 25 September 2015, identified two items for clarification relating to design verification and numerical inconsistencies in the submitted documentation. These are addressed as follows.

"Design Verification:

- *Given that the approved scheme is the Design Competition winning design, the project architect should provide an updated / amended Design Verification Statement to clarify that the proposed amendments does not adversely impact the Design Excellence of the building.*
- *An updated perspective incorporating the proposed amendments should be provided"*.

A Design Verification Statement has been prepared by Bates Smart and is included at **Appendix A**. The Design Verification Statement is accompanied by detailed perspectives, which provide a comparison of the proposed modification and the approved development.

The statement and images confirm the proposed amendments will have no impact on any aspect of the approved design, with the exception that the tower will consist of 36 storeys rather than 34 storeys as approved. Furthermore, confirmation is provided that the proposed amendments will not diminish or detract from the design quality, or compromise the design intent of, the development for which the consent was granted and design excellence awarded.

“Numerical Inconsistencies:

The following numerical inconsistencies with the DA Documentation must be clarified / corrected:

- *New retail is 119m² or 135m²? Does this reduce and/or increase the total proposed floor space figure of 2,468m²?*
- *The total approved floor space is 33,167m² + proposed 2,468m² (to be clarified per above) = 35,634m² (an FSR of 2.545:1, not 2.5:1).”*

The proposed ground floor retail space has a gross floor area of 135m². The proposed modification has an additional 2,484m² of gross floor area, resulting in a total gross floor area of 35,651m², which equates to a floor space ratio of 2.55:1.

As described in the Modification Report, dated August 2015, such a variation is considered reasonable on the basis of:

- Despite the minor increase in gross floor area the proposed modification does not result in an overall increase in building bulk and is therefore substantially the same development approved under SSD 6603. In that regard, the arguments presented in the Environmental Impact Statement and supported by the Department remain relevant. Specifically:
 - The proposal is generally consistent with the setback controls and spatial arrangement for the site envisaged under the *Sydney Olympic Park Master Plan 2030*;
 - The proposal is consistent with the dense future character of the Parkview Precinct;
 - The height, bulk and scale reinforces the site's pivotal location at the southern gateway to Sydney Olympic Park;
 - The proposed development would provide acceptable visual and amenity impacts to the surrounding area;
 - The proposed development would provide for improved public domain, pedestrian/cyclist linkages and community facilities; and
 - The additional density would not result in any significant additional adverse traffic impacts.
- The proposed modification has been subject to on-going consultation with Sydney Olympic Park Authority, who has provided ‘in-principle’ support for the proposed modifications.
- The proposed modification is in the public interest. It is consistent with the objectives of the floor space ratio standard and the objectives of the B4 Mixed Use zone. Further, the proposal remains consistent with the built form envisaged in the *Sydney Olympic Park Master Plan 2030*.
- The proposed modification does not raise any matter of significance for State or regional environmental planning and there is no public benefit of maintaining the development standard.

Accordingly, it is our opinion that strict compliance with the floor space ratio development standard is unnecessary and unreasonable in the circumstances.

PUBLIC SUBMISSION - MERITON

A public submission was received by the Proponent of Site 67, 100 Bennelong Parkway, Sydney Olympic Park, which recently received approval for the construction of two residential flat buildings, a child care centre, and associated basement parking and landscaping (SSD 6246). The submission reads: *"While we support development of appropriate scale and function, we raise the following concern with the proposed amendment. We have been advised on numerous occasions by SOPA that variations to height and floor space controls would not be supported in this locality. The Site 68 development was originally approved with variations to both. The proposed 37 storey development is far in excess of the 20-30 storey provision in the SOPA Masterplan 2030. The proposed variation to GFA is not adequately supported by the generic statement provided".*

As described in the Secretary's Environmental Assessment Report, dated June 2015, the approved variations to building height and floor space controls under SSD 6603 are considered appropriate as there is sufficient planning justification to contravene the standards. Specifically, the Environmental Assessment Report states: *"the Department is satisfied that the height, bulk and scale of the proposed development is appropriate and would not result in any unreasonable visual or amenity impacts to adjoining residential properties or Bicentennial Park. The proposed building exhibits design excellence and was the subject of a design competition process and is supported by SOPA".*

The proposed modification does not seek to increase the approved building height under SSD 6603. Rather, the proposed modification seeks to reduce the structural floor to floor height from 3.2 metres to 3.1 metres, allowing the insertion of two additional residential floor-plates, at levels 25 and 35. The proposed modification has been designed to sit wholly within the within the approved maximum RL and therefore does not breach the overall building envelope approved under SSD 6603.

The approved development has a total gross floor area of 33,167m², which equates to a floor space ratio of 2.37:1. The proposed modification has an additional 2,484m² of gross floor area, comprising 135m² of retail floor space at the ground floor and 2,349m² of residential floor space. The total gross floor area for the proposed modification is 35,651m², which equates to a floor space ratio of 2.55:1.

Despite the minor increase in gross floor area the proposed modification does not result in an overall increase in building bulk and scale, and consequently will not create any unreasonable visual or amenity impacts to adjoining residential properties or Bicentennial Park. Further, the traffic generated by the proposed modification will not create adverse impacts on the wider road network.

The proposal remains substantially the same development as approved under SSD 6603. Accordingly, the arguments presented in the Environmental Impact Statement and supported by the Department remain relevant.

It is our understanding that variations to building height and floor space controls on Site 67 were not supported due to the potential visual impact on the adjacent approved 'Australia Towers' at Site 3 and internal residential amenity impacts, including solar access, and visual and acoustic privacy.

Conclusion

This 'Response to Submissions' is submitted to DPE in support of a Section 96(2) application to modify SSD 6603, relating to the construction of a thirty-four storey mixed use building, with three levels of basement parking, a stormwater detention tank, and associated landscaping works, at Site 68, Sydney Olympic Park. The key modifications proposed are summarised as follows:

- Reduction in typical residential floor to floor height from 3.2 metres to 3.1 metres.
- Insertion of two additional residential floor-plates at levels 25 and 35.

- Minor adjustments to the architectural roof feature, known as the 'rooftop crown'.
- Modification to extents of rooftop plant on level 36.
- Increase in residential units from 369 to 392.
- Increase in Gross Floor Area of 2,484m².
- Reduction in ground floor lobby finished floor level.
- Creation of a new accessible walkway linking the residential tower and future Child Care Centre with the 'New Street'.
- Reduction in typical basement floor to floor height from 3.0 metres to 2.9 metres.
- Changes to internal basement parking layout and relocation of internal ramp.
- Increase in total car parking from 482 spaces to 514 spaces within the approved basement extents.
- Creation of a new 135m² retail tenancy at ground floor within the approved building envelope.
- Relocation of 94 bike parking spaces from ground floor to the bicycle storage room on basement level one, with new direct street access.
- Increase in total bicycle parking spaces from 519 to 558.
- Increase in quantity of adaptable units from 37 to 40.
- Minor amendments to the landscape design, including an increase in the area of bio-retention wetlands.

There are compelling reasons why a positive assessment and determination of the proposed modification should prevail, as outlined below:


- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, State and local planning legislation, regulation and policies.
- The proposed modification has been designed to sit wholly within the approved maximum RL and therefore does not breach the overall building envelope approved under SSD 6603.
- Despite the minor increase in gross floor area the proposed modification does not result in an overall increase in building bulk and is therefore substantially the same development approved under SSD 6603.
- The proposed amendments will not diminish or detract from the design quality, or compromise the design intent of the development, for which the consent was granted and design excellence awarded.
- The proposal is supported by Sydney Olympic Park Authority.
- The height, bulk and scale of the proposal is appropriate, and does not result in any unreasonable visual or amenity impacts to adjoining residential properties or Bicentennial Park.

- The proposal continues to have a strong urban presence at the southern gateway to the town centre and will positively contribute to Sydney Olympic Park.
- The proposal will result in positive social impacts through the provision of associated public domain works, including a new neighbourhood park, pedestrian / cyclist shared paths and infrastructure, designed to connect to and integrate with the wider Bicentennial Park and Sydney Olympic Park area.
- The traffic generated by the proposed modification will not create adverse impacts on the wider road network.
- No additional environmental impacts, which have not been considered in approved SSD 6603, will result from the proposed modification.

Having regard to the above and in light of the assessment presented in the Modification Statement, it is requested that the Minister (or his delegate) approve the proposed modifications to the approved development.

We trust this information is of assistance. Should you wish to discuss further, please do not hesitate to contact the undersigned on 02 8233 7621.

Yours sincerely,



Samantha Wilson
Senior Consultant – Urban Planning