



DW/BG
15391
2 February 2017

The Secretary
NSW Department of Planning & Environment
320 Pitt Street
Sydney NSW 2000

Dear Madam

**RESPONSE TO SUBMISSIONS ADDENDUM - SSD 7445
SITE 9, SYDNEY OLYMPIC PARK**

We write to provide the NSW Department of Planning and Environment (DPE) with an update to the Response to Submissions (RTS) following the public re-exhibition of SSD 7445 application between 2 November 2016 and 1 December 2016.

The application was publicly re-exhibited on account of the amended plans provided as part of the RTS submitted in October 2016 that marginally increased building height above the 122m maximum building height development standard of the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP). Public exhibition occurred in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Seven submissions were received in response to the public exhibition of the EIS, as follows:

- Government authorities and agencies - 5;
- Members of the public – 0.

The proponent, Ecove Group, and its specialist consultant team have reviewed and considered all issues raised. It is noted that the SSDA was also referred to the Office of the Government Architect for comment and a response was received on 5 December 2016.

This addendum, prepared by JBA on behalf of the proponent, sets out the responses to the issues raised in the public re-exhibition in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000*, and details the final project design and final Mitigation Measures for which approval sought. This letter is an addendum to the RTS prepared by JBA and submitted to DPE in October 2016 and should be read in conjunction with it. An addendum to the October 2016 RTS was only considered necessary as the final project design prepared by Bates Smart pursuant to Clause 55 of the EP&A Regulation includes only very minor internal amendments responding to concerns raised by DPE regarding ground floor bicycle storage.

The key issues raised in second round of submissions and referrals can be broadly grouped into the following categories:

- Design, height and floor space;
- Bicycle storage;
- Wastewater mains;
- Vehicular access; and
- Site Contamination and Remediation.

1.0 BACKGROUND

The SSD application was lodged with DPE on 18 April 2016 proposing a 38 storey (124.45m) mixed commercial and residential use building with a GFA of 25,130m² equating to a FSR of 6.17:1.

Amended plans were then lodged that marginally increased the GFA to 25,476m² or 6.25:1 in response to additional ground floor retail tenancies being provided for activation purposes that then relocated plant and bicycle storage to Level 9 and deleting an apartment. This deleted apartment was then relocated to Level 39, within the lift overrun area, resulting in the proposed building exceeding the 122m maximum height development standard.

The SSD application is the product of a competitive design tender process run by SOPA and its design review panel that selected the proposed design as its preferred scheme. This competitive design tender process and overall design scheme was finalised and the SSD application lodged prior to the public exhibition of the 2016 Review.

The Environmental Impact Statement (EIS) in support of the SSD application for the development of Site 9 at Sydney Olympic Park was initially publicly exhibited between 27 April and 30 May 2016.

Seven submissions were received in response to the initial public exhibition of the EIS, with all submissions made by government agencies and authorities and none by the general public. The key issues raised in submissions can be broadly grouped into the following categories:

- Floor space;
- Design; and
- Parking.

The proponent, Ecove Group, and its expert project team considered all issues raised within the submissions made pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*. A considered and detailed response to all submissions made was submitted to DPE in October 2016 (**Appendix A**).

We note that the October 2016 RTS considered the Sydney Olympic Park Master Plan 2030 2016 Review (2016 Review) that was placed on public exhibition between 10 October 2016 and 15 November 2016. A submission prepared by JBA on behalf of Ecove Group is provided at **Appendix B** for your information.

2.0 DPE INFORMATION LETTER FOLLOWING PUBLIC RE-EXHIBITION OF SSD 7445

DPE wrote to JBA on 15 December 2016 with the submissions received from the public re-exhibition attached and also providing a schedule of "Issues and Additional Information" to be addressed. Accordingly, each matter raised is detailed below with a response to each following:

DPE Matter Raised

1. *Building Design*

- *Provide further consideration of the proposed building height having regard to the maximum height provisions in the recently exhibited Draft SOP Master Plan.*
- *Provide consideration of opportunities to increase active land uses to provide further screening and passive surveillance on the levels provided with the above ground car parking.*

JBA Response

Building height

As previously discussed in Section 3.1.1 of the October 2016 RTS (**Appendix A**), the 3.05m technical non-compliance with the 122m maximum height development standard is a consequence of the 300mm rise in the colonnade height of the ground floor and the addition of a single apartment within the roof parapet. Accordingly, the only difference externally to the building is a 300mm or 0.2% increase in building height which is visually imperceptible on a 39 storey building.

We note that Office of Government Architect (OGA) referral response on this issue dated 5 December 2016 that states:

“The proposal is above the allowable height of 122 metres by 3.05 metres, not including the lift overrun. The proponents argue that this is only 1.3 metres above the original proposal, which did not have approval. Some of this height is caused by the addition of an apartment on the roof, which the proponents state, cannot be seen from the street. The height that will be visible from the street will be the parapet, which is 2.75 metres above the maximum height. It is considered that the Masterplan, which has had significant consideration and consultation should be upheld in terms of height. The impact of the extra FSR is not considered significant if the height can be reduced to adhere with the Masterplan”

The amended proposal externally is only 0.3m (not 1.3m as stated by the OGA) above the original proposal that entirely complied with the 122m maximum height development standard. As acknowledged by the OGA the single apartment on the roof will not be visible from the street (or other buildings) as only the parapet extending 3.05m above the Level 38 roof would only be visible. Accordingly, no rationale is provided by the OGA for its insistence for strict compliance with the height development standard in this instance except for that compliance with the SOP Master Plan should be achieved.

The addition of the apartment on the roof was a consequence of moving the bicycle storage from the ground floor to Level 9 and replacing the floor space with retail in order to accommodate DPE's request to increase activation of the through site link of the ground floor. This led to a loss of one apartment from Level 9, which was then replaced behind the roof parapet. Deleting the roof apartment would result in the loss of ground floor retail in order to relocate all Level 9 bicycle storage to the ground floor and therefore reinstate the Level 9 apartment. This is considered unreasonable and unnecessary in this instance given that the result would be a reduction in ground floor retail activation for no visually perceptible reduction in building height.

It is important to note that any minor increase in FSR and building height has come at great expense to the development due to the low dwelling yield efficiency of the proposed building being a “single loaded” core, and thus achieving in excess of 2 hours of solar access in mid winter to 100% of units.

This is an exceptional and rare achievement for a residential tower and was only achieved by sacrificing the dwelling yield efficiency of the floor plate. If the apartments were rearranged in a more traditional manner that locates units on the southern side of the core, the floor plate would be more efficient resulting in more units and the Apartment Design Guideline target of 70% solar access would likely still be achieved. However, the resultant building would not have the same architectural elegance and would not achieve a minimum of 2 hours of solar access to 100% of proposed units on 21 June. To achieve this high standard of design and amenity, the proponent is willing to forego the economic benefit resulting from a more efficient floor plate. In the opinion of JBA, the public benefit of this 100% solar access achievement should carry substantial weight in the merit assessment of the application.

Finally, we understand that SOPA has recently met with DPE regarding the matters raised its letter dated 15 December 2016 and has reiterated that it raises no concerns with the design of the proposed building, including its height and gross floor area.

Building height context

The Sydney Olympic Park (SOP) Master Plan 2030 (2016 Review) was placed on public exhibition in October 2016 and has identified a significant increase the building height for sites north of Site 9 along Olympic Boulevard (ie sites 4A, 4B, 48 & 50) from 122m to 149m. Whilst the maximum building height on Site 9 and Site 12 remain at 122m.

Accordingly, when considering the proposed development in context with the future building envelopes north of the site along Olympic Boulevard that can achieve building heights up to 24m higher under the 2016 Review, the proposed variation sought to the 122m building height development standard is considered minor and would not give rise to adverse streetscape or built form outcomes for Sydney Olympic Park and is considered consistent with the desired future character of the locality (refer to building envelope diagram below at **Figure 1**).

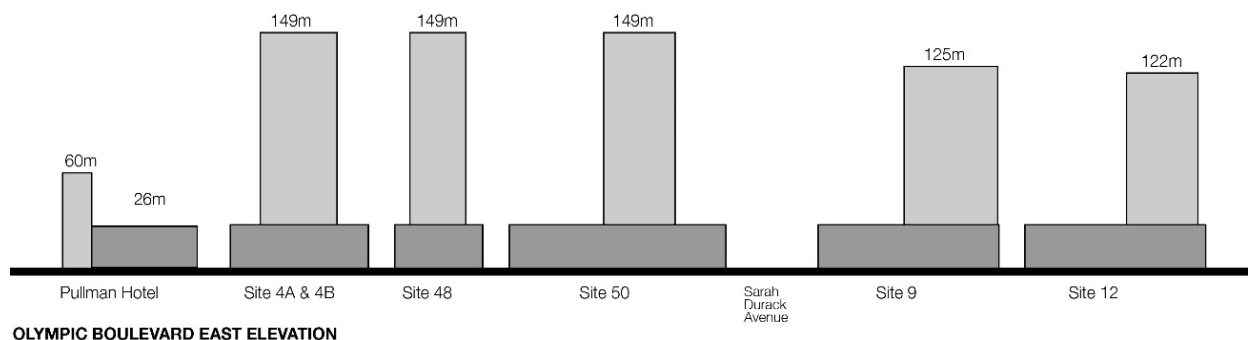


Figure 1 – Building envelopes under SOP Master Plan (2016 Review) along Olympic Boulevard

Level 2 Activation

Sleeving Level 2 with active uses (such as commercial offices or retail) would result in an increase in overall building height in order to accommodate a commercially viable floor to ceiling height on Level 2 of 3m or more. Furthermore, the active uses on this level would result in additional gross floor area (and therefore FSR), a loss of car parking spaces and additional car parking generation that cannot be accommodated within the current podium carpark. Therefore, strictly imposing this requirement would likely lead to the necessity to provide an additional podium level of car parking, thereby further increasing the height of the proposal development. Also, the natural cross ventilation of the Level 2 car parking would be compromised.

In terms of natural surveillance, the ground floor retail uses predominately provide activation, natural surveillance and most importantly effective guardianship of the street public domain. In the opinion of JBA, sleeving Level 2 with active uses (such as commercial office tenants) would have only a modest effect of natural surveillance of the street, and a negligible effect on street activation and effective guardianship. Accordingly, on balance the modest benefits of sleeving Level 2 with active uses are considered outweighed by the substantial detriments as detailed above.

Finally, we understand that SOPA has recently met with DPE regarding the matters raised its letter dated 15 December 2016 and has reiterated that it does not consider sleeving the podium with active uses on Site 9 appropriate in this instance and is therefore supportive of the current design.

DPE Matter Raised

2. Bicycle parking

- *Consider the provision of the resident and employee bicycle parking on the ground level, with secure street access, access to end of trip facilities and direct access into the building.*

JBA Response

We note that bicycle storage was originally removed from the ground floor and replaced by retail floor space upon the request of DPE in order to improve the activation of the through site link. Following the latest request from DPE to provide some bicycle parking on the ground floor, the applicant has attempted to strike a balance to ensure ground floor activation is maintained whilst providing ground floor bicycle storage. This has also resulted in providing 8 bike spaces per floor in the podium in the storage areas and then replacing the converted storage areas in the podium on Level 09 by in turn converting some bicycle spaces into storage spaces. This spreads the bicycle parking provision from the ground floor up to Level 09, but with the majority of spaces provided on the ground floor that is accessible internally from the residential foyer. As such the architectural plans have been amended to accommodate this request as follows:

Ground

- New Bike Storage (reduced retail tenancy). Bike storage has door to the through site link and straight into the corridor leading into the mail room. **(+41 Bike Storage)**
- Retail tenancy area reduced.
- Retail waste room has area as before.

Podium Level 03 -06

- Remove 6 storage and add 8 Bike parking per floor **(+32 Bike Storage)**

Level 09

- 103 Bike parking changed to 24 Storage/bike + 13 Bike Parking **(- 66 Bike storage)**

Totals:

264 bicycle spaces

134 Residential cages w/ bike parking

398 bicycle spaces

DPE Matter Raised

3. Vehicle access

- *Identify the potential traffic impacts of the proposal on Sarah Durack Avenue and Olympic Boulevard, and in particular as a result of vehicles queuing upon entering and exiting the site, and measures to mitigate impacts.*

JBA Response

Correspondence dated 21 December 2016 from PTC (**Appendix D**) responds to the above matter as follows:

"Section 4.3 of the Parking & Traffic Assessment, identifies the impacts of the development on the surrounding road network and the intersection modelling undertaken indicates that the intersections in the vicinity of the development would likely operate between a LOS of A to D during the peak periods and therefore should operate in a similar manner to the existing levels of service.

The trip generation for the development (Section 4.1) sets out an AM Peak of 106 and a PM Peak of 124 vehicles. In this regard the PM traffic generation is likely to produce an additional

vehicle movement every 30 seconds and therefore is unlikely to generate queuing at the entry to the extent that the surrounding roads (Sarah Durack Avenue and Olympic Boulevard) would be negatively impacted."

DPE Matter Raised

4. *Hazardous materials and site contamination*

- *Please provide the Section B Site Audit Statement and Updated Remediation Action Plan (RAP), demonstrating that the site can be remediated to be suitable for the proposed use. These documents must address concerns raised by the Sydney Olympic Park Authority on previous versions of the RAP and supporting management plans, as set out in SOPA's submission (attached).*

JBA Response

The following documents were submitted to DPE and SOPA on 22 December 2016 responding to the above request:

- Section B Site Audit Statement
- Site Audit Report
- Updated Remediation Action Plan
- Hazardous Ground Gas Assessment and Management Plan

We understand that this material has been formally referred to SOPA and is currently being reviewed.

DPE Matter Raised

5. *Wastewater assets*

- *Provide details showing the location of the water mains that traverse the site and options for how these assets may be protected.*

JBA Response

The plans prepared by Warren Smith and Partners at **Appendix E** provides diagrams that indicates the wastewater relocation to circumnavigating the site.

3.0 RTS ADDENDUM APPENDICES

In order to adequately respond to the DPE letter dated 15 December 2016 and the submissions and referral response received, the entire suite of most recent appendices are enclosed.

- A Response to Submissions (October 2016)
JBA
- B Submission to SOP Master Plan 2030 (2016 Review)
JBA
- C Response to Submissions Tables (February 2017 & October 2016)
JBA
- D Traffic Impact Assessment & Correspondence and letters dated 1 February 2017 & 21 December 2016
Parking & Traffic Consultants
- E Water Cycle Management Plan & Wastewater Mapping
AJ Whipps & WSP
- F Site Audit Statement, Site Audit Report, Remediation Action Plan and Hazardous Ground Gas Assessment and Management Plan
DLA Environmental
- G Architectural Drawings and Design Report
Bates Smart
- H Construction Hours Acoustic Statement
Renzo Tonin & Associates
- I Acoustic Assessment
Renzo Tonin & Associates
- J Waste Management Plan
Elephants Foot
- K BCA Report
McKenzie Group
- L Access Report
Accessibility Solutions
- M BASIX Expert Judgement
Arup
- N Preliminary Fire Safety Measures
Defire
- O Landscape Drawings and Report
Turf Design Studio
- P SEPP 33 Letter
DLA Environmental
- Q DRP Advice Sheet
SOPA
- R Letter from SOPA
SOPA

4.0 CONCLUSION

The proponent, Ecove Group, and its expert project team have considered all submissions made in relation to the public re-exhibition of the development of Site 9 at Sydney Olympic Park. A considered and detailed response to all submissions made and DPE's comments from the public re-notification of the SSD application has been provided within the RTS Addendum and the accompanying documentation.

In responding and addressing the bicycle parking issue raised by DPE the applicant has sought to refine the project design, with all key elements of the proposed development as originally proposed and exhibited remaining unchanged. The matters raised by the five submissions by government agencies have been addressed with the submission of additional material, previously addressed in the October 2016 RTS or accepted as conditions of development consent. We have also carefully considered the urban design and building height matters raised by DPE and the OGA and have provided further justification for the proposed design.

In conclusion, in the opinion of JBA the proposed development will make a valuable contribution to the urban fabric of Olympic Park which is entirely supported by the SOPA. The proposed development of Site 9 is a significant component in fulfilling SOPA's and the NSW Government's desire to transform appropriate precincts within Sydney Olympic Park into a dynamic and highly active mixed use urban environment that provides high quality housing. The provision of well designed and appropriate residential, commercial and retail floor space will deliver improved social and economic outcomes for NSW.

Should you have any queries about this matter, please do not hesitate to contact myself or Bernard Gallagher on 02 9956 6962.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Daniel West', with a long horizontal stroke extending to the right.

Daniel West
Principal Planner