



**TOWER 2, LEVEL 23
DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

12 December 2016

NSW Department of Planning and Environment
Level 22, 320 Pitt Street
Sydney 2000

CC: **Sydney Olympic Park Authority**
8 Australia Avenue
Sydney Olympic Park NSW 2127

Dear Sir/Madam,

SUBMISSION TO SYDNEY OLYMPIC PARK MASTER PLAN 2030 (2016 REVIEW) AND STATE SIGNIFICANT PRECINCTS SEPP AMENDMENT

1. INTRODUCTION

We write on behalf of Mirvac Projects Pty Ltd to provide a submission to the Sydney Olympic Park Master Plan 2030 (2016 Review) and the associated amendments to *State Environmental Planning Policy (State Significant Precincts) 2005*.

Mirvac has entered into a Project Delivery Agreement with Sydney Olympic Park Authority (SOPA) for the future redevelopment of **Site 53, 2 Fig Tree Drive, Sydney Olympic Park**. SOPA advised Mirvac of the impending 2016 Review and associated amendments to *State Environmental Planning Policy (State Significant Precincts) 2005* in October 2015.

Between October 2015 and November 2016, BVN Architecture developed a scheme for Site 53 in consultation with SOPA and the Design Review Panel based on the communicated draft building controls.

In December 2016, Mirvac lodged a State Significant Development Application (SSD 16_7662) with the NSW Department of Planning and Environment. The Application seeks consent for a mixed-use development comprising:

- Four residential flat buildings, ranging in height from 9 to 31 storeys, comprising 694 one, two and three bedroom apartments;
- A landscaped ground plane, comprising private communal open space, deep soil landscaping, an interpretive children's play area, and a 20 metre wide view corridor to the Bicentennial Marker;

- A small retail / commercial area of approximately 1,500m² gross floor area, potentially suitable for a small supermarket or convenience store, to be transferred to Sydney Olympic Park Authority on completion;
- Five levels of basement parking, comprising 77 visitor / retail car parking spaces and 777 residential car parking spaces;
- Construction of part of a new access road located on the western boundary of the site, as identified within the Sydney Olympic Park Master Plan 2030; and
- Subdivision of the site into five lots providing for the new street, retail plaza, linear park, retail allotment, and residential allotment.

Figure 1 provides a perspective view of the Site 53 proposed development when viewed from Fig Tree Drive.

Figure 1 – Perspective View – SSD 16_7662



2. DESIGN DEVELOPMENT AND PLANNING PROCESS

Table 1 provides a summary of the relevant milestones in the design development and planning process for Site 53 to date.

Table 1 – Design Development and Planning Process

Timeframe	Outcome
Dec 2014 – Jan 2015	Mirvac held an invited single-stage Design Excellence Competition for Site 53.
February 2015	BVN were awarded the winners of the Design Excellence Competition for Site 53.
August 2015	SSD 15_7033 lodged with DPE. Application was approved in July 2016.
October 2015	Advised of impending 2016 Review of the Sydney Olympic Park Master Plan 2030 and associated amendments to <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> . Design development of “New scheme” commenced.
November 2015	Indicative built form controls communicated by SOPA, including 30, 20 and 8-storey building height zones and a 5:1 floor space ratio.
December 2015	1 st presentation to SOPA – concept massing / design.
March 2016	Design workshop held with SOPA’s planning and development officers. 1 st presentation to DPE – concept massing / design. 1 st presentation to SOPA’s Design Review Panel - concept massing / design.
June 2016	Presentation of design to SOPA’s Access Committee.
August 2016	SOPA provided Land Owner’s Consent.
September 2016	2 nd presentation to SOPA’s Design Review Panel – detailed design.
October 2016	Exhibition of the 2016 Review of the Sydney Olympic Park Master Plan 2030 and associated amendments to SEPP State Significant Precincts. 2 nd presentation to DPE - detailed design.
November 2016	3 rd presentation to SOPA – final proposed design. 3 rd presentation to SOPA’s Design Review Panel – final proposed design. SOPA provided revised Land Owner’s Consent.
December 2016	SSD 16_7662 submitted to DPE.

3. KEY ISSUES

On behalf of Mirvac, we welcome the release of the 2016 Review and associated *SEPP State Significant Precincts 2005* amendments and thank-you for the opportunity to provide our feedback on the draft controls. The following key issues are identified as specific to the future redevelopment of Site 53 and SSD 16_7662 currently under assessment:

1. Design excellence competition requirement;
2. Maximum floor space ratio development standard;
3. Maximum height of building development standard;
4. Solar access requirement;
5. Retail land use and design requirements; and
6. Tower footprint requirements.

These items are discussed in further detail in the following sections and recommendations are provided for consideration by SOPA and DPE prior to the finalisation of the 2016 review and associated *SEPP State Significant Precincts 2005* amendments.

3.1. DESIGN EXCELLENCE COMPETITION

Section 4.6.10 of the 2016 Review provides Design Excellence Controls applicable to sites identified in Figure 4.6 – Design Competition Sites Plan. The Controls require that the applicant demonstrate that the proposed design is the result of a design competition undertaken prior to the application process, and in accordance with SOPA's requirements for design competition processes. The Controls also require that the consent authority consider whether the proposed development exhibits design excellence and is the result of a design competition.

Where the consent authority is satisfied that the proposed development exhibits design excellence and is based on the preferred scheme selected through a design competition process, a bonus floor space allocation of up to 10% may be permitted.

The **Site 53, Sydney Olympic Park: Design Excellence Competition** was held between December 2014 and January 2015. The Competition was conducted in accordance with the design excellence provisions of the Sydney Olympic Park Master Plan 2030, SOPA's Design Competition Guidelines 2014, and the endorsed Design Competition Brief, which sought architectural schemes for a mixed-use development comprising more than 400 dwellings, a supermarket, basement car parking, and a landscaped ground plane.

The Competition was run as an invited single-stage process. The four architectural practices invited to participate included BVN, Mirvac Design, PTW, and Tony Caro Architecture. In accordance with the Competition Brief, the Jury decided upon a winning proposal by unanimous agreement, being the scheme presented by BVN.

Following the completion of the Site 53 Design Excellence Competition and the announcement of the 2016 Review, SOPA wrote to Mirvac on 1 July 2016 to confirm: *"SOPA does not support the requirement for a competitive design process... for the new scheme"*. SOPA's justification for excluding Site 53 is stated as: *"Notwithstanding the proposed change to the Floor Space Ratio and the Building Height for the subject site we note that the new scheme maintains the key design elements of the original competition winning scheme including:*

- *The 20-metre-wide viewing corridor*
- *Single level podium providing at grade access to the four residential buildings*
- *Face brick work to key facades of the development*
- *In excess of 70% solar access (2hrs) to apartments in accordance with ADG*
- *Significant resident amenity within the central courtyard*
- *Compliance with access guidelines as provided for under Master Plan 2030 "*

Based on this advice, it was our understanding that Site 53 would not be identified in the 2016 Review as a Design Competition Site. It is our opinion that the inclusion of Site 53 is unnecessary and unreasonable given that a Design Competition has previously been conducted in accordance with the design excellence provisions of the Sydney Olympic Park Master Plan 2030 and SOPA's Design Competition Guidelines 2014, and the winning Architect has been retained by Mirvac to prepare the new scheme for the future development of Site 53.

Recommendation 1: It is recommended that Site 53 is removed from Figure 4.6 – Design Competition Sites Plan in Section 4.6.10 of the 2016 Review to acknowledge the competition of the Site 53 Design Excellence Competition and the appointment of the winning Architect, BVN.

3.2. FLOOR SPACE RATIO

The draft amendment to SEPP State Significant Precincts 2005 and the 2016 Review specifies a floor space ratio of 4.5:1 for Site 53. As described above, Section 4.6.10 of the 2016 Review allows for a bonus floor space allocation of up to 10% where the consent authority is satisfied that the proposed development exhibits design excellence and is based on the preferred scheme selected through a design competition process. This would result in a maximum floor space ratio of 4.95:1 for Site 53.

As a Design Excellence Competition has previously been conducted in accordance with the design excellence provisions of the Sydney Olympic Park Master Plan 2030 and SOPA's Design Competition Guidelines 2014, and the winning Architect has been retained by Mirvac, it is our opinion that Site 53 should be removed from Figure 4.6 – Design Competition Sites Plan in Section 4.6.10 of the 2016 Review. Accordingly, a floor space ratio of 5:1 should be allocated to Site 53 to acknowledge the extensive design excellence process that has previously been undertaken by Mirvac and to reflect the future desired character of the site, the Central Precinct, and the development sites fronting Australia Avenue.

Recommendation 2: It is recommended that the draft Floor Space Ratio Map contained within the proposed amendment to SEPP State Significant Precincts 2005 and Figure 5.6 Central Precinct Site Floor Space Ratios Plan of the 2016 Review are amended to provide a floor space ratio of 5:1 for Site 53.

3.3. HEIGHT OF BUILDINGS

The draft amendment to SEPP State Significant Precincts 2005 specifies three maximum height of building standards applicable to Site 53, including 33m, 74m and 102m. The 2016 Review translates these maximum height of building standards to heights in storeys as follows (refer Figure 2):

- 33m = 8-storeys
- 74m = 20-storeys
- 102m = 30-storeys

Figure 2 – Central Precinct Building Heights Plan

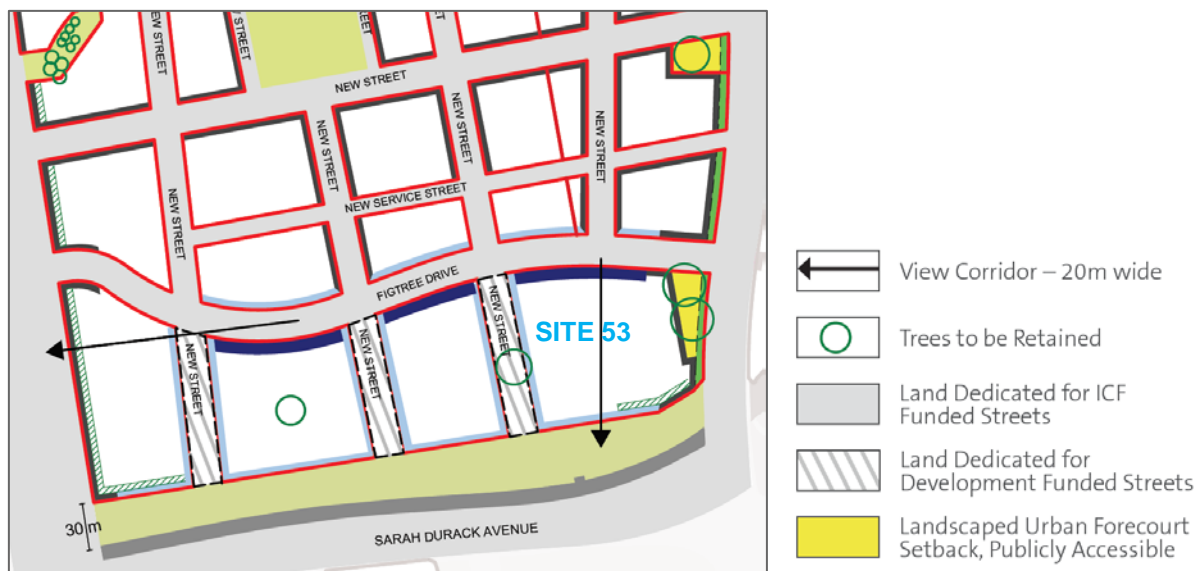


Given the highly constrained nature of Site 53 it is our opinion that the allocation of six different height of building standards across the site is unreasonable and unnecessary. As shown on Figure 5.9 Central Precinct Building Zones and Setbacks Plan of the 2016 Review, Site 53 is required to provide a 20m view corridor which splits the site in two, the retention of three existing significant Fig Trees, a large publicly accessible landscaped urban forecourt on the corner of Australia Avenue, and half of 'New Street' along the western boundary (refer Figure 3).

Site 53 must also accommodate a 'no-throw-zone' setback to the Olympic Park Railway Line and a large easement on the southern boundary. These site-specific requirements significantly reduce the amount of 'developable' land within Site 53.

Furthermore, the requirement for 6-8 storey block edge with towers above on Site 53 and across the entirety of the Central Precinct will create a monotonous built form and urban design outcome and will impact on the ability for future development to achieve compliance with the residential amenity requirements of the Apartment Design Guide and the 2016 Review. This form is likely to cause overshadowing of the public domain and adjacent properties, as well as visual and acoustic privacy concerns.

Figure 3 – Central Precinct Building Zones and Setbacks Plan



Site 53's location at the gateway to Sydney Olympic Park provides a unique opportunity to create a landmark building and provide an 'entry gateway' to the precinct for those approaching from the south on Australia Avenue. The adjacent 'Opal Tower' on Site 68 is currently under construction and has a maximum height limit of 116.7 metres or 37-storeys.

It is our view that a landmark tower of commensurate height and form would provide a better urban design and built form outcome than the 30-storey proposal under the 2016 Review. In addition, this would allow for a slenderer tower on Site 53, thus reducing the bulk and scale of the development and providing better articulation of the east and west core.

Furthermore, the variation in height would allow for a natural transition between the approved 37-storey 'Opal Tower' on Site 68 to the recently completed 30-storey 'Australia Towers' on Site 3, and the proposed 30-storey towers along Australia Avenue.

Unlike many other sites within the Central Precinct and along Australia Avenue, Site 53 can accommodate a taller tower within the south-east corner of the site without creating any significant impacts on adjacent properties. For example, due to the location of the site and surrounding uses, shadows cast by a taller tower on the south-east corner of Site 53 will impact on the Olympic Park Railway Line and Bicentennial Marker beyond only.

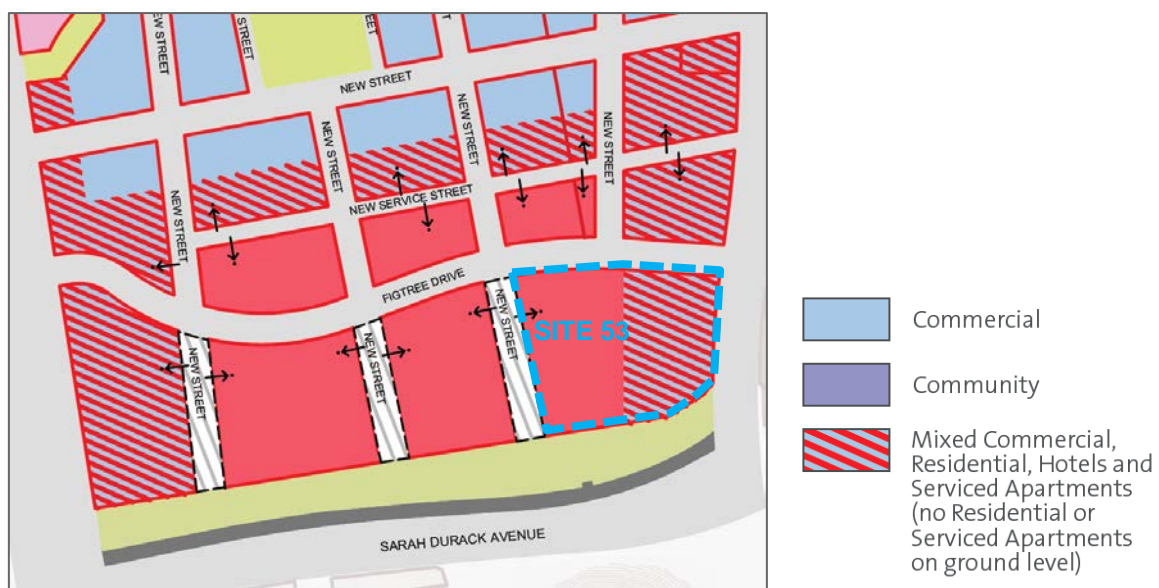
It is our opinion that the maximum height of building controls, when combined with the site-specific requirements of the 2016 Review, restrict the future development potential of this significant gateway site at the entrance to Sydney Olympic Park.

Recommendation 3: It is recommended that the draft amendment to SEPP State Significant Precincts 2015 be revised to allow for a maximum building height of 120m on Site 53, in order to deliver an 'entry gateway' to Sydney Olympic Park. Further, it is recommended that various maximum building heights specified across Site 53 be reconsidered to allow for a greater flexibility in building design and height transition across the site and precinct.

3.4. RETAIL

Section 5.2.4 of the 2016 Review provides Land Use Controls applicable to the Central Precinct. Figure 5.7 Central Precinct Land Uses Plan specifies 'Mixed Commercial, Residential, Hotels and Serviced Apartments' land uses for the eastern portion of Site 53, and states no Residential or Serviced Apartments are permitted on ground level.

Figure 4 – Central Precinct Land Uses Plan



Section 4.3 of the 2016 Review provides controls relating to Retail and Active Frontages. Figure 4.1 Active Frontages Plan identifies the eastern boundary (Australia Avenue) of the site for 'Primary Retail Frontages' and mandates a double height active frontage for a minimum of 90% of the frontage. Figure 4.2 Awnings and Colonnades Plan also requires a 2-storey minimum 8m high street colonnade on the eastern boundary (Australia Avenue) of the site.

The Project Delivery Agreement between Mirvac and SOPA requires the construction and dedication of a retail lot with a minimum gross floor area of 1,500m². The retail lot has been carefully designed in consultation with SOPA to ensure it is suitable for a small supermarket. The retail lot will have a floor to ceiling height of 4.45m.

The location, orientation and design of the retail lot was developed as part of the Design Excellence Competition for Site 53 and has been the subject of extensive design development and consultation with SOPA and the Design Review Panel. The requirement for a double height retail frontage and double height colonnade on Australia Avenue is inconsistent with the agreed design for the retail lot on Site 53.

Furthermore, there is a significant change in height across the eastern boundary of the site, from a high point in the north-east corner to a low point in the south-east corner. This significant change in level limits the opportunity to provide a single level retail lot across the eastern portion of the site.

Recommendation 4: It is recommended that the 2016 Review be amended to remove the requirement for no Residential on ground level across the eastern portion of the site, and double height active frontage and two-storey colonnade on Australia Avenue to allow for the future development of a single level supermarket, in accordance with the Project Delivery Agreement.

3.5. SOLAR ACCESS

Section 4.6.17 of the 2016 Review provides Residential Building Controls, which aim to “*ensure a high-quality living environment with good design, amenity and environmental sustainability for residents of Sydney Olympic Park*”.

Control 1 relates to the application of *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide and states: “*The SEPP 65 Apartment Design Guide are to be applied to all residential and mixed use developments.*”

Section 4A of the Apartment Design Guide provides the following design criteria for Solar and daylight access: “*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.*”

Pursuant to Clause 6A of SEPP 65 development control plans cannot be inconsistent with the ‘solar and daylight access’ requirements of the Apartment Design Guide.

Control 16 relates to Solar Access and states: “*To achieve high quality living environments: provide a minimum of three hours of direct sunlight per day to living rooms and private open spaces in at least 75 per cent of dwellings within a residential development on 30 June.*”

It is our opinion that the 2016 Review requirement for 3 hours of direct sunlight in at least 75% of dwellings is excessive and unachievable within the future dense urban environment of Sydney Olympic Park. Furthermore, the inconsistency between the Apartment Design Guide and the 2016 Review requirements for solar and daylight access contradict State Government’s intention to simplify and standardise certain residential apartment development design controls.

Recommendation 5: It is recommended that Control 16 of Section 4.6.17 is amended to reflect the requirements for solar and daylight access stated in the Apartment Design Guide.

3.6. FLOOR PLATE

Section 4.6.8 of the 2016 Review provides Tower Building Controls applicable to buildings over 8 storeys. **Control 3** provides Tower Footprint and Setbacks and states: “tower building footprint to a maximum of 800m² (Gross Building Area) are encouraged”. In addition, **Control 9** provides Maximum Horizontal Dimensions for residential buildings and states: “floor plates over 600m² GBA and 25m in length should be articulated into separate wings around each lift/lobby zone. Floor plates for levels above 15 storeys should not exceed 800m² GBA”.

In comparison, the Parramatta CBD Planning Strategy (April 2015) provides the following development controls related to ‘Tower Slenderness’:

- For sites greater than 1,000m², the floorplate Gross Building Area (measured to the external facade of the building, including balconies) of residential towers should be limited to a maximum of:
 - 800m² for residential buildings up to 75 m in height (approx. 25 storeys).
 - 950m² for residential buildings which are 75 - 105 m in height (approx. 25 - 35 storeys).
 - 1,100m² for residential buildings greater than 105 m in height (approx. 35 storeys).
- For sites less than 1,000 m², the floorplate Gross Building Area (measured to the external facade of the building, including balconies) of residential towers will be determined through the excellence process.

It is our opinion that the 800m² footprint control is overly restrictive and does not provide for an efficient, economical ‘tower’ design. With increased building heights, the sizes of structural elements and service risers also increase, along with the need for additional lifts. These increased base building requirements significantly reduce the allowable GFA and result in an uneconomical footprint.

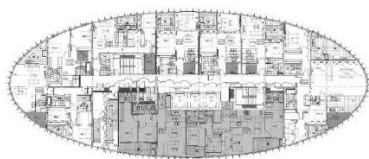
As shown in Figure 5, the recently completed Australia Tower 2 at Site 3 is estimated to have a footprint of 1,100m², the recently approved Opal Tower at Site 68 is estimated to have a footprint of 1,315m², and the Site 9 proposal currently under assessment by DPE is estimated to have a footprint of 990m². The proposed design for the Site 53 redevelopment is consistent with this established precedent.

The proposal incorporates two towers with footprints greater than 800m² (Building 2 at 1,300m² and Building 4 at 1,200m²). To offset the potential visual impact of the larger footprints, the proposed buildings have been split into two distinct forms, and the facade articulated with setbacks, kick-outs and a distinct material palette.

Recommendation 6: It is recommended that Section 4.6.8 of the 2016 Review is amended to allow for flexibility in tower design to respond to individual site opportunities and constraints and provide an efficient and economical solution. Specifically, it is recommended that Control 3 and Control 9 are either removed or the numerical standards increased in line with the established precedent within Sydney Olympic Park.

Figure 5 – Tower Footprint Comparison

AUSTRALIA TOWER II – SOPA SITE 3
(Bates Smart Architects)



30-storeys, 1,100m²

SOPA SITE 53 - 2 FIGTREE DRIVE
PROPOSED BUILDING 2



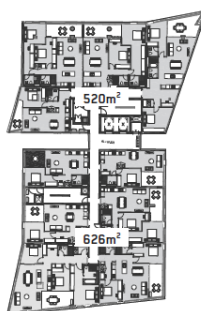
31/28-storeys, 1,300m²

OPAL TOWER - SITE 68
(Bates Smart Architects)



37-storeys, 1,315m²

SOPA SITE 53 - 2 FIGTREE DRIVE
PROPOSED BUILDING 4



22/23-storeys, 1,200m²

SOPA SITE 9
(Bates Smart Architects)



38-storeys, 880m²

4. SUMMARY

In summary, it is our opinion that the controls contained within the 2016 Review are overly prescriptive and limit the opportunity to deliver a high quality architectural and urban design scheme for Site 53. It would appear the opportunities and constraints unique to Site 53 have not been considered as part of the development of the land use and built form controls, nor has the previously completed Design Excellence process or the extensive consultation with SOPA and the Design Review Panel.

On behalf of Mirvac, we would like to thank-you for providing us with the opportunity to review the draft controls prior to the finalisation of the 2016 Review and associated SEPP amendment. We ask that SOPA and the Department consider the recommendations provided in this submission when completing the 2016 Review process.

Should you have any questions regarding this submission please do not hesitate to contact the undersigned on (02) 8233 7621.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Wilson", with a stylized flourish at the end.

Samantha Wilson
Senior Consultant – Urban Planning