

17th October 2017

Ms. Alix Carpenter
Sydney Olympic Park Authority
Level 1, 8 Australia Avenue,
SYDNEY OLYMPIC PARK, NSW 2127

Dear Ms Carpenter,

**RE: HEIGHT EXCEEDANCE JUSTIFICATION
SITE YP, MURRAY ROSE AVENUE, SYDNEY OLYMPIC PARK**

Clause 18 of Part 23 in Schedule 3 of *State Environmental Planning Policy (State Significant Precincts) 2005* nominates a maximum building height of 9 metres from natural ground level for development on Site YP. The proposed building has been designed to have a maximum height of 10.86 metres above ground level along Olympic Boulevard. This reflects a height exceedance of approximately 1.86 metres above the maximum height limit permitted by the SEPP.

Clause 22 of Part 23 in Schedule 3 provides statutory provisions for a consent authority to consider variations to development standards such as maximum building height. In this case, the total height of the proposed building exceeds the nominated standard of 9 metres by some 1.86 metres. The following images illustrate the proposed exceedance in permissible height.

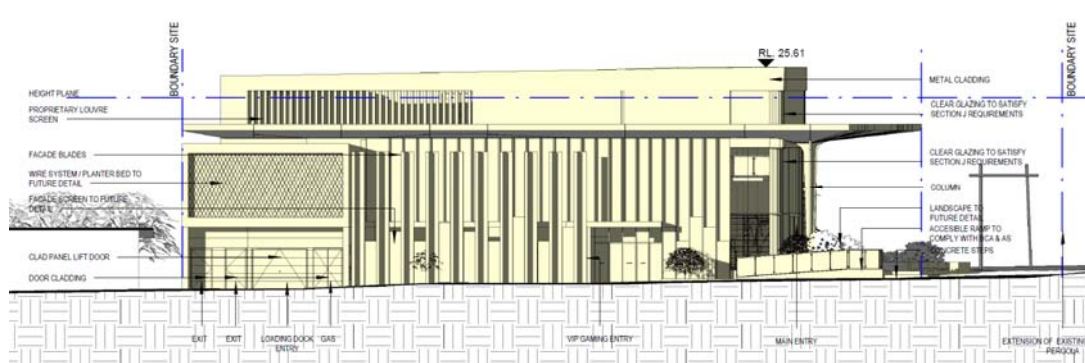


Figure 4.1: Western Elevation (Olympic Boulevard)

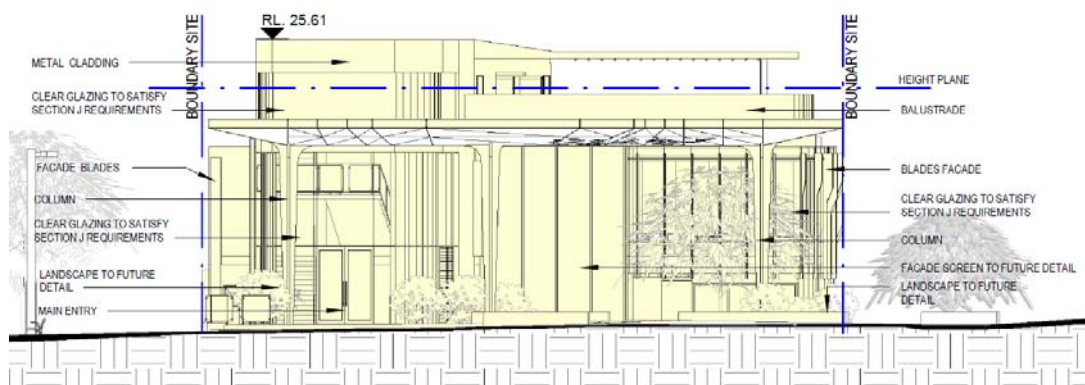


Figure 4.2: Southern Elevation (The Yulang)

The following table provides reference to the relevant provisions of Clause 22 in relation to the proposed development.

Table 1: Exceptions to Development Standards

Cl. 22	Consideration	Proposal
2	<i>The objectives of this clause are:</i>	Clause 22 provides flexibility for the consent authority to consider variations such as that proposed. The 1.86 metre variance reflects a relatively minor variation when considered in the context of this site and surrounding buildings/structures.
(a)	<i>to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</i>	
(b)	<i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i>	
3	<i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	This clause is not expressly excluded with regard to the 'height' development standard contained within the SEPP.
4	<i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i>	This section, and the attached submission constitutes a written request upon which we ask SOPA to consider this proposed variation in permissible height.
(a)	<i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i>	<p>The proposed design is based on the successful design selected as a result of a design competition. This process was carried out by the proponent and included representatives from SOPA, SOPA's Design Review Panel and the proponent. The evaluation of the winning design scheme is provided below:</p> <p>'The Jury was unanimous in its decision to select the Altis scheme as the winner of the competition. The Jury gained confidence in the ability of the architect to deliver a building of an appropriately high design standard already evident in Sydney Olympic Park. This confidence was gained from elements such as:</p> <ul style="list-style-type: none"> ▪ <i>The floating roof concept which gave the building a strong identity;</i> ▪ <i>The integration of landscape into the entry sequence to the building;</i> ▪ <i>The spatial qualities of the internal volumes of the Pub;</i>

Cl. 22	Consideration	Proposal
		<ul style="list-style-type: none"> ▪ <i>The roof top terrace;</i> ▪ <i>The transparency of the building;</i> ▪ <i>The operational resolution of the scheme; and</i> ▪ <i>The cost effectiveness of the proposal'.</i> <p>The proposed building is positioned in a substantial public space, surrounding by numerous significant public buildings and structures. The proposed height exceedance is inconsequential in this context and will not result in a negative visual or environmental impacts for the site or locality. In fact, the proposed building provides a height and volume that is more in keeping with the locality and it would be detrimental to the project to reduce this height.</p> <p>It therefore seems unreasonable and unnecessary to impose an arbitrary height limit on the proposal, particularly when it has been subjected to a design competition process.</p> <p>It is worth noting that all competition entrants provided schemes that exceeded the nominated height limit.</p>
	(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i>	As noted above, it seems clear that there are sufficient environmental planning grounds to justify contravening the nominated height standard for this site.
5	<i>Development consent must not be granted for development that contravenes a development standard unless:</i>	
	(a) <i>the consent authority is satisfied that:</i>	
	(i) <i>the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and</i>	The proposed development, although 1.86 metres higher than would otherwise be permitted, remains consistent with the relevant objectives for development within this location. Furthermore, the proposed design reflects the successful design resulting from a design competition.
	(ii) <i>the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i>	
	(b) <i>the concurrence of the Director-General has been obtained.</i>	SOPA is obliged to refer this request the Department of Planning and Environment for concurrence.



FDC is of the opinion that this minimal variation in height will not raise any matter of significance for any other State or regional environmental planning instruments. The proposed contravention will provide a public benefit by creating a building that is consistent with SOPA vision for the site and locality. It is unlikely to negatively affect the local environment or visual amenity of the site and locality and should therefore be seen as a reasonable exception to the applicable development standard.

It is therefore requested that SOPA obtain concurrence from the Department of Planning and Environment for this variance during the assessment process.

Should you have any queries in relation to this documentation, please contact the undersigned on 8117 5104 or 0401 061 119.

Yours sincerely

FDC Construction and Fitout Pty Ltd

A handwritten signature in black ink, appearing to read 'Tim Bainbridge'.

Tim Bainbridge
Planning Manager