



Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

11 September 2015

Dear Ms McNally

**Subject: Determination of Modification 2 for Residential Development at 100 Bennelong Parkway, Sydney Olympic Park, Auburn LGA**

I refer to your Department's letter received on 28 August 2015 referring the above modification to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011.

Ms Lynelle Briggs AO, Chair of the Planning Assessment Commission, nominated me to constitute the Commission for the project.

The application seeks to increase the approved heights for Buildings A, B and C by up to 1.8m. I understand the modification is in response to changes made by the Sydney Olympic Park Authority (SOPA) to the level of the adjoining internal road and would also provide an additional 500mm freeboard for flood protection.

The proposal would result in Buildings A and C exceeding the height control in the *State Environmental Planning Policy (Major Development) 2005*, which applies to the site. I note that the original approval already allows for Building C to exceed the height control by up to 1.5 metres in response to the topography of the site. I note that the proposed variation is relatively minor, will result in a better relationship and ground floor residential amenity between the buildings and the adjoining public domain and that the proposal does not include any change in the number of floors nor the gross floor area of the building.

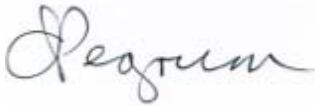
SOPA initially raised some concerns about the level of information supplied on overshadowing, the flood freeboard requirements and public domain/landscaping treatments. Following consideration of additional information provided by the Applicant to address these matters SOPA has confirmed that it has 'no further issues to raise regarding the application'. I note Auburn City Council has also advised it has no objection to the proposal.

I have carefully considered the Department's assessment report and its findings that the proposed increase in height is acceptable. It notes that increased overshadowing impacts would be minor and acceptable in the context of the dense urban environment and that the modification leads to a better relationship between the approved buildings and the adjoining public domain. The Department also found that the modified proposal would not affect compliance with the planning objectives of the site and that it maintains compliance with the requirements of SEPP 65.

I note that the existing conditions of consent require that the buildings comply with the Building Code of Australia and that this will ensure that access and facilities for people with a disability is maintained despite the changes in levels.

Consequently I have determined to approve the modification, subject to the Department's recommended modifying instrument. The signed modifying instrument and file (15/11315-1) are returned herewith.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Pegrum'.

Annabelle Pegrum AM  
Member  
Planning Assessment Commission

cc.           The Hon. Rob Stokes, MP  
              Minister for Planning  
              GPO Box 5341  
              SYDNEY NSW 2001