



***Site 53,
No.2 Figtree
Drive, Sydney
Olympic Park -
Minor Internal
and External
Alterations***

State Significant
Development
Modification Assessment
(SSD 7662 MOD 3)

November 2019

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
Applicant	Mirvac Projects Pty Ltd
Application	SSD 7662 MOD 3
BCA	Building Code of Australia
CBD	Central Business District
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Parramatta Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GSRP	Greater Sydney Region Plan
LEP	Local Environmental Plan
LGA	Local Government Area
Master Plan	Sydney Olympic Park Master Plan 2030
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify State Significant development consent (SSD 7662) for a mixed-use development at 2 Figtree Drive, Sydney Olympic Park (SOP).

The application has been lodged by Mirvac Projects Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and seeks to make minor internal and external alterations to the approved development.

1.1 Background

The site is located at 2 Figtree Drive within SOP and is legally described as Lot 22 in DP 787402 and part Lot 10 in DP 1185060. The site is bounded by Australia Avenue to the east, Figtree Drive to the north, a commercial building at 4 Figtree Drive to the west, and a landscaped corridor known as Linear Park to the south, which adjoins the Olympic Park Railway Line (**Figures 1 and 2**). The site is located in the Parramatta local government area (LGA) and has a total area of 12,697 m².



Figure 1 | Site location (Base source: Nearmaps)

Following the completion of the 2000 Olympics, SOP has undergone a significant urban transformation into a high-density mixed-use precinct. Whilst SOP continues to be one of Sydney and Australia's premier sporting and entertainment precincts, it also supports an emerging town centre with a range of commercial office, retail and residential uses, expansive urban parklands, heritage areas and protected ecological habitats (**Figure 2**).

The SOP area is located approximately 14 km west of the Sydney CBD, and 8 km east of the Parramatta CBD, and extends from the Parramatta River in the north to the M4 Motorway and Parramatta Road in the south.

SOP is managed by the Sydney Olympic Park Authority (SOPA), who manage the development of SOP through the Sydney Olympic Park Master Plan 2030 (the Master Plan). SOP is also identified as a Strategic Centre in the Greater Sydney Region Plan, and forms part of the Greater Parramatta to Olympic Peninsula Economic Corridor, stretching from Westmead, through to the Parramatta CBD, Silverwater and SOP.



Figure 2 | Sydney Olympic Park with the site shown in red (Base source: Google Maps)

1.2 Approval History

On 8 September 2017, development consent was granted by the Acting Executive Director, Key Sites and Industry Assessments, for a mixed-use development at Site 53, 2 Figtree Drive, Sydney Olympic Park (SSD 7662), including:

- a total Gross Floor Area (GFA) of 62,655 m², comprising 61,155 m² of residential GFA (705 apartments) and 1500 m² of retail GFA
- four residential buildings, with ground floor retail, ranging in height between nine and 35 storeys
- a basement car park with 720 car parking spaces
- landscaping, access and public domain works.

The layout of the approved development is shown at **Figure 3**. The Department notes the fourth building in the development is known as Building 5.

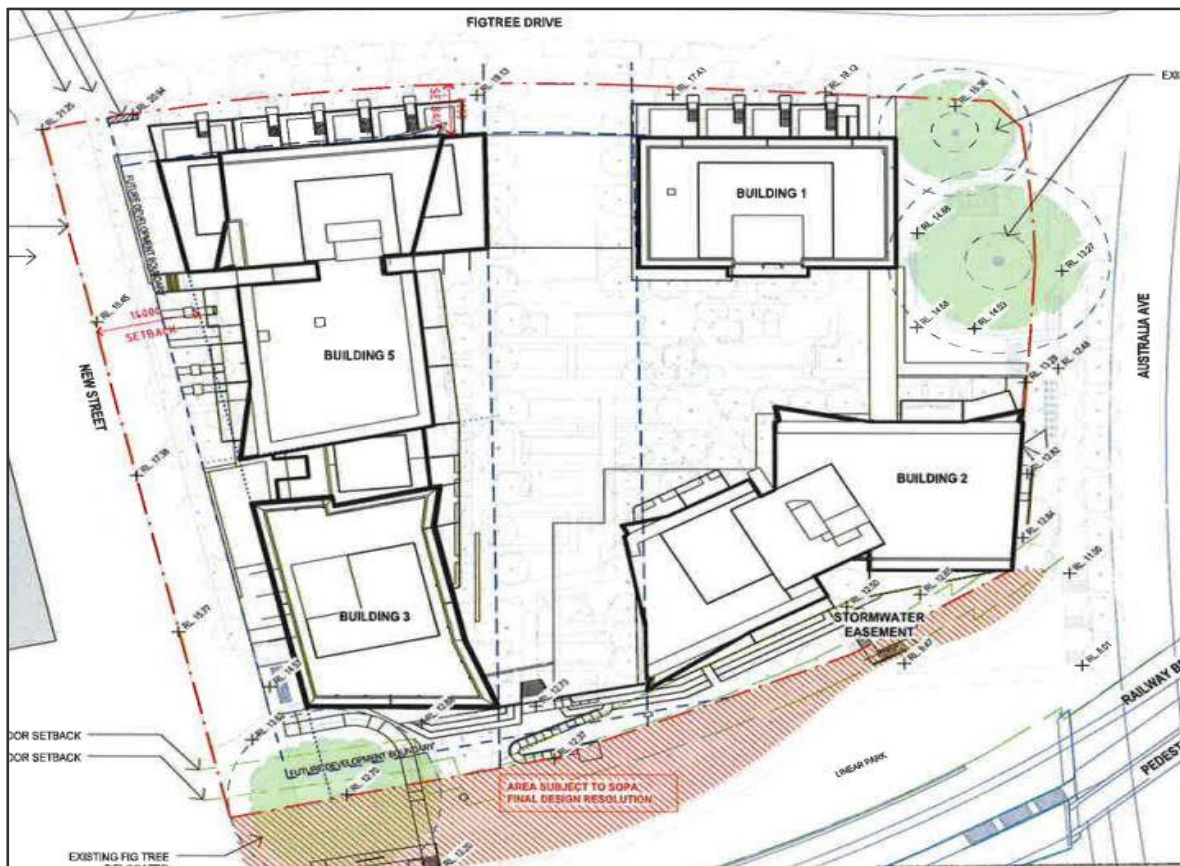


Figure 3 | Approved development layout (Source: SSD 7662)

MOD 1

On 6 December 2018, the Director, Key Sites Assessments, approved SSD 7662 MOD 1 for alterations including:

- reduction in units from 705 to 698
- provision of new communal recreation space, pet cleaning room, music room and bicycle repair workshop
- increase in height of lift overrun and area of rooftop plant area services, provision of new awnings, new and expanded balconies and courtyards
- external alterations to louvres, privacy screens and external stairs and windows
- decrease bicycle parking spaces from 1025 to 1017
- internal alterations, including alterations to the basement.

MOD 2

On 28 March 2019, the Director, Key Sites Assessments, approved SSD 7662 MOD 2 including a new sky bridge and relocation of indoor communal space.



2. Proposed Modification

The proposal seeks approval for modifications to the approved mixed-use development (SSD 7662) including:

- reinstatement of the brick finish to the entry 'portal' gates to ground floor terraces of Building 1
- addition of an awning above the pedestrian lift on Building 1
- conversion of 10 x 2 bedroom apartments into 10 x 1 bedroom and study apartments on Level 12 to 21 of Building 2
- deletion of a secondary window in a bedroom in Apartment 22303 and 22403 on Level 23 and 24 of Building 2
- realignment of roof plant and associated screen on south-western edge on Level 25 of Building 2
- deletion of a window in the balcony of Apartment 52305 on Level 23 of Building 5
- reduction to the size of the roof plant and associated screen on Level 24 of Building 5
- amendment to Condition B11 by reducing the number of visitor/commercial/retail spaces from 71 to 70 and increasing the number of residential spaces from 655 to 656
- amendment to Condition B12 by decreasing the minimum number of bicycle parking spaces from 1,017 to 1,013, reducing the number of bikes spaces from 812 to 809 and reducing the number of residential visitor spaces from 175 to 174.

The modification application also seeks to amend Condition E22 by the insertion of **bold and underlined** words as follows:

E22 – Railway Corridor – Sydney Trains

*Prior to the issue of **the final** Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Consent Authority. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property of easement. The Principle Certifying Authority is not to issue the **final** Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*



Figure 4 | Proposed modification to brick finish (Item 1a) and awning added to entry (Item 1b) of Building 1
(Source: Applicant)

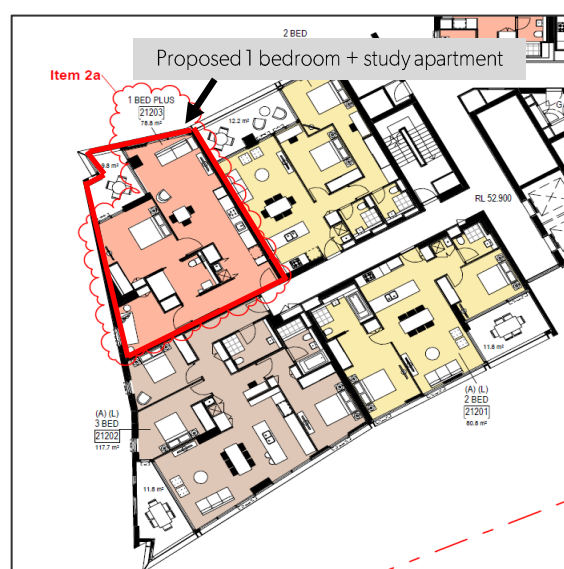


Figure 5 | Approved (left) and proposed (right) apartment configuration on Level 12 of Building 2 (Source: Applicant)

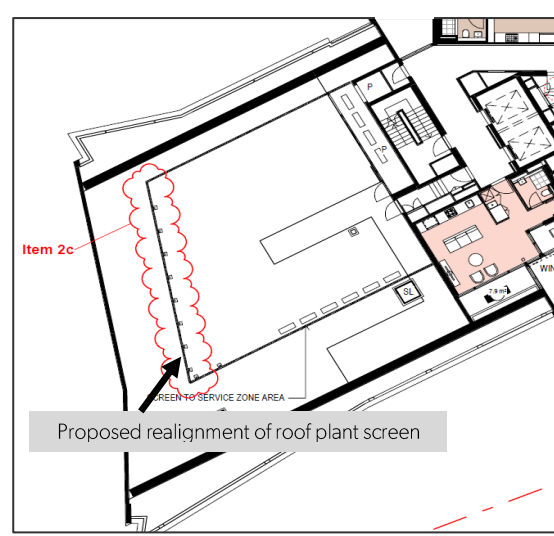
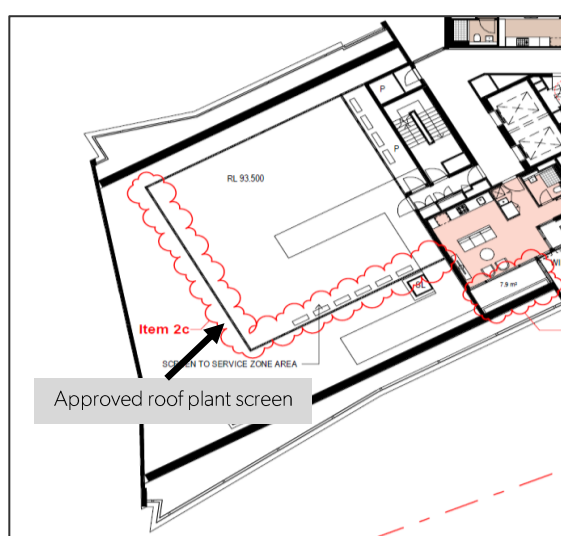


Figure 6 | Approved (left) and proposed (right) amended roof plant screen on Level 25 of Building 2 (Source: Applicant)

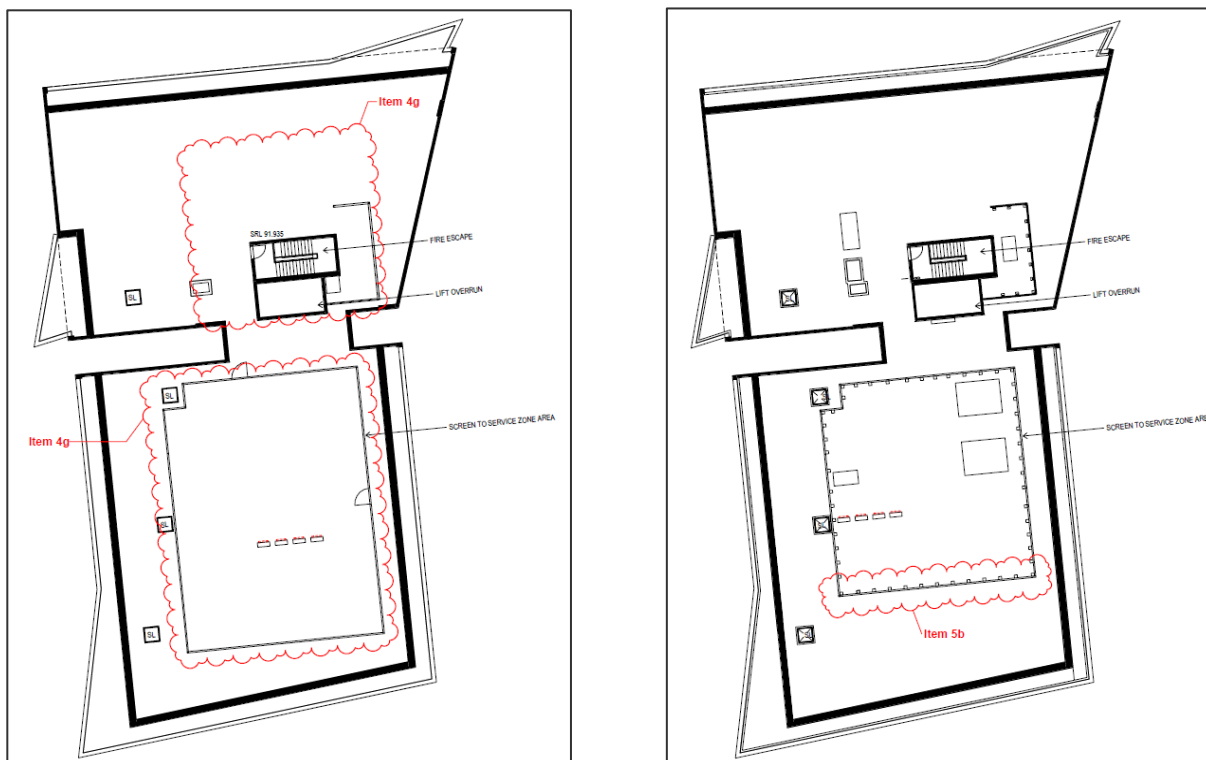


Figure 7 | Approved (left) and proposed (right) amended roof plant screen on Level 24 Building 5 (Source: Applicant)



Figure 8 | Approved (top) and proposed (bottom) deletion of window in the balcony of Apartment 52305 on Level 23 of Building 5 (Source: Applicant)



3. Strategic Context

3.1 Greater Sydney Region Plan

Since the original development was approved, the Greater Sydney Region Plan (GSRP) has been finalised. The Greater Sydney Region Plan supports a 40-year vision for a metropolis of three cities that will rebalance growth and deliver benefits more equally and equitably to residents across Greater Sydney.

SOP is identified as a Strategic Centre in the GSRP, and forms part of the Greater Parramatta to Olympic Peninsula Economic Corridor, stretching from Westmead, through to the Parramatta CBD, Silverwater and SOP. Within this corridor, Sydney Olympic Park is identified as a lifestyle precinct, offering the potential to attract anchor tenants specialising in sports, health and physical education.

The proposed modification is consistent with the GSRP as it would ensure the approved development can continue to provide a range of housing choices with SOP, which together with the approved retail floor space, would support the urban renewal of the SOP as a strategic centre providing homes in close proximity to employment opportunities.

3.2 Central City District Plan

The proposed modification application is consistent with the Central City District Plan's future vision for the area, as the modifications would facilitate the orderly and efficient refinement of the development approved under SSD 7662. The Department notes SSD 7662 would result in 900 construction jobs and 54 operational jobs.

3.3 Sydney Olympic Park Master Plan 2030

SOPA is responsible for managing development in SOP through the Sydney Olympic Park Master Plan 2030 (the Master Plan).

The Master Plan was approved by the former Minister for Planning on 8 October 2009 and provides a comprehensive planning framework to guide the long-term urban transformation of SOP. The Master Plan intends to transform SOP into an active and vibrant suburb within metropolitan Sydney whilst ensuring it remains a major sporting and entertainment precinct.

A review of the Master Plan commenced in 2016 and was finalised in August 2018. The review was accompanied by an amendment to State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) on 31 August 2018.

The review aimed to support additional residential, retail and commercial development, community facilities and sporting and entertainment venues at SOP. This was consistent with the Central City District Plan's vision for increased jobs and residential growth of SOP. The amendments included a significant uplift in height and density in SOP, particularly along Olympic Boulevard and Australia Avenue.

Site 53 is located in the Central Precinct. The southern section of this precinct is a high density residential area with an associated green corridor. The modification application is consistent with the provisions of the Master Plan, as discussed at **Appendix B**.



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify a consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact	As discussed in Section 6 of this report, the potential environmental impacts arising from the proposed modification are minor in nature and can be mitigated by the recommended conditions of consent (Appendix D). The Department is therefore satisfied the application would result in only minor environmental impacts beyond those already assessed in SSD 7662.
That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).	The Department notes the modification application does not seek to alter the use of the site, FSR, GFA or overall height of the development. The capacity of the building and its operational arrangements would remain largely unchanged. Therefore, the Department is satisfied the development is substantially the same development for which consent was originally granted.
The application has been notified in accordance with the regulations.	Section 5 of this report demonstrates that the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	Council and SOPA raised no issues relating to the modification application. Refer to Section 5 of this report.

4.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy (Draft SEPP Remediation)

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy (Draft SEPP Environment)
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the proposed modification is consistent with these EPIs. Consideration of the modification application against the above EPIs, where relevant to the proposed changes, is provided at **Appendix B**.

4.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, the Director, Key Sites Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

The modification application was made publicly available on the Department's website and was referred to City of Parramatta Council (Council) and Sydney Olympic Park Authority (SOPA).

5.2 Summary of Submissions

Council raised no concerns with the modification application and SOPA did not wish to make a submission due to the minor scope of the changes proposed.

No submissions were received from members of the public.



6. Assessment

6.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided for in other sections of this report, as referenced in the table.

Table 2 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The application complies with the relevant legislation as addressed in Section 4.2 and Appendix B of this report.
(a)(ii) any proposed instrument	The application complies with the relevant legislation as addressed in Section 4.2 and Appendix B of this report.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 12) and fees (Part 15, Division 1AA).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the development would not have adverse impacts on these matters (refer to Section 6 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	Council and SOPA raised no issues with the proposed modifications.
(e) the public interest	The Department considers the application to be in the public interest as it would ensure the orderly and efficient sale and occupation of the apartments in a timely manner. The site would also continue to exhibit design excellence.

The Department has considered the Applicant's modification application throughout the assessment and notes the key issues associated with the proposal to be minor design alterations, apartment configuration, solar access and ventilation and plant and equipment. Other potential impacts are considered in **Section 6.6**.

6.2 Minor Design Alterations

The modification seeks approval to reinstate the brick finish to the entry 'portal' gates of the ground floor terraces in Building 1 (**Figure 9**). The Applicant notes under SSD 7662, a brick finish to the entry 'portal' gates were originally approved. MOD 1 amended the material used for the entry to off-form concrete. Therefore, the Applicant is proposing to revert back to the original design of the entry 'portal' gates.

The Department considers the modification to reinstate the brick finish to the entry 'portal' to be acceptable as it reverts back to the original approved design of Building 1. The Department considers the material change from off-form concrete to brick provides an improved design outcome for the site.

The modification also proposes the addition of an awning located above the pedestrian lift on Building 1 (**Figure 9**). The Applicant notes the inclusion of an awning will serve as a weather protection mechanism for users of the lift.

The Department considers the proposed awning is acceptable as it will provide substantial weather protection for pedestrians when utilising the lift in Building 1, is adequately setback from the building line and will not be visually prominent from street level.

The Department considers the minor external modifications to be a design improvement and therefore accepts the proposed changes to Building 1.



Figure 9 | Proposed design changes to Building 1 including brick finish to the entry 'portal' gates (Item 1a) and addition of awning (Item 1b) (Source: Applicant)

6.3 Apartment Configuration

The application is seeking approval to convert 10 x 2 bedroom apartments into 10 x 1 bedroom and study apartments on Level 12 to 21 of Building 2 (**Figure 10**). The Applicant notes the 10 apartments being changed are located in the north-western corner of Building 2. The Applicant notes the proposed modification results in a greater diversity of housing stock as shown in **Table 1**.

Table 1 – Comparison of approved and proposed apartment mix

Apartment type	Approved		Proposed		Change
	Number	Mix	Number	Mix	
One bedroom (includes 1 bedroom + study)	275	39.5%	285	40.9%	+10
Two bedroom	327	46.9%	317	45.5%	-10
Three bedroom	93	13.3%	93	13.3%	Nil
Four bedroom	1	0.14%	1	0.14%	Nil
Total	696	100%	696	100%	Nil

The Applicant has submitted updated design verification statements outlining the modifications are consistent with the design quality principles and objectives of the ADG. Consideration of these principles and objectives is required under Part 2 of SEPP 65.

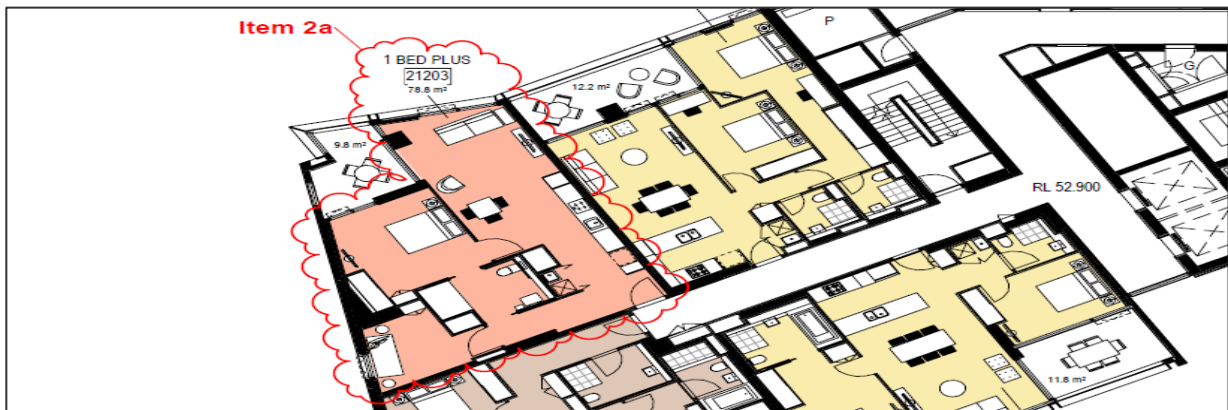


Figure 10 | Proposed layout of 1 bedroom and study apartment on Level 12 of Building 2 (Item 2a) (Source: Applicant)

The Department notes the internal layout of the 10 apartments is reconfigured to include a larger bedroom, one less bathroom and an increased open plan living space. The Department considers the proposed conversion of the 10 apartments to 1 bedroom and study apartment is acceptable as it provides a wider variety of housing stock for the site. The Department considers the proposed modification is of a minor nature as there is no change to the floor area which remains as 78.8 m². The Department also notes the proposal would not generate any additional traffic movements or parking demand.

The Department has assessed the reconfiguration with regard to SEPP 65 in **Appendix B**. The Department notes SSD 7662 approved 10 x 2 bedroom apartments in this location and concludes the proposed new configuration would maintain an adequate level of amenity for future residents. The Department therefore considers the proposed change to residential apartment types is acceptable.

6.4 Deletion of Windows

The proposal seeks to delete the secondary window in the bedroom of Apartment 22303 and 22403 (**Figure 11**). The Applicant notes the modification is required to address buildability and transportation issues associated with large precast concrete panels. The Applicant notes the bedroom where the window was located will continue to receive adequate natural light and ventilation through a large sliding door, which is orientated to the north.



Figure 11 | Approved (top) and proposed deletion of window in bedroom in Apartment 22303 and 22403 (Item 2b) (bottom) (Source: Applicant)

The Department considers the deletion of the two windows on Level 23 and 24 fronting New Street is acceptable as the apartments will continue to receive adequate natural light and ventilation through a balcony connected to the bedroom and the proposal would not result in any adverse visual or amenity impacts.

The modification also seeks to delete one of the north-eastern windows from the balcony area of Apartment 52305 (**Figure 12**). Similarly, to the deletion of windows in Apartment 22303 and 22403, the modification is required to address issues associated with the large precast concrete panels. The Applicant notes the apartment will continue to receive adequate natural light and ventilation through the large sliding door connecting to the apartment and balcony.

Further consideration to solar access requirements in the ADG is provided in **Appendix B**.



Figure 12 | Approved (top) and proposed deletion of window in balcony of Apartment 52305 (Item 5a) (bottom) (Source: Applicant)

The Department considers the deletion of the north-eastern window from the balcony area of Apartment 52305 is acceptable as the apartment will continue to receive adequate solar access and ventilation through a large sliding door connected to the balcony. Further, the proposal would not result in any adverse amenity or visual impacts.

6.5 Plant & Equipment

The modification seeks to realign the south-western edge of the plant area and associated screening on Level 25 of Building 2 (**Figure 13**). The Applicant notes the changes are due to the rationalisation of the plant room layout and maintenance access requirements.

The Applicant notes the size of the rooftop plant will slightly increase, however the alignment of the screen ensures the building form and bulk is reduced when viewed from Fig Tree Drive (**Figure 14**). The Applicant submitted updated overshadowing diagrams which demonstrates the changes to the rooftop plant area will not result in an increase in overshadowing.

The Department considers the realignment of the plant area on Level 25 of Building 2 is acceptable as it will have a minor visual impact when viewed from Fig Tree Drive. The Department has reviewed the overshadowing diagrams and is satisfied there will not be an increase in overshadowing at the site. The Department notes that whilst the rooftop plant area is increasing, when viewed from the street level the changes would not result in any adverse visual impacts.

The proposal also seeks to reduce the size of the plant area and associated screening on Level 24 of Building 5 (**Figure 13**). The Applicant notes the modification is required to align the plant area with the approved layout and maintenance access requirements.

The Department considers the amendment to the rooftop plant area on Level 25 of Building 5 is acceptable due to the reduction in size (**Figure 15**). The Department considers the modification to be a design refinement to reflect the approved layout under SSD 7662.

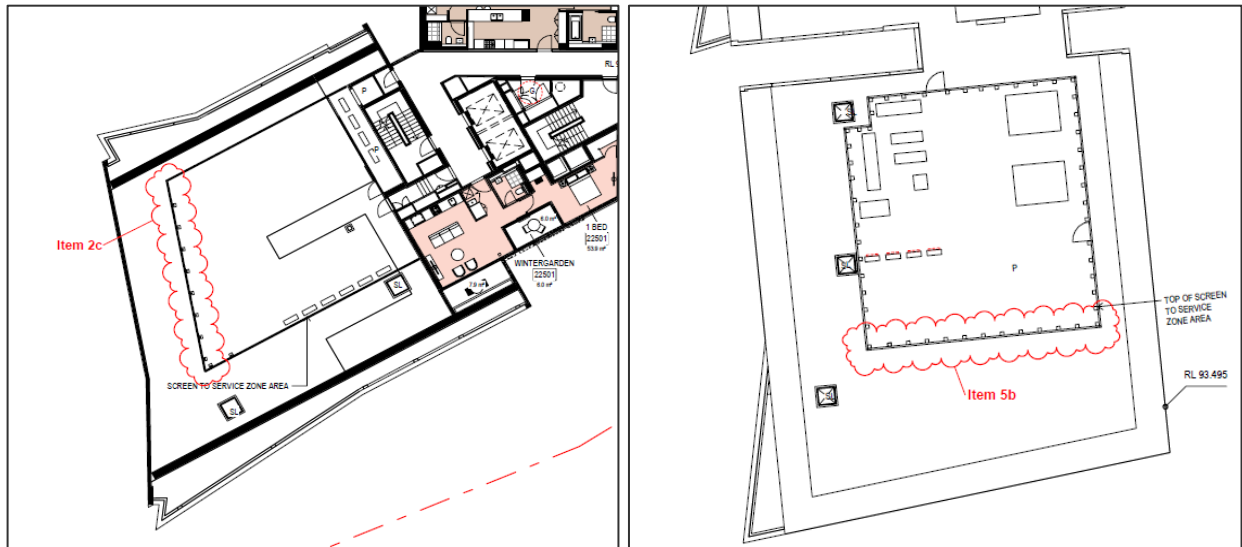


Figure 13 | Proposed increase of roof plant area on Level 25 Building 2 (left) (Item 2c) and reduction to roof plant area on Level 24 of Building 5 (right) (Item 5b) (Source: Applicant)



Figure 14 | Approved northern elevation (top) and proposed northern elevation (bottom) (Source: Applicant)



Figure 15 | Approved western elevation (top) and proposed western elevation (bottom) (Source: Applicant)

6.6 Other Issues

Table 1 | Summary of other issues raised

Issue	Findings	Recommended Condition
Condition B11 Car Parking	- The modification seeks approval to amend Condition B11 by reducing the number of visitor/commercial/retail spaces from 71 to 70 and increasing the number of residential spaces from 655 to 656. - The Applicant notes in SSD 7662 MOD 2 the Traffic and Parking Assessment identified a reduction in apartments would also reduce car parking, however the modification did not seek to amend Condition B11. - The Department considers the proposed reduction of one visitor/commercial/retail space and an increase of one residential space aligns with the approved reduction of apartments in SSD 7662 MOD 2. - The Department concludes the proposed change to Condition B11 is reasonable and acceptable.	70 visitor/commercial/retail spaces and 656 residential spaces.
Condition B12 Bicycle Parking and Facilities	- The Applicant seeks approval for Condition B12 to be amended to reduce the total number of bicycle parking spaces for the development from 1,017 to 1,013. This would result in a reduction of three bike spaces (residential component) from 812 to 809 and one visitor space from 175 to 174. - The Applicant advises the reduction in seven apartments under MOD 2 should have reduced the bicycle parking requirements by four spaces, however no change to Condition B12 occurred. - The Department has reviewed the Applicant's justification for reducing the number of spaces and does not support the number of bike spaces (residential component) being reduced to 809 as it would not comply with the Master Plan. - The Master Plan requires 812 bike spaces (residential component) be provided for the development to ensure all residents have access to bicycle parking. However, the Department considers the reduction to 174 visitor spaces for the development to be acceptable as it meets the requirements in the Master Plan of 0.25 spaces per dwelling. - The Department therefore supports the total number of bicycle parking spaces be reduced from 1,017 to 1,016.	1,016 bicycle parking spaces.
E22 Railway Corridor	- The Applicant has advised its PCA considers the wording of the condition requires all as-built drawings to be submitted to Sydney Trains and the consent authority, and written confirmation provided that the condition has been satisfied prior to the issue of any Occupation Certificate. - The Applicant states this prevents it from being able to obtain an interim or part Occupation Certificate for the first stage of works and prevents the development from being delivered in stages. - The Department notes the site is within 25 m of the rail corridor and considers the as built drawings should be provided to Sydney Trains prior to the issue of the Occupation Certificate. However, to ensure the project can be developed in stages, the Department recommends the condition be amended to include the word 'each' before the Occupation Certificate.	Add the word 'each' before Occupation Certificate.



7. Evaluation

The Department has reviewed the proposed modification and assessed the merits of the application, taking into consideration EIS. All environmental issues associated with the modified proposal have been suitably addressed.

The Department considers the approved development would not be significantly altered and key elements such as building height, FSR and setbacks remain unchanged.

The Department has assessed the proposed internal and external changes to the development and considers the proposal is acceptable as:

- reinstating the brick finish to the entry gates and adding an awning to the pedestrian lift in Building 1 would improve public amenity
- converting 10 x 2 bedroom apartments to 10 x 1 bedroom and study apartments would provide a greater variety of apartment types in Building 2 and would still provide acceptable levels of amenity for future residents
- the deletion of windows in Apartment 22303, 22403 and 5203 would continue to receive adequate natural light and ventilation
- the realignment of the roof plant area in Building 2 and 5 would have negligible visual impacts when viewed from street level.

The Department concludes the modification application should be approved, subject to the recommended conditions of consent.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application (SSD 7662 MOD 3) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **modify** the consent SSD 7662
- **signs** the attached approval of the modification (**Attachment D**).

Recommended by:

Eliza Cook

Student Planner
Key Sites Assessments

Recommended by:

Cameron Sargent

Team Leader
Key Sites Assessments



9. Determination

The recommendation is: **Adopted / Not adopted by:**

Anthony Witherdin

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/25476>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25476>

Appendix B – Consideration of Environmental Planning Instruments

EPIs considered as part of the assessment of the modification application are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy (Draft SEPP Remediation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Draft Environment State Environmental Planning Policy (Draft SEPP Environment).

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. Due to the minor nature of the modification application, the Department is satisfied the application remains consistent with EPIs.

Consideration of the modification application against the below EPIs, where relevant to the proposed changes, has been provided below.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)

The Applicant has submitted updated design verification statements stating the changes do not diminish or detract from the design quality or compromise the design intent of the approved development. The Department considers the modified proposal meets the majority of these recommendations, with consideration given to the criteria relevant to the proposed amendments in **Table C**.

Table C | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
3B Orientation • Overshadowing of neighbouring properties is minimised during mid-winter	The modification application does not result in any additional overshadowing beyond that already assessed under SSD 7662.
3C Public Domain Interface • Transition between public/private without compromising security • Amenity of public domain is retained and enhanced	The modification does not alter the use as being residential and retail, which are permitted with consent within the B4 Mixed Use zone.
3G Pedestrian Access to Entries • Building entries and pedestrian access connects to and addresses the public domain • Access, entries and pathways are accessible and easy to identify • Large sites provide pedestrian links for access to streets and connection to destinations	The modification seeks to add an awning above a pedestrian lift on Building 1. This amendment would ensure pedestrian access to Building 1 is maintained and the entry is protected from bad weather conditions.
3J Bicycle and Car Parking • Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. ○ For development in the following	The modification proposes to maintain 730 car parking spaces, as per the approved development. This complies with the residential requirements in the RMS Guide to Traffic Generating Development.

locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre
- the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less
- The car parking needs for a development must be provided off street
- Parking and facilities are provided for other modes of transport
- Car park design and access is safe and secure
- Visual and environmental impacts of underground car parking are minimised
- Visual and environmental impacts of above ground enclosed car parking are minimised

The proposal seeks to reduce the number of bicycle parking spaces to 1,013. The development would therefore not provide the minimum number of required spaces.

See further discussion at **Section 6.6**.

4A Solar and Daylight Access

- To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space
- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area
- Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter
- Daylight access is maximised where sunlight is limited
- Design incorporates shading and glare control, particularly for warmer months

Approved development:

- 462 (66.4%) of 696 apartments receive 2hrs direct sunlight between 9 am-3 pm on June 21.
- 511 of 696 (73.5%) apartments receive 2hrs direct sunlight to a bedroom or other habitable room between 8 am-4 pm on June 21.

The number of units with no sun from 8-4 was 41 (5.9%).

Proposed development:

The proposed modification will not alter the solar and daylight access for apartments.

4B Natural Ventilation

- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated)
- Overall depth of a cross-over or cross-through apartment does not exceed 18m

Approved development:

- Within levels 1-9 of the building 191 of the 313 apartments (61%) would achieve natural ventilation recommendations.

Proposed development:

The proposed modification will not alter the natural ventilation achieved in apartments.

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35 m²
 - 1 bedroom 50 m²

- The modification seeks to convert 10 x 2 bedroom apartments into 10 x 1 bedroom + study apartments on Level 12 to 21 of Building 2.
- All apartments converted in this modification

- 2 bedroom 70 m²
 - 3 bedroom 90 m²
 - Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms
 - Habitable room depths are limited to 2.5 x the ceiling height
 - In open plan layouts the maximum habitable room depth is 8m from a window
 - Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m²
 - Bedrooms have a minimum dimension of 3m (excluding wardrobes)
 - Living rooms have a minimum width of:
 - 3.6 m for studio and one bed
 - 4 m for 2 and 3 bed
 - The width of cross-over or cross-through apartments are at least 4m internally.
- meet the minimum size requirement of 50 m² and the layout requirements of the ADG.

4E Private Open Space and Balconies

- Primary balconies are provided to all apartments providing for:
 - Studios apartments min area 4 m²
 - 1-bedroom min area 8 m² min depth 2m
 - 2-bedroom min area 10 m² min depth 2m
 - 3-bedroom min area 12 m² min depth 2.5m
- For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m
- Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building
- Primary open space and balconies maximises safety
- The modification does not seek to make changes to private open spaces or balconies.

4G Storage

- The following storage is required (with at least 50% located within the apartment):
 - Studio apartments 4 m³
 - 1-bedroom apartments 6 m³
 - 2-bedroom apartments 8 m³
 - 3-bedroom apartments 10 m³
- All units would continue to meet this recommendation.

4H Acoustic Privacy and 4J Noise Pollution

- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.
- Noise transfer would continue to be minimised through the appropriate layout of the building.

- Noise impacts are mitigated through internal apartment layout and acoustic treatments.

4K Apartment Mix

- Provision of a range of apartment types and sizes
- Apartment mix is distributed to suitable locations within the building.
- The Apartment mix is discussed in **Section 6.3.**

4U Energy Efficiency

- Development incorporates passive environmental and solar design
- Adequate natural ventilation minimises the need for mechanical ventilation
- The development would continue to meet BASIX water, thermal and energy efficiency targets and meets the natural ventilation recommendations.

4W Waste Management

- Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity
 - Domestic waste is minimised by providing safe and convenient source separation and recycling
 - The reduction in units would not adversely impact on the Waste Management Plan submitted with the approved development.
 - No additional bins or equipment are required, and waste storage would continue to be provided at basement level in convenient locations
-

Sydney Olympic Park Master Plan Authority Master Plan 2030 (2018 review)

The Master Plan provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure controls would apply. A review of the Master Plan was completed in 2018. The relevant controls to the modified proposal are addressed in **Table D** below.

Table D | Consideration of the relevant provisions of Master Plan 2030

General controls and guidelines	Master Plan Recommendations	Consideration
4.5 Land Use and Density	The SEPP 65 Residential Flat Design Code Principles of Better Design Practice Part 02 and Part 03 are to be applied to all residential and mixed-use developments.	See Table C .
	Provide three per cent of affordable housing or in accordance with the relevant State planning policy or instrument in force at the time of development, whichever is greater.	The modification would not alter the proposed dedication of 22 units, which equates to 3.16% of the amended unit total (696).
	Comply with the minimum apartment sizes in Table 4.9 Minimum Residential Apartment Sizes	Apartments proposed to be amended as part of this modification would meet this recommendation.
	Provide the following quantities of apartment types (min 15% studio and 1 bed, min 15% three or more bed)	The modification would maintain the percentage of one-bedroom units at 13%.
4.7 Access and Parking	Provide car parking for residential developments at the maximum rates in Table 4.11	The proposal would provide 730 spaces (no change from the approved development), which is less than the maximum permitted under the Master Plan. See Section 6.4 .
	Bike parking facilities are to comply with AS 2890.3 – 1993 Parking Facilities – Bicycle Parking Facilities	The development will provide the required 1,016 bicycle parking spaces.

Appendix C – Consolidated Consent

The Consolidated Consent can be found on the Department of Planning, Industry and Environment's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/project/25476>

Appendix D – Notice of Modification

The Notice of Modification can be found on the Department of Planning, Industry and Environment's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/project/25476>