



## 1 and 2 Murray Rose Avenue, Sydney Olympic Park Modification 1

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Minor design changes to Site 2  
State Significant Development Modification Assessment  
(SSD 9403 MOD 1)

March 2022



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# Glossary

Abbreviation	Definition
<b>ADG</b>	Apartment Design Guide
<b>Applicant</b>	Austino Sydney Olympic Park Pty Ltd
<b>BCA</b>	Building Code of Australia
<b>Council</b>	City of Parramatta
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>Heritage</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Masterplan 2030</b>	Sydney Olympic Park Masterplan 2030 (Review 2018)
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SOP</b>	Sydney Olympic Park
<b>SOPA</b>	Sydney Olympic Park Authority
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSP SEPP</b>	State Environmental Planning Policy (State Significant Precincts) 2005
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

This report provides the NSW Department of Planning and Environment's assessment of an application to modify the State significant development consent for the construction of two residential apartment buildings, containing a total of 293 apartments, at 1 & 2 Murray Rose Avenue, Sydney Olympic Park.

The modification application (MOD 1) seeks approval for minor design changes to 2 Murray Rose Avenue (Site 2).

The application has been lodged on 24 December 2021 by Austino Sydney Olympic Park Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The site comprises 1 & 2 Murray Rose Avenue within SOP. SOP is located within the City of Parramatta local government area (LGA), approximately 14km west of the Sydney Central business District (CBD) and 8km east of the Parramatta CBD and extends from the Parramatta River in the North to the M4 Motorway and Parramatta road to the south (**Figure 1**).



**Figure 1 |** Sydney Olympic Park location (base source: Nearmap).

The SOP area covers 640 hectares, comprising 430 hectares of greenspaces/parkland and 210 hectare town centre, which includes the SOP Train Station. The site is located within the Parkview Precinct, in the eastern part of SOP Town Centre and is 470m east of the train station (**Figure 2**).





**Figure 2 |** Site location within Sydney Olympic Park (site shown circled red and SOP Town Centre boundary shown dashed yellow) (Base source: Sydney Olympic Park (SOPA) Master Plan Review 2018)

Following the completion of the 2000 Olympics, SOP has undergone a significant urban transformation into an active and vibrant higher density mixed-used precinct. While SOP continues to be one of Sydney and Australia's premier sporting and entertainment precincts, it now also supports a town centre with a range of commercial office, retail and residential uses, expansive urban parklands, an important heritage area and protected ecological habitats.

The site comprises two blocks known as 1 Murray Rose Avenue (3,931m<sup>2</sup>) and 2 Murray Rose Avenue (2,522m<sup>2</sup>) and has a total site area of 6,453m<sup>2</sup>. The site is legally described as Lots 1 & 2, DP 1185060.

The two blocks are bisected by Murray Rose Avenue and are bound by the Bennelong Parkway and Badu Mangroves beyond to the east, Parkview Drive to the south, and Brickpit Park to the north (**Figure 3**).

To the west of the site are five to six storey contemporary commercial buildings at 3, 4 and 5 Murray Rose Avenue, beyond which is Car Park 6A and the SOP Train Station to the west of the site. To the south-east of the site are several three and four story commercial and light industrial buildings, and further south-east are high-rise residential apartment buildings adjacent to Australia Avenue, Bennelong Parkway and Figtree Drive.



**Figure 3** | Aerial image of the site (outlined in red) and adjacent development (Base source: Nearmap)

## 1.2 Approval history

On 14 August 2019, the Minister for Planning and Public Spaces granted development consent (SSD 9403) for the construction of two residential apartment buildings across two sites, comprising:

- 293 apartments
- 330 basement car parking spaces
- 27,396 m<sup>2</sup> of gross floor area.



The key components for each site are as follows:

1 Murray Rose Avenue (Site 1)

- construction of an 8 to 12 storey residential apartment building, with a maximum height of 35.5m
- 167 apartments
- 205 parking spaces
- 16,202m<sup>2</sup> (FSR 4.12:1).

2 Murray Rose Avenue (Site 2)

- construction of an 8 to 14 storey residential apartment building, with a maximum height of 44.5m
- 126 apartments
- 125 parking spaces
- 11,194m<sup>2</sup> (FSR 4.44:1).

The development consent has not been previously modified.

The Department notes that MOD 1 only relates to 2 Murray Rose Avenue (Site 2).



## 2 Proposed modification

The Applicant lodged a modification application (SSD 9194 MOD 1) seeking approval, under section 4.55(1A) of the EP&A Act, for minor design changes to 2 Murray Rose Avenue (Site 2), including internal and external changes to the building.

The Applicant advises that the proposed modifications above are as a result of design refinements.

The proposed modifications are summarised in **Table 1** below:

**Table 1** | Proposed Changes

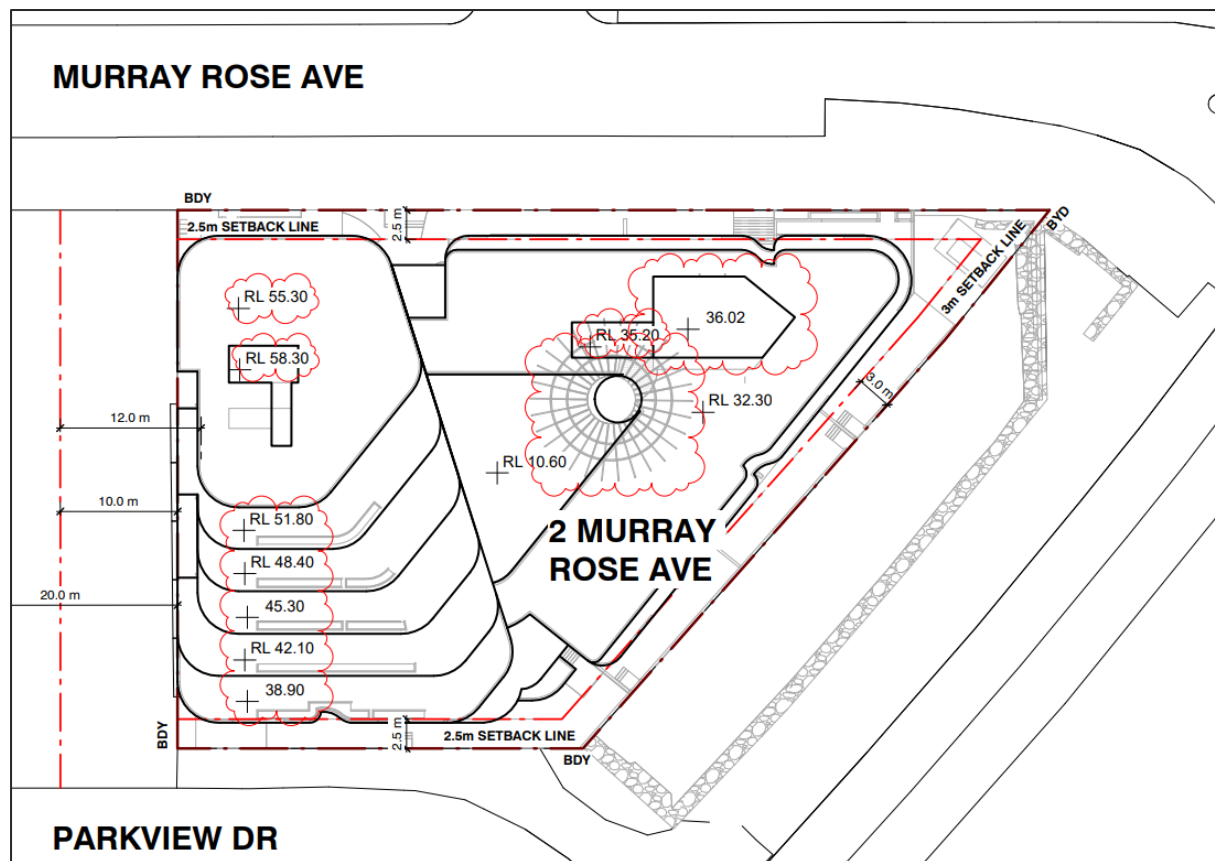
Aspect	Proposed changes
<b>Building height/floor levels</b>	<ul style="list-style-type: none"><li>• Increase in the building height by 0.7 m (from RL 57.6 to RL 58.3) (<b>Figure 4</b>) due to increases in concrete slab thickness between levels 1-9</li><li>• minor adjustment of finished floor levels between levels 1-9</li></ul>
<b>Building structure, façade and rooftop</b>	<ul style="list-style-type: none"><li>• Revised position of the mega columns between basement level 2 and level 9</li></ul>
<b>Residential dwelling mix</b>	<ul style="list-style-type: none"><li>• Conversion of a 1 and 3-bedroom apartment to a 4-bedroom apartment at level 13, resulting in an overall loss of 1 dwelling (126 to 125 dwellings)</li></ul>
<b>Basement</b>	<ul style="list-style-type: none"><li>• Minor amendments proposed to the four basement levels, including revised parking arrangements, fire egress, circulation, waste facilities as follows:  <u>Basement Level 3:</u><ul style="list-style-type: none"><li>○ modification to the layout of car parking spaces</li><li>○ realignment of courtyard lift</li><li>○ revised fire egress and core</li><li>○ updated storage</li><li>○ additional mirror</li><li>○ serviced amended</li><li>○ revised column location</li></ul> <u>Basement Level 2:</u><ul style="list-style-type: none"><li>○ modification to the layout of car parking spaces including the removal of 2 standard spaces and the inclusion of an additional accessible space</li><li>○ provision of a rainwater pump and booster.</li><li>○ realignment of courtyard lift</li><li>○ amended services, core configuration, column location, mirror location, storage layout</li></ul> <u>Basement Level 1 (Figure 5):</u><ul style="list-style-type: none"><li>○ modification to the layout of car parking spaces including the addition of 3 standard parking spaces and the removal of 2 accessible spaces</li><li>○ re-alignment of the wall to the fire/hydrant pump room</li></ul></li></ul>

- modification to the layout of the waste holding area
- minor relocation of the central core stair to the south
- relocation of the storage room and bathroom into the area formally occupied by the main switch room.
- relocation of the main switch room into the area formally occupied by the storage space.

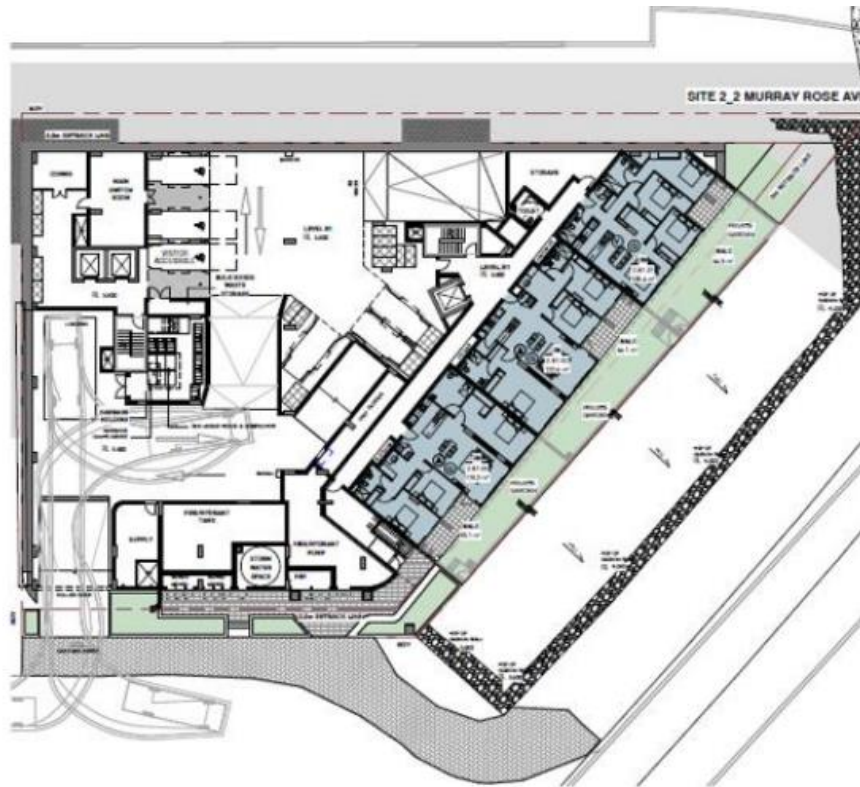
Level 00:

- modification to the layout of car parking spaces including the converting a standard space to an accessible space
- re-alignment of the wall to the fire/hydrant pump room
- modification to the layout of the garbage holding area
- minor relocation of the central core stair to the south
- relocation of the storage room and bathroom into the area formally occupied by the main switch room
- relocation of the main switch room into the area formally occupied by the storage space.

<b>Communal open space and facilities</b>	<ul style="list-style-type: none"> <li>• Amendments to the central courtyard on Level 1, including provision of glass balustrades in place of perforated metal panels, refinements to the lift shaft cladding fins, and removal of screening surrounding electricity kiosk (<b>Figures 6 and 7</b>)</li> <li>• Provision of a gym community room at the Level 8 roof level and amendments to the level 8 rooftop landscaping layout resulting in a decrease in communal open space of 51 m<sup>2</sup> (<b>Figure 8</b>)</li> </ul>
<b>Lobby/Level 1 entry</b>	<ul style="list-style-type: none"> <li>• Provision of a manager room within the space formally occupied by the southern area of the lobby</li> <li>• Provision of a mail area within the space formally occupied by the northern area of the lobby</li> <li>• Provision of a lobby desk</li> <li>• Minor amendments to the layout of the plant space adjoining the lobby</li> </ul>
<b>Vertical circulation and access</b>	<ul style="list-style-type: none"> <li>• Amendments to the plant and stair layout at level 15 and roof level</li> </ul>



**Figure 4 |** Proposed height changes (clouded in red) (Source: Applicant's site plan).



DA APPROVED



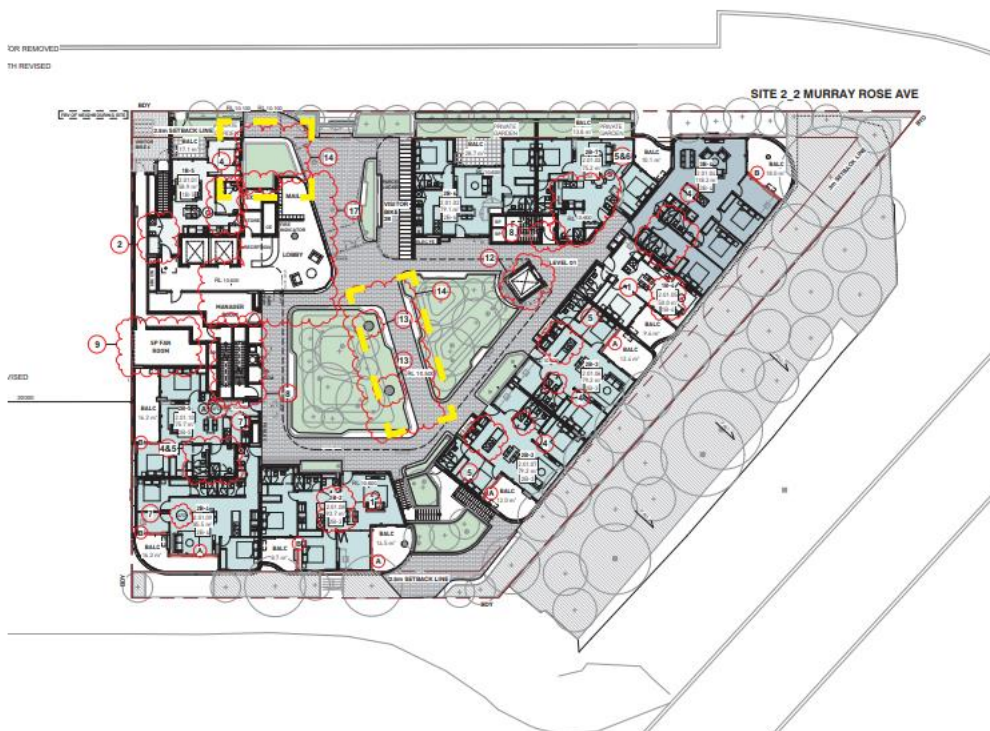
PROPOSED  
MODIFICATION

**Figure 5** | Proposed Amendments – Basement Level 1 (Source: Applicant's plan).





DA APPROVED



PROPOSED MODIFICATION

**Figure 6 |** Landscaping amendments to level 1 – Central courtyard (Source: Applicant's plan)



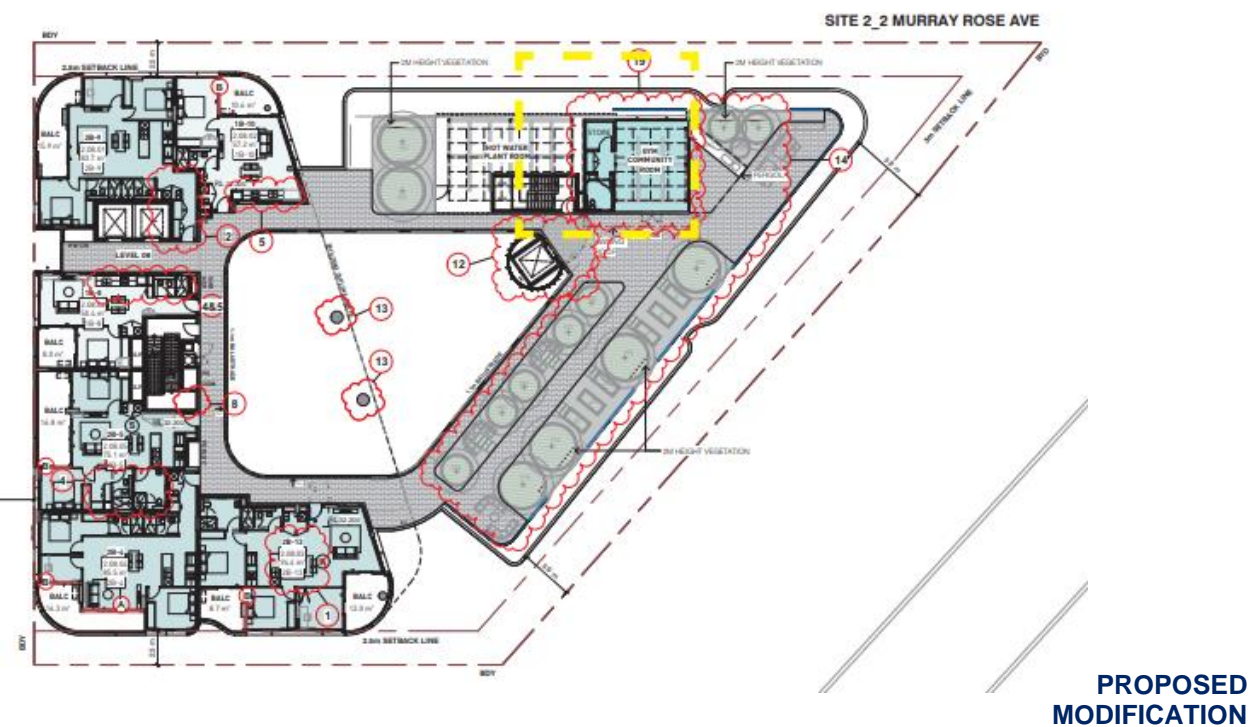
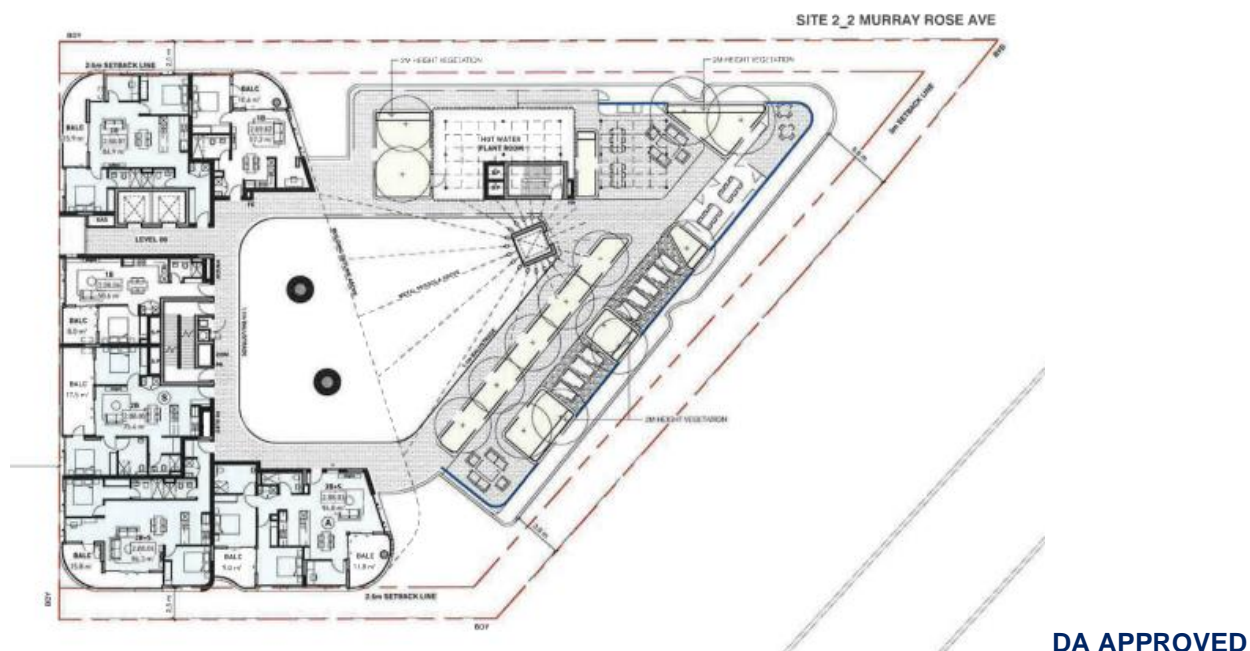
**DA APPROVED**



**PROPOSED MODIFICATION**

**Figure 7 |** Landscaping amendments to level 1 - central courtyard and level 8 – roof terrace  
(Source: Applicant's modification report)





**Figure 8 |** Landscaping amendments to level 8 – roof terrace (Source: Applicant’s plan)

## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Team Leader, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made
- there are no public submissions (other than a Council) in the nature of objections
- Council had not made a submission by a way of objection.

### 3.3 Mandatory matters for consideration

Where relevant list the matters for consideration as listed under section 4.15 of the EP&A Act that apply to the modification as assessed under the original application including;

- environmental planning instruments or proposed instruments
- any planning agreements
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.



## 4 Engagement

### 4.1 Department's engagement

The Department made the modification application and modification report available on its website and referred it to the City of Parramatta and Sydney Olympic Park Authority (SOPA) for their comments.

### 4.2 Summary of submissions

Council made no comment on the proposed modifications.

SOPA advised the modifications are not likely to result in any additional adverse impacts.

No public submissions were received.

### 4.3 Response to submissions

On 31 January 2022, the Applicant submitted a Response to Submissions (RtS) which outlined:

- landowner details
- the amount of communal open space and landscaping incorporated as part of the modification
- details to be made to Condition B15 (electricity kiosk screening) and amendments to architectural plans.

## 5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- submission from Council and SOPA.

### 5.1 Built form

#### Building height

The Height of Buildings Map in the SSP SEPP specifies a maximum building height for 2 Murray Rose Avenue of 26 m fronting Bennelong Parkway and 50 m on the western portion of the site.

The original SSD application was approved with a maximum building height of 44.5m (maximum RL 57.6 to top of plant on western wing, maximum RL 35.3 to top of plant on eastern wing) (figure 9).

Whilst the eastern wing of building 2 complied with the 26 m height control in the SSP SEPP, there was a variation of 3 storeys with the Masterplan 2030 control. In addition, although the majority of the western wing of the building is contained within the 33m/50m height control portion of the site in the SSP SEPP, these wings partially protrude into the 26 m portion of the site resulting in a variation 18.5m (9 storeys) for 2 Murray Rose Avenue.

The Department supported the height variation to the standard given the:

- eastern portion of the building complied with the SSP SEPP height control
- the height variation of the western side was minor
- tower forming the western wing at 2 Murray Rose avenue complied with the 50 m height control
- environmental impacts of the exceedances were negligible.

The modification seeks to increase the maximum height of building by 0.7 m from 57.6 m to 58.3 m, which exceeds the SSP SEPP controls (**Figure 9**).

The Applicant reasons that the proposal continues to demonstrate consistency with the height and approved building forms within the Sydney Olympic Park Town Centre as no additional building levels are proposed. The Applicant states the increase in height maintains the key architectural and urban design principles that were originally established as part of the Design Excellence Competition winning scheme and the approved scheme.

Council and SOPA have raised no concerns about the proposed height increase.

The Department notes that the 0.7 m height increase is attributed to the thickening of concrete slab heights from the basement levels to level 9. As a result, the repositioning of the mega columns, which provides support from the basement levels up to level 9, is also required.

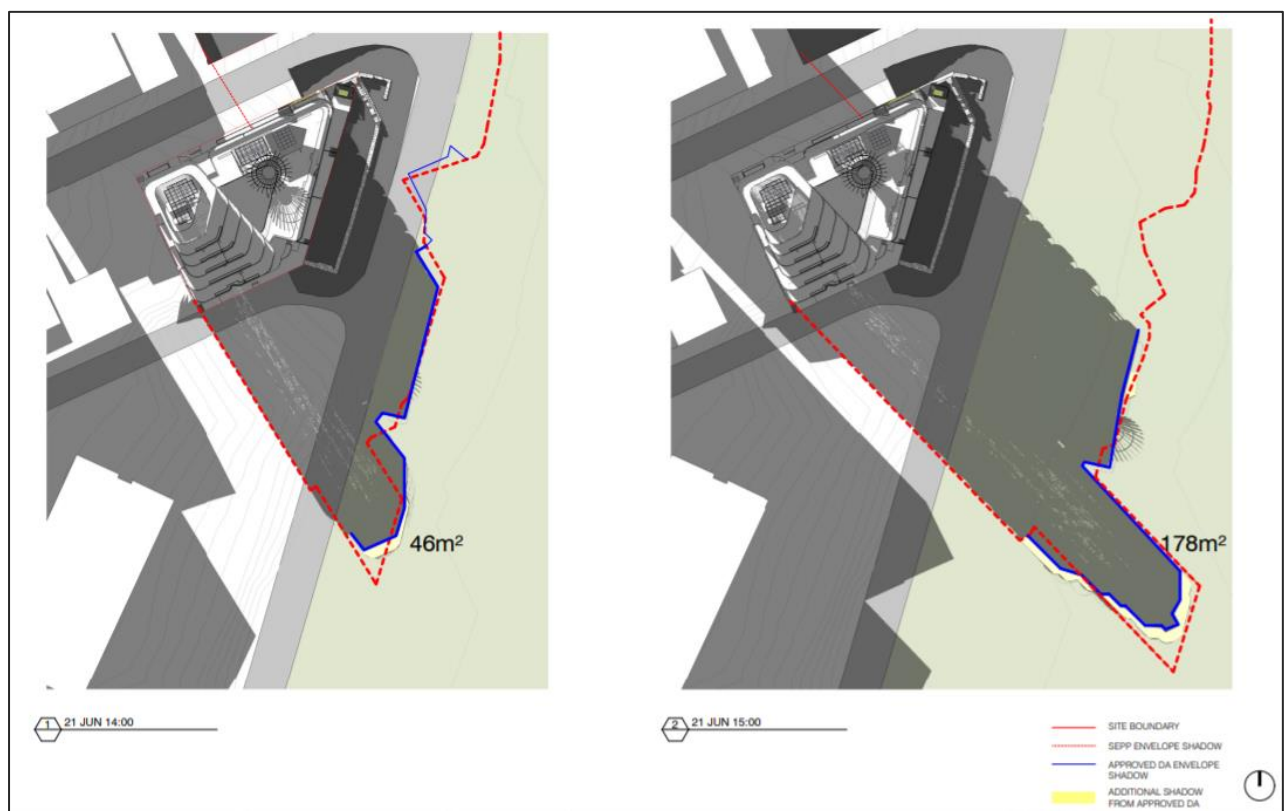


The Department considers the increase in height of the building is acceptable as:

- it is attributed to concrete slab thickening and would not significantly increase the bulk and scale of the building
- while it exceeds the SSP SEPP controls, it is minor in nature and the proposal would remain compliant with other relevant statutory provisions in EPIs
- it would maintain the architectural and urban design principles that were originally established as part of the Design Excellence Competition.
- it would be imperceivable from the surrounding area, streetscape and public domain and would not result in any adverse visual impacts
- it would result in negligible view loss impacts to adjacent and neighbouring properties
- it would not result in any additional GFA.

## 5.2 Overshadowing

The Applicant contends that the additional overshadowing resulting from the 0.7 m increase in height is restricted to 2pm-3pm during mid-winter and is unlikely to result in any discernible additional impacts on the adjoining Badu Mangrove Wetlands as the overshadowing cast is minor in nature. Shadow diagrams illustrating the extent of additional overshadowing is provided in **Figure 10** below.



**Figure 10** | Shadowing diagrams for 21 June at 2pm (left) and 21 June at 3pm (right) (Source: Applicant's plan).



SOPA and Council raised no concerns about additional overshadowing.

The Department notes that a substantial portion of the overshadowing caused by the proposed development will fall within the shadow created by the approved building envelope (**Figure 10**).

The Department also notes that the minor increase in height results in additional overshadowing during mid-winter (21 June) at 2pm and 3pm and the majority of this 46 m<sup>2</sup> increase (2pm) and 178 m<sup>2</sup> increase (3pm) sits within the SSP SEPP shadow envelope which is the shadow cast based on the maximum height limits for the site.

The Department therefore considers the additional overshadowing is acceptable as:

- it is minor in nature and the majority of shadowing sits within the SSP SEPP maximum building height envelope
- it would not overshadow any adjoining residential properties, and would continue to overshadow footpaths, roads and commercial properties to the south and south-west within
- it would not lead to any adverse environmental impacts to the Badu Mangrove Wetlands given that proposed overshadowing is marginal.

### 5.3 Communal open space and facilities

Site 2 has 1,269 m<sup>2</sup> of approved communal open space, comprising 692 m<sup>2</sup> within the level 1 central courtyard and 577 m<sup>2</sup> on the level 8 roof terrace.

The modification application seeks to decrease the outdoor communal open space on the level 8 roof terrace by 51 m<sup>2</sup>, from 577m<sup>2</sup> to 526 m<sup>2</sup> due to the proposed new gym community room (**Figure 6**). Minor amendments to the rooftop landscaping layout are also proposed including an amended BBQ and seating area and revised roof planters modified to large GRC tubs.

Minor amendments are also proposed to the level 1 central courtyard, including landscaping changes, installation of glass balustrades in place of perforated metal panels, reconfiguration of the central pathway and reduction in the gabion wall removal.

SOPA and Council raised no concerns about the changes to communal open space and facilities.

The Department notes that the revised landscaping design would improve the space and functionality of the level 1 and level 8 communal open spaces, whilst also providing for an additional communal facility (gym) for residents.

The Department considers that the proposed changes to communal open space and facilities are acceptable as:

- the reduction to the total landscaped area is minor in nature
- the modification provides for an increased variety of community uses on site by providing a new gym for residents
- approximately 50% of the site area would still be provided for communal open space, exceeding the 25% minimal area recommended in the ADG.

## 5.4 Other issues

The Department has assessed other issues associated with the proposal in **Table 2** below.

**Table 2 | Assessment of proposed changes**

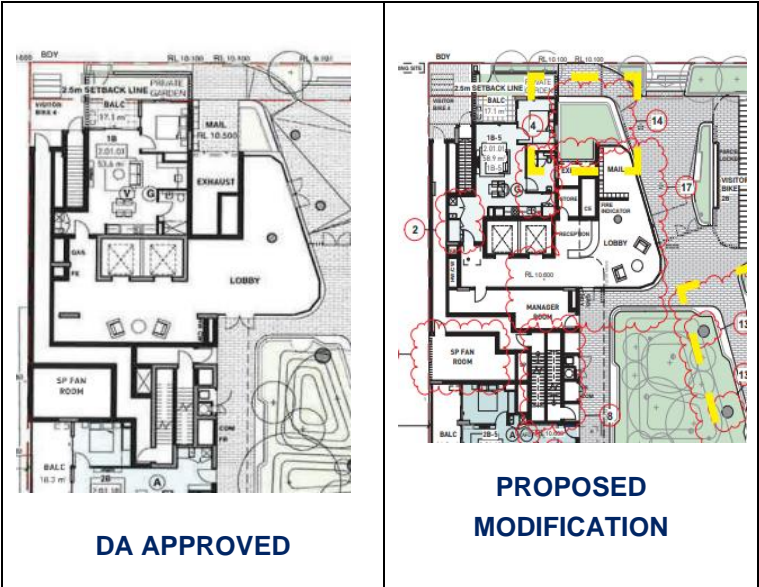
Issue	Findings	Recommendations
<b>Modifications to basement levels</b>	<p>Development consent was granted for 330 basement car parking spaces as part of SSD 9403. The overall quantum of car parking spaces will be retained as part of the modification application, however the arrangement of parking spaces across the 4 basement levels is proposed to be modified.</p> <p>The modification also proposes amendments to the layout of plant and storage spaces, garbage holding areas, fire egress and central circulation core between basement levels 00-3. No changes are proposed to the quantum of 184 bicycle parking spaces approved on site.</p> <p>The Applicant has provided a Traffic Impact Statement (TIA) for the basement parking layout which states that two primary areas on levels B2 and B3 will have an aisle width less than 5.8m (5.5m), thus impacting some vehicle manoeuvrability.</p> <p>The TIA concludes that the level of risks associated with this arrangement is relatively low and can be overcome by assigning these spaces as reverse entry only and assigning the two spaces adjoining the mega column as 'Small Car spaces'.</p> <p>The Department notes that Condition B30 requires compliance in accordance with the car parking Australian Standards (AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002) and that the proposal would be required to comply with these standards, including those related to aisle widths.</p> <p>The Department therefore considers the changes to the internal layout and configuration of the basement levels are acceptable as:</p> <ul style="list-style-type: none"> <li>• they are wholly internal</li> <li>• quantity of car parking spaces remains the same as originally approved</li> <li>• it would not generate any additional traffic movements</li> <li>• they are required to facilitate the efficient use of facilities and services</li> <li>• proposed car parking layout amendments would have to meet relevant Australian Standards for car parking design.</li> </ul>	<p>The Department recommends Condition B30 is modified to require MOD 1 to comply with Australian Standards for car parking.</p>
<b>Residential dwelling mix</b>	<p>The original development (SSD 9403) consent was approved for 126 dwellings, comprising of the following residential mix:</p> <ul style="list-style-type: none"> <li>• 33 x 1 bedroom</li> <li>• 72 x 2 bedroom</li> <li>• 20 x 3 bedroom</li> </ul>	<p>The Department recommends Condition A2 is updated to reflect</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>1 x 4 bedroom</li> </ul> <p>The proposal seeks approval to amalgamate 1 x 1 bedroom dwelling and 1 x 3 bedroom dwelling on level 13 to create a 1 x 4 bedroom dwelling.</p> <p>The Department notes the works proposed on level 13 are minor in nature and are wholly internal within the building.</p> <p>The Department supports the amalgamation of the two dwellings to create a 4 bedroom dwelling as the works are internal and would provide the development with an improved dwelling mix.</p>	the revised design drawings.

**Entry, vertical circulation and access**

The Department notes the changes to the lobby space layout includes the provision of a manager room, mail area and lobby desk.

The Applicant states the modifications proposed would improve the existing layout, functionality and accessibility of the lobby (**Figure 11**).



**Figure 11 |** Lobby amendments to Level 1 (Source: Applicant’s plan)

The Department recommends Condition A2 is updated to reflect the revised design drawings.

The proposal also includes amendments to the plant and stair layout for level 15 and roof.

The Department supports the proposed amendments to level 1, level 15 and roof level as they would improve circulation and access noting changes to level 1 and roof level are internal and imperceivable from the public domain respectively.

Issue	Findings	Recommendations
<b>Electricity kiosk</b>	<p>The proposal seeks to remove screening to the substation kiosk at the ground floor to enable unobstructed access to Ausgrid's services as per their requirements. However, to ensure adequate screening is provided on-site, increased planting around the substation is proposed.</p> <p>SOPA raised no concern about the proposed change from screening to landscaping.</p> <p>The Department supports the removal of the electricity substation screen as landscaping would sufficiently mitigate potential visual impacts.</p>	<p>The Department recommends Condition A2 is updated to reflect the revised design drawings.</p>
<b>Ecologically sustainable development</b>	<p>The Applicant has submitted a revised BASIX plan with the modification application and states they will work towards the 6 Star Green Star benchmark in line with Condition B26 of the consent.</p> <p>The Department notes the proposal has been designed to meet BASIX requirements and is therefore satisfied the development would still satisfy ESD requirements and 6 Star Green Star commitments.</p>	<p>The Department recommends Condition B23 is updated to reflect the changes to the BASIX Certificate number.</p>



## 6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- would maintain the core elements of the approved development
- would continue to provide good amenity for future residents in the form of communal open space, shared facilities and basement car parking
- while the height of building as modified would exceed the State Significant Precinct SEPP controls, it is minor in nature and the proposal would remain compliant with other relevant statutory provisions in EPIs
- it is substantially the same development as the approved development and would not result in any adverse environmental impacts.

Consequently, the Department concludes the modification application is in the public interest and should be approved, subject to the recommended modified conditions of consent.

## 7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 9403 MOD 1 falls within the scope section 4.55(1A)
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 9403 MOD 1
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Lara Fusco**  
Planning Officer  
Key Sites Assessments

## 8 Determination

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

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

11/03/2022

**Cameron Sargent**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

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

### **Modification Application**

<https://www.planningportal.nsw.gov.au/major-projects/project/43631>

## Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

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

Section 4.55(1A)	Department's Consideration
a) The proposed modification is of minimal environmental impact	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
b) 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.	<p>The development, as proposed to be modified, is substantially the same development as that originally approved in that:</p> <ul style="list-style-type: none"><li>• the proposed use of the site remains the same</li><li>• the proposed modification to the approval will not significantly alter the built form or scale of the building</li><li>• it would not result in any additional environmental impacts.</li></ul>
c) The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 4</b> of this report.
d) Any submission made concerning the proposed modification has been considered.	The Department has considered submissions made, as addressed in <b>Section 4</b> and <b>Section 5</b> of this report.

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(1) of the EP&A Act that apply to the proposed modification.



**Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act**

<b>Section 4.15(1) Matter for Consideration</b>	<b>Department's Consideration</b>
a) The provisions of –	
i. any environmental planning instrument	The modified proposal remains consistent with relevant environmental planning instruments, except height which is considered in <b>Section 5</b> .
ii. any proposed instrument	The modified proposal remains consistent with relevant proposed instruments.
iii. any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
iiia any planning agreement	Not applicable.
iv. the regulations	The application satisfactorily meets the relevant requirements of the Environmental Planning and Assessment Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to <b>Section 4</b> ).
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 proposed changes to be minor and would not result in any adverse environmental impacts as addressed in <b>Section 5</b> .
c) the suitability of the site for the development	The site remains suitable for the development.
d) any submissions	The Department has considered submissions made, as addressed in <b>Section 4</b> and <b>Section 5</b> of this report.
e) the public interest	The Department considers the modified proposal to be in the public interest as it would result in improved operational and amenity outcomes.

## **Appendix C – Modification instrument**

The modification instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/43631>