

**SSD 16_7662 | SITE 53, 2
FIG TREE DRIVE, SYDNEY
OLYMPIC PARK**

**SECTION 4.55
MODIFICATION
APPLICATION**

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1. INTRODUCTION

This Modification Statement (**Report**) is submitted to the Department of Planning and Environment (**DPE**) in support of a Section 4.55(2) application to modify State Significant Development Consent SSD16_7662 relating to the construction of a mixed-use development comprising 705 apartments contained within four residential towers ranging in height between nine and 35 storeys, 1,500sq.m of retail gross floor area (**GFA**) at ground level, basement car parking containing 730 spaces, landscaping, access and public domain works at Site 53, Figtree Drive, Sydney Olympic Park.

This Section 4.55(2) application seeks approval for internal and external improvements to the approved development which have been made following further design development of the proposal and input from technical specialists.

This Report has been prepared by Urbis on behalf of Mirvac Projects Pty Ltd (**Mirvac**) and is based on the Architectural Drawings provided by Mirvac Design, included at **Appendix A**, and other supporting technical information, also included as appendices to this Report.

This Report describes the proposed modifications to the approved design, sets out the proposed amendments to the development consent conditions, and provides an assessment of the environmental impacts of the proposed changes. The Report should be read in conjunction with the documentation that accompanied the original State Significant Development Application submitted in November 2016, along with the Response to Submissions package submitted in June 2017.

1.1. BACKGROUND

On 22 July 2016, the DPE approved SSD15_7033 for the construction of a mixed-use development comprising four residential flat buildings ranging in height from five to 15 storeys, ancillary retail/commercial floor space at ground level, three levels of basement parking, a new access road and associated landscaping works. Mirvac was also the applicant for this proposal.

Following the approval of SSD15_7033, amendments to *State Environmental Planning Policy (State Significant Precincts) 2005* (draft SSP SEPP) and *Sydney Olympic Park Master Plan 2030* (draft Master Plan 2030) were exhibited. The amendments proposed to increase both building height and floor space ratio development standards applying to Site 53, Figtree Drive, Sydney Olympic Park.

Mirvac subsequently lodged SSD16_7662 which sought approval for a development designed having regard to the proposed development standards set out in draft SSP SEPP and draft Master Plan 2030. The proposal involved the construction of a similarly arranged mixed-use development comprising four residential towers ranging in height between nine and 35 storeys, retail GFA at ground level, basement parking containing 730 spaces, landscaping, access and public domain works.

The application was publicly exhibited between 18 January 2017 and 6 March 2017 and a series of submissions were received during that period. A Response to Submissions (**RtS**) package containing amended plans and technical documentation was prepared on behalf of the applicant to address issues raised in those submissions. Amended plans were exhibited between 20 June 2017 and 4 July 2017. The development was subsequently approved by the Minister for Planning on 8 September 2017.

2. SITE DESCRIPTION

The subject site is known as Site 53, 2 Figtree Drive, Sydney Olympic Park (the **Site**) and is located within the City of Parramatta Local Government Area (**LGA**). The Site is legally described as Lot 22 in DP 787402 and has an area of 12,320sq.m.

An 'adjacent land' parcel of 377m² (along the Australia Avenue boundary) is included as part of the Site. The total site area for the purposes of the original SSD application was taken to be is 12,697sq.m. An aerial image of the Site is provided at **Figure 1**.

Figure 1 – Site Plan



3. PROPOSED MODIFICATIONS

This application seeks approval under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 16_7662. The scope of the modification application is addressed in the following subsections.

3.1. OVERVIEW

The modifications proposed by this application are generally the result of a detailed design development process and are minor in nature.

The external building envelope will remain unchanged with the exception of minor adjustments to rooftop service areas to accommodate the required roof top plant and equipment. Minor internal adjustments are proposed to improve the functionality and amenity of the development, and to respond to product demand. Internal adjustments will result in fewer apartments, now 698 apartments compared to the approved 705.

Modifications proposed to SSD 16_7662 are summarised in **Table 1**. This summary corresponds with the modifications listed on the Architectural Plans at **Appendix A**. A more detailed description of the proposed modifications is provided where necessary in the following subsections.

Table 1 – Modification summary

Building	Modification
Building 1	<ul style="list-style-type: none"> • Adjustment to the approved mechanical louvres associated with carpark supply fan room at Level B01. • Reconfiguration of external stair from Figtree Drive to podium and main pedestrian entry for Building 1 and 2 at Level 01. • Privacy screens relocated from Building 1 (western elevation) to Building 5 (eastern elevation) for Level 03 through Level 08. • Roof plant area and associated screening adjusted. • Off form concrete to terraces entry portal on Level 01. • External wall nibs removed from southern façade.
Building 2	<ul style="list-style-type: none"> • Conversion of ten x 1 and 2 bedroom units to five x 3 bedroom units on Level 28 through Level 32. • Two lifts doors deleted on Level 02 through Level 15 so as to deny access to corresponding passenger lifts from those levels. • Louvred roof removed and plant room area amended on Level 25. • Roof plant area and associated screening adjusted, height of lift overrun updated on Level 36. • Glazing added to roof parapet and additional balcony provided on Level 25 to improve amenity to adjacent apartment. • Window location adjusted on eastern elevation at Level 35. • Screen added to external wall of lift core on Level 01 through Level 16.

Building	Modification
Building 3	<ul style="list-style-type: none"> • Awning added in front of gym room on Level 01 • Awning added over substation at Level B01, subsequent expansion of unit balconies at Level 01 • Roof screen and plant room area amended on Level 10. • Approved gym and yoga studio and community room swapped at Level 01 • Balcony expanded in relation to apartment at Level 08. • Roof plant area and associated screening reduced at Level 08.
Building 5	<ul style="list-style-type: none"> • Privacy screens relocated from Building 1 (western elevation) to Building 5 (eastern elevation) for Level 04 through Level 08. • Pet cleaning room and music room included on Level 01. • Mail room and fire exit doors relocated on Level 01. • Separated entrance provided for residential and visitor bicycle storage at Level 01. • Conversion of 2 bedroom apartment into a 1 bedroom apartment and security office at Level 01. • Two x 3 bedroom apartment converted to communal recreation spaces and leasing office at Level 09. • Plant room area relocated and louvered roof removed on Level 25. • Off-form concrete to terraces entry portal on Level 01. • Inclusion of workshop in bicycle storage on Level 01. • Elevation amended to correspond with approved floor plan for Level 17 through Level 23.
Basement	<ul style="list-style-type: none"> • Additional bicycle parking provided at Level B01 with subsequent adjustment to parking space arrangement. • Residential visitor parking, retail parking and accessible spaces will also be rearranged with security shutters relocated accordingly. • Main switch room relocated to Level B02. • Cold water plantroom relocated to Level B01. • Parcel locker area added to Level B01.

3.2. MECHANICAL LOUVRES (B1)

Mechanical louvres are approved at the eastern elevation of Basement Level 1 of Building 1. The louvres relate to the car park supply fan room and occupy a portion of the elevation adjacent to the approved retail floor space on Australia Avenue. This modification is a design development response and does not significantly alter the surface area occupied by mechanical louvres or the appearance of the approved elevation.

3.3. STAIR RECONFIGURATION (B1)

The approved external stair providing pedestrian access to the entry lobby of Building 1 and Building 2 is proposed to be reconfigured. The reconfiguration involves consolidating the approved stairs, currently separated by two landings. The modification is a design development response and results in a simplified stair arrangement thus improving constructability.

3.4. PRIVACY SCREENS (B1) (B5)

The location of approved privacy screens is proposed to be adjusted by relocating the privacy screens on the western elevation of Building 1 (Level 03 through Level 08) to the eastern elevation of Building 5 (Level 04 through Level 08). There will be no impact on privacy as a result of this modification.

3.5. RECONFIGURATION OF DWELLINGS (B2) (B5)

Dwellings are proposed to be reconfigured as follows:

- Combine an approved 1 bedroom unit with an approved 2 bedroom unit to create a 3 bedroom unit on Level 28 through Level 32 in Building 2. This modification is proposed to reduce the quantum of south-facing apartments and in response to market demand in respect of housing product.
- Conversion of an approved 2 bedroom unit to a 1 bedroom unit at Level 1 in Building 5 to allow for the introduction of a security office.

3.6. ADJUSTMENTS TO PASSENGER LIFT (B2)

The approved development provides for access to four passenger lifts for Level 1 through Level 15. Two passenger lifts are available beyond Level 15. The modification application seeks to limit access to two lifts from Level 2 through Level 15. Under the revised arrangement, residents seeking access to dwellings on Levels 16 and above will have exclusive use of two lifts, thus improving efficiency of passenger movement.

3.7. ROOF PLANT AREA AND SCREENING (B2)

Roof top service areas are proposed to be adjusted to accommodate required roof top plant and equipment. This is a response to design development, specifically, more detail is available concerning the type of roof top plant required to service the development. Modifications are summarised as follows:

- **B1 Level 13** – Screening is now set back from the southern edge of the building, reducing apparent building volume by a small degree. Service area extends slightly eastward however remains setback approximately 4m. A minor reduction to the height of the screening is proposed (approved at RL58.750 and proposed at RL58.325).

The photomontage at **Figure 2** provides a visual illustration of the expanded service area.

Figure 2 – Photomontage Building 1



Picture 1 – Service area B1 (approved)



Picture 2 – Service area B1 (proposed)

- B2 Level 25** – The service area is expanded to the south-west however remains setback a minimum 2.88m from the south western edge of the parapet and will continue to present as a recessive visual element. The horizontal screen is no longer proposed over this service area. The height of screening is proposed to be reduced slightly (approved at RL 96.000 and proposed at RL 95.950). We note the parapet wall is a similar height as the service area screen, and therefore conceals the service area from view.
- B2 Level 36** – The service area is to be extended northward, toward the centre of the roof to mitigate visual presence when viewed from adjoining land. The height of the screen is marginally reduced compared to the approval (approved at RL 132.400 and proposed at RL 132.350). Also proposed is an adjustment to the lift overrun and machine room. The roof of the modified structure will be at RL 133.720, 1320mm taller than the approved structure at RL 132.400. The lift overrun is centralised and will generally be obscured from view by screening at the perimeter of the service area.

The photomontage at **Figure 3** provides a visual illustration of the expanded service area and demonstrates that the changes are not readily visible from the public domain.

Figure 3 – Photomontage Building 2



Picture 3 – Service area B2 (approved)



Picture 4 – Service area B2 (proposed)

- B3 Level 10** – The approved roof plant area is proposed to be expanded and will extend closer to the northern and southern edge of the building. A compliant 3m setback from the northern and southern edges will be achieved. The minor increase in the height of the proposed screening is proposed (approved at RL 49.650 and proposed at RL 49.725).

The photomontage at **Figure 4** provides a visual illustration of the expanded service area.

Figure 4 – Photomontage of Building 3



Picture 5 – Service area B3 (approved)



Picture 6 – Service area B3 (proposed)

- **B3 Level 08** – The extent of the approved service area will be markedly reduced with increased setbacks from the eastern and western edges of the building.
- **B5 Level 25** – The service area is to be relocated to the southern element of Building 5. The service area is setback a minimum distance of 3.15m from the edge of the level below (i.e. eastern edge of Level 23) and will therefore presents as a visually recessive building element. The height of the screening is at RL 94.395, 200mm taller than the approved screening at RL 94.195.

3.8. CURTAIN WALL (B2)

Glazing is proposed to replace a section of the concrete parapet on the southern elevation at Level 25 of Building 2. This modification will allow more daylight into the adjacent apartment and improve resident amenity as a result. An additional balcony is also provided adjacent to glazing and will contribute to amenity of the unit.

3.9. AWNING OVER GYM ENTRY (B3)

The approved development provides no awning over the entry threshold to the gym and yoga studio (approved as a community room). The modification application seeks to introduce an awning over this entry threshold for weather protection and therefore improved amenity.

3.10. AWNING OVER SUBSTATION (B3)

The modification application seeks to extend the balcony associated with Unit 1 on Level 01 of Building 3. The extended balcony will function as an awning over the substation at Basement 1 thus affording those accessing the substation a degree of weather protection. The balcony area for Unit 1 increases from 15.4sq.m to 36.6sq.m. This modification vastly improves amenity and utility value of this unit.

3.11. COMMUNAL FACILITIES ADJUSTMENT (B3)

The community room and gym and yoga space approved at Level 1 of Building 3 have been swapped and internal partition walls adjusted to improve functionality of these spaces. More detail is provided in relation to location of amenities. The spaces have been swapped in response to development condition B2.

3.12. COURTYARD INCLUDED (B3)(B5)

Courtyards are proposed at the western side of Unit 2 at Level 1 of Building 3 and the western side of Unit 5 at Level 1 of Building 5. The courtyards are 19.8sq.m and 21.7sq.m in area respectively and are accessed from the bedroom of these 1 bedroom units. The courtyards will improve the amenity of these apartments by providing additional private outdoor space. Palisade fencing balustrade will be erected to ensure privacy of residents is preserved.

3.13. ANCILLARY FACILITIES (B5)

A series of adjustments are proposed at Level 1 Building 5 to introduce, or modify existing, ancillary facilities. These include introducing a pet cleaning and music room and a bike repair workshop, reconfiguring the mail room and providing improved access to the bicycle storage area. These ancillary facilities will improve the functionality of the development.

3.14. COMMUNAL FACILITIES (B5)

The modification application proposes to introduce a series of communal facilities and a leasing office at Level 09. These facilities will replace two x 3 bedroom units in this location. The communal facilities include a lounge, a games room, a media centre, a shared dining area, reading space and accessible toilet, as well as outdoor courtyard spaces and are intended to improve the amenity value of the building.

3.15. RECONFIGURATION OF BASEMENT

An additional area of resident bicycle parking will be provided in the basement and will be directly adjacent to the passenger lift for convenient access. Relocation is required to make space for expanded ancillary facilities at Level 01. The introduction of bicycle parking necessitates the rearrangement of the approved car parking layout. No change to approved parking numbers is proposed, however there will be one fewer accessible parking space as this is no longer required given reduced apartment numbers.

3.16. MODIFICATION TO CONDITIONS OF CONSENT

The proposed modifications will necessitate the adjustment of several consent conditions, as described in **Table 2**.

Table 2 – Amendments to consent conditions

Condition no.	Condition content	Proposed wording	Comment
A2 Development in Accordance with Plans and Documents	<i>Part (g) of the condition lists approved plans and documentation.</i>	Part (g) to be updated to reflect new plan issue no. and date.	
B2 Amended Architectural Plans	<i>“... common room and gym/yoga studio proposed at ground level of Building 3 to be swapped locations to promote greater passive surveillance of the pathways...”</i>	Delete condition.	The modification application proposes to rotate these spaces as required by the condition therefore the condition becomes redundant.
B9 BASIX	<i>“...commitments outlined in BASIX Certificate Number 650643M_10 dated 15 June 2017...”</i>	Replace with reference to updated BASIX certificate i.e. “...commitments outlined in BASIX Certificate Number 650643M_14 dated 27 June 2018...”	

Condition no.	Condition content	Proposed wording	Comment
B12 Bicycle Parking ad Facilities	<i>"...minimum 1,025 bicycle parking spaces are to be provided comprising..."</i>	Update figures as follows: <ul style="list-style-type: none"> • Minimum bicycle parking spaces 1,017. • 812 bike spaces (residential component) • 175 residential visitor spaces • 30 commercial/retail spaces 	The reduction in apartment numbers has resulted in a subsequent reduction to bicycle parking requirement.

4. SECTION 4.55 OF THE EP&A ACT

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents and sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1A), 4.55(1) or 4.55(2).

This application seeks to amend SSD16_7662 pursuant to section 4.55(2) which provides that a consent authority may, subject to and in accordance with the Regulations, modify a development consent if (**emphasis added**):

- (a) *it is satisfied 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), and*

The consent authority can be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted under consent SSD16_7662. The original consent has not previously been modified.

From a quantitative and qualitative perspective, the proposed modifications will result in a development that is substantially the same as the development for which consent was originally granted for the following reasons:

- The approved use, being a mixed-use development comprising ground level retail and residential towers above, will not be altered. The modifications proposed will not significantly alter anticipated resident capacity, nor adjust operational aspects of the development;
- The quantitative elements of the approval, including floor area, building height, setbacks, spatial arrangement, quantum of car and bicycle parking, and extent of excavation will not be substantially altered by the proposed modifications;
- The environmental impacts associated with the proposed modifications are comparable to those associated with the approved development, as discussed at **Section 5.2** of this report. Impacts have been considered and addressed include building form, overshadowing, residential amenity, and car parking arrangement; and
- The proposal as modified will continue to align with aims and objectives of relevant State and local planning instruments, and planning guidelines, as discussed at **Section 5.1** of this report.

As detailed above, the consent authority can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. The modification of development consent SSD16_7662 can therefore lawfully be approved pursuant to section 4.55(2) of the EP&A Act.

5. ENVIRONMENTAL ASSESSMENT

Section 4.55(3) provides that (**emphasis added**):

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in **section 4.15 (1) as are of relevance to the development the subject of the application**. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Section 4.15(1) states:

- (1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The SEARs issued in relation to SSD16_7662 have been taken into consideration and relevant commentary provided throughout this letter.

5.1. SECTION 4.15(1) PLANNING INSTRUMENTS [S.4.15(1)(A)(I)&(II)]

The Environmental Impact Statement submitted with the original State Significant Development application addressed the proposed development's level of compliance against the relevant planning instruments and strategic planning policies and guidelines, including:

- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);*
- *State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP);*
- *State Environmental Planning Policy (Infrastructure) 2007 (I SEPP);*
- *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65);*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX);*

- *State Environmental Planning Policy No 55- Remediation of Land* (SEPP 55);
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SHC SEPP); and
- *Draft State Environmental Planning Policy (State Significant Precincts) 2005* (Draft SSP SEPP)

The proposed modifications do not affect the proposed development's level of compliance with most of the relevant planning instruments and strategic planning policies and guidelines.

However, it is considered necessary to re-examine the proposed development's level of compliance with certain provisions within *SSP SEPP*, *SEPP 65* and the *Master Plan 2030*.

5.1.1. State Environmental Planning Policy (State Significant Precincts) 2005

SSP SEPP aims to facilitate the development, redevelopment or protection of important urban sites of economic, environmental or social significance to the State to facilitate the orderly use, development or conservation of those precincts for the benefit of the State.

Sydney Olympic Park is identified as a 'State Significant Site' in Schedule 3, Part 23 of SSP SEPP. This schedule provides specific development controls for sites within Sydney Olympic Park site. These controls are addressed below where relevant to the modification application.

5.1.1.1. Height

Pursuant to Clause 18 of Part 23, the maximum height of buildings permitted on the subject site is 30 metres. The proposed height controls for the site under the Draft SSP SEPP are 102m (eastern half of the site), 74m (north-western portion of the site) and 33m (south-western portion of the site).

The approved development comprises four residential flat buildings, ranging in height from nine to 35 storeys. All four of the approved residential flat buildings exceed the maximum height of buildings permitted under SPP SEPP. Only Building 2 exceeds the permitted building height under the draft building height controls.

The modification application seeks to make small adjustments to the extent of rooftop service zone areas and the plant and equipment therein, however the height of these structures will generally remain unchanged or are marginally reduced. A comparative analysis is provided below to demonstrate.

Table 3 – Service area height comparison

Service area	Approved RL	Proposed RL
Level 8 Building 3	RL 43.150	RL 43.025
Level 10 Building 3	RL 49.650	RL 49.725
Level 13 Building 1	RL 58.750	RL 58.750
Level 24 Building 5	RL 94.195	RL 94.395
Level 25 Building 2	RL 96.000	RL 95.950
Level 36 Building 2	RL 132.400	RL 133.720

One exception is the lift overrun at Level 36 of Building 2. The roof of the modified structure will be at RL 133.720, 1320mm taller than the approved structure at RL 132.400. The lift overrun is centralised and will generally be obscured from view by screening at the perimeter of the service area (refer to photomontage at **Figure 3**).

Building height is defined as follows [our underline emphasis added]:

building height (or height of building) means the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the highest habitable floor (including above ground car parking) of the building, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The lift overrun is not accounted for in the building height measurement and therefore the adjustments proposed by this modification application will not result in any change in building height.

5.1.1.2. Floor space ratio

Pursuant to Clause 19 of Part 23, the maximum floor space ratio permitted on the subject site is 2.5:1. However, Section 4.6.10 of the *Sydney Olympic Park Master Plan 2030* states:

“If the consent authority is satisfied that the proposed development exhibits design excellence and is based upon the preferred scheme resulting from a design competition, a bonus floor space allocation of up to 10 per cent may be permitted for buildings over 8 storeys in height.”

As such, the maximum floor space ratio for the site is 2.75:1 inclusive of the 10 per cent design excellence incentive. This translates into a maximum gross floor area (including the bonus floor space) of 34,917sq.m, under existing controls.

Under the provisions of Draft SSP SEPP a maximum floor space ratio of 4.5:1 is permitted on the subject site. It is noted that the design excellence incentive will continue to operate under the provisions of the *Draft Sydney Olympic Park Master Plan 2030*.

The maximum gross floor area for the site under the draft parameters is 4.95:1 inclusive of the 10 per cent design excellence incentive. This translates into a maximum gross floor area (including bonus floor space) of 62,850.15sq.m, under the draft controls.

The development approved under SSD16_7662 has a gross floor area of 62,655.70sq.m and complied with the draft controls.

The proposed development has a gross floor area of 62,655.40sq.m and is marginally less than the gross floor area of the approved development. The development complies with the floor space ratio development standard.

5.1.1.3. Transport

Clause 25 of Part 23 states that the consent authority must be satisfied that the development includes measures to promote public transport use, cycling and walking.

The approved development was considered to encourage sustainable transport use by way of adequate bicycle provision, pedestrian and cycle route upgrades and the proposed implementation of a Green Travel Plan.

The development as modified provides 1,017 bicycle parking spaces and this complies with the minimum required under Sydney Olympic Park Master Plan 2030. A Traffic Statement has been prepared by PTC and is included at **Appendix F**. No changes are proposed in relation to approved pedestrian and cycle route upgrades or the proposed implementation of a Green Travel Plan.

The development as modified continues to promote public transport use, cycling and walking.

5.1.1.4. Master plan

Clause 26 of Part 23 states that development consent must not be granted for development on land within Sydney Olympic Park unless the consent authority has considered the *Sydney Olympic Park Master Plan 2030*. *Sydney Olympic Master Plan 2030* and its provisions are considered in relation to the proposed modifications at **Section 5.1.4** of this Report.

5.1.1.5. Design excellence

Clause 30 of Part 23 states that the consent authority must not grant consent to development that is the erection of a new building or external alterations to an existing building unless it is satisfied that the development exhibits design excellence.

The consent authority was satisfied that the approved development exhibited design excellence and hence endorsed the proposal.

The development as modified will maintain these design qualities with only minor external adjustments proposed that will not dilute the design quality of the development. A letter from the BVN architects is included at **Appendix C** which verifies that the amendments proposed by this modification application do not impact the key principles of the design.

5.1.2. State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

SEPP 65 was introduced in 2002 to improve the design quality of residential apartment development in NSW. The Policy applies to development for the purposes of a new residential flat building if the building concerned is at least three storeys and contains at least four dwellings.

In determining a development application for a residential flat building, the consent authority is to consider the advice obtained from a design review panel, the design quality of the development when evaluated in accordance with the design quality principles contained in Schedule 1 of the Policy, and the Apartment Design Guide (ADG).

A design verification report was submitted with the original application to verify that the development aligned with the design principles and achieved a high level of compliance with the ADG. The approved development was considered by the consent authority to accord with the design quality principles contained in the Policy and adequately address the design criteria contained in the ADG, and the proposal was subsequently endorsed by way of granting consent.

Pursuant to Clause 115(3) of the *Environmental Planning and Assessment Regulation 2000*, if an application for the modification of a development consent relates to a residential apartment development and the development application was required to be accompanied by a design verification statement from a qualified designer, the modification application must also be accompanied by a statement from a qualified designer.

Accordingly, a letter from the BVN architects is included at **Appendix C** which verifies that the amendments proposed by this modification application do not impact the key design principles of the design. In addition, a Design Verification Statement prepared by Mirvac Design (being the architects who have documented the modifications to the development) has been prepared and is included at **Appendix B**. The Statement explains that the development as modified addresses the design quality principles and achieves the objectives of the ADG.

Apartment Design Guide

The ADG is a resource to improve the planning and design of residential apartment development in NSW. It updates and replaces the Residential Flat Design Code introduced in 2002. The ADG sets out objectives, design criteria and design guidance for the siting, design and amenity of residential apartment development.

The Architectural Plans provided at **Appendix A** include an ADG compliance sheet (DA-8005) relating specifically to the apartments adjusted as a result of this modification application. The development as modified achieves a high level of compliance with the relevant provisions of the ADG.

Of the apartments that are to be adjusted, three are marginally non-compliant with ADG design criteria, as described below:

- Building 2 Level 25 Unit 01: This unit is proposed to be modified by introducing an additional balcony space off the living area to supplement the approved balcony recessed balcony space labelled as a 'wintergarden'. The additional balcony space is situated within the approved rooftop area and is considered to be a more efficient use of this space.

The balcony depth is approximately 1.6m and therefore marginally non-compliant with the numeric design criteria contained in Part 4E-1 of the ADG. Notwithstanding, the additional balcony provides an adequate space to support passive activities and contributes to the amenity of the unit. On this basis the balcony achieves the objective of Part 4E-1 of the ADG and the minor numeric non-compliance is acceptable.

It is noted that the combined area of private open space accords with relevant design criteria i.e. 8sqm.

- Building 3 Level 01 Unit 01: This unit is proposed to be modified by extending the approved balcony area over the service space below. The balcony presents to the street and there will be no adverse visual or acoustic impacts as a result of extending the balcony. Rather, the amenity and utility value of the unit will be enhanced.

It is noted that the living room width is 3.64m and therefore marginally non-compliant with Part 4D-3 of the ADG which requires a minimum 4m living room depth for 2 and 3 bedroom units. The living room area is not proposed to be adjusted by this modification application and is as per the approved arrangement.

- Building 5 Level 01 Unit 01: This unit was approved as a 2 bedroom unit however it is proposed to reduce the size of the unit to a single bedroom unit to accommodate a security office and reception space adjacent. Consequently, the living room has been slightly reconfigured resulting in a living room width of 3.595m.

This is only marginally non-compliant with Part 4D-3 of the ADG which requires a living room width of 3.6m for single bedroom unit (i.e. 5mm non-compliant). The furniture layout demonstrates that the unit can accommodate a range of household activities and needs and therefore satisfies the objective of Part 4D-3.

As demonstrated above, the development as modified achieves a high degree of compliance with the ADG and where non-compliances are proposed, they are marginal and the subject units satisfy the respective objectives of the ADG. For discussion concerning solar access and cross ventilation, refer to Section 5.2.3 of this Report.

5.1.3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: Basix) 2004 came into force in July 2004 and aims to ensure consistency in the implementation of the BASIX scheme throughout the State. SEPP BASIX requires that proposals for residential development are accompanied by a list of commitments by the applicant in relation to suitability, energy and water efficiency.

Pursuant to Clause 115(6) of the *Environmental Planning and Assessment Regulation 2000* if an application for the modification of a development consent relates to a development for which the development application was required to be accompanied by a BASIX certificate, the modification application must also be accompanied by a BASIX certificate.

A new BASIX certificate has been prepared in relation to the development as modified and is included at **Appendix O**.

5.1.4. Sydney Olympic Park Master Plan 2030

The *Sydney Olympic Park Master Plan 2030* (Master Plan 2030) contains detailed planning and design principles and controls which apply to development carried out within Sydney Olympic Park. The Master Plan 2030 contain generally controls as well as controls that apply to specific areas with the precinct.

A review of Master Plan 2030 was undertaken in 2016 and results of the review, including the proposed Master Plan 2030 documents, were released in mid-2017. The aim of the proposed Master Plan 2030 documents is to support additional residential, retail and commercial development, community facilities and expanding sporting and entertainment venues.

The approved development was generally found to accord with the requirements of the existing Master Plan 2030 as well as the draft Master Plan requirements. Where departures were proposed, the consent authority considered them to be well justified. Departures from Master Plan 2030 endorsed under the approval included building height and floor space ratio.

Table 3 provides an assessment of the proposed modifications against the relevant sections of Master Plan 2030, and the provisions of the proposed Master Plan 2030 documents where changes are proposed.

Table 4 – Sydney Olympic Park Master Plan 2030 compliance assessment

Section	Control	Comment	Compliance
4.6.5 Roof top service zone	<i>Maximum rooftop service zone height is 5m.</i>	The maximum height of the screening demarcating the edge of the rooftop service zone is 4.75m. Plant rooms and lift overruns generally align with the height of the screening. The lift overrun at Level 36 Building 2 will project beyond the screening and is 6.12m in height, therefore marginally non-compliant with this control.	No, though negligible visual impact.

Section	Control	Comment	Compliance
		<p>The lift core is centrally located and has substantial setbacks from the edges of the building. The screening at the perimeter of the building will largely conceal any view of the lift overrun, ensuring the visual impact of this structure is negligible. This is best illustrated in the photomontages at Appendix D. The minor numerical non-compliance is considered acceptable.</p>	
	<p><i>Setback rooftop service zone 3m from the parapet.</i></p>	<p>The modification application seeks revised service zone areas and, in some instances, the screening defining the edge of the service zone will be within 3m of the parapet.</p> <p>Adjustment to service zones areas are summaries as follows:</p> <ul style="list-style-type: none"> • B3 L08 – service zone reduced, setback increased and compliant. • B3 L10 – service zone increased, approved setback maintained and non-compliant. • B1 L13 – service zone increased, approved setback increased and now achieves compliance. • B5 L24 – service zone relocated, setback compliant at minimum 3.4m. • B2 L24 – service zone increased, approved setback reduced to 2.88m on southwestern edge. Marginal reduction will result in non-compliance however no notable difference in terms of visual impact, as described at Section 3 of this Statement. • B2 L36 – service zone increased, approved setback maintained and non-compliant. <p>Where services zones are setback less than 3m from the parapet, these have been considered by the consent authority and endorsed through the approval.</p>	<p>No (existing non-compliance)</p>

Section	Control	Comment	Compliance
	<i>Total area in plan above the maximum building height for services may not exceed 80 per cent of building footprint area.</i>	<p>The total area in plan of the proposed service zones as a percentage of the corresponding building floorplate is as follows:</p> <ul style="list-style-type: none"> • B1 L13 – 52% • B2 L24, L36 – 50%, 36% • B3 L08, L10 – 30%, 57% • B5 L24 – 31% <p>The service zone areas comply with the numeric control.</p>	Yes
	<i>Design lift towers, machinery plant rooms to minimise visibility and size.</i>	The lift overruns and plant rooms have been designed to integrate with the building design and minimise visual impact by providing appropriate setbacks from building edges and installing suitable screening.	Yes
	<i>Roof top structures to be integral with the overall building design.</i>	The screening proposed to conceal lift overruns and plant rooms will ensure that these features are not readily perceived from neighbouring land. The screening material ensures visual integration with the building.	Yes
4.6.9 Accessibility controls	<i>Submit a Disability Access Strategy.</i>	The modification application is supported by an Access Statement (Appendix G). The Statement confirms that the development as modified remains able to achieve reasonable access for people with a disability.	Yes
4.6.15 Noise control	<i>An acoustic report prepared by an acoustic consultant assessing the possibility of land use conflict must be submitted.</i>	The modification application is supported by an Acoustic Statement (Appendix L). The Statement confirms the acoustic criteria and treatments from the original Acoustic Assessment Report remain valid.	Yes
4.6.17 Residential building controls	<i>Provide the following quantities of apartment types (min. 15% studio or one bed, min 15% three or more bed)</i>	<p>The number of residential units will be reduced from 705 to 698 as a result of the proposed modifications. The apartment mix and corresponding percentage is as follows:</p> <ul style="list-style-type: none"> • 1 bedroom unit – 275 or 39% (approved 40%) 	No (existing non-compliance)

Section	Control	Comment	Compliance
		<ul style="list-style-type: none"> • 2 bedroom unit – 328 or 47% (approved 47%) • 3 or more bedroom – 95 or 14% (approved 13%) <p>The proposal as modified is marginally non-compliant with the numeric unit mix requirement. The approved development was also non-complaint and the modified development represents a lesser degree of non-compliance in respect of the proportion of 3 bedroom apartments.</p>	
	<i>A minimum dimension of 1.5m is required to primary balconies; however, a minimum depth of 2.4m is preferred.</i>	The modification application proposes to increase the balcony associated with Unit 30802. The minimum dimension complies with the control.	
	<i>Achieve high quality living environments provide a minimum of three hours of direct sunlight to living rooms and private open space areas in at least 75 per cent of dwellings within a development on 30 June.</i>	The modification application is supported by a Solar Access Compliance Assessment (Appendix E). The Assessment indicates that 44.1 per cent of apartments receive 3 hours of direct sunlight. This is a marginal improvement on the approved development (44 per cent).	No (improvement on approved scheme)
4.7 Access and parking	<i>Car parking to be provided at the maximum rates in Table 4.11.</i>	The modification application is supported by a Traffic Statement (Appendix F). The development as modified will contain 730 spaces (no change from the approved) which is less than the maximum permitted under the SOPA Master Plan.	Yes
	<i>Bicycle parking to be provided at minimum rates in Table 4.12.</i>	The modification application is supported by a Traffic Statement (Appendix F). The reduction in residential units results in a reduction in the required number of bicycle spaces. The minimum required is 1017 spaces which have been provided accordingly.	Yes
5.2.5 Building height controls	<i>Ensure building heights comply with Figure 5.8 Central Precinct Building Heights Plan. [control</i>	The approved building height exceeds that permitted under the draft SOPA Master Plan. No change proposed to building height or approved number of storeys by this modification application.	No (existing non-compliance). Refer to discussion at Section 5.1.1.1.

Section	Control	Comment	Compliance
	<i>amended under draft Master Plan]</i>	We note that roof top plant areas will be modified with some height adjustments proposed, however plant and lift overruns are not to be accounted for in the building height measurement. This is discussed at Section 5.1.1.1 of this Report.	

The adjustments proposed by the modification application generally accord with the provisions of Master Plan 2030 as described within the **Table 2**.

The modifications will introduce a minor numeric non-compliance in the height of the lift overrun associated with Building 2, however this element will be obscured by approved screening at the perimeter of the building and therefore the consequent visual impact will be negligible.

The modifications proposed will reduce the degree of numeric non-compliance in relation to apartment mix and service area setbacks and are considered to be positive on this basis.

5.2. IMPACT OF THE DEVELOPMENT [S.4.15(1)(B)]

As identified in Section 3 of this Modification Statement, the proposed modifications are minor in nature and are generally the result of design development that has occurred since the consent was issued. The modifications are largely within the envelope approved under SSD16_7662, which was informed by the detailed specialist technical reports and assessment that accompanied the original SSD application.

Each of the detailed reports and assessments that supported the approved SSD have been reviewed by the corresponding technical consultant to assess whether findings, conclusions and recommendations contained within those reports remain relevant despite the modifications proposed by this modification application. Where it has been established that further assessment is required, technical reports have been supplemented with additional information.

The following specialist technical documents have been prepared to reflect the modified development:

- Architectural drawings prepared by Mirvac Design (**Appendix A**);
- Design Verification Statement prepared by Mirvac Design (**Appendix B**);
- Design Verification Statement prepared by BVN (**Appendix C**);
- Comparison photomontages (**Appendix D**);
- Solar Access Compliance Statement prepared by Steve King (**Appendix E**);
- Traffic Statement prepared by PTC (**Appendix F**);
- Access Statement prepared by MGAC (**Appendix G**);
- Natural Ventilation Assessment prepared by CPP (**Appendix H**);
- Pedestrian Wind Environment Assessment prepared by CPP (**Appendix I**);
- Solar Reflectivity Assessment prepared by CPP (**Appendix J**);
- Hydraulic Statement prepared by JHA (**Appendix K**);
- Acoustic Statement prepared by Renzo Tonin and Associates (**Appendix L**);
- Lift Services Verification Letter by VOS Group Engineers (**Appendix M**);
- Landscape Verification Letter by 360 Landscape Architects (**Appendix N**);
- Thermal Comfort and BASIX Assessment (**Appendix O**);

- Waste Management Verification Letter prepared by Elephants Foot (**Appendix P**)

The relevant matters that require specific detailed assessment in relation to the modification application are further detailed below.

5.2.1. Building form

The development as modified will have the same building envelope as the development for which approval has been granted, apart from minor adjustments to roof top service zone areas. The service area adjustments are required to accommodate necessary plant and equipment and involve minor increases in area and configuration as described in **Section 3**. Service zones will remain setback from the edges of the rooftop and approved materiality is maintained, therefore ensuring the visual impact of modified service zones is negligible.

This is best illustrated in the comparative photomontages provided at **Appendix D**.

5.2.2. Overshadowing

The approved building envelope will be maintained, apart from minor adjustments to the rooftop service zone areas to accommodate necessary plant and equipment. The adjustments are carefully designed to reduce visual impact and minimise additional overshadowing. Shadow diagrams have been prepared (refer to Architectural drawings at **Appendix A**) and demonstrate that the overshadowing impact is negligible. An extract of the shadow diagrams is provided below and demonstrates that the relative difference in shadow is almost indistinguishable. The blue dotted line represents the extent of shadow associated with the approved building.

Figure 5 – 21 June at 9.00am

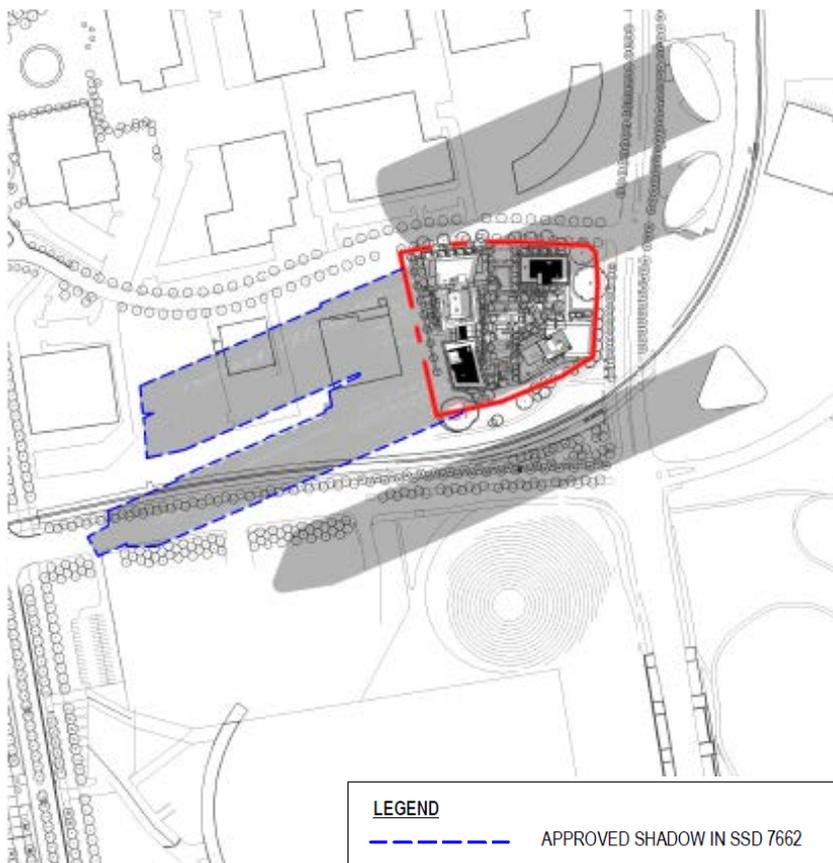


Figure 6 – June 21 at 12.00pm

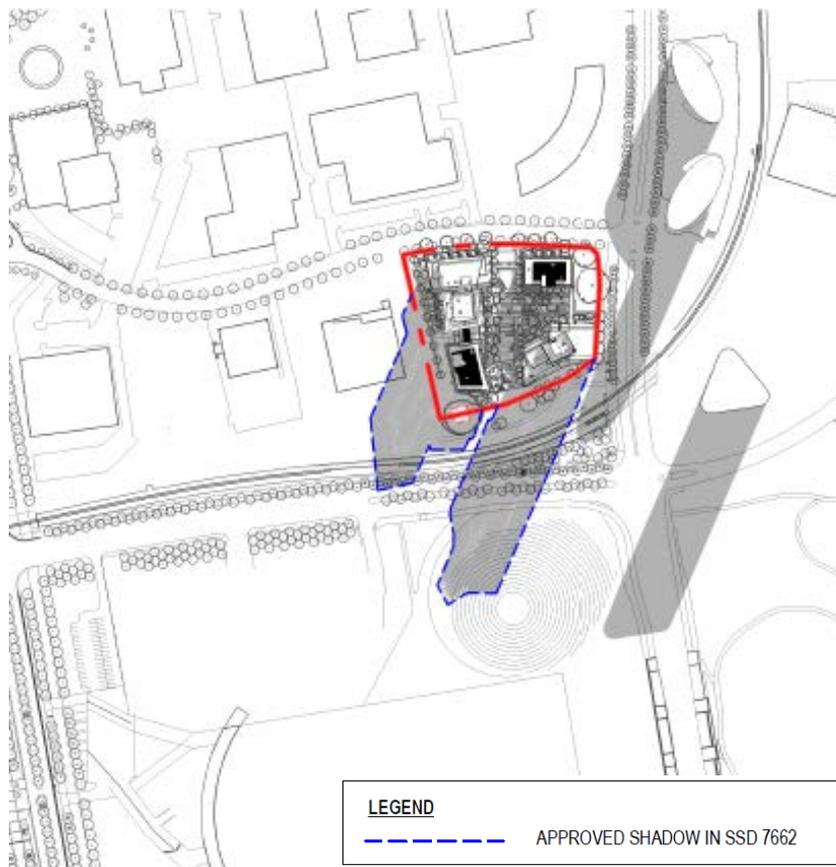
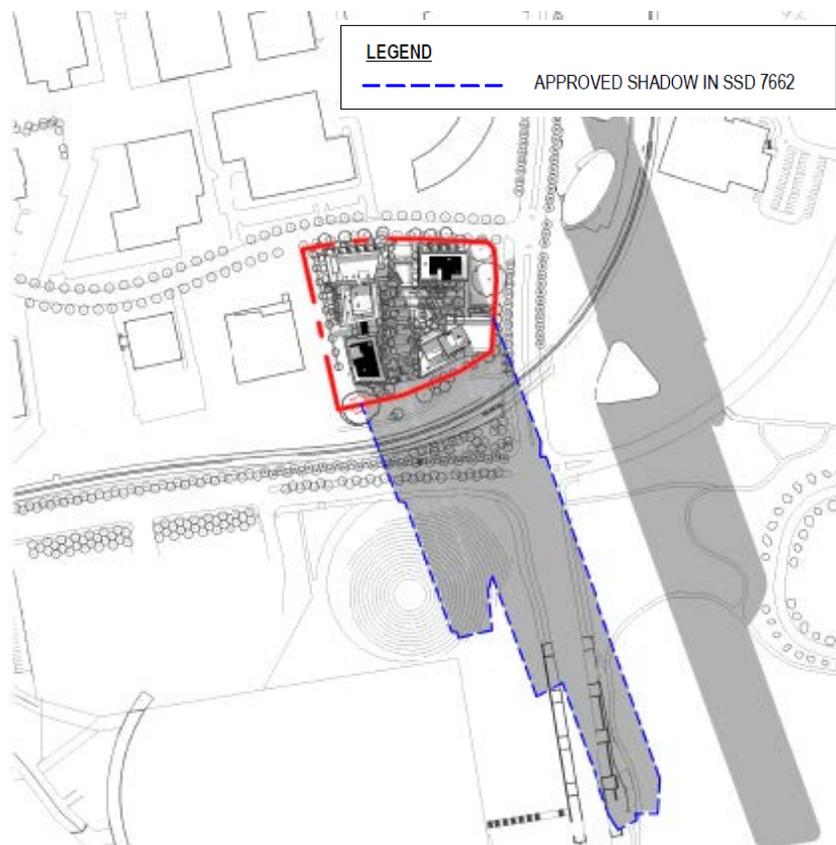


Figure 7 – June 21 at 3.00pm



5.2.3. Residential amenity

Solar access and cross ventilation

The development as modified has been designed with consideration given to SEPP 65 and the associated ADG and the design criteria contained therein. Both the approved development and the development as modified achieve a high level of environmental and residential amenity when benchmarked against the design criteria contained in the ADG.

The modification application is supported by an amended Solar Access Compliance Statement (refer **Appendix E**) which explains that the number of apartments with compliant solar access has marginally increased following amalgamation of some adversely oriented apartments. The percentage of compliant apartments in the modified scheme is 61.9% compared to 61.6% in the approved scheme.

It is noted that the ADG requires 70% of apartments with compliant solar access, and therefore the development as modified remains numerically non-compliant. Nonetheless, the modification application improves the percentage of apartments with compliant solar access and is positive on this basis.

The modification application is also supported by a supplementary Natural Ventilation Assessment (refer **Appendix H**). This assessment explains that the total number of apartments meeting the design intent of the ADG for the purpose of natural ventilation on Level 9 of Building 5 is reduced from 18 to 16 due to the inclusion of communal spaces on building 5. The assessment confirms that this modification does not change the overall compliance percentage of 61% over the first 9 storeys of the development.

The development as modified provides an improved or acceptable level of compliance with solar access and natural ventilation requirements contained in the ADG. On this basis, the development as modified has a high level residential amenity consistent with that of the approved development.

Acoustic privacy

The modification application seeks to replace two approved units with communal facilities at Level 09 in Building 5. The communal facilities include a lounge, media centre, dining space and games room and reading space. Terrace space is also provided at this level for communal use.

An Acoustic Statement has been prepared by Renzo Tonin and Associates (refer **Appendix L**) which considers the designated communal function of this space and the acoustic impacts associated with the use. Given potential noise impact on adjoining units, specific management controls have been recommended by the acoustic consultant.

Provided the management controls are implemented, the development as modified is not anticipated to have any adverse impacts on the acoustic amenity of residents within the development.

5.2.4. Traffic and parking impacts

A Traffic Statement has been prepared by PTC (refer **Appendix F**) which considers the parking and traffic implications of the development as modified.

The Statement explains that the modification application proposes no reduction in the number of approved car parking spaces which will remain at 730 spaces for residential, visitor, retail and car share purposes. The parking spaces provided is sufficient to service the development as modified.

The development as modified requires 1,017 bicycle spaces whereas previously the approved development required 1,025. The difference relates to the reduced number of units proposed in the development as modified. Required bicycle parking will be provided at Level 01 and Level B01.

The Statement confirms that the assessment of traffic generation prepared in relation to the approved development was calculated on a trip per car space basis. The traffic generation was deemed to be acceptable to the consent authority. Given the number of car parking spaces is unchanged, the traffic generation assessment is also unchanged and anticipated to be acceptable to the consent authority.

The Statement also considers the revised parking arrangement in basement levels. An assessment of the parking layout against the requirements of AS2890.1, AS2890.2, AS2890.3 and AS2890.6 indicates that the development as modified complies with these standards or is deemed fit for purpose on a performance basis.

In summary, the development as modified is acceptable with regard to traffic impacts and parking provision and arrangement.

5.3. SUITABILITY OF THE SITE [S.4.15(C)]

The site remains suitable for the proposed development, once modified, for the reasons outlined in the EIS lodged with the original SSDA. Specifically, a mixed use development is permissible with consent in the land use zone, the proposal is consistent (or justifiably non-compliant) with all relevant planning controls and achieves a high level of planning policy compliance, there are no significant environmental constraints limiting development of the site.

5.4. PUBLIC INTEREST [S.4.15(E)]

The proposed modifications to the approved development are in the public interest in that they will improve the constructability, functionality and appearance of the development thus enabling the delivery of a mixed use development.

6. CONCLUSION

This Modification Statement is submitted to the DPE in support of a Section 4.55(2) application to modify State Significant Development consent SSD16_7662 relating to the construction of a mixed-use development comprising 705 apartments contained within four residential towers ranging in height between nine and 35 storeys, 1,500sq.m of retail GFA at ground level, basement car parking containing 730 spaces, landscaping, access and public domain works at Site 53, Figtree Drive, Sydney Olympic Park.

The key modifications proposed to SSD16_7662 are described in detail at Section 3 of this Report and are generally the result of design development. The key amendments to the approved development are described as follows:

- Apartment reconfigurations resulting in a **reduction of units from 705 to 698 units**. The reduced number of units occurs as a result of combining an approved 1 bedroom unit with an approved 2 bedroom unit to create a 3 bedroom unit on Level 28 through Level 32 in Building B2, and by replacing two 3 bedroom units on Level 09 with communal facilities.
- **Adjustments to approved roof top services** areas to allow for necessary roof top plant and equipment. In most cases, the height of screening will be unchanged and the setback to key façade edges will be maintained. Where height is increased or the extent of the service area is expanded, the visual impacts of the modification are found to be acceptable.
- **Basement reconfiguration** to allow for additional ancillary facilities and a more function arrangement. The adjustments include adjusting fire egress/access, expanding mail room, introducing a security office, etc. Some bicycle parking will be relocated as a result of the proposed adjustments and this will necessitate reconfiguration of approved parking layout. Layouts continue to comply with relevant Australian Standards.

The proposed amendments are considered acceptable for the following reasons:

- The proposal as modified is substantially the same development as the development for which approval has been granted and continues to demonstrate consistency with the relevant environmental planning instruments including strategic planning policy, State and local planning legislation, regulation and policies.
- The proposal continues to exhibit design excellence as verified by the architect responsible for the original design and the architect responsible for preparing the modified drawings. Modifications proposed are generally the product of design development and will not compromise or undermine the design intent of the approved development.
- The proposal as modified will have similar impacts when compared to the development for which approval has been granted. The modified development will have slightly altered impacts with regard to overshadowing, acoustic privacy and visual impact, however these impacts have been assessed by the relevant technical specialists and are acceptable, as discussed within the Modification Statement.

Having regard to the above and in light of the assessment presented in this Modification Statement, it is requested that the Minister approve the proposed modifications to the approved development.

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APPENDIX A ARCHITECTURAL DRAWINGS

**APPENDIX B DESIGN VERIFICATION STATEMENT
(MIRVAC DESIGN)**

APPENDIX C

DESIGN VERIFICATION STATEMENT (BVN)

APPENDIX D

COMPARISON PHOTOMONTAGE

APPENDIX E

SOLAR ACCESS COMPLIANCE

APPENDIX F

TRAFFIC STATEMENT

APPENDIX G

ACCESS STATEMENT

APPENDIX H NATURAL VENTILATION ASSESSMENT

APPENDIX I PEDESTRIAN WIND ENVIRONMENT ASSESSMENT

APPENDIX J

SOLAR REFLECTIVITY ASSESSMENT

APPENDIX K HYDRAULIC STATEMENT

APPENDIX L ACOUSTIC VERIFICATION

APPENDIX M LIFT SERVICES VERIFICATION LETTER

APPENDIX N LANDSCAPE VERIFICATION LETTER

APPENDIX O THERMAL COMFORT AND BASIX ASSESSMENT

**APPENDIX P WASTE MANAGEMENT VERIFICATION
LETTER**



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