



**TOWER 2, LEVEL 23  
DARLING PARK, 201 SUSSEX ST  
SYDNEY NSW 2000**

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Urbis Pty Ltd  
ABN 50 105 256 228

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Karl Fetterplace  
Senior Planning Officer  
Key Sites Assessments  
NSW Planning & Environment

Dear Karl,

## **SSD 16\_7662: SITE 53, 2 FIG TREE DRIVE, SYDNEY OLYMPIC PARK SECTION 4.55 (1A) MODIFICATION APPLICATION**

### **1. INTRODUCTION**

This statement of modification has been prepared by Urbis on behalf of *Mirvac Projects Pty Ltd* (the Applicant) in support of a Section 4.55(1A) application, to modify State Significant Development Consent **SSD16\_7662**. Approval was provided on 8 September 2017 for a mixed-use development at Site 53, 2 Figtree Drive, Sydney Olympic Park including:

- A total gross floor area (GFA) of 62,655m<sup>2</sup> of residential GFA (705 apartments) and 1,500m<sup>2</sup> of retail GFA;
- Four residential buildings ranging in height between nine and 35 storeys with ground floor retail;
- Basement car parking, including 730 spaces; and
- Landscaping, access and public domain works.

The consent was subsequently modified on 6 December 2018 (**SSD 16\_7662 MOD 1**) to allow for:

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

This Section 4.55(1A) application seeks minor modifications to SSD 16\_7662, primarily relating to the relocation of the approved communal space area from Level 9 of Building 5 to Level 9 of Building 3, and the introduction of a sky-bridge between Building 5 and Building 3 to provide equal access.

## **2. SUBJECT SITE**

The site is located at 2 Figtree Drive within Sydney Olympic Park and is legally described as Lot 22 in DP 787402 and part Lot 10 in DP1185060. The site is bounded by Australia Avenue to the east, Figtree Drive to the north, a commercial building at 4 Figtree Drive to the west, and a landscaped corridor known as Linear Park to the south, which adjoins the Olympic Park Railway Line.

The site is located within the Parramatta Local Government Area. It has a total area of 12,697m<sup>2</sup> and is generally rectangular in shape.

## **3. PROPOSED MODIFICATION**

This application seeks approval under Section 4.55(1A) 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.

The modification primarily relates to the introduction of a large area of communal space on Level 9 of Building 3 and the conversion of the existing smaller area of communal space on Level 9 of Building 5 into 4 residential units.

The modifications result in an overall reduction of 2 residential units. There is no change to the approved gross floor area. The external building envelope remains unchanged with the exception of the introduction of a semi-open sky bridge, which provides equal access between Building 3 and 5 to the communal space.

### **3.1. BUILDING 2**

- Apartment 20301 to be identified as an adaptable unit. No change to the apartment type (2Bed\_Type1), layout, or size.

### **3.2. BUILDING 3**

- Conversion of all apartments on Level 9 into communal space, including meeting rooms, lounge, kitchen, games area, and outdoor space.
- Introduction of a new semi-open sky bridge to link Building 3 and 5 on Level 9, in order to provide equal access to the communal space.
- Removal of the roof plant screen on Level 8 and introduction of planter boxes.
- Minor adjustment to approved RLs on Level 8 and 9 to account for increased slab thickness. No change to the approved maximum height of the building and plant room.

### 3.3. BUILDING 5

- Conversion of Apartment 50101 on the Ground Floor into a leasing office. This is located adjacent to the previously approved security office and reception space.
- Conversion of the communal space on Level 9 into 4 apartments, including a Studio – Apartment 50901B, two x 1 Bedroom Apartments 50902A and 50902B, and a 2 Bedroom Apartment 50901A. Note: the original approval for SSD16\_7662 provided two x 3-Bedroom Apartments within this area. MOD 1 converted this area into communal space. MOD 2 is returning this area to residential uses, due to the introduction of communal space within Building 3. The building envelope has not changed as a result of these modifications.
- Apartment 52311 to be identified as a liveable unit. No change to the apartment type (1 Bed) or size (apartment layout modified slightly).
- Removal of the roof plant screen on Level 8 and introduction of planter boxes.

## 4. SECTION 4.55(1A) ASSESSMENT

The proposal has been assessed in accordance with the relevant provisions of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Table 1 – Section 4.55(1A) Assessment

Item	Assessment
a) <i>The proposed modification is of minimal environmental impact.</i>	<p>The proposed modification primarily relates to the relocation of approved communal space from Building 5 to Building 3 and the introduction of a sky-bridge between Building 5 and Building 3 to provide equal access. Externally, the resultant changes are insignificant.</p> <p>The proposed modifications are contained within the existing approved building envelope, with the exception of the introduction of the sky-bridge between Building 5 and Building 3. The proposed modifications do not extend the building footprint beyond the existing approved, nor do they increase the amount of gross floor area. The proposed modifications result in a net decrease of 2 residential apartments (from 698 to 696).</p> <p>Accordingly, the proposed modifications are minor in nature, will have a minimal environmental impact, and will not result in an increase in the intensity of use.</p>

Item	Assessment
<i>b) The modified development is substantially the same development for which consent was originally granted.</i>	The proposed modification will result in substantially the same development for which consent was originally granted. The changes primarily relate to the desire to provide a larger area of communal space to improve the amenity for the future residents of the development. They are the result of refinements that have been carried out as part of the detailed design and market sounding process.
<i>c) Notification</i>	Due to the minor nature of the proposed modification it is understood that notification is not required in this instance.
<i>d) Submissions</i>	Notwithstanding the above, any relevant submissions received regarding the proposed modification will be considered and addressed by the applicant and consent authority.

## 5. SECTION 4.15 ASSESSMENT

The proposal has been evaluated against the relevant matters for consideration set out in Section 4.15 of the EP&A Act.

### 5.1. ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

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

##### Land Use Zoning

The modification does not alter the approved residential and retail use of the site, which are permitted with consent within the B4 Mixed Use zone. Further, the development as modified remains consistent with the objectives of the B4 Mixed Use zone.

##### Height

The modification does not propose to increase the approved maximum height of buildings. While it is proposed to alter the RLs of Levels 8 and 9 within Building 3 to account for an increase in slab thickness, the overall height of the building remains at 47.150m as approved.

### **Floor Space Ratio**

The floor space ratio will remain at 4.93:1. The approved gross floor area was 62,655.40m<sup>2</sup>. The proposed gross floor area is 62,655.40m<sup>2</sup>.

### **Transport**

The development as modified continues to provide the required amount of bicycle parking spaces, in accordance with the *Sydney Olympic Park Master Plan 2030*.

### **Master Plan**

The development as modified continues to achieve compliance with the relevant objectives of the *Sydney Olympic Park Master Plan 2030*.

### **Design Excellence**

The Department have previously determined that the approved development (SSD16\_7662) and subsequent MOD 1 exhibited design excellence.

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 B** which verifies that the amendments proposed by this modification application do not impact the key principles of the approved design.

#### **5.1.2. State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)**

A letter from BVN Architects is included at **Appendix B**, which verifies that the amendments proposed by this modification application do not impact the key design principles of the approved development.

In addition, a Design Verification Statement prepared by Mirvac Design (being the architects who have documented the subject modifications) is also included at **Appendix B**. The Statement explains that the development as modified addresses the design quality principles of SEPP 65 and the development as modified continues to achieve compliance with the relevant provisions of the Apartment Design Guide.

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

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

### **5.2. LIKELY IMPACTS OF THE DEVELOPMENT**

#### **5.2.1. Overshadowing**

Shadow analysis is provided within the Architectural Drawings at **Appendix A**. The diagrams demonstrate there is no increase in overshadowing as a result of the proposed modifications.

### 5.2.2. Solar Access

RWDI have undertaken a review of the solar access performance for the development, having regard to the proposed modifications (refer **Appendix D**).

The effect of the proposed design changes has resulted in a minor improvement in the overall solar access performance of the development. This is due to the location of the communal area within Building 3 where poor performing apartments were previously located, and reinstated apartments with a northern aspect at Level 9 on Building 5.

The development as modified achieves 2 hours of solar access to 66.4% of apartments between 9am and 3pm in mid-winter (previously 66.1%) and to 70% of apartments between 8am and 4pm in mid-winter (previously 69.8%).

### 5.2.3. Natural Ventilation

CPP have undertaken an assessment of the natural ventilation performance of the development, having regard to the proposed modifications (refer **Appendix E**).

The total number of apartments meeting the design intent of the Apartment Design Guide for the purpose of natural ventilation on Level 9 of building 5 is increased from 18 to 20, as a result of the proposed modification. Also, apartments on Level 9 of building 3 were removed to accommodate communal spaces. These changes do not alter the overall compliance percentage of 61% over the first 9 storeys of the development.

### 5.2.4. Traffic

The modification application does not propose any changes to the approved car parking numbers, access / egress arrangement, basement design or layout.

A traffic statement has been prepared by PTC and is included at **Appendix F**.

The proposed modification seeks a reduction in residential units to 696, resulting in a reduction in required residential parking. As this modification does not seek to reduce the approved parking provision, the additional three spaces provided will be allocated as additional spaces for the 3 bedroom units within the development, therefore increasing the parking provision rate applied to 1.74 spaces per 3 bedroom unit.

The reduction in residential units also results in a reduction in required bicycle parking of 4 spaces. The revised provision of 1013 bicycle spaces, meets the minimum required by the Sydney Olympic Park Masterplan 2030.

The traffic generation for the development has been calculated on a trip per car space basis. As the proposed modification does not seek to change the approved parking provision, the traffic generation assessment remains the same as the approved development.

### 5.2.5. Access

Morris Goding Access Consulting have undertaken a review of the proposed modifications (refer **Appendix G**) and have confirmed the development, as modified, is able to achieve reasonable access provisions for people with disability as set out in the requirements of the DDA Premises Standards, BCA and AS1428 Suite with ongoing design development.

### **5.2.6. Noise**

The modification application seeks to relocate the communal space from Level 9 of Building 5 to Level 9 of Building 3. The communal facilities include a lounge, media centre, multi-use spaces, dining space and games room. An outdoor BBQ space is also provided.

An Acoustic Statement has been prepared by Renzo Tonin and Associates (refer **Appendix H**) 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.

### **5.2.7. Waste**

Elephant's Foot have reviewed the proposed modification to SSD 16\_7662 and have confirmed that no additional bins or equipment will be required (refer **Appendix I**).

## **5.3. SUITABILITY OF THE SITE**

The proposed modifications are minor in nature and do not affect the suitability of the site for the development. The site is located within an established urban area and has convenient access to the local and regional road network, public transport, social infrastructure and services. The site has an appropriate size and configuration and is considered suitable for the development as modified.

## **5.4. THE PUBLIC INTEREST**

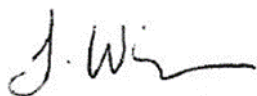
The proposed modifications will not result in any unreasonable or unacceptable ecological, social or economic impacts on the locality. The proposed modifications allow for an improved and enlarged provision of communal space to provide greater amenity for the future residents of the development. Therefore, the development as modified is considered in the public interest.

## **6. CONCLUSION**

The proposed modifications to SSD16\_7662 have been considered against Section 4.15 and Section 4.55(1A) of the EP&A Act. It is concluded that the development as modified is substantially the same as the approved development and in our opinion represents an improved outcome for the site, Sydney Olympic Park precinct, and broader locality.

Please do not hesitate to contact the undersigned on 02 8233 7621 should you require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Wilson".

Samantha Wilson  
**Associate Director – Urban Planning**



Attachments:

- Appendix A – Architectural Drawings
- Appendix B – Design Verification Statements
- Appendix C – BASIX Assessment
- Appendix D – Solar Access Statement
- Appendix E – Natural Ventilation Statement
- Appendix F – Traffic Statement
- Appendix G – Access Statement
- Appendix H – Acoustic Impact Assessment
- Appendix I – Waste Statement