

26 July 2018

218447

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

Dear Ms McNally

**SSDA 7745 - SECTION 4.55(1A) MODIFICATION APPLICATION
NSW RUGBY LEAGUE CENTRE OF EXCELLENCE – SITE 18, DAWN FRASER AVENUE, SYDNEY OLYMPIC
PARK**

This application has been prepared by Ethos Urban on behalf of Adco Constructions, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 7745 relating to the NSW Rugby League Centre of Excellence at Site 18, Dawn Fraser Avenue, Sydney Olympic Park (the site).

This modification application seeks approval to convert an existing void space at the Ground Level in order to provide a store room, provide solar panels on the rooftop and make a number of minor design changes. Accordingly, this letter identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. It is also accompanied by amended Architectural Plans, prepared by Populous (**Attachment A**).

This application should be read in conjunction with the Environmental Impact Statement (EIS) for SSDA 7745 prepared by JBA (now Ethos Urban) dated October 2016.

1.0 Consent proposed to be modified

Development consent SSD 7745 was granted by the Minister for Planning on 13 March 2017 for the construction of a building to accommodate the NSW Rugby League Centre of Excellence, comprising sports science, training and administration uses.

This is the first modification to the consent.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The following modifications to the approved development are illustrated on the Architectural Plans provided at **Attachment A** and in **Figures 1 to 4** and are outlined at the below table.

Level	Modification Description	Reason for Change
Ground	Conversion of the existing void space at Ground Level to a store room	The requirement to utilise the existing void space is the result of design development and the need for an additional storage area to be provided within the development.
	Provision of a double door between the store room and the café/street to allow access	The installation of the two sets of doors is required to provide both internal and external access to the store room.
	Provision of a door to the store room leading from Dawn Fraser Ave	
	Relocation of a gas regulator room and store room	Design Development
	Changes to amenities to provide a female toilet	Design Development
	Modification to the reduce the layout and extent of the Museum	Design Development
Roof	Change to a portion of roof materials	The western portion of the roof is proposed to change from tin to concrete to improve durability and future expansion opportunities. The concrete framing at the eastern portion of the roof is proposed to change from concrete to lightweight (tin) as a result of design development.
	Amend a lift overrun	The lift feature is proposed to be reduced in height as the lift was able to be tucked beneath the roof sheeting.
	Inclusion of solar panels on the roof	The inclusion of solar roof panels on the Roof Level will improve the environmental performance of the building.

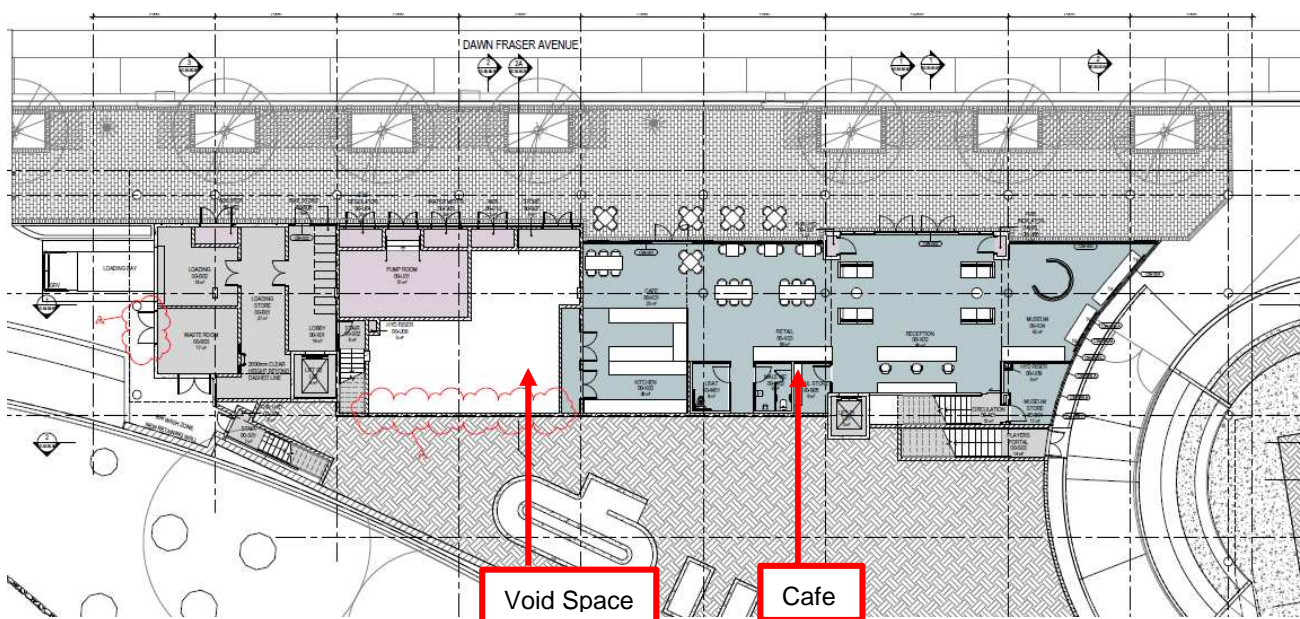


Figure 1 Approved (stamped) layout of Ground Level and void space

Source: Department of Planning and Environment

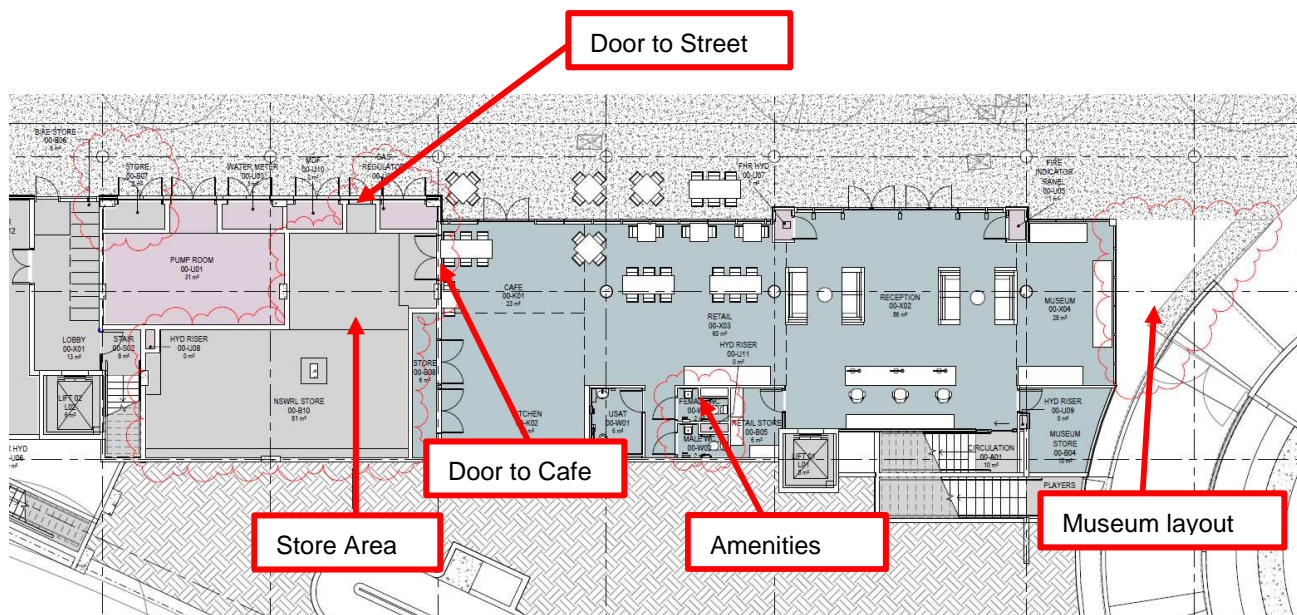


Figure 2 Proposed layout of Ground Level and inclusion of a store room

Source: Populous

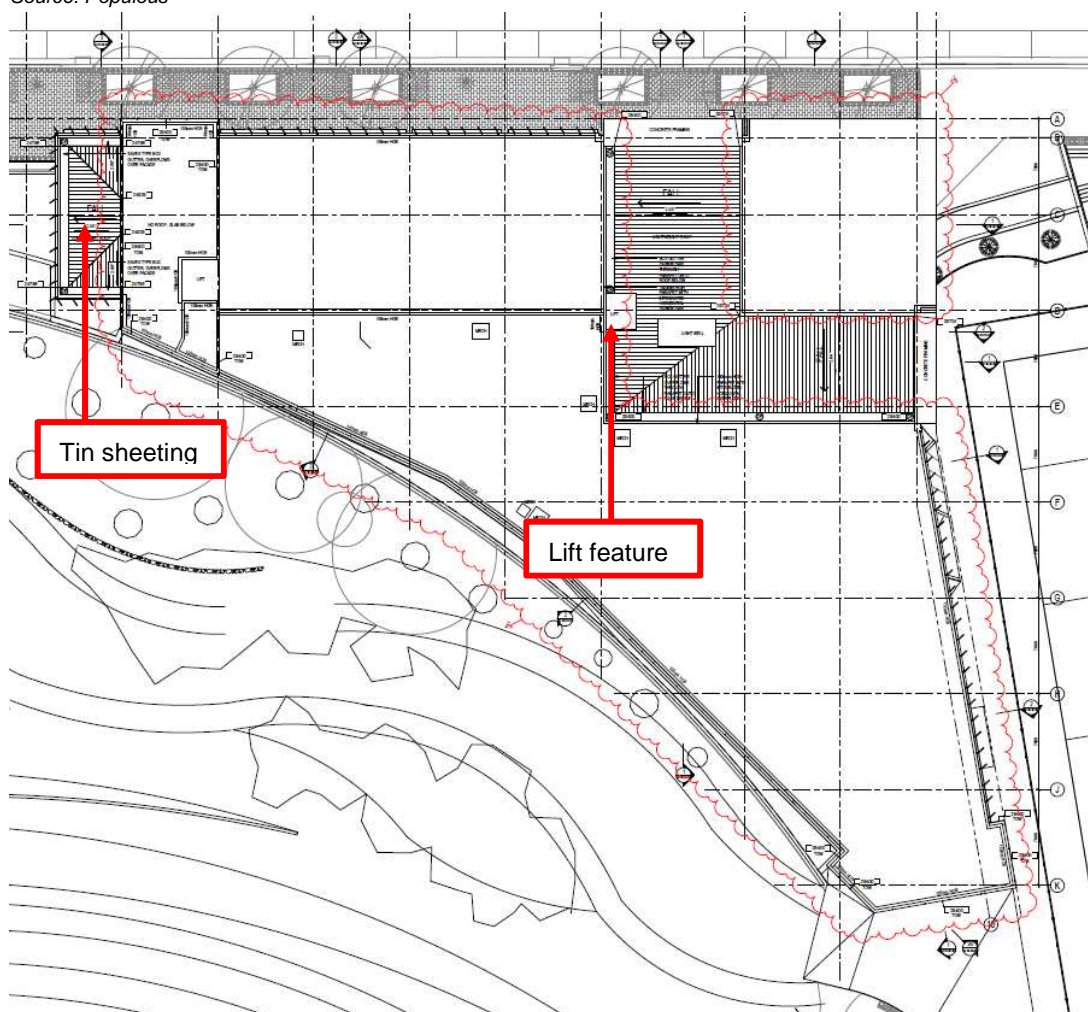


Figure 3 Approved (stamped) layout of the Roof Level

Source: Populous

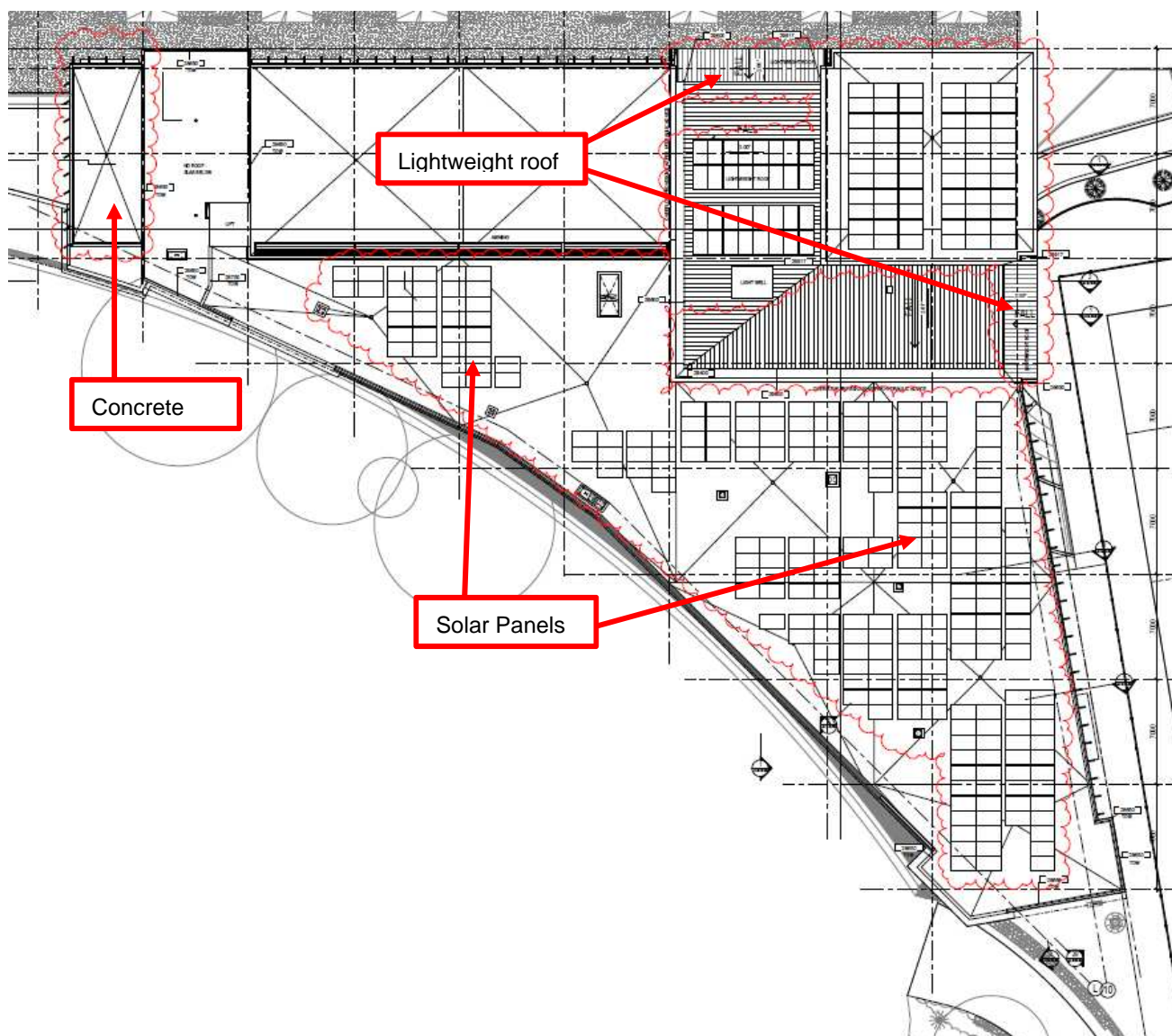


Figure 4 Proposed layout of the Roof Level

Source: Populous

2.1.1 Change to GFA

The modification will introduce a store room on the Ground Floor and will make a number of other minor design changes that will increase the GFA of the development.

2.1.2 Change to Height

The introduction of solar panels on the roof will result in a minor increase in the building height relative to the height of the solar panels.

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments Condition A2. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Condition A2

Architectural (or Design) Drawings prepared by Populous:			
Drawing No.	Revision	Name of Plan	Date
AD.10.00.000	S 6	PUBLIC FACILITIES STREET LEVEL GA PLAN LEVEL 0	22/02/2017 27/06/2018
AD.10.04.000	N CC	Roof Level GA Plan Level 4	22/02/2017 24/07/2018

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The proposed modification to provide a store room, provide solar panels on the rooftop and make a number of minor design changes will not substantially alter the nature of the approved development in that:

- There is no change to the use of the building from that originally approved; and
- There is no meaningful change to the built form as a result of the proposed modification;

For these reasons, Department of Planning can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. Furthermore, it is important to note that the proposed modifications are not considered to have greater environmental impacts beyond those considered under SSDA 7745.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

It is noted that the Environmental Impact Statement (EIS) submitted with the original SSDA application addressed the following environmental impacts:

- Consistency with relevant Strategic and Statutory Plans & Policies;
- Design Excellence and Built Form;
- Environmental Amenity;
- Contamination;
- Geotechnical Investigations;
- Accessibility;

- Acoustic Impacts;
- Transport and Accessibility;
- Utilities and Services;
- Contributions;
- Water Cycle Management;
- Tree Removal;
- Heritage;
- Archaeology;
- Waste Management;
- Crime Prevention Through Environmental Design;
- Construction Management;
- Environmental Risk Management;
- The Public Interest;
- Social and Economic Impacts; and
- Ecologically Sustainable Development.

The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. The relevant matters that require specific detailed assessment in relation to the modification application are discussed below.

4.1 Statement Environmental Planning Policy (State Significant Precincts) 2005

Sydney Olympic Park is listed as a State Significant Site in Schedule 3 of the State Significant Precincts SEPP. Part 23 refers to Sydney Olympic Park and sets out the planning provisions which apply to development within the site.

The proposed conversion of the store room, introduction of solar panels and other minor design changes will not amend the assessment of the development's consistency with the objectives of the B4 Mixed Use zone, nor will it result in any changes to:

- the extent of demolition;
- the connection to any public utility infrastructure;
- the major event capability;
- the public transport promotion;
- the consistency with the Masterplan; and
- the design excellence of the proposed building.

4.1.1 Height

The proposed solar panels are 150mm in height. Accordingly, the proposed modification will increase the building height by 150mm from 14.44m to 15.94m. The increased height is minor, and the building remains well below the 26m permissible height for the site.

4.1.2 GFA

The proposed modification to the development will increase the Gross Floor Area (GFA) of the proposal by 68m². From 4,002m² to 4,070m². **Table 1** below demonstrated that the proposed modifications result in a minor increase in FSR, however this remains well below the permissible FSR for the site.

Table 1 **Proposals consistency with the provisions of Part 23 of Schedule 3 of the State Significant Precincts SEPP**

Clause	Control	Approved	Proposed
19. Floor Space Ratio	4:1	1.27:1	1.3:1

4.2 Visual Impact and Shadowing

The solar panels are set back a minimum 300mm from the roof edge. As the panels sit flush against the roof, being 150mm in height, the setback will ensure that the panels are not visible from the public domain. Equally, the setback will ensure the panels do not create any overshadowing impacts.

4.3 Design Excellence

The proposed development makes a valuable contribution to the urban fabric of Sydney Olympic Park, as well as delivering benefits by providing employment and by injecting new activity into the precinct. The Proposed modifications continue to provide a well-designed, high quality and appropriately scaled building that will deliver improved social and economic outcomes for NSW.

5.0 Conclusion

The proposed modification seeks to convert the existing void space on the Ground Level for the purposes of a store room, provide access to the store room, relocate a gas regulator and store room, modify amenities, amend the layout of the museum, amend roof material, remove a lift feature and include solar panels to the roof.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Chris McGillick
Senior Urbanist