



1 & 2 Murray Rose Avenue, Sydney Olympic Park

*State Significant
Development Application
(SSD 9403)*



August 2019

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Cover photo

Visualisation of proposed development at 1 & 2 Murray Rose Avenue (Source Applicant's EIS)

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
AHD	Australian Height Datum
Applicant	Austino Sydney Olympic Park Pty Ltd
BCA	Building Code of Australia
CBD	Central Business District
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Parramatta
CPTED	Crime Prevention Through Environmental Design
Department	Department of Planning, Industry and Environment (Planning and Assessment Group)
DCP	Development Control Plan
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GANSW	Government Architect NSW
GFA	Gross Floor Area
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
IPC	Independent Planning Commission
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Master Plan	Sydney Olympic Park Master Plan 2030
RTS	Response to Submissions

SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SEPP 65	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SREP 2005	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
SSD	State Significant Development
SSP SEPP	State Significant Development (State Significant Precincts) 2005
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (RMS)
TIA	Traffic Impact Assessment
2018 Review	Sydney Olympic Park Master Plan 2030 (2018 Review)



Executive Summary

This report provides an assessment of a State Significant Development (SSD) application for the construction of two residential apartment buildings, containing a total of 293 apartments, at 1 & 2 Murray Rose Avenue, Sydney Olympic Park (SSD 9403). The Applicant is Austino Sydney Olympic Park Pty Ltd and the site is located within the City of Parramatta local government area.

The proposed development is SSD under Schedule 2 of the State Environmental Planning Policy (State & Regional Development) 2011, as it is development within Sydney Olympic Park (SOP) having a Capital Investment Value over \$10 million. Therefore, the Minister for Planning is the consent authority.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the application for 28 days from 21 November until 18 December 2018. The Department received a total of 11 submissions, comprising nine submissions from Government agencies and two public submissions. City of Parramatta Council advised it would not be making a submission.

An additional four submissions from Government agencies were received to the Response to Submissions, none of which objected to the proposed development. A further submission from SOPA was received in response to additional contamination information provided by the Applicant.

Key issues raised in public submissions related to building height/view impacts, construction impacts and the increased demand for facilities in the area.

Assessment

The key assessment issues for the proposed development are design excellence, built form (including gross floor area/floor space ratio, building height and setbacks), public domain, amenity impacts to neighbouring properties, future residential amenity and traffic/parking.

The Department considers the proposed built form achieves design excellence, noting the proposed design represents the winning design of a design excellence competition. The Department considers the proposed design and built form would sit suitably within the setting of SOP Town Centre which is transitioning to higher density, mixed-use development, consistent with the strategic objectives for the area.

The subject site comprises two separate sloping blocks, each with two maximum building height controls that step down from west to east. Although the proposed development does not fully comply with the 26 m height control on the eastern side of each lot (by up to 18.5 m), it complies with the 33 m and 50 m height controls on the western side and results in a development that has minimal differences in overshadowing, view or wind impacts in comparison to a fully compliant development.

The proposed development has a total floor space ratio (FSR) of 4.24:1 and does not comply with the 3:1 FSR control for the two blocks forming the development site. However, consistent with the recommendations of the competition Jury and the Sydney Olympic Park Design Review Panel, the Department considers the proposed design achieves design excellence which allows a 10% gross floor area (GFA) bonus under the provisions of the Sydney Olympic Park Master Plan 2030 (2018 Review).

The two blocks are part of a super-lot (together with 3, 4 and 5 Murray Rose Avenue) that form Site 60A and Site 60B in the 2018 Review. Consequently, although the proposed development exceeds the 3:1 FSR control, combined with the GFA of recent commercial developments within the super-lot, it would utilise less GFA in total than allowed for in the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) and the 2018 Review. The Sydney Olympic Park Authority have confirmed this is consistent with intention of the 2018 Review. The Department therefore considers the overall GFA proposed to be consistent with the intent of the controls.

The proposed buildings have been designed to ensure a compatible relationship with neighbouring commercial properties in relation to building separation and privacy. The Department considers the proposed development would achieve a high level of amenity, satisfies the intent of the Apartment Design Guide and is acceptable in relation to residential amenity.

The Department supports the proposed public domain and landscape outcomes. The proposed development incorporates a mix of landscaped open spaces and public domain works, including an improved, 18 m wide, public through-site link to the western side of 1 Murray Rose Avenue comprising new stairs, trees and buffer planting. One hundred and twenty-one new trees would be planted to replace the 23 trees to be removed.

A total of 331 resident car parking spaces are proposed which is significantly below the maximum rates outlined in the Sydney Olympic Park Master Plan 2030 (the Master Plan) and would not result in any adverse impacts on the operation of the surrounding road network. Although only one visitor car parking space is proposed per building which is significantly less than maximum of 74 allowed for by the 2018 Review, the Department considers this acceptable given it is consistent with the recommendations of the Sydney Olympic Park Authority and the proximity of visitor car parking at nearby Car Park 6A which has significant vacancy outside of business hours when there is more demand for residential visitor parking. A total of 356 bicycle spaces are also proposed which complies with the minimum requirement in the 2018 Review.

The Department considers the impacts of the proposed development, including construction impacts, have been addressed and/or can be adequately managed through the recommended conditions of consent.

The proposed development would include infrastructure contributions, via a Planning Agreement with the Sydney Olympic Park Authority, to provide funding for new facilities and/or upgrades to existing facilities. The Planning Agreement also includes the provision of 14 affordable housing apartments.

Summary

The proposed development would provide 293 residential apartments within the SOP Town Centre, consistent with the SSP SEPP zoning and 2018 Review objectives.

The proposed development achieves design excellence, would be compatible with the existing and future character of the area, and is acceptable in relation to overshadowing and views, and would provide a high level of amenity to future residents.

The Department is satisfied the proposal is consistent with the strategic objectives for the area, as outlined in the Greater Sydney Region Plan and the Central City District Plan and is consistent with the requirements of relevant environmental planning instruments and policies.

The Department concludes the proposal is in the public interest and recommends the application be approved, subject to the conditions of consent outlined within this report.



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1. Introduction

1.1 Preamble

This report provides an assessment of a State Significant Development (SSD) application seeking approval for the construction of two residential apartment buildings, containing a total of 293 apartments, at 1 & 2 Murray Rose Avenue, Sydney Olympic Park (SOP) (SSD 9403). The Applicant is Austino Sydney Olympic Park Pty Ltd.

The proposed development comprises an 8 to 12 storey residential apartment building, containing 167 apartments, at 1 Murray Rose Avenue, and an 8 to 15 storey residential apartment building, containing 126 apartments, at 2 Murray Rose Avenue. Basement car parking is also proposed for each building (total of 330 car parking spaces).

1.2 The site

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

The SOP area covers 640 hectares, comprising 430 hectares of greenspaces/parkland and a 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 470 m east of the train station (**Figure 2**).



Figure 1 | Sydney Olympic Park location (Base source: Nearmap)



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 Authority (SOPA) Master Plan Review 2018)

The site comprises two blocks known as 1 Murray Rose Avenue (3,931 m²) and 2 Murray Rose Avenue (2,522 m²) and has a total site area of 6,453 m². 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 the Badu Mangroves beyond to the east, Parkview Drive to the south, and Brickpit Park to the north (**Figures 3** and **4**). Contemporary commercial buildings at 3, 4 and 5 Murray Rose Avenue are located to the west of the site.

The site contained a bitumen car park and landscaping until 2013 when the development of the adjacent site at 3 Murray Rose Avenue commenced and Murray Rose Avenue was extended from the west to connect to the Bennelong Parkway. The extension of Murray Rose Avenue split the site into two blocks and included removal of the

car park and most of the landscaping. The natural topography of both blocks has also been altered by past cut and fill earthworks.

The 1 Murray Rose Avenue block has remained vacant and contains bare earth/grasses and 14 trees, predominantly located in the north-west corner (**Figures 5 and 6**). The block slopes up to the north-west (RL 14.5) from Murray Rose Avenue and Bennelong Parkway with a maximum rise of 9.5 m from the south-east (RL 5).

The 2 Murray Rose Avenue block was used for demountable offices, amenities and parking during the construction of the development at 4 Murray Rose Avenue which was completed in 2018 (**Figures 7 and 8**). The block has since been vacated and predominantly contains bitumen with five trees in a central location. The block slopes up to the north-west (RL 10.5) from Parkview Drive and Bennelong Parkway with a maximum rise of 7 m from the south-east (RL 3.5).

Both blocks are screened from Bennelong Parkway by a vegetated setback, 6 m to 8 m wide to 1 Murray Rose Avenue and 11 m wide to 2 Murray Rose Avenue.

The site and adjacent development are shown in **Figures 3 to 11**.



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



Figure 4 | Aerial image of the site (shaded red) with Badu Mangroves in the foreground, looking west (Base source: Applicant’s EIS)



Figure 5 | 1 Murray Rose Avenue viewed from Murray Rose Avenue looking north-east (Base source: Department’s photograph)



Figure 6 | 1 Murray Rose Avenue viewed from 3 Murray Rose Avenue through-site link looking east (Source: Department's photograph)



Figure 7 | 2 Murray Rose Avenue viewed from Bennelong Parkway looking north-west (Base source: Department's photograph)



Figure 8 | 2 Murray Rose Avenue viewed from Parkview Drive looking north-east (Base source: Department's photograph)



Figure 9 | 3, 4 and 5 Murray Rose Avenue viewed from Murray Rose Avenue looking east (Base source: Department's photograph)

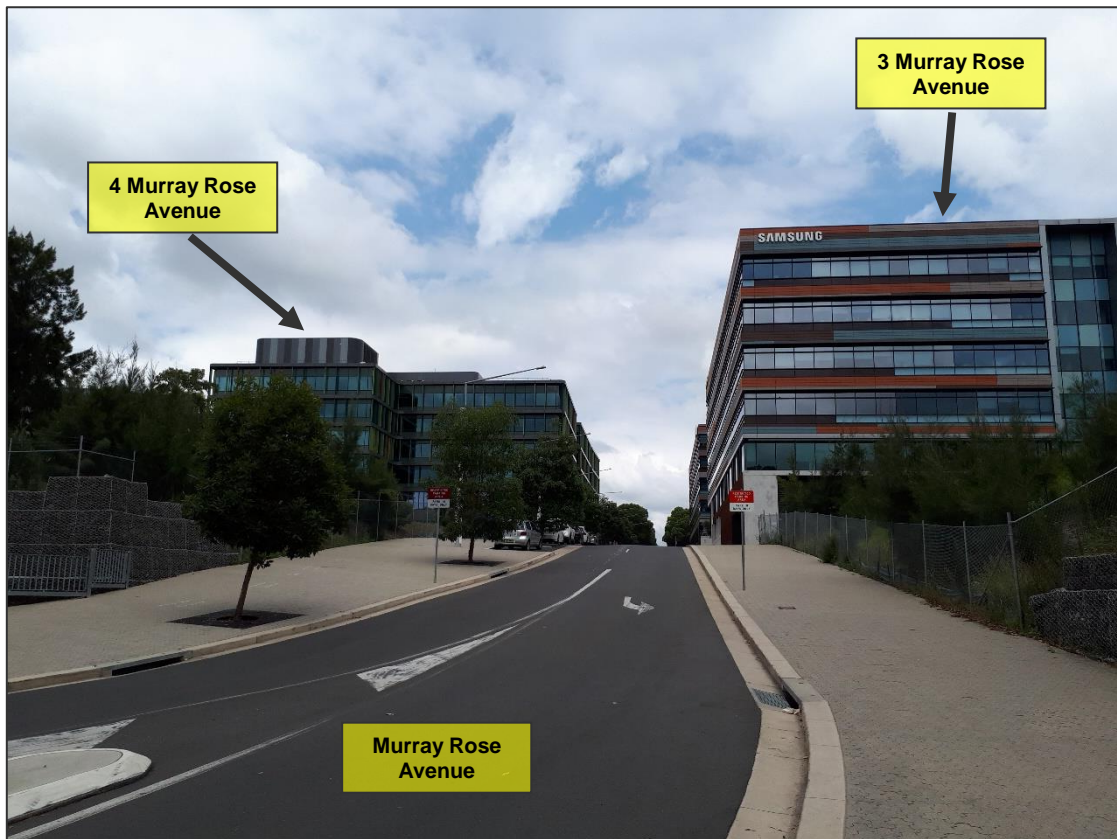


Figure 10 | 3 and 5 Murray Rose Avenue viewed from Murray Rose Avenue looking east (Base source: Department's photograph)



Figure 11 | Vegetated setbacks viewed from Bennelong Parkway looking north (Base source: Department's photograph)

1.3 Site context

Following completion of the 2000 Olympics, SOP has undergone a significant urban transformation into an active and vibrant higher density mixed-use 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, important heritage areas and protected ecological habitats.

The character of the surrounding area (**Figures 2 and 3**) is summarised as follows:

- 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 north of the site is the Brickpit Park, a large open space that was formally a quarry and has been rehabilitated as a conservation area with walking trails and educational displays
- to the east of the site, beyond Bennelong Parkway, are the Badu Mangroves, a large wetlands area forming a key ecological component of Bicentennial Park which covers 100 hectares on the eastern side of SOP
- to the south-east of the site are several three and four storey commercial and light industrial buildings. Further to the south-east are high-rise residential apartment buildings adjacent to Australia Avenue, Bennelong Parkway and Figtree Drive.



2. Project

2.1 Description of proposal

The proposal seeks approval for the construction of two residential apartment buildings across two blocks, containing a total of 293 apartments. The key amendments to the proposal, as exhibited in the EIS, include:

- deletion of a one-bedroom apartment on the ground floor of 2 Murray Rose Avenue and replacement with visitor bicycle parking
- revisions to waste servicing arrangements to 2 Murray Rose Avenue
- revisions to wind mitigation measures
- revisions to landscaping, tree removal and replacement tree planting.

The key components and features of the project, as refined in the RTS, are provided in **Table 1** below and are shown in **Figures 12 to 15**.

Table 1 | Key components of the proposal

Aspect	Description
Site preparation/tree removal	<ul style="list-style-type: none">• Removal of hardstand areas, earthworks, and site preparation works• Removal of 15 trees from 1 Murray Rose Avenue• Removal of 7 trees from 2 Murray Rose Avenue.
Excavation	<ul style="list-style-type: none">• Excavation for a three-level basement and partial lower ground and ground floors at 1 Murray Rose Avenue• Excavation for a two-level basement and partial lower ground and ground floors at 2 Murray Rose Avenue.
Built form	<ul style="list-style-type: none">• 1 Murray Rose Avenue:<ul style="list-style-type: none">○ construction of an 8 to 12 storey residential apartment building○ maximum height of 35.5 m (maximum RL 48.3 to top of plant on western wing, maximum RL 35.6 to top of plant on eastern wing).• 2 Murray Rose Avenue:<ul style="list-style-type: none">○ construction of an 8 to 14 storey residential apartment building○ maximum height of 44.5 m (maximum RL 57.6 to top of plant on western wing, maximum RL 35.3 to top of plant on eastern wing).
Residential mix	<ul style="list-style-type: none">• 1 Murray Rose Avenue: 167 apartments, comprising:<ul style="list-style-type: none">○ 38 x 1 bedroom○ 97 x 2 bedroom○ 32 x 3 bedroom.• 2 Murray Rose Avenue: 126 apartments, comprising:<ul style="list-style-type: none">○ 33 x 1 bedroom○ 72 x 2 bedroom○ 20 x 3 bedroom○ 1 x 4 bedroom.

Note: Includes 14 affordable housing apartments.

Gross Floor Area (GFA)	<p>Total GFA of 27,396 m² (Floor Space Ratio 4.24:1), comprising:</p> <ul style="list-style-type: none">○ 1 Murray Rose Avenue: 16,202 m² (Floor Space Ratio 4.12:1)○ 2 Murray Rose Avenue: 11,194 m² (Floor Space Ratio 4.44:1).
Communal open space	<ul style="list-style-type: none">● 1 Murray Rose Avenue: 2,330 m² comprising:<ul style="list-style-type: none">○ 1,030 m² central courtyard and through-site link○ 1,300 m² level 8 and level 10 roof terrace● 2 Murray Rose Avenue: 1,355 m² comprising:<ul style="list-style-type: none">○ 692 m² central courtyard○ 577 m² level 8 roof terrace.
Public domain and landscaping	<ul style="list-style-type: none">● New set of stairs to the western side of 1 Murray Rose Avenue, new landscaping and new paving to enhance existing through-site link between 1 Murray Rose Avenue and Brickpit Park● Planting of 67 trees within 1 Murray Rose Avenue● Planting of 54 trees within 2 Murray Rose Avenue● Landscaping to Bennelong Parkway, Murray Rose Avenue and Parkview Drive setbacks (including planting of 32 trees)● Landscaping to ground level communal open spaces● Landscaping to roof terraces● New and enhanced gabion walls● Enclosure of existing substation on 1 Murray Rose Avenue frontage.
Access and car parking	<ul style="list-style-type: none">● 1 Murray Rose Avenue:<ul style="list-style-type: none">○ new vehicular access from Murray Rose Avenue to basement car park○ service access from Murray Rose Avenue combined with existing service driveway for 3 Murray Rose Avenue○ 205 car parking spaces (203 resident, one accessible visitor and one building manager).● 2 Murray Rose Avenue:<ul style="list-style-type: none">○ new vehicular access from Parkview Drive to service area and basement car park○ 125 car parking spaces (124 resident and one accessible visitor).
Bicycle parking	<ul style="list-style-type: none">● 1 Murray Rose Avenue:<ul style="list-style-type: none">○ 204 resident bicycle parking spaces located within individual basement storage cages○ 42 visitor bicycle parking spaces located adjacent to the ground floor lobby (28 internal and 14 external).● 2 Murray Rose Avenue:<ul style="list-style-type: none">○ 152 resident bicycle parking spaces located within individual basement storage cages○ 32 visitor bicycle parking spaces located within central courtyard.
Employment and Capital Investment Value (CIV)	<ul style="list-style-type: none">● CIV of \$116,025,000.● 1,380 construction and operational jobs.



Figure 12 | Perspective of proposed development viewed from the eastern side of Bennelong Parkway looking north-west (Source: Applicant’s EIS)



Figure 13 | Perspective of proposed development viewed from the eastern side of Bennelong Parkway looking west (Source: Applicant’s EIS)

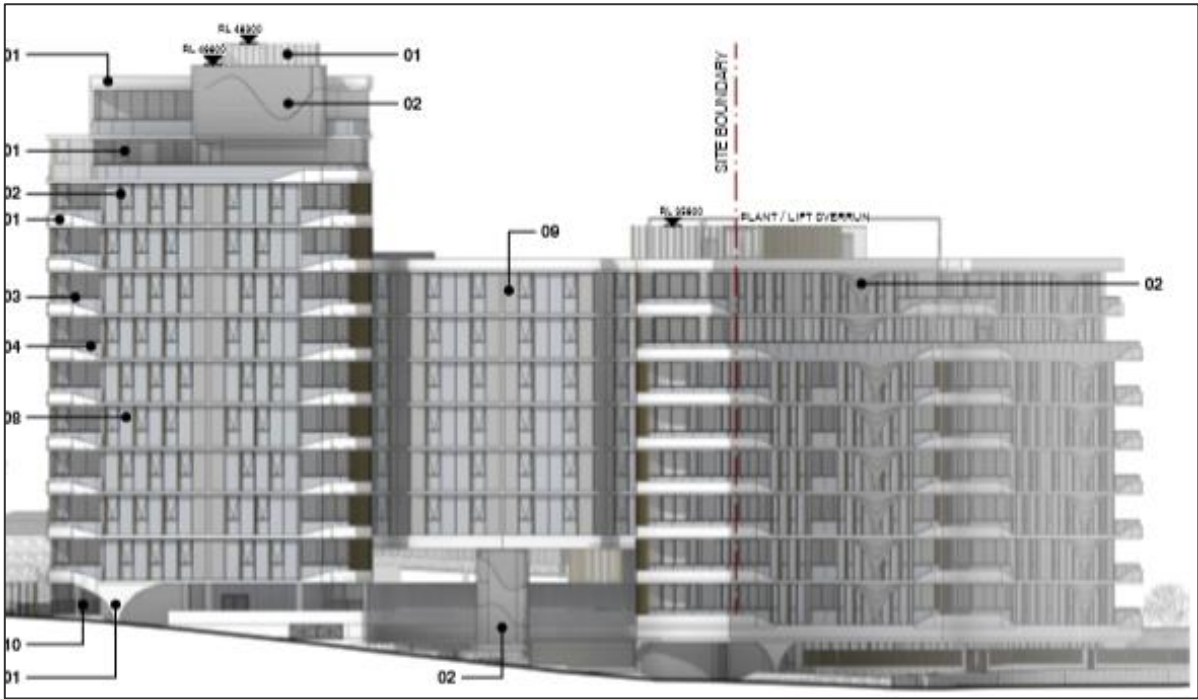


Figure 14 | Southern elevation of 1 Murray Rose Avenue facing Murray Rose Avenue (Source: Architectural Plans)

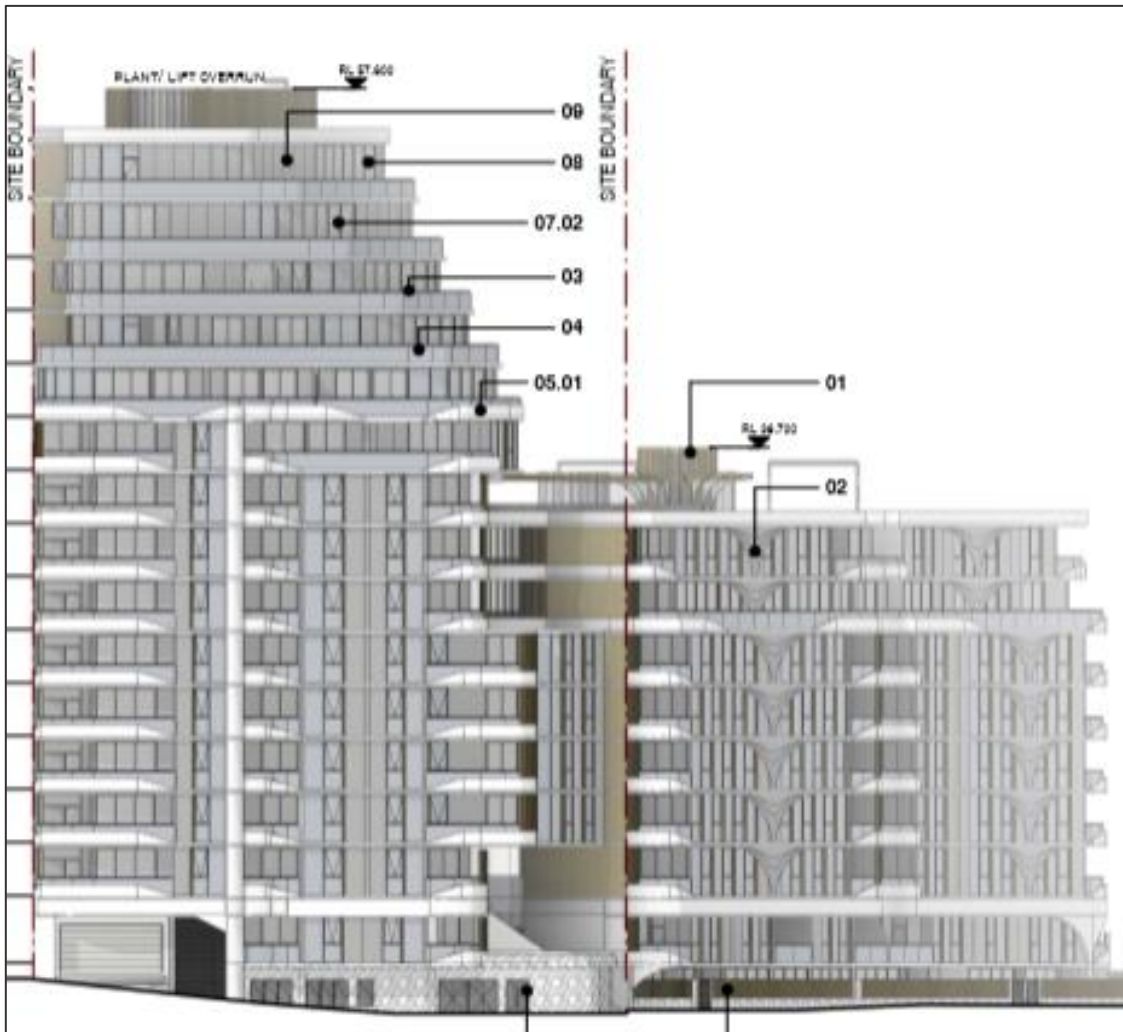


Figure 15 | Southern elevation of 2 Murray Rose Avenue facing Parkview Drive (Source: Architectural Plans)



3. Strategic Context

3.1 Greater Sydney Region Plan and Central City District Plan

Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan) sets out the NSW Government’s 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney. The Region Plan seeks to update directions and actions in A Plan for Growing Sydney and Towards our Greater Sydney 2056.

The proposed development is consistent with the Region Plan, as it would increase the supply of housing, including affordable housing. It would also support productivity through the growth in jobs and housing within the Harbour City and support integrating land use and transport, contributing to a walkable ‘30-minute city’.

The Region Plan also sets the planning framework for the five districts and District Plans which make up the region. The District Plans inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The proposed development is located within the Central City District Plan. The proposal is consistent with the objectives of the Central City District Plan, as it will:

- provide housing supply, choice and affordability with access to jobs, services and public transport
- deliver integrated land use and transport planning and a 30-minute city
- increase the urban tree canopy cover.

3.2 Future Transport Strategy 2056

The Future Transport Strategy 2056 is an update to the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State’s economic and social performance over the next 40 years.

The proposed development is consistent with the six key outcomes of the Future Transport Strategy 2056 as:

- the site is located within walking distance to public transport services
- it provides active transport travel options by including 430 resident and visitor bicycle parking spaces.

3.3 Sydney Olympic Park Master Plan 2030

The Sydney Olympic Park Master Plan 2030 (the Master Plan) came into effect in March 2010 and provides a comprehensive approach to the long-term development of SOP. It guides the long-term development and transformation of SOP, ensuring it continues to evolve into an active, vibrant centre within Sydney. The Master Plan contains a number of planning principles and controls to encourage development of SOP that responds to its context, and which contributes to the quality of the built environment, future character and cultural significance of the Park.

The proposed development is consistent with the Master Plan as the intensified use of the site, residential land use and proposed design/layout would increase the residential capacity of the precinct, enhance the quality of the built environment within the precinct and contribute to the wider redevelopment and transformation of SOP.

3.4 Sydney Olympic Park Master Plan 2030 (2018 Review)

SOPA is required to review the Master Plan every five years in accordance with the provisions of State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP). The Master Plan was reviewed in 2016

and was updated in August 2018 (the 2018 Review) to incorporate the updated planning strategy for the area arising from the Region Plan, Central District Plan and the Future Transport Strategy 2056.

The 2018 Review provides for an overall capacity of up to 1.96 million m² GFA and a projected daily population of 34,000 workers, 20,000 visitors, 23,500 residents and 5,000 students. The 2018 Review identifies the site as being within the Parklands Precinct, an area to the east of the SOP Town Centre where existing industrial and commercial uses are progressively giving way to higher densities and a wider mix of uses, including residential. The area will be characterised by a transition in scale from high rise buildings along Australia Avenue to lower buildings along Bennelong Parkway.

The 2018 Review identifies 1 Murray Rose Avenue as forming part of Site 60A (combined with 3 and 5 Murray Rose Avenue) while 2 Murray Rose Avenue forms part of Site 60B (combined with 4 Murray Rose Avenue) (**Appendix D**).

The 2018 Review provides a planning framework for the redevelopment of the site and include:

- a maximum height control of 6 to 8 storeys for 1 Murray Rose Avenue and 6 to 15 storeys for 2 Murray Rose Avenue
- a maximum Floor Space Ratio (FSR) control of 3:1 (plus potential 10% design excellence bonus)
- a minimum 24 m setback control between commercial buildings and facing habitable rooms in residential buildings.

The proposed residential development would provide high density housing, contribute to housing choice and affordability in the SOP area, and provide increased activity in the SOP Town Centre to contribute to the vitality of SOP. A detailed assessment of compliance against the 2018 Review is provided in **Appendix D**, with further consideration of building height, FSR and setbacks provided in **Section 6.3**.

3.5 Project need and justification

The proposed development would provide an additional 293 residential apartments, including 14 affordable apartments, within SOP. This is an area identified for increased residential density and the development aligns with the objectives of the Region Plan and Central City District Plan in relation to providing increased housing supply in a highly accessible location.



4. Statutory Context

4.1 State Significant Development

The proposed development is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it comprises development on land identified as being within SOP and has a CIV in excess of \$10 million (\$116,025,000) under clause 2(f) of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

4.2 Consent authority

The application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 public submissions in the nature of objections.

4.3 Permissibility

The site is zoned B4 Mixed Use under the SSP SEPP. The proposed residential use is permissible within the zone.

4.4 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters could be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development controls plans, planning agreements, and the *Environmental Planning and Assessment Regulation 2000*
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions, and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all of these matters in its assessment of the project, as well as the Applicant's consideration of environmental planning instruments in its EIS, as summarised in **Section 6** of this report. The Department has also given consideration to the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix D**.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 21 November 2018 until 18 December 2018 (28 days). The application was exhibited on the Department's website, at the NSW Service Centre and Council's offices.

The Department placed a public exhibition notice in the Auburn Review on 20 November 2018 and provided written notification to adjacent landholders and relevant State and local government agencies.

The Department has considered the comments raised in the Government agencies and public submissions during the assessment of the application (**Section 6** and **Appendix C**) and by recommended conditions in the consent at **Appendix F**.

5.2 Summary of submissions

The Department received a total of 11 submissions, comprising nine submissions from Government agencies, and two public submissions. Council did not make a submission. A summary of issues raised in the submissions is provided at **Tables 2** and **3** below and a link to all submissions is provided at **Appendix A**.

5.3 Key Issues – Government Agencies

A total of nine submissions were received from Government agencies providing comments in response to the exhibition of the application. None of the Government agencies have objected to the proposal, and the key issues raised by agencies have been addressed through the provision of additional information, or through the recommended conditions of consent.

The key issues raised in submissions are summarised in **Table 2**.

Table 2 | Government agency submissions to the exhibition of the EIS

Government Architect New South Wales (GANSW)

GANSW noted preliminary plans for the proposed development were reviewed by the GANSW as part of the Design Excellence Competition (**Section 6.2**). However, the following additional information was requested:

- further technical details and performance specification of glazing
- modelling of the proposed façade sunshading system
- details of how the 6-Star Green Star rating will be achieved.

Sydney Olympic Park Authority (SOPA)

SOPA provided comments regarding wind mitigation screens, accessible visitor car parking, on-site servicing, proposed through-site link, tree removal and replacement tree canopy cover. Recommended conditions were also provided, including preparation of an Operational Stormwater Management Plan and detailed public domain plans.

Environment, Energy and Science Group of the Department of Planning, Industry and Environment (EESG)

EESG provided recommended conditions, including site management during construction, and preparation of a Weed Management Plan and a Heritage Interpretation Strategy. In addition, further information was requested in relation to tree removal, replacement tree canopy cover, and sustainability and building design measures.

Heritage Division of the Department of Premier and Cabinet (Heritage Division)

Heritage Division commented that there are no State heritage concerns in relation to the proposed development.

Transport for New South Wales (RMS) (TfNSW RMS)

TfNSW (RMS) provided recommended conditions, including the layout of car parking areas to comply with relevant Australian Standards and all vehicles to enter and leave the site in a forward direction.

Transport for New South Wales (TfNSW)

TfNSW provided recommended conditions pertaining to bicycle parking and preparation of a Travel Access Guide.

NSW Police

NSW Police provided recommended conditions, including use of lighting and closed-circuit television (CCTV).

Environmental Protection Authority (EPA)

EPA noted the proposal does not constitute a Schedule Activity under the *Protection of the Environmental Operations Act 1997*. Further information was requested in relation to odour, noise, water and waste management.

Sydney Water

Sydney Water provided standard recommended conditions relating to building plan approval and the requirement for a Section 73 Compliance Certificate.

5.4 Key Issues – Community

A total of two public submissions were received (both objections). One submission was received from a resident 500 m to the south-west of the site and the other from a resident of Wentworth Point, 1 km north of the site. The key issues raised in the public submissions are:

- building height/loss of views
- construction impacts
- increased demand for facilities in the area without adding to the livability of the suburb.

5.5 Response to Submissions

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 17 April 2019, the Applicant lodged an RTS to the issues raised during the exhibition of the EIS. The RTS responded to the issues raised and included amended architectural and landscape plans, a revised architectural design report, a supplemental Visual Impact Assessment and revised height and FSR variation requests.

The RTS was made publicly available on the Department's website and referred to relevant Government agencies. The two public submitters were also advised of the lodgement of the RTS and offered the opportunity to provide a further submission. No further public submissions were received.

An additional four submissions were received from Government agencies, including GANSW and SOPA. A summary of issues raised in the Government agency RTS submissions is provided at **Table 3** below and a link to all submissions is provided at **Appendix B**.

Table 3 | Government agency submissions to the RTS

GANSW

GANSW advised the RTS has satisfactorily addressed its request for additional information, including details of how the 6-Star Green Star rating will be achieved.

SOPA

SOPA provided comments in relation to the submitted Remedial Action Plan (RAP) for 1 Murray Rose Avenue and recommended a condition in relation to the development achieving a 6-star Green Star rating.

EESG

EESG noted the submission of additional information and recommended a condition requiring a separate application be lodged with Council for removal of trees outside the site boundary, adjacent to Bennelong Parkway.

EPA

EPA advised the Department should consider the Applicant's responses to environmental issues.

In response to a request from the Department, Council also provided advice in relation to operational waste management issues on 13 May 2019.

5.6 Further Information

On 14 June 2019, the Applicant submitted further information and amended architectural plans. The key additional information included a revised clause 4.6 variation request for each building (height), a revised RAP for 1 Murray Rose Avenue and a revised Operational Waste Management Plan. Amended architectural and landscape plans were also received in relation to changes to the waste management areas and loading docks in each building and revisions to tree planting. The additional information and amended plans were made publicly available on the Department's website.

Council subsequently confirmed the waste management revisions were acceptable and provided recommended conditions regarding operational waste management. SOPA also confirmed the revised RAP was acceptable subject to recommended conditions, including preparing a Data Gap Closure Investigation Report and providing a copy of the final Validation Report to SOPA.



6. Assessment

6.1 Key assessment issues

The Department has considered the proposed development, the issues raised in submissions and the Applicant's RTS and additional information in its assessment of the application. The Department considers the key issues associated with the proposal are:

- design excellence
- built form
- public domain
- amenity impacts to neighbouring properties
- residential amenity for future occupants
- traffic, parking and access/servicing
- impacts on Badu Mangroves.

Each of these issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application addressed in **Section 6.9** of this report.

6.2 Design excellence

6.2.1 Introduction

The SSP SEPP requires a design competition to be held in relation to development proposals exceeding 42 m in height and/or on specific sites identified in the Master Plan. The site is identified as a design competition site in the 2018 Review and the proposed development exceeds 42 m in height. A competitive design process has been carried out in relation to the proposed development, as outlined in **Section 6.2.2**.

The Department has also considered the following requirements of the SSP SEPP in **Sections 6.2.3 to 6.2.5**:

- whether a high standard of architectural design, materials and detailing appropriate to building type and location will be achieved
- whether the form and external appearance of the building will improve the quality of the public domain
- whether the building meets sustainable design principles.

6.2.2 Design competition

In accordance with the competitive design process requirements of the SSP SEPP, the 2018 Review and the SOPA Design Competition Guidelines 2017, a design excellence competition for the site was conducted. Of the potential architectural firms approached, eight responded and three were selected to participate in the competition (PTW Architects, Plus Architects and Marchese Partners). These firms presented to the Competition Jury (the Jury) on 21 March 2018. The Jury was chaired by a representative of the GANSW and comprised two members appointed by SOPA and two members appointed by the Applicant.

The Jury unanimously agreed the scheme presented by PTW Architects achieved the highest consistency with the Design Brief and demonstrated design excellence. The Jury made recommendations on the winning scheme to be incorporated into the final design, including revisions to the through-site link to create a more integrated connection, further design exploration to create a more seamless interface between the development and Brickpit Park, confirmation of the viability of the atrium roof feature for 2 Murray Rose Avenue, and provision of more details regarding glazing/energy efficiency and landscaping.

The proposed changes to the design were presented to the Jury on 11 May 2018. These included a new set of stairs within the through-site link, more landscaping within the Brickpit Park interface, deletion of the glazed atrium roof and refinement of the façade design, including rationalisation of glazing.

The Jury resolved to unanimously support the revised design and advised the scheme achieves design excellence. This was predicated on the refinement of further detailed design matters, particularly the design of the through-site link to better reflect the approved Master Plan concept and demonstration that the proposed development would achieve a 6-star Green Star Rating.

The refined scheme was presented to SOPA's Design Review Panel (DRP) on 27 September 2018. The DRP was satisfied the scheme had adequately addressed issues raised by the Jury. As such, SOPA supported the Jury's recommendation that a 10% GFA bonus be awarded for design excellence, subject to the provision of accessible on-site visitor car parking (**Section 6.7.2**).

Following the submission of additional information in the RTS, the GANSW raised no concerns with the proposed design (**Section 5.4**).

6.2.3 Architectural design, materials and detailing

The proposed materials and detailing have been refined through the design excellence process. The materials predominantly combine glazing and white brickwork and would be complemented by perforated white metal sun shading elements across the two proposed buildings (**Figures 12 to 15**).

The Applicant contended the design and materiality of the proposed buildings ensures a contemporary and consistent aesthetic outcome is achieved with appropriate articulation and use of varying materials incorporated to break up the built form.

The Department considers the proposed development achieves a high standard of architectural design, materials and detailing which responds to the function and setting of the proposed buildings. Specifically, the design of the proposed buildings shape and form and use of materials would provide for a distinct development at the eastern gateway to the SOP Town Centre.

6.2.4 Form and external appearance of the building enhances the public domain

The Department considers the form and external appearance of the proposed buildings would positively enhance the quality and amenity of the public domain for the following reasons:

- the proposed buildings would create a gateway to the SOP Town Centre from the east and are appropriately activated and landscaped and would provide an overall high standard and quality of public domain and amenity
- the design includes roof top landscaping and trees which would soften the visual appearance of the buildings
- the proposed development would improve the public domain by activating the Murray Rose Avenue and Parkview Drive street frontages and the interface to Brickpit Park on the northern boundary of the site, and through provision of an improved through-site link between Murray Rose Avenue and Brickpit Park
- the design would provide high levels of passive surveillance from apartment living areas and balconies to the public domain, including the adjacent through-site links and the interface to Brickpit Park
- overall wind conditions around the proposed development are expected to provide suitable comfort levels for pedestrians standing or walking in the public domain. The proposed façade design, use of materials, configuration of podiums and landscaping are anticipated to mitigate wind impacts
- the proposed development is of a high architectural quality, being a unique design that achieves design excellence.

6.2.5 Sustainable design principles

The Department acknowledges the proposed development incorporates appropriate sustainable design principles which are addressed in **Section 6.8** and **Appendix D** and is anticipated to meet energy and water reduction targets as required for BASIX Certification and a 6-Star Green Star Rating.

6.2.6 Conclusion

The Department accepts the proposed development has been subject to a rigorous design excellence process and considers it to be consistent with the competitive design provisions of the SSP SEPP and the Master Plan.

The Department has reviewed the proposed development having regard to the design excellence process and SOPA and GANSW comments. The Department notes the Jury concluded the development would achieve design excellence.

The Department has also had regard to the matters required by the SSP SEPP to be considered by the consent authority in regard to whether a proposed development exhibits design excellence.

The Department concludes the proposal exhibits design excellence in accordance with the SSP SEPP.

6.3 Built form

The SSP SEPP contains principle development standards applying to the site that govern the height, bulk and scale of the development being:

- maximum height controls of 33 m and 26 m for 1 Murray Rose Avenue
- maximum height controls of 50 m and 26 m for 2 Murray Rose Avenue
- maximum FSR control of 3:1.

The 2018 Review reflects the same controls as the SSP SEPP with the exception that the height control is expressed as a maximum number of storeys as follows:

- maximum number of storeys controls of 6 to 8 storeys for 1 Murray Rose Avenue
- maximum number of storeys controls of 6 to 15 storeys for 2 Murray Rose Avenue.

One public submission raised concern with the proposed maximum building height and recommended the buildings extend no higher than eight storeys each. The height and FSR controls are considered below.

6.3.1 Height

The Department notes that 1 and 2 Murray Rose Avenue contain two separate heights controls. Under the SSP SEPP, height is set in metres (**Figure 16**), and in the Review 2018, height is set in storeys. Both the SSP SEPP and Review 2018 also split the height controls of the sites so that the western sides of both sites are greater in height while the eastern sides are lower.

The consequence of the two height controls is that the proposed development partially complies with the SSP SEPP height controls but does not comply with the Review 2018 height controls.

The Department notes that the areas of non-compliance are attributed to a range of complex and interrelated factors, including varying height controls and the sloping topography of the site. **Figure 17** therefore illustrates the areas of non-compliance of each floor for each building (highlighted orange) that extend beyond the height control.

Although the eastern wing of both buildings complies with the 26 m height control, there is a variation of 3 storeys with the 2018 Review storeys control. In addition, although the majority of the western wing of both buildings is contained within the 33 m/50 m height control portion of the site, these wings protrude partially into the 26 m

portion of the site resulting in variations of up to 9.5 m (6 storeys) for 1 Murray Rose Avenue and up to 18.5 m (9 storeys) for 2 Murray Rose Avenue. A small portion of the western wing of 1 Murray Rose Avenue would also extend 2.5 m (2 storeys) above the 33 m height control.

Table 4 sets out the SSP SEPP and 2018 Review height controls applying to the site, the height of the proposed buildings and the extent of height variations proposed. As both buildings contain two wings (**Figure 12**), these are referred to in the table as the eastern and western wings. In addition, as two height controls dissect the site, these are referred to as the eastern portion (26 m height control) and the western portion (33 m) for 1 Murray Rose Avenue and the eastern portion (26 m height control) and the north-western portion (50 m height control) for 2 Murray Rose Avenue.

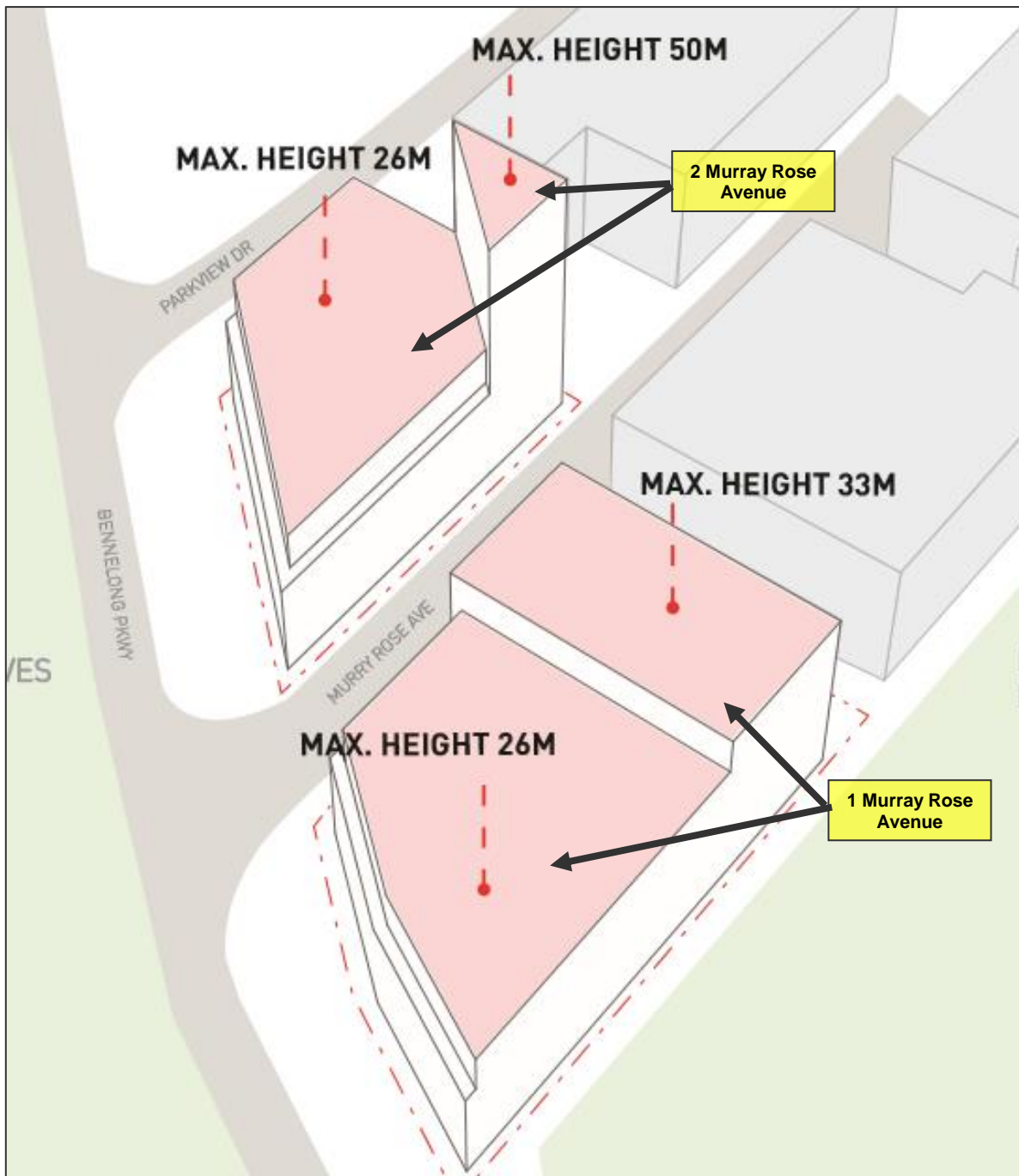


Figure 16 | 3D interpretation of the SSP SEPP maximum height control (site shaded red) (Source: Applicant's EIS)

Table 4 | SSP SEPP and 2018 Review maximum building height controls and proposed building heights

Building	Proposed height (m) and storeys	SSP SEPP control	2018 Review control	Variation proposed
1 Murray Rose Avenue: eastern portion (26 m height control)	Eastern wing: 26 m/9 storeys Western wing: 35.5 m/12 storeys	26 m	6 storeys	Eastern wing: 0 m (complies)/ +3 storeys Western wing: +9.5 m/+6 storeys
1 Murray Rose Avenue: western portion (33 m height control)	35.5 m/10 storeys	33 m	8 storeys	+2.5 m/ +2 storeys
2 Murray Rose Avenue: eastern portion (26 m height control)	Eastern wing 26 m/9 storeys Western wing ranges from 32 m to 44.5 m/9 to 15 storeys	26 m	6 storeys	Eastern wing: 0 m (complies)/ +3 storeys Western wing: ranges from +6 m to +18.5 m/+3 to +9 storeys
2 Murray Rose Avenue: north-western portion (50 m height control)	44.5 m/15 storeys	50 m	15 storeys	Complies

As identified in **Table 4**, the proposed development does not fully comply with the maximum height controls in relation to both metres or storeys for either 1 or 2 Murray Rose Avenue. **Figure 17** provides visual representation of the extent and location of the proposed height variations. Areas shown in red comply with the height controls while areas shown in white extend above the height control.

Pursuant to the provisions of the SSP SEPP, the Applicant requested to vary the development standard and contended the following:

- flexibility of the control will allow increased residential density within the site to address Sydney’s population pressures, generate consistent activation of the SOP Town Centre and encourage an appropriate built form
- the buildings on the eastern side of both sites comply with the SSP SEPP height control
- the magnitude of the height variation on the western side of both sites is minor
- the tower forming the western wing at 2 Murray Rose Avenue complies with the 50 m height control
- the design is a direct result of the challenge presented in managing the transition between the divergent heights permitted on the site
- the impacts of the exceedances are negligible, with the elements responding to the topography of the site as well as presenting a consistent urban form. The exceedances would not result in overshadowing, overlooking,

loss of privacy or negative visual impacts, nor would they undermine the objectives of the Master Plan vision for the precinct

- the Jury and DRP consider the proposed development achieves design excellence. In particular, the corner tower element of 2 Murray Rose Avenue has been accepted by the Jury and DRP as an important element of the design, signifying the gateway character of the SOP Town Centre to the west
- the built form provides an acceptable transition in building height towards Bennelong Parkway, consistent with the desired future character of the precinct.

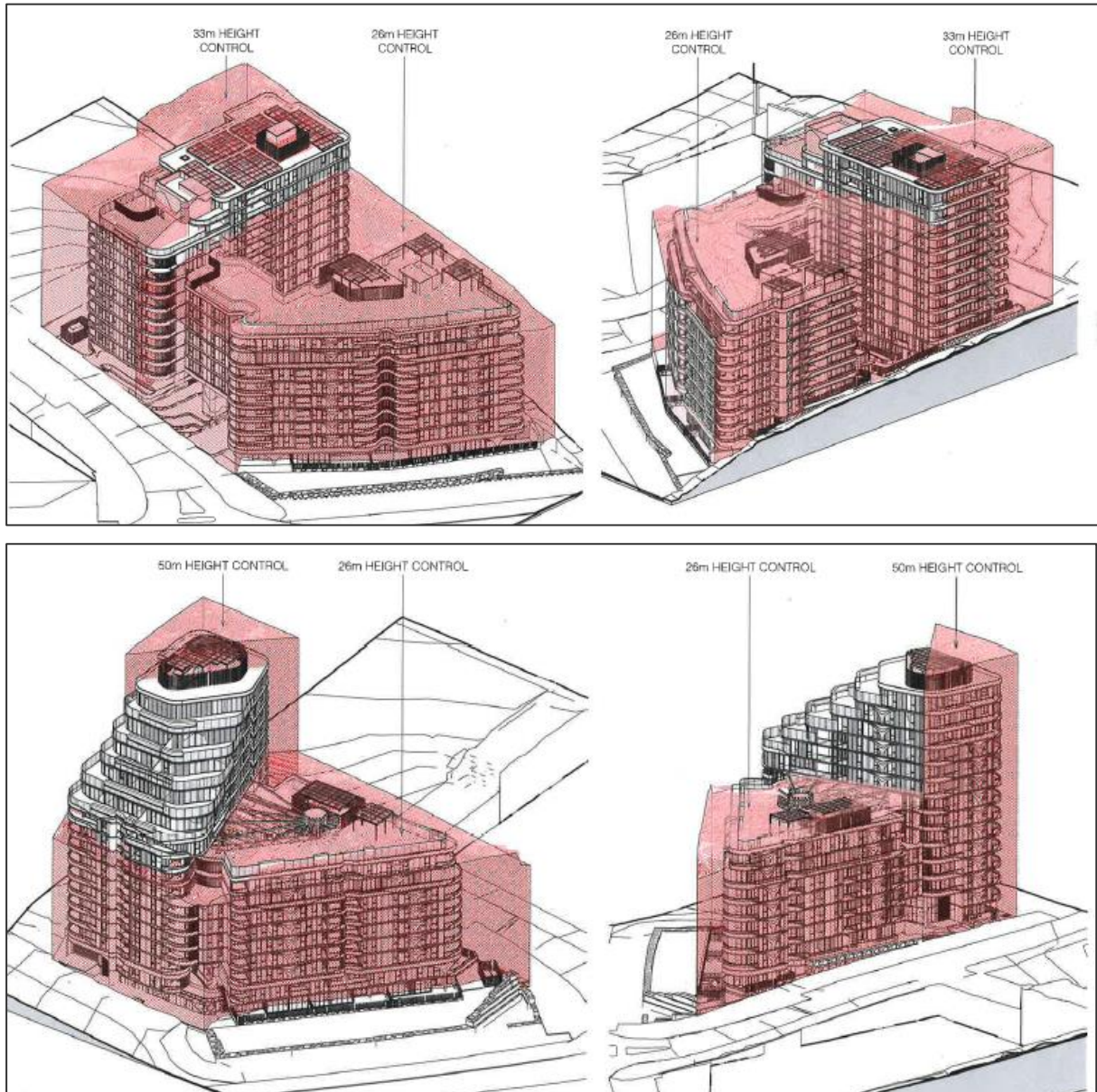


Figure 17 | Proposed built form in relation to the maximum height controls. Areas inside the height control shown red. Areas outside the height control shown white. Top: 1 Murray Rose Avenue. Bottom: 2 Murray Rose Avenue (Source: Architectural Plans)



Figure 18 | Floorplans of each building with areas above the maximum height controls highlighted orange. Top: 1 Murray Rose Avenue. Bottom: 2 Murray Rose Avenue (Source: Architectural Plans)

The SSP SEPP does not contain any objectives in relation to the height control. The Department however considers the underlying purpose of the SSP SEPP control is to achieve a consistent built form character with heights that transition down from the SOP Town Centre to the eastern edge of the mixed-use zone and achieve an appropriate scale and built form which minimise overshadowing and view loss impacts.

The 2018 Review states the objectives of the maximum storeys building height control are to reinforce the primacy of Olympic Boulevard and create consistent building heights along main streets, maintain solar access to the public domain and maintain the iconic Olympic skyline. It also states that minor increases to the nominated building heights may be considered if:

- special site conditions make strict compliance with the controls unworkable
- there are demonstrable improvements to the urban form and height transition
- there is no impact on public open space and parklands
- resident amenity in terms of privacy and solar access is not adversely affected.

With regard to the proposed built form, the Department acknowledges SOPA support the proposed development and that the site is constrained by its dimensions and the height controls dissecting the site. In

combination with the available floorspace (**Section 6.3.2**), this would reasonably result in a built form that does not comply fully with the height controls. The Department considers the proposed design has suitably achieved an attractive built form that appropriately transitions between the height controls across the site and also responds to the sloping nature of the site.

Increased overshadowing of the Badu Mangroves would be limited from 2 pm in midwinter and would be consistent with the overshadowing impact of a compliant development. This is considered further in **Section 6.8**.

The proposed design has sought to achieve design excellence and the proposed building heights have been considered by the Jury and DRP as part of the design development process (**Section 6.2**). The GANSW have raised no concerns with the proposed development and the Department considers the proposed development achieves design excellence.

Due to the significant distance to the nearest residential buildings, the proposed development would not result in adverse residential amenity impacts. Potential views impacts are considered in **Section 6.5.1** while overshadowing of neighbouring properties to the south that may potentially be redeveloped for residential use is considered in **Section 6.5.2**.

The Department is satisfied the Applicant's written request to vary the building height development standard adequately addresses the matters required to be considered in the SSP SEPP and the proposed variation is reasonable for the following reasons:

- the proposed development is consistent with the height and approved building forms within the SOP Town Centre
- the proposed development achieves design excellence and no concerns have been raised by SOPA or the GANSW in relation to the proposed height
- the height variation for 1 Murray Rose Avenue is minor and occurs only at the transition between the 33 m and 26 m height controls
- the height variation for 2 Murray Rose Avenue is greater due to the 24 m difference between the 50 m and 26 m height controls and the location of the 50 m portion within the north-eastern corner of the site. The proposed innovative tower design however responds acceptably to the transition and is supported by the Jury as an important element of the design
- compliance would result in insignificant changes in relation view lines across the site from residential towers to the south-west (**Section 6.5.1**) and overshadowing of neighbouring properties (**Section 6.5.2**)
- overshadowing of the Badu Mangroves would be consistent with a height compliant development
- the design incorporates suitable wind mitigation measures to negate any increased wind impacts from the proposed development.

In addition to the above, the Department considers the development is in the public interest as it satisfies the overall objectives of the mixed-use zone as set out in clause 9 of Part 23 of Schedule 3 of the SSP SEPP as it would integrate suitable residential development in accessible locations, provide a mixture of compatible land uses, promote ESD and minimise any adverse effect of land uses on the environment, and would encourage affordable housing through the provision of 14 affordable housing apartments (**Appendix D**).

The variations of the development standard also do not raise any matter of significance for State or regional environmental planning.

As such, the Department concludes the proposed building heights are acceptable, satisfy the intent of the control and would be commensurate with the context of the surrounding built form.

6.3.2 Floor space ratio (FSR)

The SSP SEPP and the 2018 Review provides for a maximum FSR for the site of 3:1 (**Figures 19** and **20**). However, as the Jury and the Department considers the proposed development achieves design excellence (**Section 6.2.2**), the maximum FSR permitted on the site can be increased by 10% to 3.3:1.

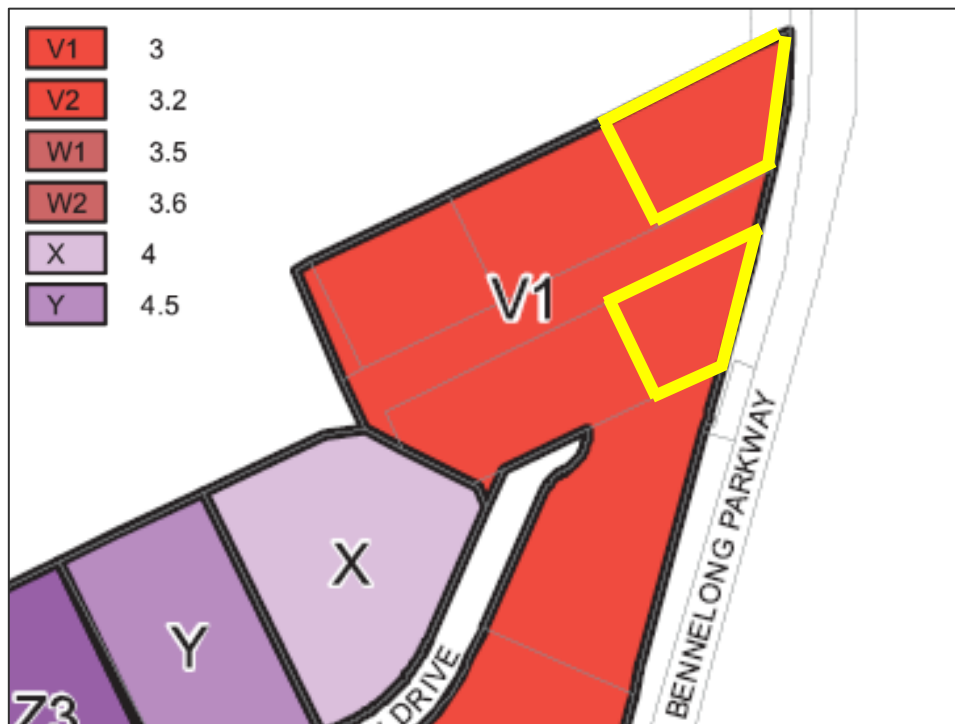


Figure 19 | SSP SEPP maximum floor space ratio control (site shown outlined yellow) (Base source: SSP SEPP)

Under the SSP SEPP, for the purposes of calculating site area/FSR in relation to a site comprising two or more lots, the lots must share a common boundary. As the site comprises two lots that are separated by Murray Rose Avenue, the site area and FSR for each lot must be calculated separately (**Table 5**). The proposed development would result in an FSR of 4.12:1 for 1 Murray Rose Avenue and an FSR of 4.44:1 for 2 Murray Rose Avenue.

Overall, given a combined site area of 6,453 m², an FSR of 3.3:1 allows a GFA of 21,295 m² (an increase of 1,936 m² under the design excellence bonus). The proposed development contains a GFA of 27,396 m² which equates to an FSR of 4.24:1 and an exceedance of 6,101 m² (29%) above an FSR of 3.3:1 (**Table 5**).

Table 5 | Proposed FSR/GFA and applicable SSP SEPP and 2018 Review controls

Lot	Site area	FSR/GFA control*	Proposed FSR/GFA	Variation proposed
1 Murray Rose Avenue	3,931 m ²	3.3:1 / 12,972 m ² *	4.12:1 / 16,202 m ²	3,230 m ² (22%)
2 Murray Rose Avenue	2,522 m ²	3.3:1 / 8,323 m ² *	4.44:1 / 11,194 m ²	2,871 m ² (35%)
1 & 2 Murray Rose Avenue	6,453 m ²	3.3:1 / 21,295 m ² *	4.24:1 / 27,396 m²	6,101 m ² (29%)

* includes 10% design excellence bonus for 1 and 2 Murray Rose Avenue

Under the 2018 Review, 1 to 5 Murray Rose Avenue form a super-lot (comprising Site 60A and Site 60B) that was assigned a bulk FSR of 3:1 (**Figure 20**). **Table 6** provides a breakdown of the approved GFA for the completed commercial developments at 3, 4 and 5 Murray Rose Avenue and a total of unutilised GFA for the overall super-lot (**Section 3.4**).



Figure 20 | 2018 Review Parkland Precinct maximum floor space ratio control (site shown outlined red) (Base source: 2018 Review)

Table 6 | Approved GFA at 3 ,4 and 5 Murray Rose Avenue and remaining unutilised GFA

Total site area	3 Murray Rose Avenue GFA	4 Murray Rose Avenue GFA	5 Murray Rose Avenue GFA	Total GFA/unused GFA
24,515 m ² (FSR of 3:1 = permissible GFA of 73,545 m ²)	13,850 m ²	16,355 m ²	13,253 m ²	43,458 m² / 30,087 m ²

Pursuant to the provisions of the SSP SEPP, the Applicant requested to vary the development standard and contended the following in relation to the FSR for each lot and the overall FSR:

- flexibility of the control will allow increased residential density within the site to address Sydney’s population pressures, generate consistent activation of the SOP Town Centre and encourage an appropriate built form
- 3, 4 and 5 Murray Rose Avenue were not developed to their full FSR/GFA potential and their combined GFA of 43,458 m² leaves a remaining GFA of 30,087 m² across the wider super-lot. Added to the 10% design excellence bonus, this provides a final available GFA of 33,957 m² for the development of 1 and 2 Murray Rose Avenue
- the proposed development seeks a GFA 27,396 m² and does not seek to utilise the full available GFA of 33,957 m² and therefore from a site precinct perspective, the proposal would generate a density consistent with what is desired and expected from development in this area
- the ADG notes that for precinct planned sites, net FSR may be significantly higher than gross FSR where the precinct includes new streets and open spaces. Given the addition of a new road within the precinct, to achieve an overall FSR of 3:1 for the site, each building would need to achieve an FSR of 3.93:1
- SOPA consider the proposed utilisation of the residual GFA for the 1 to 5 Murray Rose Avenue block to be reasonable and consistent with the intent of the 2018 Review
- the Department has previously calculated the FSR for 3, 4 and 5 Murray Rose Avenue on the available FSR for the combined 1 to 5 Murray Rose Avenue super-lot
- strict compliance is unreasonable and unnecessary given the proposed development exhibits a high level of compliance with other key built form controls in the 2018 Review, including building setbacks, street setbacks and provision of communal open space. The design also achieves a high level of amenity for future residents in relation to communal open space, deep soil, cross ventilation and solar access
- there would be minimal environmental impacts from the increased floorspace
- the development will provide 14 affordable housing apartments, contributing to SOPA’s affordable housing objectives.

The SSP SEPP does not contain any objectives in relation to the FSR control. The Department considers the underlying purpose of the control is to achieve an appropriate scale and built form with the scale of development decreasing from west to east and from north to south in the Parkview Precinct.

The 2018 Review states the objectives of the maximum floor space ratio control is to ensure amenity, good urban form and that adequate transport and traffic capacities are not exceeded for SOP.

The Department has previously assessed the FSR for the development of three of the five lots within Site 60A and Site 60B (**Appendix D**) as a single super-lot with an overall FSR of 3:1 rather than five individual lots. SOPA have confirmed this is the intention of the 2018 Review and that it is reasonable for the proposed development to utilise any residual GFA not utilised in the commercial developments of 3, 4 and 5 Murray Rose Avenue.

The Department notes the proposed GFA of 27,396 m², would be 2,691 m² less than the remaining GFA of 30,087 m² based on the 3:1 FSR control and overall GFA for Blocks 60A and 60B. The total combined GFA of 70,854 m² (43,458+27,396) equates to an FSR of 2.89:1. As such, although the GFA for each proposed building exceeds the FSR for the individual site, the Department considers the overall GFA for Sites 60A and 60B is consistent with the intent of the controls.

The Department acknowledges the proposed buildings are larger than the 3:1 control when applied to the individual site. However, the Department notes the proposed development has been subject to a rigorous design excellence process and considers the proposed buildings would achieve design excellence (**Section 6.2**) and would result in no adverse impacts in relation to views and overshadowing (**Section 6.5**) and would provide a high level of amenity for future residents (**Section 6.6**).

The Department is therefore satisfied the Applicant's written request to vary the floor space ratio adequately addresses the matters required to be considered in the SSP SEPP and the proposed variation is reasonable for the following reasons:

- the proposed development, combined with the GFA of previous developments at 3, 4 and 5 Murray Rose Avenue, would utilise less GFA for the 1 to 5 Murray Rose Avenue super-lot than the allowed for in the SSP SEPP and 2018 Review
- the proposed development achieves design excellence and would be consistent with the desired future character for the area
- the additional GFA would not result in a built form that results in adverse overshadowing or view loss impacts
- the proposed development would provide a high level of amenity for future residents.

As detailed in **Section 6.3.1** and **Appendix D**, the Department considers the development is in the public interest as it satisfies the overall objectives of the mixed-use zone as set out in clause 9 of Part 23 of Schedule 3 of the SSP SEPP.

The Department has carefully considered the proposed FSR exceedance and is satisfied the written request to vary the maximum FSR development standard adequately addresses the matters required to be considered in the SSP SEPP. The Department considers the variation to be reasonable for the reasons above. The variation would not result in adverse environmental impacts and does not raise any matters of significance for State or regional planning and the public benefit of the proposal would not be compromised.

6.3.3 Setbacks and building separation

The 2018 Review includes the following setback and building separation controls:

- a 3 m setback to Bennelong Parkway
- a 2.5 m setback to Murray Rose Avenue and Parkview Drive
- a minimum 2 m setback above level 6
- provide a minimum separation of 24 m between commercial buildings and facing habitable rooms in residential buildings opposite to ensure visual and acoustic privacy and amenity is maintained
- provide a 20 m wide through-site link between 1 and 3 Murray Rose Avenue and between 2 and 4 Murray Rose Avenue
- comply with separation controls between residential buildings. These controls are the same as the ADG separation controls and are considered in **Section 6.6.1**.

The proposed development responds to these controls as follows:

- the proposed buildings comply with the 3 m and 2.5 m setback controls to Bennelong Parkway, Murray Rose Avenue and Parkview Drive

- a 1 m setback above level 6 is provided to the eastern side of both buildings and the northern side of 1 Murray Rose Avenue
- a separation of 18 m is proposed between 1 Murray Rose Avenue and the commercial building at 3 Murray Rose Avenue
- a separation of 20 m is proposed between 2 Murray Rose Avenue and the commercial building at 4 Murray Rose Avenue. A 20 m wide through-site link currently exists in this location, constructed entirely within the boundary of 4 Murray Rose Avenue.

The Applicant contended the 18 m wide through-site link between 1 and 3 Murray Rose Avenue, with a 9 m setback provided on each site, was approved as part of the 3 Murray Rose Avenue development following extensive assessment by SOPA and the Department. In addition, the 20 m wide through-site link between 2 and 4 Murray Rose Avenue has been constructed which allows the proposed building at 2 Murray Rose Avenue to be constructed with a zero western boundary setback.

The Department considers the proposed variation to the 24 m separation requirement between residential and commercial buildings acceptable as the separation distances are consistent with those envisaged at the time of the approval of the 3 and 4 Murray Rose Avenue and would not result in adverse visual privacy impacts (**Section 6.6.1**). The Department also notes SOPA's comments that the proposed building separation distances satisfy the intent of the controls.

In addition, the Department considers the proposed 1 m variation to the 2 m setback requirement above level 6 to be minor and acceptable in relation to the character of the surrounding area, noting no concerns have been raised by SOPA or the DRP.

6.3.4 Building floorplate areas

For towers over eight storeys, the 2018 Review encourages a maximum building footprint of 900 m² GFA is encouraged.

The proposed tower building footprints extend to 1,100 m² for 1 Murray Rose Avenue and 990 m² for 2 Murray Rose Avenue. While this exceeds the 2018 Review recommendation, the Department considers this acceptable because:

- the articulation of the proposed buildings into separate wings reduces the visual built form
- above level 9, the footprint of both proposed towers reduces to less than 900 m²
- the proposed design achieves design excellence.

6.3.5 Conclusion

The Department has reviewed the built form of the proposed development focusing on the built form envisaged by the SSP SEPP and 2018 Review and considering the fact the proposal achieves design excellence. The proposed scale and form of the development would be consistent with the mixed-use zone objectives in the SSP SEPP and the objectives of the 2018 Review.

The Department acknowledges that both proposed buildings exhibit variations to the height and FSR controls, but these are justified as the proposed buildings would be consistent with the character of the SOP Town Centre, would achieve design excellence and would result in minimal overshadowing impacts. Minor variations to the building setback/separation controls and floorplate areas are also considered acceptable.

The Department concludes the bulk and scale of the proposed development is appropriate and there are sufficient environmental planning grounds to justify contravening the SSP SEPP and 2018 Review height and FSR controls. Strict compliance would be unreasonable and unnecessary in the circumstances of this case and it is recommended the Executive Director, Key Sites and Industry Assessments, as delegate of the Planning Secretary, grants concurrence to the proposed variations.

6.4 Landscaping and public domain

The proposed development incorporates a mix of landscaped open spaces and public domain works. Large communal open spaces are provided within the central courtyard and on the roof top of each proposed building (Section 2.1). In addition, 3 m wide landscape setbacks, comprising wetland interface woodland planting, are proposed adjacent to Bennelong Parkway. Existing pedestrian paths and street trees would be retained on Murray Rose Avenue and Parkview Drive.

The proposed development also includes an improved, 18 m wide, public through-site link to the western side of 1 Murray Rose Avenue comprising new stairs, trees and buffer planting, and enclosure of an existing substation adjacent to Murray Rose Avenue.

Figures 21 and 22 identify the location of the proposed landscape and public domain works and Figure 23 provides an illustration of the proposed improved through-site link at 1 Murray Rose Avenue.

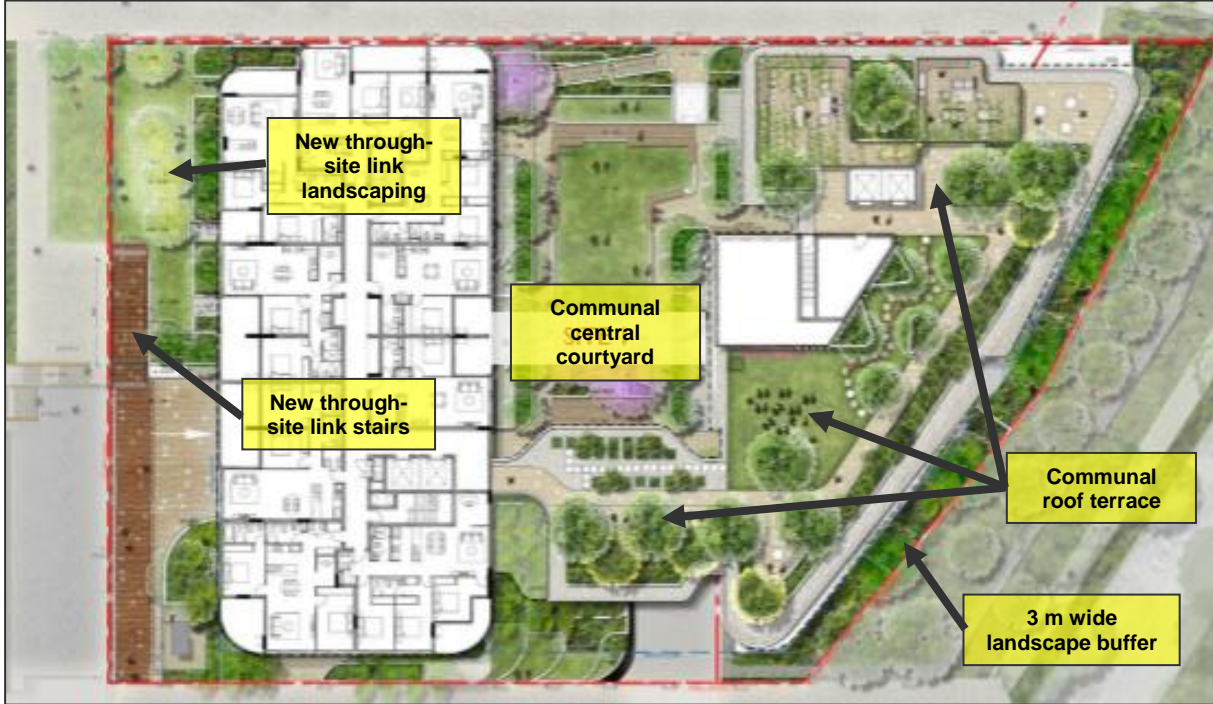


Figure 21 | Proposed landscaping to 1 Murray Rose Avenue (Base source: Applicant’s EIS)

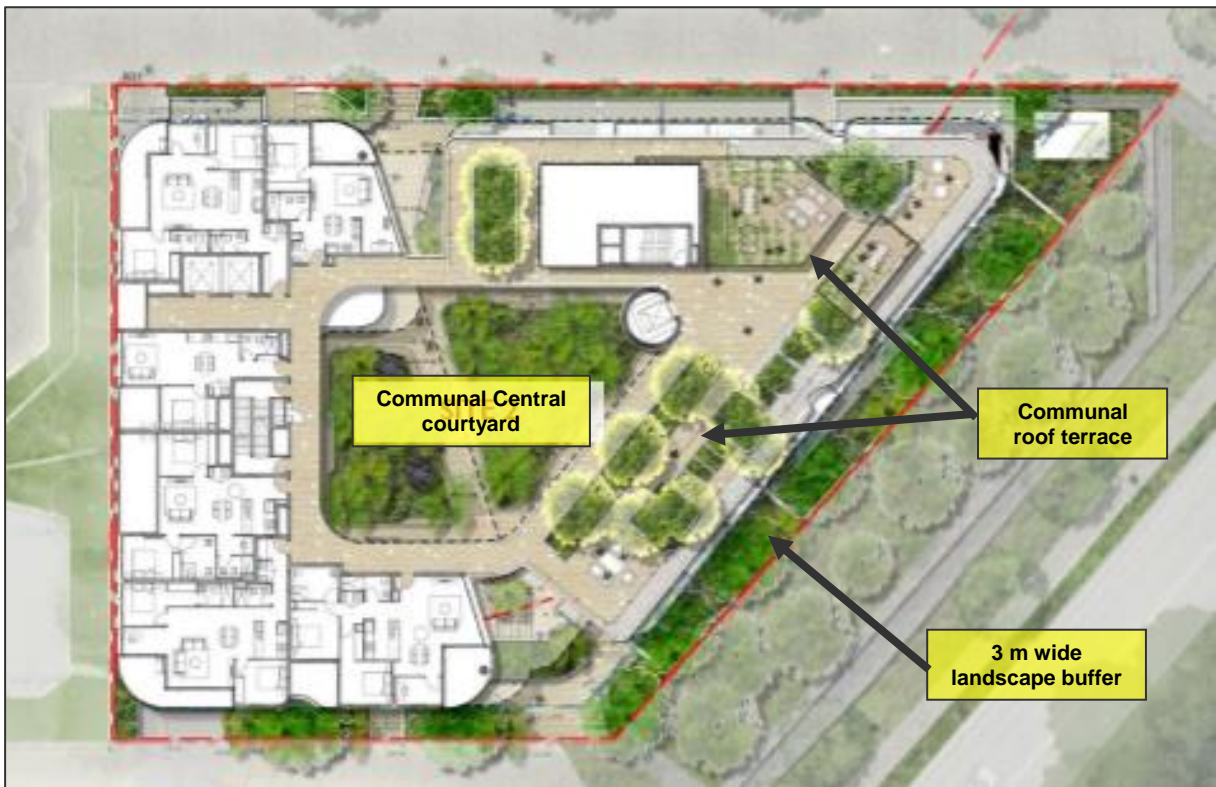


Figure 22 | Proposed landscaping to 2 Murray Rose Avenue (Base source: Applicant's EIS)



Figure 23 | Illustration of proposed improved through-site link at 1 Murray Rose Avenue (Source: Applicant's EIS)

The proposed development includes the removal of 23 trees. Of these, 15 are within 1 Murray Rose Avenue and eight are within 2 Murray Rose Avenue (**Section 6.8**).

No trees within the public domain are proposed to be removed. The Applicant has advised that a separate development application will be lodged with Council for the removal of a number of trees adjacent to the eastern boundary of the site.

A total of 121 new trees are proposed to be planted with a height range of 10 m to 50 m and canopy spreads of 7 m to 20 m. This comprises 90 trees at ground level and 31 trees within the communal roof areas.

The RTS included additional landscape information confirming the proposed development would result in an increase in tree canopy cover on the site from 1,333 m² (21%) to 2,360 m² (37%) including roof level trees.

SOPA has raised no concerns regarding the proposed landscape and public domain works and has provided recommended conditions. EESG have raised no concerns regarding the proposed tree removal.

The Department considers the proposed landscaping and public domain works are commensurate with the scale of development and would result in an improved public environment on all three road frontages, improve pedestrian connectivity within this part of the SOP Town Centre and would contribute towards the 40% canopy target for Greater Sydney established by the Government’s Greener Places policy.

6.5 Amenity impacts to adjoining properties

Consideration is provided below to potential amenity impacts to neighbouring properties, comprising overshadowing and view impacts.

6.5.1 Views

In accordance with the SSP SEPP and 2018 Review, the site is located in the SOP Town Centre which is transitioning to a higher density urban environment.

Although the site does not adjoin any residential properties, residential towers are located between 320 m and 400 m to the south-west of the site (**Figure 2** and **Figure 24**).



Figure 24 | View to residential towers adjacent to Australia Avenue looking south-west from Murray Rose Avenue (Source: Department’s photograph)

One public submission raised concern that the proposed development would block views from residential apartments to the south-west and that the building height should be a maximum of four to six storeys, consistent with neighbouring buildings. The submission did not specify view impact concerns from a particular building or apartment.

The Applicant has considered potential view impacts on neighbouring buildings as part of the EIS and RTS. The Department has reviewed the Applicant's view impact comparison drawings and is satisfied they accurately illustrate the extent of potential impacts from apartments to the south-west.

The Applicant contended the proposal results in an overall negligible visual impact and provides an appropriate built form generally consistent with the height limit and density controls envisaged for the site.

To ascertain whether the proposed view impacts are reasonable, the Department has followed a four-step assessment in accordance with the principles established by *Tenacity Vs Warringah [2004] NSWLEC 140*. The steps/principles adopted in the decision are:

1. assess the views affected and the qualitative value of those views
2. consider from what part of the property views are obtained
3. assess the extent of the impact (from 'negligible' to 'devastating')
4. assess the reasonableness of the proposal that is causing the impact.

The public submission that raised view impact concerns refers to apartment buildings in Australian Avenue and Brushbox Street to the south-west (**Figure 2**). In response to the concern, the Applicant provided additional view impact analysis from the closest apartment buildings located 320 m to the south-west at 100 Bennelong Parkway which is located adjacent to Brushbox Street (**Figures 25 and 26**).

The Department considers apartments located above the height of existing commercial buildings to the north would have sweeping panoramic views from the north-west to the north-east and that these views would likely be available from main living areas and balconies.

As illustrated by **Figures 25 and 26**, given the significant distance of the proposed development to apartments at 100 Bennelong Parkway and other towers further to the south-west, the extent of the view impact from the proposed height variations would be negligible. In addition, views to the north-west/north-east are expansive and any affectation on views from the proposed development would be insignificant in relation to the overall vista available. The Department also notes the recent commercial development at 4 Murray Rose Avenue was not developed to the maximum permitted 50 m height, resulting in greater views adjacent to the proposed development than might have been reasonably anticipated by the controls.

In terms of the reasonableness of the proposed development, the residential towers within the SOP Town Centre were approved by virtue of uplifted planning controls adopted to achieve the SSP SEPP strategic objectives for the SOP B4 Mixed Use zone by facilitating the development of an active and vibrant town centre and providing a mixture of compatible land uses. The subject site also benefits from uplifted controls which premeditate a large-scale redevelopment of the site to achieve the same zone objectives.

While the Department acknowledges the proposed buildings would be visible from existing residential towers elsewhere in the SOP Town Centre and that the proposed development is not fully consistent with the height controls (**Section 6.3.1**), the Department considers the proposed development acceptable because:

- the nearest residential tower is 320 m from the site
- due to the distance involved, the proposed variations to the height controls would be virtually imperceptible from the nearest residential tower

- the view impact of the development would be negligible with regard to the overall vista available from apartments to the south-west.

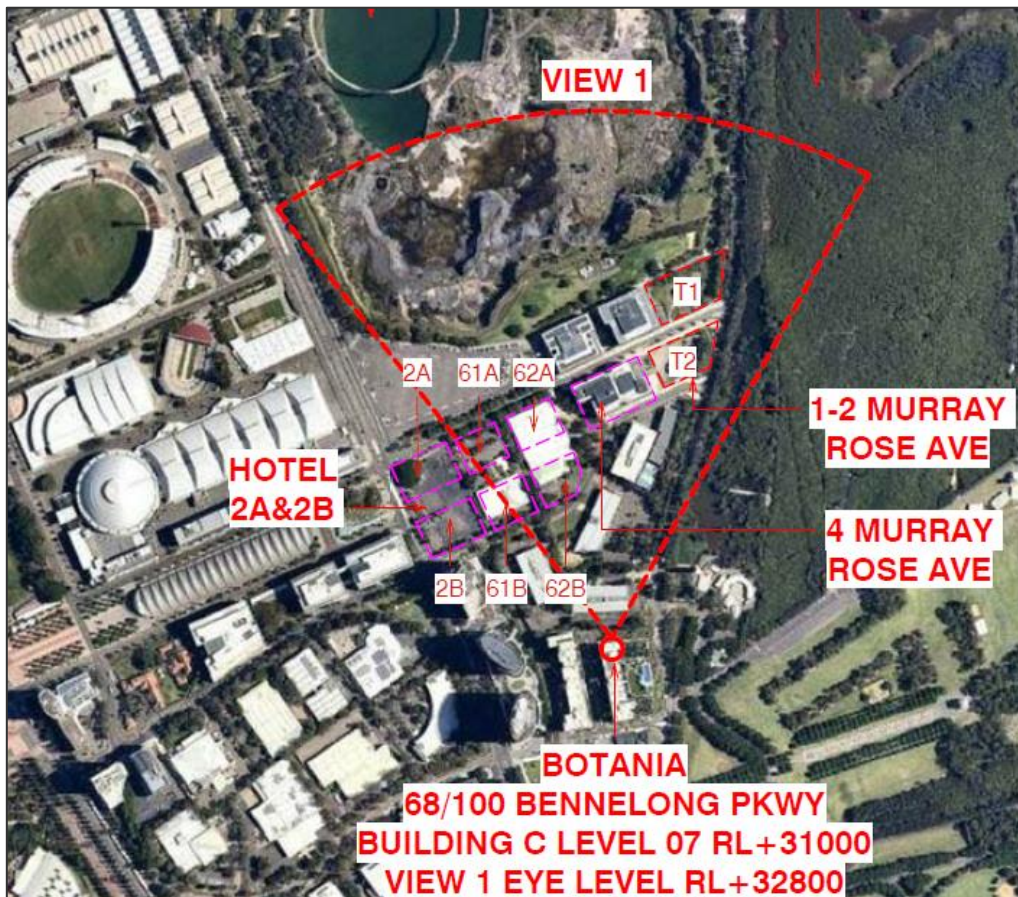
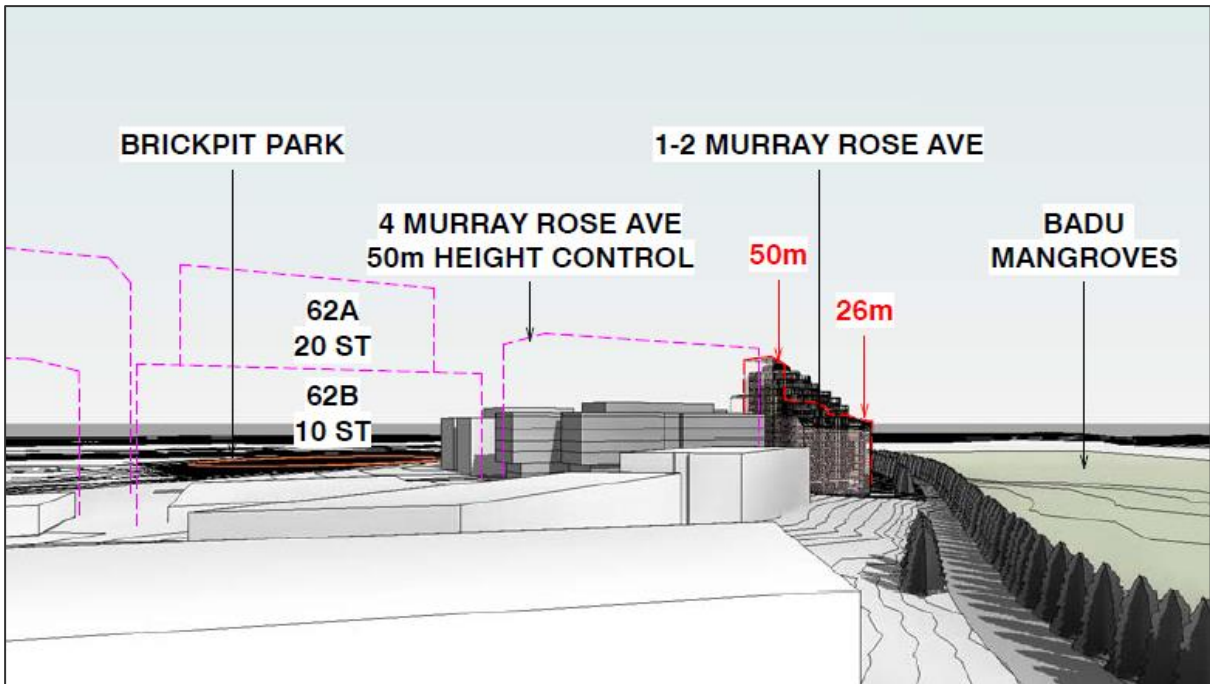


Figure 25 | Above: View Impact Comparison taken from Level 7, Building C, 100 Bennelong Parkway looking north-east. Below: Location of view (Source: Applicant's RTS)

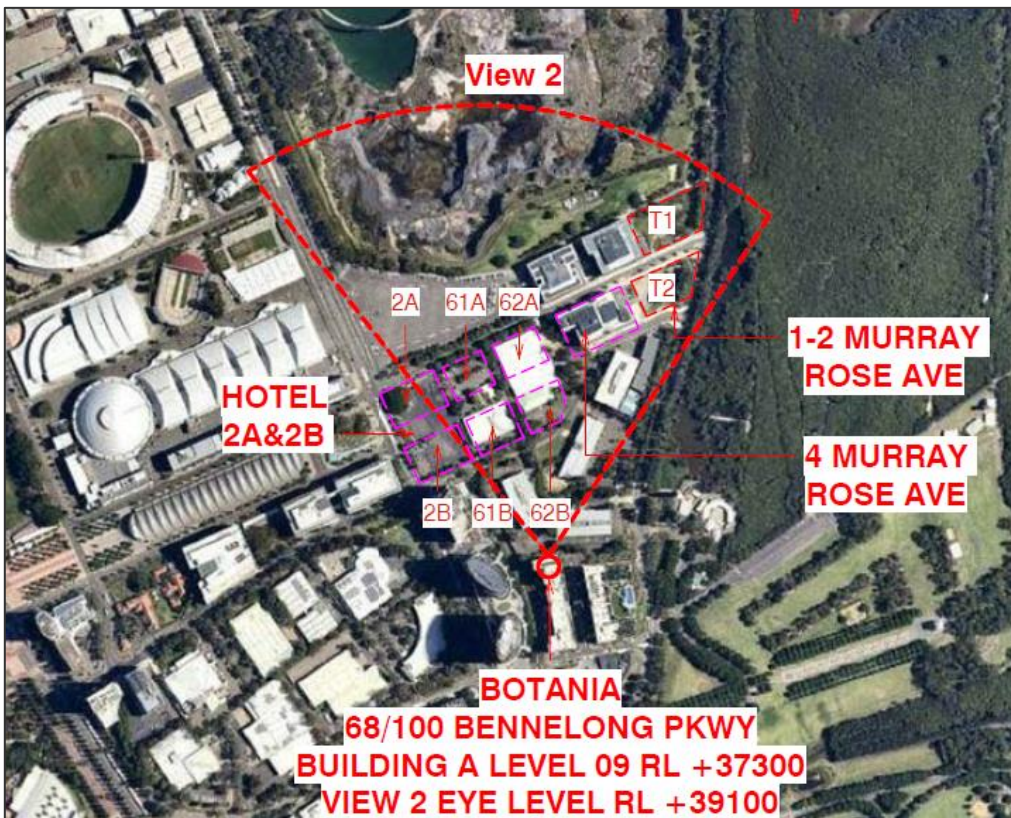
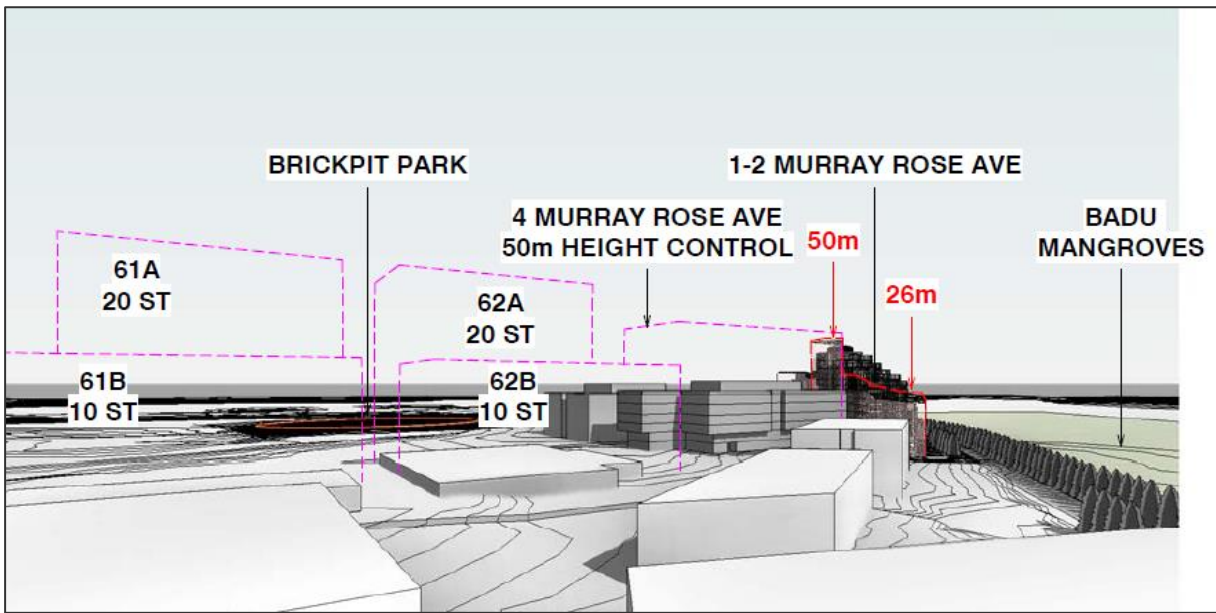


Figure 26 | Above: View Impact Comparison taken from Level 9, Building A, 100 Bennelong Parkway looking north-east. Below: Location of view (Source: Applicant's RTS)

6.5.2 Overshadowing

No public submissions were received in relation to overshadowing. Overshadowing would only occur to neighbouring commercial properties to the south and south-west with the majority of overshadowing consistent with a compliant height envelope (**Figure 27**).

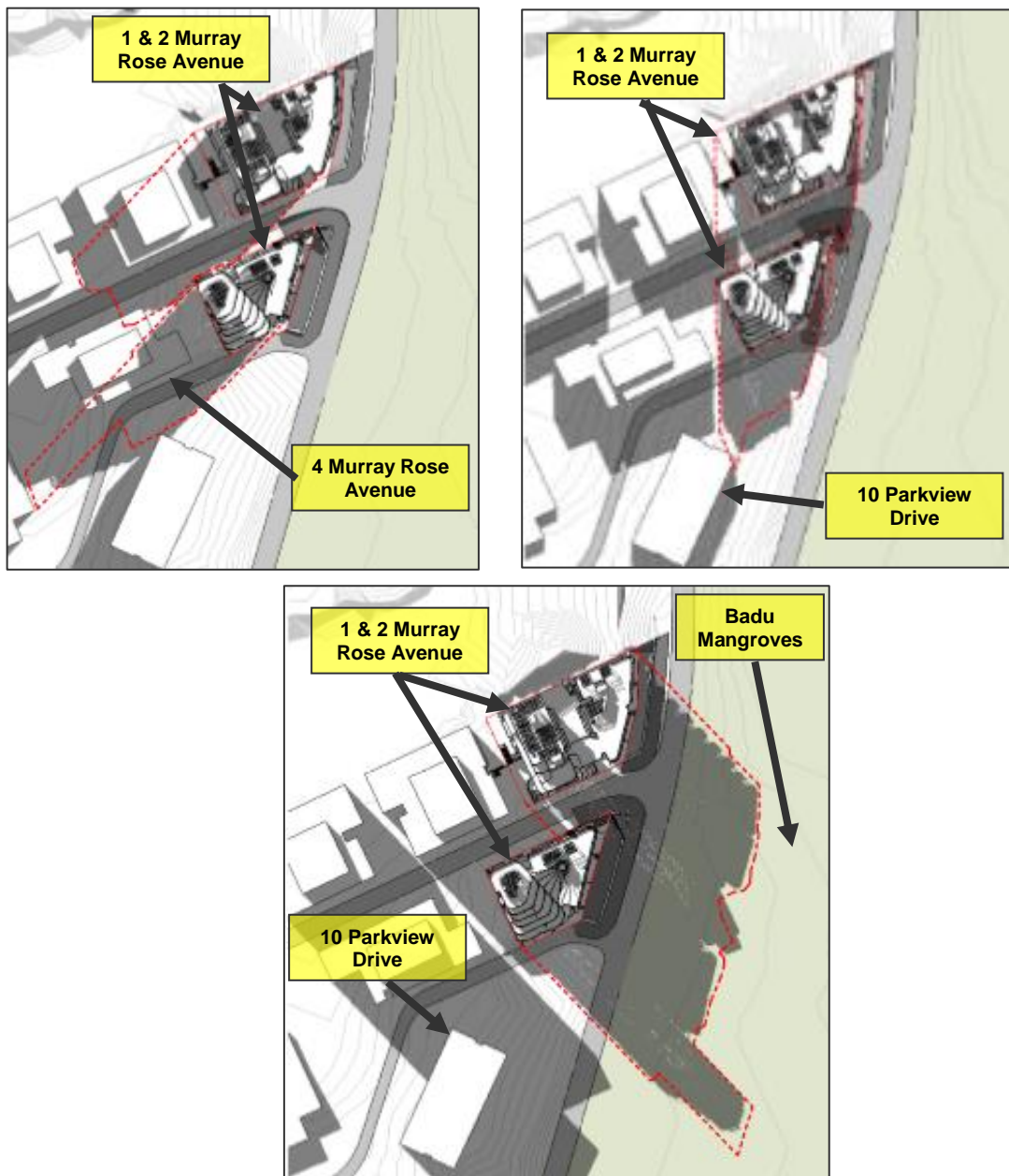


Figure 27 | Midwinter shadow diagrams (top-left 9 am; top-right midday; bottom 3 pm). Shadow from a height compliant development shown dotted red (Source: Applicant’s EIS)

Although the commercial property at 10 Parkview Drive (**Figure 28**) to the immediate south-west is zoned B4 Mixed Use and may be redeveloped for residential use in the future, the Department considers a residential redevelopment would be capable of achieving an acceptable level of solar access given the size of the site

exceeds the size of 1 Murray Rose Avenue, has three road frontages, and given the applicable 3:1 FSR and 26 m/50 m height controls.



Figure 28 | Existing commercial building at 10 Parkview Drive (Source: Department's photograph)

The Department also notes solar access to civic spaces and the public domain is essentially unaffected by the proposal with only a minor impact, consistent with the built form envisaged by the controls, occurring to small sections of Murray Rose Avenue, Parkview Drive and Bennelong Parkway. Overshadowing of the Badu Mangroves to the east of the site is considered in **Section 6.8**.

The Department concludes the extent of overshadowing impact arising from the proposed development beyond that anticipated by the controls to be minor and would not impact the amenity of any existing residential developments or prejudice the development potential of any future residential developments.

6.6 Residential amenity for future occupants

SEPP 65 contains nine design principles to ensure high quality residential apartment development. SEPP 65 also requires consideration of the ADG which supports the nine design quality principles by giving greater detail as to how those principles might be achieved. **Appendix D** provides a detailed assessment of the proposal against the SEPP 65 design principles and relevant design criteria in the ADG.

The Department has considered the residential amenity of the proposal against the ADG design criteria, and considers the proposal demonstrates good design in that the development provides an acceptable level of amenity.

However, there are departures from the recommendations of the ADG in relation to building separation/privacy which, together with overall apartment amenity, are considered below. Although minor non-compliances are

proposed for individual buildings in relation to solar access, natural ventilation, the overall proposed development complies with the ADG recommendations as outlined in **Appendix D**.

6.6.1 Building separation/privacy

To achieve satisfactory building separation and visual privacy, the ADG recommends minimum separation distances between habitable rooms and balconies of adjacent buildings. Building separations between the proposal and neighbouring commercial buildings are less than recommended by the ADG as set out in **Tables 7** and **8** and illustrated in **Figures 29** and **30** below.

Table 7 identifies that all levels of 1 Murray Rose Avenue, up to 8 storeys, satisfies the recommended ADG building separation distances. However, from 9 storeys and above, a 9 m rather than a 12 m setback to the western boundary is proposed. This results in an 18 m separation to the adjacent commercial building at 3 Murray Rose Avenue rather than the recommended minimum of 24 m.

Table 7 | Proposed building separation and ADG recommendations for 1 Murray Rose Avenue

ADG Recommended Minimum Separation Distance*	1 Murray Rose Avenue	Proposed	Achieved
<u>Up to 4 Storeys</u> 6 m to boundary (12 m to neighbouring building)	West (3 Murray Rose Avenue)	9 m to boundary 18 m to commercial building	Yes Yes
<u>Up to 4-8 Storeys</u> 9 m to boundary (18 m to neighbouring building)	West (3 Murray Rose Avenue)	9 m to boundary 18 m to commercial building	Yes Yes
<u>9 Storeys and above</u> 12 m to boundary (24 m to neighbouring building)	West (3 Murray Rose Avenue)	9 m to boundary 18 m to commercial building	No No

* Based on recommended ADG separation distance between facing habitable room/balconies. The ADG states office windows are to be considered as habitable space when measuring building separation.

Table 8 identifies that although a zero setback is proposed to the western boundary of 2 Murray Rose Avenue, the separation distance to the adjacent commercial building at 4 Murray Rose Avenue satisfies with the recommended ADG building separation distances up to 8 storeys. From 9 storeys and above, the proposed separation varies from 18 m to 30 m resulting in partial compliance with the recommended 24 m building separation.

Table 8 | Proposed building separation and ADG recommendations for 2 Murray Rose Avenue

ADG Recommended Minimum Separation Distance*	2 Murray Rose Avenue	Proposed	Achieved
<u>Up to 4 Storeys</u> 6 m to boundary (12 m to neighbouring building)	West (4 Murray Rose Avenue)	0 m to boundary 18/20 m to 30m to commercial building	No Yes
<u>Up to 4-8 Storeys</u> 9 m to boundary (18 m to neighbouring building)	West (4 Murray Rose Avenue)	0 m to boundary 18/20 m to 30 m to commercial building	No Yes
<u>9 Storeys and above</u> 12 m to boundary (24 m to neighbouring building)	West (4 Murray Rose Avenue)	0 m to boundary 18/20 m to 30m to commercial building	No Partial

* Based on recommended ADG separation distance between facing habitable room/balconies. The ADG states office windows are to be considered as habitable space when measuring building separation.

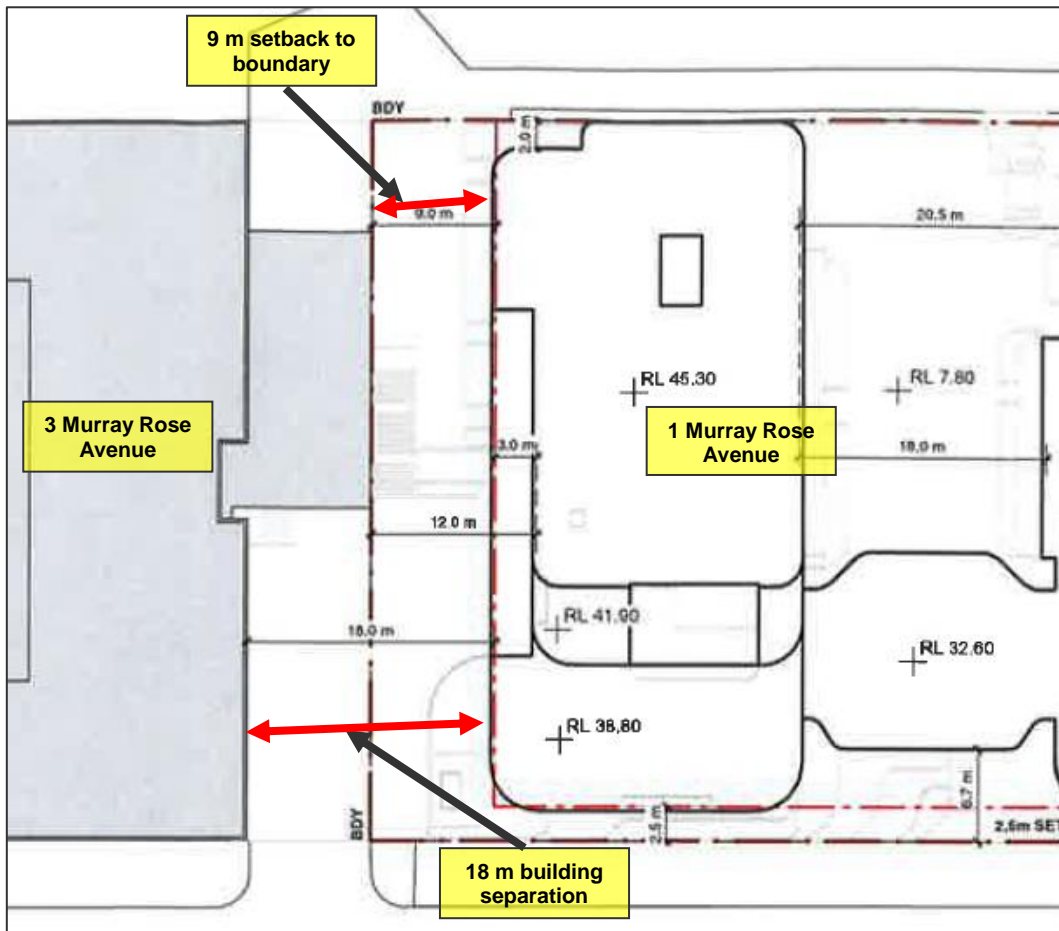


Figure 29 | 1 Murray Rose Avenue: Proposed building separation (Source: Architectural Plans)

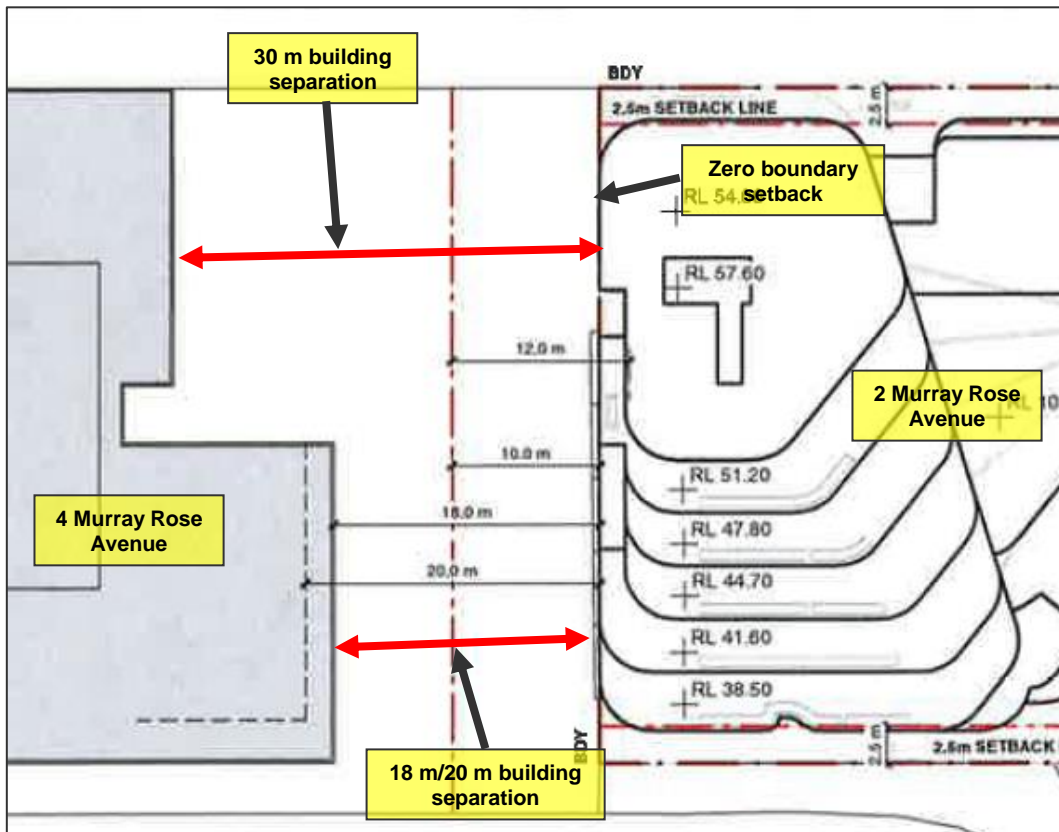


Figure 30 | 2 Murray Rose Avenue: Proposed building separation (Source: Architectural Plans)

The 2018 Review also contains a minimum 24 m setback control between residential and commercial buildings to ensure visual and acoustic amenity are maintained between buildings. The proposed development also does not comply with this control given the respective proposed separation distances of 18 m and 20 m to 3 and 4 Murray Rose Avenue (**Section 6.3.3**).

The Applicant contended that the proposed setbacks would not result in unacceptable building separation or privacy impacts as the setbacks are consistent with the winning design competition and were supported by the DRP and SOPA. In addition, the proposed building separations comply with the ADG recommendations with the exception of the 18 m separation, rather than 24 m, above nine storeys. However, as the storeys of both buildings above level 9 are located above the height of the adjacent commercial buildings, there would be no adverse privacy impacts from the minimum 18 m separation.

The Department considers the key visual privacy issue relates to the overall proposed building separation rather than the proposed setback of each building to the western boundary which is considered acceptable (**Section 6.6.3**).

Figures 31 and **32** illustrate the relationship of the western elevation of the proposed buildings to the adjacent commercial buildings at 3 and 4 Murray Rose Avenue. These demonstrate that the floor level of level 9 of each proposed building is above the roof height of the adjacent commercial building. The Department considers this relationship would result in acceptable levels of privacy to the apartments above level 9. In addition, due to the lower height of the commercial buildings, and noting the 30 m separation to the northern portion of 4 Murray Rose Avenue, the visual separation would be acceptable. The Department also notes the owners of 3 and 4 Murray Rose Avenue were notified of the proposal and made no submission.

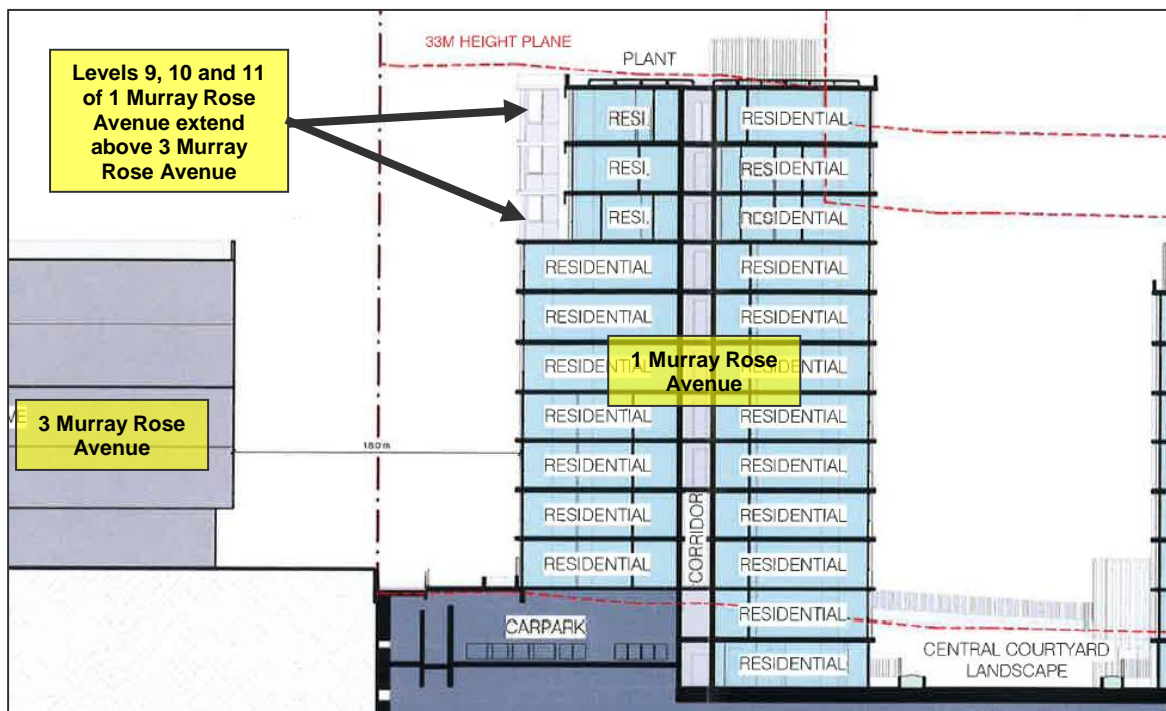


Figure 31: Height relationship of 1 Murray Rose Avenue to 3 Murray Rose Avenue (Source: Architectural Plans)

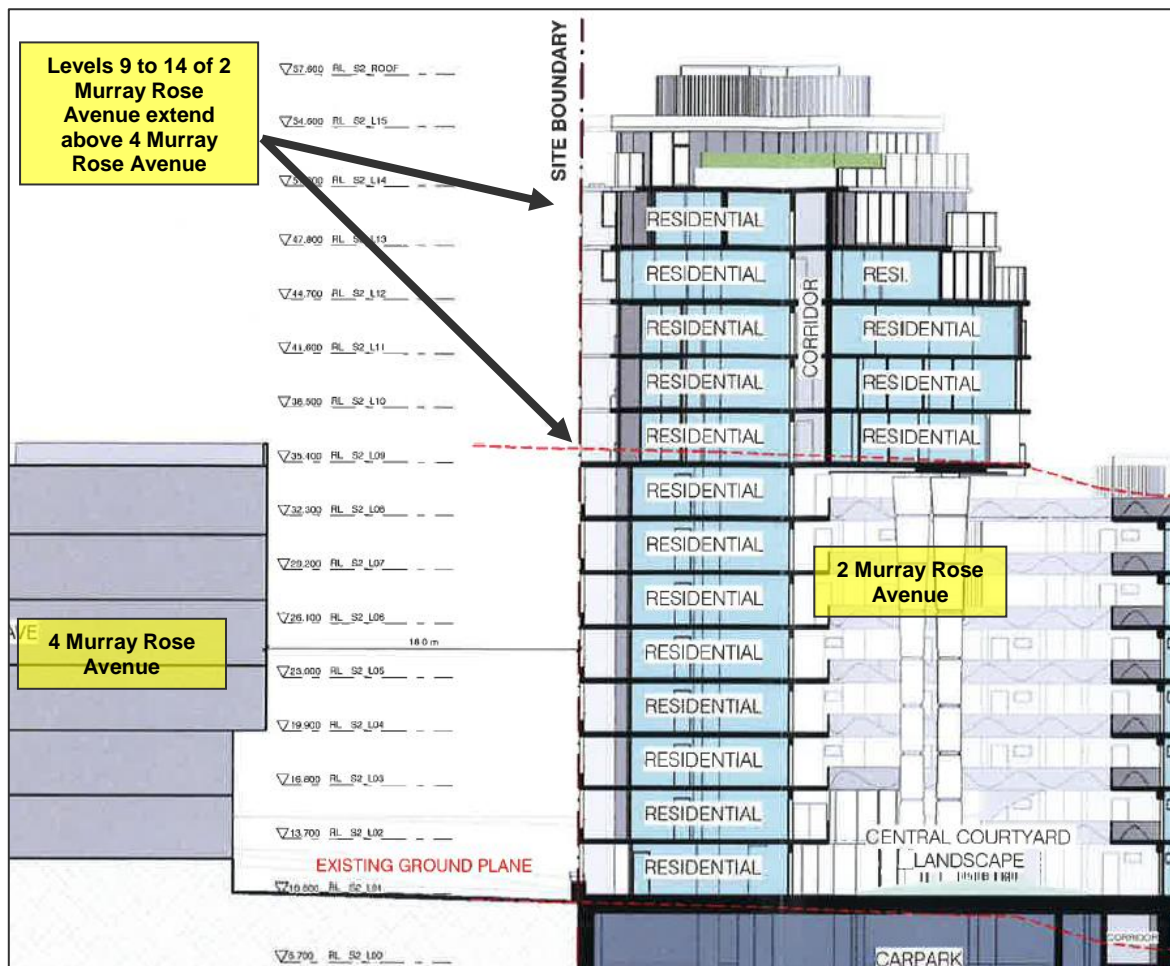


Figure 32: Height relationship of 2 Murray Rose Avenue to 4 Murray Rose Avenue (Source: Architectural Plans)

The Department considers the proposed setbacks/building separation distances are consistent with the emerging character of the SOP Town Centre. Combined with the proposed design and relationship to the adjacent commercial buildings, this would provide an acceptable level of visual privacy to future residents and therefore satisfies the intent of the ADG.

The Department further considers increasing the setbacks above level 9 of the proposed buildings to increase overall separation would not result in any material improvements to visual privacy due to the lower heights of the adjacent commercial buildings. In addition, achieving strict compliance with the recommended separation distances under the ADG would reduce the capability of the site being developed in a manner consistent with the envisaged character for the area.

The Department's assessment also considered potential privacy impacts between facing apartments within the proposed development, and the design has been refined to ensure appropriate privacy screening is provided between balconies and to ground level apartments adjoining the public domain or communal open space.

The Department concludes the proposal is consistent with the established and emerging character, including the proposed building separations, of the SOP. The Department also accepts the proposed separation distances between buildings would achieve an acceptable level of visual privacy to neighbouring commercial properties and within the proposed development.

6.6.2 Overall apartment amenity

The intent of the ADG is to help achieve better design and planning for residential apartment buildings including improving liveability through enhanced internal and external residential amenity.

In reviewing the overall design of the proposed apartments in relation to the intent of the ADG, the Department notes the following beneficial design aspects:

- all units meet or exceed the ADG minimum unit size recommendation by up to 28 m² for one-bedroom apartments, between 5 m² and 47 m² for two-bedroom apartments, between 6 m² and 116 m² for three-bedroom apartments and 127 m² for the four-bedroom apartment
- all balconies and courtyards satisfy the minimum size recommendations
- all east facing apartments within both buildings would benefit from views over the Badu Mangroves towards the Sydney CBD
- all upper level north facing apartments within 1 Murray Rose Avenue would have views over Brickpit Park towards Parramatta River
- the layout of the units is well organised with minimal wasted circulation space and open plan living areas allowing flexibility in future furniture layouts.

Overall, the Department considers all apartment types would achieve an acceptable level of amenity with most units receiving a high level of amenity. As such, the Department concludes the proposed development satisfies the intent of the ADG and is acceptable in relation to residential amenity.

6.7 Traffic, parking and access/servicing

The Applicant submitted a Traffic Impact Assessment (TIA) with the EIS which assessed the potential traffic impacts of the proposed development and the proposed provision of car parking and bicycle parking.

6.7.1 Traffic

The TIA confirms peak traffic generation in the mornings and evenings would result in 63 and 93 additional vehicle trips respectively and concludes that the increase would not adversely impact the level of service at nearby intersections and that the proposed development would not cause any detrimental impact on the operation of the road network, including during major events within SOP.

SOPA, TfNSW (RMS) and TfNSW did not raise any concerns with regards to traffic generation or local traffic impacts. Both SOPA and TfNSW (RMS) recommended a Construction Pedestrian and Traffic Management Plan (CPTMP) be prepared.

The Department is satisfied the Applicant has adequately addressed the potential impact to traffic in the streets surrounding the proposed development and considers that the increased traffic activity associated with the proposed development would be generally consistent with the overall strategic planning intent for SOP.

Subject to the recommended conditions, including a CPTMP, the Department considers traffic and access issues around the site can be appropriately managed and construction-related traffic impacts adequately mitigated.

Accordingly, the Department concludes the proposed development would result in an acceptable level of traffic generation and would not have any unacceptable traffic implications in terms of the surrounding road capacity.

6.7.2 Car parking

The proposed development provides a total of 330 basement car parking spaces, 206 car parking spaces within 1 Murray Rose Avenue and 125 car parking spaces within 2 Murray Rose Avenue. With the exception of one

building manager space within 1 Murray Rose Avenue, all spaces are for residential use with one accessible visitor car parking space proposed per building.

The Department notes the proposed number of resident car parking spaces is 27 below the 2018 Review maximum car parking rate of 356.

Although the 2018 Review allows a maximum of 74 visitor car parking spaces, only one visitor space is proposed per building (both accessible spaces). The Applicant contended this is due to site constraints and the availability of visitor car parking at nearby Car Park 6A which has a capacity of 859 spaces. An occupancy survey undertaken as part of the TIA demonstrates significant vacancy is available in this car park outside business hours (evenings and weekends) when there is more demand for residential visitor parking.

The Department notes the number of proposed visitor car parking spaces is also consistent with the recommendations of SOPA who support minimising car parking in new developments and requested two accessible car parking spaces be provided on-site.

The Department considers the proposed number of car parking spaces for the proposed development is appropriate as:

- the number of resident spaces is less than the maximum allowed under the 2018 Review
- accessible visitor car parking would be provided on-site with other visitor parking available in the locality at the times outside business hours when demand for visitor parking is higher
- the development includes 430 bicycle parking spaces
- the site is close to shops and services within the SOP Town Centre
- the site is in close proximity to SOP Train Station and a number of bus services
- the Region Plan, District Plan and the 2018 Review encourage a reduction in car dependency and the use of alternative modes of transport.

6.7.3 Access/servicing

Waste collection and servicing to 1 Murray Rose Avenue would occur via the existing driveway serving 3 Murray Rose Avenue on the western side of the proposed building. Vehicles would enter from Murray Rose Avenue and utilise an extended paved service area adjacent to the existing driveway. Two loading bays are proposed, separated from the paved service area by a roller door. The bays would be of sufficient size to service a small rigid vehicle (SRV) and a medium rigid vehicle (MRV) and would be able to accommodate Council's waste collection truck. Vehicles would be able to exit onto Murray Rose Avenue in a forward direction.

Waste collection and servicing to 2 Murray Rose Avenue would occur via a combined basement car park entry from Parkview Drive on the southern side of the proposed building. Service vehicles would enter the upper basement level where an MRV loading bay is proposed, capable of accommodating Council's waste collection truck. Vehicles would be able to exit onto Parkview Drive in a forward direction.

The Department notes Murray Rose Avenue and Parkview Drive receive low traffic volumes and the Applicant has demonstrated that the manoeuvrability to the proposed driveways/service areas is workable. Council has confirmed it is satisfied with the proposed waste servicing arrangements and provided recommended conditions.

The Department considers the proposed servicing location and future building management would ensure a satisfactory level of servicing for the proposed buildings. To ensure the safe and efficient handling of waste for all future occupants, the Department recommends conditions requiring a detailed Operational Waste Management Plan for approval prior to the occupation or use of the buildings.

6.8 Biodiversity/Impact on Badu Mangroves

6.8.1 Biodiversity

The site is highly disturbed as it has been previously cleared, cut and filled. The site contains some small stands of native vegetation and is dominated by weeds. The EIS included a Biodiversity Development Assessment Report (BDAR) which confirms the proposed development involves the removal of 0.08 hectares of native trees and would not impact any threatened flora or ecological communities and would be unlikely to impact the habitat of protected fauna, including the Green and Golden Bell Frog.

The proposed development includes the removal of 23 trees within the site (15 trees at 1 Murray Rose Avenue and 8 trees at 2 Murray Rose Avenue). No removal of trees outside the site boundary is proposed.

The EIS included an Arboricultural Report which considered the retention value of the trees to be removed and concluded all 23 trees are of low quality and many have structural defects and poor form. The planting of replacement trees to offset the trees to be removed was recommended.

The proposed landscaped plans include the planting of 121 new trees, (67 trees at 1 Murray Rose Avenue and 54 trees at 2 Murray Rose Avenue) (**Section 6.4**).

The Department considers the trees to be removed are of minimal retention value and the proposed number and species of replacement trees would satisfactorily mitigate their removal.

EESG have advised the BDAR is satisfactory and have provided recommended conditions to mitigate potential impacts in relation to:

- prepare a Stormwater Management Plan
- prepare a Weed Management Plan
- external lighting to face towards the development
- inclusion of endemic tree and shrub species in the proposed landscaping.

The proposed development includes a suite of stormwater quality and quantity management measures, which would provide for the controlled management of stormwater and runoff from the site. In addition, the proposed landscape plans include extensive endemic tree and shrub species.

The Department considers the proposed development would have no adverse biodiversity impact.

6.8.2 Impact on Badu Mangroves

The Badu Mangroves and aquatic habitats extend over an area greater than 30 hectares and the area subject to shading from the overall development is approximately 0.7 hectares. The BDAR states that although a small component of Bennelong Pond would be in building shadow from 2 pm in midwinter, the shade does not affect areas actually containing mangroves until 3 pm in midwinter and even at that time, only a small portion on the western edge of the mangroves would be in shade. The BDAR further notes that much of this area is already subject to shading from native trees located along the western edge of the mangroves and considers the shadowing would also not adversely affect aquatic species.

The Parkland Precinct height controls in the 2018 Review require proposals to demonstrate minimal or no impact in terms of overshadowing of the Badu Mangroves.

Figure 33 illustrates the shadow impact of the proposed development compared to a fully height compliant development and demonstrates additional overshadowing would occur to a small area from 2 pm in midwinter.

EESG commented that overshadowing impacts appear minor and can be adequately managed. SOPA also confirmed that their ecology team has reviewed the shadow studies and ecological assessment and have raised

no concerns regarding height of the proposed buildings or the potential shadow impact of the proposed development on the Badu Mangroves.

Noting the views of EESG and SOPA, the Department concludes the proposed development is acceptable as it would result in acceptable overshadowing impact of the Badu Mangroves, particularly compared to a development that fully complies with the height controls. This is because the areas outside the compliant height shadow area are minor and are compensated by additional areas that would not be overshadowed by the proposed development but would be overshadowed by a compliant development (**Figure 33**). The design has also sought to locate areas of the buildings outside the height control to sit within the shadow of areas within the height control, primarily the tower on the western side of 2 Murray Rose Avenue.



Figure 33 | Midwinter shadow diagrams (top left: 1pm; top right 2pm; bottom 3pm). Shadow from a height compliant development shown dotted red (Source: Applicant's EIS)

6.9 Other Issues

Other relevant issues for consideration are addressed in **Table 9**.

Table 9 | Summary of other issues raised

Issue	Findings	Recommended condition
Wind	<ul style="list-style-type: none"> • The EIS included a Wind Environment Statement (WES). The WES recommended various treatments to reduce the wind impacts in these locations, including: <ul style="list-style-type: none"> ○ awnings ○ densely foliating vegetation ○ additional vegetation in the through-site link and around the level 8 communal open spaces ○ a 2 m high impermeable high screen around the level 8 communal open spaces and around upper level north and south facing balconies in both buildings ○ seal the southern entrance to the communal open space at 2 Murray Rose Avenue. • A supplemental Pedestrian Wind Statement confirmed the RTS design changes would satisfy wind mitigation requirements in lieu of the previously recommended 2 m high screens. • The Applicant has provided additional landscape information confirming the viability and longevity of the proposed 2 m high evergreen vegetation planting in relation to ongoing wind mitigation and buffering of wind flows. • The Department is satisfied that subject to the recommended treatments, the proposed development would not result in any unacceptable wind impacts for pedestrians, residents and visitors to the proposed buildings or at adjoining properties. 	<ul style="list-style-type: none"> • Implement recommendations of the WES as revised by the supplemental Pedestrian Wind Statement.
Contributions	<ul style="list-style-type: none"> • The Applicant has advised that it has entered into a Planning Agreement with SOPA (the landowners) in accordance with the provisions of the EP&A Act. • The Planning Agreement requires the Applicant to make a monetary contribution to the SOPA Infrastructure Contributions 	<ul style="list-style-type: none"> • Include a condition requiring a minimum 5% (14 apartments) of the apartments be allocated as affordable housing.

Framework 2030, which provides appropriate funding for the delivery of SOP infrastructure.

- In addition, the Planning Agreement includes ‘works-in-kind’ contributions comprising construction and dedication of 14 (5%) of apartments for affordable housing in accordance with SOPA’s ‘Affordable Housing Guidelines’.

Heritage

- The site does not contain any heritage listings and the nearest heritage item (the Abattoir Heritage Precinct) is located 640 m to the west.
 - The EIS was accompanied by a Heritage Impact Assessment (HIA) which concludes the proposed development would not have any direct or indirect impacts on listed heritage items or heritage conservation areas within the vicinity of the site.
 - An Historical Archaeological Assessment submitted with the EIS concludes there is nil potential for historic archaeological relics or Aboriginal heritage to be located within the site due to the high level of landform modification that has occurred.
 - The EIS was also accompanied by an Aboriginal Cultural Heritage Assessment Report and Archaeological Survey Report which conclude the Aboriginal archaeological potential of the site is low given the context of the area and previous disturbance of the site.
 - The Department considers the proposed development would not have an adverse impact on their setting or heritage significance, noting existing tall buildings are consistent with the setting of the Abattoir Heritage Precinct.
 - The Department also considers the development is unlikely to disturb any areas of Aboriginal archaeological potential or reveal any significant archeological remains.
- Include conditions in relation to unexpected archaeological finds.

Contamination

- A Remediation Action Plan (RAP) for 1 Murray Rose Avenue was submitted with the RTS. The remediation proposed in the RAP includes excavation, removal and disposal of unsuitable
- Include conditions recommended by SOPA requiring hold points for any further amendments to the RAP

fill located in the northern half of the site. The RAP concludes the site can be made suitable for the proposed residential development subject to the implementation of the recommended measures.

- Following the identification of a number of inadequacies in the RAP, a revised RAP was submitted. SOPA have confirmed the revised RAP is acceptable subject to conditions to establish appropriate hold points for any further amendments to the RAP following further investigations.
- The Department is satisfied 1 Murray Rose Avenue can be made suitable for the proposed development and is satisfied that the land will be remediated before the land is used for its proposed residential use, subject to recommended conditions.
- The DSIR for 2 Murray Rose Avenue did not identify any contamination requiring remediation and concludes the site can be made suitable for the proposed development subject to identified data gaps being addressed through additional soil investigations.
- In response to the Department's request for submission of a Data Gap Assessment, the Applicant has advised it is not possible to undertake the additional soil investigations without prior removal of the trees on the site.
- In respect of 2 Murray Rose Avenue, the Department notes remediation is not required and the site is suitable for the proposed residential use.

for 1 Murray Rose Avenue following further investigations.

- Obtain a Section A Site Audit Statement for 1 Murray Rose Avenue at the completion of the remediation works, certifying the works have been undertaken consistent with the RAP and that the site is suitable for the development.
- Obtain a Section A Site Audit Statement prior to the commencement of works for 2 Murray Rose Avenue, certifying the land is suitable for residential development.
- No remediation work is approved for 2 Murray Rose Avenue.
- Waste classification assessment to ascertain the contamination status of the soil and ensure the proper waste classification for disposal.
- An unexpected finds procedure to enable management of any unexpected contamination finds.

**Flooding/
stormwater**

- The EIS included a Site Flood Assessment (SFA). The SFA notes the site is subject to minor flooding (1% of the Annual Exceedance Probability (AEP) event) and most affects the northern portion of 1 Murray Rose Avenue when the capacity of the existing drainage system is exceeded.

- Comply with floor level recommendations of the SFA.
- Prepare an Operational Stormwater Management Plan.

- The SFA recommends floor levels adjacent to areas mapped as flood affected should be set at the 1% AEP flood level plus minimum 500 mm freeboard.
- The SFA concludes there would be no flood impacts associated with the proposed development.
- The Department is satisfied the proposed development would not be impacted by flooding and would not result in adverse flood outcomes within the surrounding area, subject to recommended conditions.

Crime Prevention Through Environmental Design (CPTED)

- The EIS included a CPTED Report matters and noted the following design aspects of the proposal to provide a safe environment through surveillance and activation:
 - living areas and balconies are orientated to provide natural surveillance of communal open space, pathways and roadways
 - use of security lighting and CCTV in lifts, car parks and entrances
 - landscaping design and plant species would provide amenity while still ensuring casual surveillance within the communal areas or along road frontages
 - secure entry into the buildings and basement car parks
 - operation of a concierge service to ensure CCTV would be monitored and provide a contact for residents in the event of intruders.
- The RTS included further consideration of matters raised by NSW Police (**Section 5.3**) including lighting, Closed Circuit Television (CCTV) and landscaping.
- The Department is satisfied the proposed development suitably incorporates necessary CPTED measures, subject to conditions.
- Implement recommendations of the CPTED Report and NSW Police regarding lighting, CCTV and landscaping.

Construction traffic

- The EIS included a Preliminary Construction Management Plan/Construction Traffic Management Plan which states an average of
- Prepare and implement a CPTMP.

90 trucks per day would access the site for a six-month period during the piling and excavation phase. This would increase to 160 trucks per day during construction of the basements (eight months), decreasing to 120 trucks per day during construction (12 to 18 months) and 20 during fitout works (6 months). The TIA raises no concerns regarding potential impacts from construction vehicles.

- The Applicant would apply for construction works zones fronting Murray Rose Avenue and Parkview Drive. The work zones would accommodate construction vehicle parking and unloading of construction materials.
- TfNSW (RMS) and SOPA have recommended a condition requiring a CPTMP be prepared.
- The Department considers the proposed development acceptable in relation to construction traffic movements.

Construction noise, vibration and air quality

- One public submission raised concerns with potential construction impacts from the proposed development.
 - All construction works are proposed to comply with the DECCW Interim Construction Noise Guidelines (DECCW Guidelines).
 - The proposed construction hours are:
 - 7.00 am to 5.30 pm Monday to Friday
 - 8.00 am to 12 noon Saturdays
 - No work on Sundays or Public Holidays.
 - The Department notes the proposed construction hours are more restrictive than have been granted for other similar developments within SOP.
 - The EIS included an Acoustic Report which provides an assessment and recommendations for managing/mitigating noise impacts and vibration impacts during construction.
 - The predicted noise levels for neighbouring properties would also comply with the DECCW Guidelines, subject to appropriate noise
- Prepare a Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, and a Construction Air Quality and Odour Management Plan.
 - Undertake environmental monitoring.
 - Consistent with other development approvals within SOP and given the significant distance to residential properties, construction hours are restricted to:
 - 7.00 am to 6.00 pm Monday to Friday
 - 7.30 am to 3.00 pm on Saturdays
 - No work on Sundays or Public Holidays.

mitigation measures, including acoustic enclosures and silences on machinery.

- If any exceedances of the guidelines occur, noise/vibration control measures, together with construction best practice, would minimise any impact and ensure compliance with relevant standards.
- The Department is satisfied potential air quality and odour issues can also be suitably managed during development.
- The Department acknowledges the works would be temporary and impacts can be reasonably mitigated through recommended conditions.

Noise and vibration	<ul style="list-style-type: none">• The EIS Acoustic Report assessed the potential noise impacts on the proposed development from traffic and background noise impacts.• The Acoustic Report concludes the development would be capable of achieving a satisfactory accommodation environment for future occupants, subject to recommended acoustic glazing and façade/roof sound insulation.• The Acoustic Report also assessed potential noise impacts from major events within SOP. Noise measurements undertaken during a major event (State of Origin match) found that noise levels were typically inaudible with maximum audible noise levels of 55 to 61 dB(A). The Acoustic Report confirms the installation of recommended acoustic glazing would ensure compliance with the applicable noise criteria.	<ul style="list-style-type: none">• Comply with recommendations of the Acoustic Report.
Odour	<ul style="list-style-type: none">• The EIS included an Air Quality Review (AQR) which considers potential air quality impacts on the proposed development from neighbouring development and from industrial sources within SOP.• The AQR concluded there would be no adverse impacts from neighbouring commercial developments. In addition, the	<ul style="list-style-type: none">• No conditions required.

nearest industrial sources are located 1.3 km from the site and potential odour impacts would therefore be minimal, particularly given prevailing winds from the source to the site occurs only 7% of the time and due to odour controls adopted at the sources.

- The AQR also notes various residential developments and sensitive uses (Newington Public School) exist in closer proximity to the industrial odour sources than the proposed development.
- The Department notes the EPA have raised no concerns and is satisfied there would be negligible potential odour impacts on the proposed development.

Increased demand for use of public facilities

- One public submission raised concern regarding the increased demand for public facilities from the proposed development.
 - The 2018 Review details a range of new infrastructure required to meet the needs of new residents, workers, students and visitors.
 - SOPA has entered into a Planning Agreement with the Applicant. The Agreement requires the Applicant to make a monetary contribution to the SOPA Infrastructure Contributions Framework 2030, which provides appropriate funding for the delivery of SOP infrastructure
 - The Department considers the proposed development is consistent with the strategic planning provisions for SOP.
- No conditions required.



7. Evaluation

The Department has reviewed the EIS, RTS, and all additional information, and assessed the merits of the proposal, taking into consideration advice from SOPA and Government agencies. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department's assessment concludes the proposal is consistent with the strategic future direction of the SOP Town Centre and would reinforce the strategic role of the town centre as a vibrant mixed-use area.

The proposed design represents the winning design of a design excellence competition and has been reviewed by the GANSW and the SOP DRP. The Department is satisfied the proposed development demonstrates design excellence and would positively contribute to the setting of SOP Town Centre which is transitioning to higher density, mixed-use development, consistent with the strategic objectives for the area.

The site has varied height controls which make full compliance difficult to achieve. Although the proposed development does not fully comply with the maximum building height controls, the proposed variations would result in a development that has minimal differences in relation to overshadowing, view or wind impacts in comparison to a fully compliant development. The Department therefore considers the proposed development satisfies the intent of the controls and the proposed variations are justified.

Although the proposed development does not comply with the 3:1 FSR control for the site, it would utilise less GFA than allowed for by the 3:1 control when combined with the GFA of other developments within the 1 to 5 Murray Rose Avenue super-lot. SOPA have confirmed this is consistent with the intention of the 2018 Review and that it is reasonable for the proposed development to utilise any residual GFA within the super-lot. The Department therefore considers the proposed overall GFA to be consistent with the intent of the controls.

The proposed building separation distances to the adjacent commercial buildings are consistent with the character of the SOP Town Centre and would provide acceptable visual separation and privacy to future residents.

Consistent with the 'Using the Apartment Design Guide' Planning Circular, the Department has not applied the ADG as a set of strict development standards but has reviewed the proposal against the objectives of the design criteria. The Department concludes from this review that future residents would be provided with a high level of amenity through good design, consistent with the intent of the ADG.

The Department supports the proposed public domain and landscape outcomes which include an improved, 18 m wide, public through-site link to the western side of 1 Murray Rose Avenue and the planting of 121 new trees to replace the 23 trees to be removed.

Compliant rates of resident car parking and bicycle parking are proposed for each building and visitor parking is proposed in accordance with SOPA's recommendations. The proposed development would not result in any adverse impacts on the operation of the surrounding road network.

The Department is satisfied the recommended conditions and implementation of measures detailed in the Applicant's EIS and RTS report and as recommended by agencies would adequately mitigate the residual environmental impacts of the proposed development.

The Department concludes the proposed development is consistent with the strategic objectives for the area, as outlined in NSW 2021, the Greater Sydney Region Plan and the Central City District Plan. The proposal would result in a wide range of positive social and economic impacts, primarily the provision of increased housing availability and choice near public transport, employment opportunities and services.

On balance, the Department concludes the proposed development is in the public interest and should be approved, subject to conditions.



8. Recommendation

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

- **considers** the findings and recommendations of this report;
- **grants** concurrence to the proposed variations to the maximum building height and floor space ratio development standards;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of SSD 9403 subject to the conditions in the attached development consent.

Recommended by:

Andy Nixey

Principal Planning Officer
Key Sites Assessments

Recommended by:

Cameron Sargent

Team Leader
Key Sites Assessments

Recommended by:

David McNamara

Director
Key Sites Assessments



9. *Determination*

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

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



Appendices

Appendix A – List of Documents

Appendix B – Relevant Supporting Information

Appendix C – Community Views for Draft Notice of Decision

Appendix D – Statutory Considerations

Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- 1-2 Murray Rose Avenue, Sydney Olympic Park – SSD 9403 – Environmental Impact Statement, prepared by Urbis Pty Ltd, dated 31 October 2018
- Response to Submissions and attachments, prepared by Urbis Pty Ltd, dated 8 February 2019 and 11 April 2019
- Response to Submissions Addendum, prepared by Urbis Pty Ltd, dated 13 June 2019.

Appendix B – Relevant supporting information

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10066>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10066>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10066>

Appendix C – Community views for Draft Notice of Decision

Issue	Consideration
<ul style="list-style-type: none"> Proposed height/view impacts 	<ul style="list-style-type: none"> The proposed development exceeds the maximum height controls for the site due to the transition in the height controls across the site from 33 m to 26 m for 1 Murray Rose Avenue and from 50 m to 26 m for 2 Murray Rose Avenue. View impacts would be minimal given the 320 m distance to the nearest residential tower and the proposed variations to the height controls would be virtually imperceptible from this distance. Strict compliance with the height controls would result in insignificant changes in relation view lines across the site from other residential towers in Sydney Olympic Park (SOP). The variations to the height controls achieve the development outcomes as envisaged by the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) and the Sydney Olympic Park Master Plan 2030 (2018 Review) and any visual/view impacts would be negligible. This issue is considered in Sections 6.3.1 and 6.5.1. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> None required.
<ul style="list-style-type: none"> Construction impacts 	<ul style="list-style-type: none"> All construction works are proposed to comply with the DECCW Interim Construction Noise Guidelines subject to appropriate noise mitigation measures, including acoustic enclosures and silences on machinery. The recommended construction hours are consistent with standard construction hours within SOP. The construction works would be temporary and the noise impacts can be reasonably mitigated by conditions. This issue is considered in Section 6.9. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> Prepare a Construction Environmental Management Plan and Noise and Vibration Management Plan. Undertaken environmental monitoring. Construction hours restricted to: <ul style="list-style-type: none"> 7.00 am to 6 pm Monday to Friday 7.30 am to 3 pm on Saturdays and No work on Sundays or Public Holidays.
<ul style="list-style-type: none"> Increased demand for public facilities in the area 	<ul style="list-style-type: none"> The 2018 Review details a range of new infrastructure required to meet the needs of new residents, workers, students and visitors. The proposed development would include infrastructure contributions to provide funding for these upgrades/new facilities.

- The Department considers the proposed development is consistent with the strategic planning provisions for SOP.
- This issue is considered in **Section 6.9**.

Appendix D – Statutory Considerations

In line with the requirements of section 4.15 of the *Environmental Planning and Assessment Act* (EP&A Act), the Department’s assessment of the project has provided a detailed consideration to a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of the EP&A Act	Summary
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	The proposal involves the proper development of land within an existing urban area/town centre that is close to existing services and public transport access. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas. The proposed increase in housing supply would meet a range of housing needs which would enhance economic and social welfare.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The principles of Ecologically Sustainable Development (ESD) are considered below.
(c) to promote the orderly and economic use and development of land	The proposed development would promote the orderly and economic use of land by developing a redundant site within the SOP town centre for residential use, the merits of which are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing	The proposal includes the provision of 14 affordable housing apartments. This equate to 5% of the proposed development, consistent with the provisions of the 2018 Review.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal involves the redevelopment of a previously highly disturbed site, involves the removal of only 22 low quality trees and would not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural	The proposal would not have an adverse impact on nearby heritage items or conservation areas, as addressed in Section 6.9 .

heritage (including Aboriginal cultural heritage)	
(g) to promote good design and amenity of the built environment	The proposed development achieves design excellence as discussed in Section 6.2 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed development would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The proposal is SSD and therefore the Minister is the consent authority. The Department consulted with Council and other relevant agencies on the proposal.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 5 of this report sets out details of the Department's public exhibition of the proposal.

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

Section 4.15(1) Evaluation	Summary
(a)(i) any environmental planning instrument	The proposed development is permissible under the provisions of the SSP SEPP (Section 4.3). The Department's consideration of other relevant EPIs is provided below.
(a)(ii) any proposed instrument	See below.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD.
(a)(iii)a) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation), including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(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,	Appropriately mitigated or conditioned - refer to Section 6 of this report and Appendix E .

(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the EIS exhibition period and following lodgement of the RTS. See Section 5 and 6 of this report.
(e) the public interest	Refer to Section 6 of this report.
Biodiversity values exempt if:	Not applicable.
(a) On biodiversity certified land	
(b) Biobanking Statement exists	

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The proposed development constitutes State significant development under clause 2(f) of Schedule 2 of the SRD SEPP as it is development on land identified as being within SOP with a CIV in excess of \$10 million.

State Environmental Planning Policy (State Significant Precincts) 2005

The SSP SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the State. The SSP SEPP is the relevant EPI for the site and contains applicable zoning, development standards and other controls.

The site is located within the Sydney Olympic Park site, listed as a State Significant Precinct in accordance with Clause 7 and Schedule 3 of the SSP SEPP. An assessment of the proposal against the controls is contained in **Table 3** below and within **Sections 4.3, 6.2** and **6.3** of this report. The Department supports the proposed variations to the height and FSR standards.

Table 3 | Department’s consideration of the relevant sections of the SSP SEPP

Relevant Sections	Department’s Consideration
<p>2 Aims of Policy</p> <p>The relevant aim of this policy is (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.</p>	<p>Part 23 of Schedule 3 of the SSP SEPP sets out provisions relating to the orderly use, development or conservation of development within SOP (considered below).</p>
<p>7 Land use zones</p> <p>(a) The site is zoned B4 Mixed Use.</p> <p>(b) The consent authority must have regard to the objectives for development in a zone when determining applications.</p>	<p>The proposed residential development is permitted with consent within the B4 Mixed Use zone. Consideration of the proposal against the objectives of the zone is provided below.</p>
<p>9 Zone B4 Mixed Use</p> <p>Zone B4 Mixed Use</p>	<p>The proposed development would be consistent with the following relevant objectives of the B4 Mixed Use zone:</p>

- integrating suitable residential development in accessible locations
- providing for a mixture of compatible land uses
- promoting ecologically sustainable development and minimising any adverse effect of land uses on the environment
- encourage the provision and maintenance of affordable housing.

18 Height of buildings

The maximum height of a building on the site is not to exceed 26 m/33 m for 1 Murray Rose Avenue and 26 m/50 m for 2 Murray Rose Avenue (**Figure 1**).

The proposed buildings partially exceed the maximum height controls.

See **Section 6.3.1**.

19 Floor space ratio

The maximum floor space ratio for a building on the site is not to exceed 3:1.

The proposed development utilises the 10% bonus FSR available in the 2018 Review. The proposed FSR of 4.24:1 exceeds the maximum FSR of 3.3:1.

Note: The 2018 Review allows a 10% FSR bonus on this site for design excellence.

See **Section 6.3.2** and **Figure 2**.

22 Exceptions to development standards – other development

Development consent may be granted for development even though the development would contravene a development standard imposed by an environmental planning instrument, provided the consent authority considers a written request from the Applicant that seeks to justify the contravention of the development standard and the proposal is in the public interest.

The EIS and RTS include a written request from the Applicant seeking to justify the proposed exceptions to the height of buildings and FSR controls.

See **Sections 6.3.1** and **6.3.2**.

23 Public utility infrastructure

The consent authority must be satisfied that any public utility infrastructure (water, electricity, gas and sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The EIS concludes that the proposed development would be appropriately serviced by public infrastructure.

Sydney Water and Ausgrid have raised no concerns with the proposed development.

The Department is satisfied all public utility services are available for future connection to the development.

24 Major events capability

The consent authority must consider impacts of the proposal during major events at the SOP, including:

- (a) traffic generation on the local and regional road network;
- (b) management of crowd movement and transport;
- (c) functioning of major event infrastructure; and
- (d) emergency evacuation plans.

The EIS includes an Impact of Major Events Capability Statement and a Traffic Impact Assessment. These conclude the operation of the proposed development is not expected to create any adverse traffic or transport issues within the SOP during major events, noting access to the buildings would be via roads that would remain open during major events.

A condition is recommended requiring a Major Events Plan be prepared for the construction phase of the project and be approved by SOPA prior to the commencement of development.

25 Transport

The consent authority must be satisfied that the development includes measures to promote public transport use, cycling and walking.

The proposed development is located within walking distance of Olympic Park Train Station and various bus services. It is also well located in relation to the local bicycle network.

The development includes car parking and bicycle parking in accordance with the rates contained in the 2018 Review.

The Department recommends a condition be imposed requiring a travel access guide be implemented prior to occupation.

26 Master Plan

Development consent must not be granted for development on land within the SOP to which a Master Plan applies unless the consent authority has considered that Master Plan.

Development consent must not be granted for development on land within 400 metres of the Olympic Park Train Station unless the consent authority has considered whether the car parking requirements specified in the Master Plan should be reduced in respect of that development.

Detailed consideration of the relevant provisions of the 2018 Review is provided in **Table 4** below.

The site is located within 400 m of Olympic Park Train Station. The Applicant proposes 329 resident car parking spaces which is 27 less than the maximum of 356 spaces permitted in the 2018 Review.

30 Design excellence

Development consent must not be granted for a new building unless the consent authority has considered whether the proposed development exhibits design excellence.

In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:

The Department considers the proposed development exhibits design excellence.

See **Section 6.2**.

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;

(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain;

(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency; and

(d) if a competition is held in relation to the development, the results of the competition.

A design competition was required pursuant to clause 30 as the site is identified for a design competition in the Master Plan and a building exceeds 42m in height.



Figure 1 | SSP SEPP maximum height control (site outline shown dotted red) (Source: EIS)



Figure 2 | Parkview Precinct site boundaries plan extract (site shown outlined in red (Source: Applicant’s EIS)

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes a traffic generating development in accordance with Clause 104 of the ISEPP.

The proposal was referred to Transport for NSW (RMS) and Transport for NSW (TfNSW) and no concerns were raised (**Section 5**). The Department considers the proposed development to be consistent with the ISEPP given the consultation and consideration of traffic and parking issues in **Section 6.7**.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purposes of the proposed development.

A Detailed Site Investigation (DSI) was submitted with the application to determine the potential for onsite contamination for both 1 and 2 Murray Rose Avenue. The DSI identified soil contamination issues associated with 1 Murray Rose Avenue and recommended preparation of a Remedial Action Plan (RAP).

A RAP to address remediation/management of 1 Murray Rose Avenue was submitted with the RTS. The RAP concludes the site can be made suitable for development subject to the implementation of measures recommended in the RAP. These include excavation, removal and disposal of unsuitable fill located in the northern

half of the site and validation. Recommended conditions include obtaining a Section A Site Audit Statement at the completion of the remediation works, certifying the works have been undertaken consistent with the RAP and that the site is suitable for the development.

The DSIR for 2 Murray Rose Avenue did not identify any contamination requiring remediation and concludes the site can be made suitable for the proposed development subject to identified data gaps being addressed through additional soil investigations. Given it is not possible to undertake the additional soil investigations without removal of the trees on the site, a condition is recommended requiring a Section A Site Audit Statement be obtained prior to the commencement of works.

The Department is satisfied the site can be made suitable with regard to the provisions of SEPP 55 for the proposed mixed-use development subject to conditions, including requiring compliance with the recommendations of the RAP for Murray Rose Avenue, and requiring a Section A Site Audit Statement for 2 Murray Rose Avenue.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department recently published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 of the EP&A Act.

The Department considers the proposed development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

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

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department has assessed the proposal against the design quality principles of SEPP 65 in **Table 4** below:

Table 4 | Department’s consideration of the design quality principles of SEPP 65

SEPP 65 – Design Quality Principles	Department’s Response
<p>1. Context and Neighbourhood Character</p>	<p>The proposed development is compatible with the use and built form requirements of the SSP SEPP and 2018 Review and with the existing and future character of the Parkview Precinct and SOP Town Centre as discussed in Sections 6.2 and 6.3.</p>

The proposal would result in a high-density residential development as provided for by the planning controls for the site and would have acceptable impacts on the amenity of existing and future neighbouring development.

2. Built form and scale

The proposed maximum height and FSR are not fully consistent with the SSP SEPP and 2018 Review controls. Nevertheless, the height and scale of the proposed buildings are appropriate within the context of the site and the desired future character for the SOP Town Centre and the Parkview Precinct. The proposed built form is considered in **Section 6.3**.

The proposed development would be of a high standard of architectural design and appearance and achieves design excellence as discussed in **Section 6.2**.

3. Density

The proposed buildings are of an appropriate density and scale consistent with the SSP SEPP and the 2018 Review.

4. Sustainability

An Ecologically Sustainable Design Strategy was submitted with the EIS. The Strategy concludes the proposed development incorporates sustainability techniques that exceed the requirements of BASIX water, energy and thermal efficiency targets. ESD is further considered in below.

5. Landscape

A Landscape Report and associated plans have been provided and includes details of landscaping to the proposed ground and roof level communal open spaces, and to the public domain. The landscaped design includes planting 121 new trees, which would provide a high level of amenity for residents and increase the overall tree canopy cover of SOP in the longer term.

6. Amenity

The proposed building complies with the principles of SEPP 65 and satisfies the intent of the ADG in terms of achieving a high level of residential amenity for future residents (**Section 6.6** and the ADG assessment table below).

7. Safety

Various security measures are proposed including:

- secure entry into the buildings and car parks
- well-lit and easily identifiable entry points
- use of closed-circuit television to monitor lifts, car parks and building entries
- passive surveillance from private balconies and living areas and communal open spaces to Murray Rose Avenue, Parkview Drive, Bennelong Parkway, the through-site link and the Brickpit Park interface

A condition requires the development to incorporate 'Crime Prevention Through Environmental Design' principles in the design of the proposed development.

8. Housing diversity and social interaction

The proposed development includes 14 affordable housing apartments. A range of one, two, three and four-bedroom apartments are provided in a range of sizes and types. 29 (10%) of the apartments would be adaptable.

Large communal open spaces, containing a range of features, are provided within each building which would facilitate social interaction.

Contributions are provided under the Infrastructure Contributions Framework 2030 and are the subject of a Planning Agreement between SOPA and the Applicant.

9. Aesthetics

The proposed development demonstrates a high standard of architectural design that achieves design excellence. The proposal also includes an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and relates suitably to the SOP Town Centre.

An assessment of the proposal against the ADG best practice design principles is provided in **Table 5** below:

Table 5 | Department's consideration of ADG best practice design principles

ADG – Relevant Criteria	Proposal
<p>3A Site Analysis</p> <ul style="list-style-type: none"> Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context. 	<ul style="list-style-type: none"> The proposal is informed by an urban design and built form analysis which identified the likely visual and shadow impacts of the development and the appropriateness of the built form with respect to existing and likely future development in the vicinity.
<p>3B Orientation</p> <ul style="list-style-type: none"> Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter. 	<ul style="list-style-type: none"> The proposed buildings are designed to define and address the street layout and adjacent Brickpit Park to the north. The proposed buildings are orientated to maximise solar access and appropriately address Bennelong Parkway, Murray Rose Avenue and Parkview Drive. Habitable rooms are orientated towards the north-east and north-west as much as possible. Notwithstanding variations to the maximum building height controls, the extent of

overshadowing is consistent with the impacts anticipated by the planning controls for the site and would have no impact on any neighbouring residential properties (**Section 6.5**).

- Shadow impacts to the adjacent Badu Mangroves have also been minimised (**Section 6.8**).

3C Public Domain Interface

- Transition between public/private domain is achieved without compromising safety and security.
- Amenity of the public domain is retained and enhanced.

- The proposed buildings have been designed to provide easily identifiable lobbies facing the street. Access to the lift lobbies would be access controlled.
- Passive surveillance would be available from balconies, windows and communal open space which overlook the public domain.
- The amenity of the public domain would be enhanced through an improved through-site link to the west of 1 Murray Rose Avenue and increased landscaping.

3D Communal and Public Open Space

- Communal open space has a minimum area equal to 25% of the site.
- Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter.
- Communal open space is designed to allow for a range of activities and to maximise safety.
- Public open space should be well connected with nearby parks and other landscape elements.

- 56% (3,599 m²) of the total site area would be available to residents as communal open space in the form of landscaped ground level courtyards, roof terraces and the landscaped through-site link.
- For 1 Murray Rose Avenue, 59% (2,330 m²) of the site area would be provided as communal open space as follows:
 - 1,030 m² communal open space in the ground level courtyard and through-site link. These areas would both receive over three hours of direct sunlight in mid-winter from midday until 3 pm
 - 1,300 m² on the level 8 roof. Almost the entire area (56% of the total communal open space for No.1) would receive uninterrupted direct sunlight in mid-winter from 9 am until 3 pm.
- For 2 Murray Rose Avenue, 50% (1,269 m²) of the site area would be provided as communal open space as follows:
 - 692 m² ground level communal open space. None of this area would receive direct sunlight in mid-winter due primarily

to the location of 1 Murray Rose Avenue directly to the north.

- 577 m² on the level 8 roof would receive uninterrupted direct sunlight in mid-winter between 9 am and 3 pm. This equates to 45% of communal open space receiving six hours of solar access in midwinter.

- Across the combined site, 81% of the principle useable areas of communal open space would receive over 2 hours of solar access in midwinter.
- The communal open spaces are well designed to maximise amenity and include communal seating, landscaping, BBQs, shade structures and open spaces.
- The communal open spaces would only be available to residents with use of the building security access system.
- An enhanced through-site link is proposed on the western side of 1 Murray Rose Avenue which would provide an improved connection between Murray Rose Avenue and Brickpit Park.

-
- 10% (623 m²) of the total site area would comprise deep soil zones.
 - For 1 Murray Rose Avenue, 7% (269 m²) of the site area would comprise deep soil zones. Due to the basement occupying most of the site area, the deep soil zones are limited to the eastern and southern setbacks of the proposed building.
 - For 2 Murray Rose Avenue, 12.5% (315 m²) of the site area would comprise deep soil zones. Due to the basement occupying most of the site area, the deep soil zones are limited to the eastern, northern and southern setbacks of the proposed building.
 - The overall development would provide 9% deep soil zones. A further 6% of landscaping with a minimum soil depth of 1.5 m is proposed above the basement areas. Additional landscaping and tree planting are also located on level 8 of each building.

3E Deep Soil Zones

- For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).

- The Department is satisfied the proposed development incorporates an appropriate level of deep soil planting.

3F Visual Privacy

- Minimum separation distance from building to side and rear boundaries:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

- Separation distances between buildings on the same site should combine required building separations.

- The proposed buildings do not comply with the ADG setback recommendations with regard to the western boundary setback of both proposed buildings to the neighbouring commercial buildings.
- See **Section 6.6.1**.

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain.
- Access, entries and pathways are accessible and easy to identify.
- Large sites provide pedestrian links for access to streets and connection to destinations.

- The main entry to 1 Murray Rose Avenue is provided on the northern side of Murray Rose Avenue with the communal open space also opening onto the northern interface with Brickpit park. The main entry is well located and designed, is easily identifiable and addresses the public domain.
- The main entry to 2 Murray Rose Avenue is provided on the southern side of Murray Rose Avenue with the communal open space also opening onto Parkview Drive. The main entry is well located and designed, is easily identifiable and addresses the public domain.
- An enhanced through-site link is proposed to the western side of 1 Murray Rose Avenue. The site is well-connected to amenities, such as transport and commerce.

3H Vehicle Access

- Access to 1 Murray Rose Avenue would be via a shared service driveway from Murray Rose

- Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

Avenue. Access to 2 Murray Rose Avenue would be via Parkview Drive.

- Appropriate sight lines are achieved and conflicts between pedestrians and vehicles would be minimised.

3J Bicycle and Car Parking

- Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

- o For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

- o the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

- o the car parking needs for a development must be provided off street.

- Parking and facilities are provided for other modes of transport.
- Car park design and access is safe and secure
- Visual and environmental impacts of underground car parking are minimised.
- Visual and environmental impacts of above ground enclosed car parking are minimised.

- A total of 329 resident car parking spaces and 356 resident bicycle parking spaces are proposed, consistent with the provisions of the 2018 Review (**Section 6.7**).

- All car parking is provided off-street within basement car parks. No above ground parking is proposed.

- The proposed loading zone for 1 Murray Rose Avenue, accessed through the through-site link, would not face the primary street frontage and landscaping is proposed between the zone and the street.

4A Solar and Daylight Access

- To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

- Within 1 Murray Rose Avenue, 73% of apartment living areas and private open spaces would achieve two hours direct sunlight between 9 am and 3 pm in mid-winter. 4% of apartments

- Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area.
- Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.
- Daylight access is maximised where sunlight is limited.
- Design incorporates shading and glare control, particularly for warmer months.
- would receive no solar access between 9 am and 3 pm.
- Within 2 Murray Rose Avenue, 67% of apartment living areas and private open spaces would achieve two hours direct sunlight between 9 am and 3 pm in mid-winter. 9% apartments would receive no solar access between 9 am and 3 pm.
- Overall, 70% (206) of apartment living areas and private open spaces would achieve two hours direct sunlight between 9 am and 3 pm in mid-winter. A total of 18 apartments (6%) would receive no solar access between 9 am and 3 pm.
- The Department is satisfied the proposed variation within 2 Murray Rose Avenue is minor (four apartments) and the overall development satisfies the ADG recommendations. The Department further notes the ADG design guidance acknowledges it may not be possible to achieve the design criteria depending on specific site constraints and orientation.

4B Natural Ventilation

- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).
- Overall depth of a cross-over or cross-through apartment does not exceed 18m.
- Within 1 Murray Rose Avenue, 59% (84) of apartments within the first nine storeys of both buildings would be capable of being naturally cross ventilated.
- Within 2 Murray Rose Avenue, 63% (60) of apartments within the first nine storeys of both buildings would be capable of being naturally cross ventilated.
- Cross-through apartment depth is 11 m.
- All habitable rooms would be naturally ventilated.
- Overall, 61% (144) of apartments within the first nine storeys of both buildings would be capable of being naturally cross ventilated.
- The Department is satisfied the proposed variation within 1 Murray Rose Avenue is very minor (one apartment) and the overall development satisfies the ADG recommendations.

4C Ceiling Heights

- Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
 - Habitable rooms 2.7 m
 - Non-habitable rooms 2.4 m.
- Ceiling heights meet or exceed the recommended minimums.

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35 m²
 - 1 bedroom 50 m²
 - 2 bedroom 70 m²
 - 3 bedroom 90 m²
 - 4 bedroom 102 m².
- Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to 2.5 x the ceiling height.
- In open plan layouts the maximum habitable room depth is 8m from a window.
- Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m².
- Bedrooms have a minimum dimension of 3m (excluding wardrobes).
- Living rooms have a minimum width of:
 - 3.6 m for studio and one bed
 - 4 m for 2 and 3 bed.
- The width of cross-over or cross-through apartments are at least 4m internally.
- All apartments meet the minimum size recommendations as follows:
 - 50 m² to 78 m² for 1 bedroom
 - 75 m² to 117 m² for 2 bedrooms
 - 96 m² to 206 m² for 3 bedrooms
 - 229 m² for 4 bedrooms.
- All habitable rooms are provided with a window in an external wall.
- All habitable room depth/width recommendations are satisfied.

4E Private Open Space and Balconies

- Primary balconies are provided to all apartments providing for:
 - Studios apartments min area 4 m²
 - 1-bedroom min area 8 m² min depth 2m
 - 2-bedroom min area 10 m² min depth 2m
- All apartments include a balcony that satisfies the minimum size and depth recommendations.
- The proposed balconies are integrated into and contribute to the architectural form and detail of the building.

- 3-bedroom min area 12 m² min depth 2.5m.
- For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m.
- Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.
- Primary open space and balconies maximises safety.
- Ground floor level apartments are provided with areas of private open space with a minimum area of 15 m² and depth of 3 m.
- 1.8 m high fencing, including a 700 mm high raised planter bed is proposed to provide privacy to the open space of ground level apartments.

4F Common Circulation and Spaces

- Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.
- For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.
- Natural ventilation is provided to all common circulation spaces where possible.
- Common circulation spaces provide for interaction between residents.
- Longer corridors are articulated.
- Four lifts (two within two circulation cores) are proposed within 1 Murray Rose Avenue and would serve 167 apartments (one lift per 42 apartments). Up to 20 apartments are proposed on each level (ten per core).
- Three lifts (two within one circulation core and one external lift within the communal courtyard) are proposed within 2 Murray Rose Avenue and would serve 126 apartments (one lift per 42 apartments). Up to 14 apartments are proposed on each level (seven per core/external lift).
- While the ADG nominates the tipping point from one to two passenger lifts (40 apartments), it does not nominate the minimum lift requirements for lifts in groups of two or more.
- The Applicant has submitted a Lift Traffic Analysis of the proposed lift installation for each building.
- Based on more applicable industry accepted criteria for vertical transportation design, the analysis concludes that the proposed lift arrangements would result in an excellent level of service providing better average wait time and handling capacity performance.
- Sunlight and natural ventilation are provided to the common circulation areas within each building.
- The residential lobby and circulation spaces provide opportunities for interaction. Direct access to the roof top communal open spaces is available from the corridor/lift cores.

- Windows adjacent to the lift cores would provide natural daylight to the corridors within 1 Murray Rose Avenue.
- Corridors within 2 Murray Rose Avenue open onto the central communal courtyard.
- The Department considers the Applicant has provided sufficient information to demonstrate the proposed number of lifts would adequately service the buildings.

4G Storage

- The following storage is required (with at least 50% located within the apartment):
 - Studio apartments 4 m³
 - 1-bedroom apartments 6 m³
 - 2-bedroom apartments 8 m³
 - 3-bedroom apartments 10 m³
- Residential storage is located within the apartments and within individual storage cages within the basement and is provided in accordance with the minimum rates recommended in the ADG.
- As demonstrated in the storage schedule provided with the RTS, over 50% of the required storage is provided within the apartments.

4H Acoustic Privacy

- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.
- Noise impacts within apartments are mitigated through layout and acoustic treatments.
- Noise transfer would be minimised through the appropriate layout of the buildings.
- Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.
- The location of the ground level and roof top communal open spaces would minimise acoustic impacts.

4J Noise and Pollution

- In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.
- Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.
- In accordance with the recommendations of the acoustic report, apartments would be appropriately insulated to ensure compliance from external noise sources (**Section 6.9**).

4K Apartment Mix

- Provision of a range of apartment types and sizes
- Apartment mix is distributed to suitable locations within the building.
- A variety of apartment sizes would be provided and logically located within the buildings.

4M Facades

- Building facades provide visual interest along the street while respecting the character of the local area
- Building functions are expressed by the facade
- The proposed facades have been designed to respond to the character of SOP facilities and the Brickpit Park landscape.
- The proposed buildings achieve design excellence and would positively contribute to the SOP Town Centre (**Section 6.2**).
- The design provides visual interest at street level.

4N Roof Design

- Roof treatments are integrated into the building design and positively respond to the street.
- Opportunities to use roof space for accommodation and open space is maximised
- Roof design includes sustainability features.
- Both buildings incorporate flat roofs with areas utilised for communal open space and solar panels.

4O Landscape Design and 4P Planting on Structures

- Landscape design is viable and sustainable.
- Landscape design contributes to streetscape and amenity.
- Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance).
- Plant growth is optimised with appropriate selection and maintenance.
- Building design includes opportunity for planting on structure.
- A detailed landscape plan has been provided for the public domain and the ground level and roof top communal open spaces. Proposed landscaping includes 121 trees, shrubs, grasses and climbers.
- The plans demonstrate adequate soil depth for the proposed landscaping would be provided.

4Q Universal Design

- Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.
- A variety of apartments with adaptable designs are provided.
- Apartment layouts are flexible and accommodate a range of lifestyle needs.
- The proposed development provides a total of 29 adaptable dwellings (10%).
- 20% of apartments would achieve a silver level performance rating (Liveable Housing Guidelines).
- All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

4T Awning and Signage

- Awnings are well located and complement and integrate with the building.
- Entrance lobbies are covered by the building structure above.

- Signage responds to the context and design streetscape character.

4U Energy Efficiency

- Development incorporates passive environmental and solar design.
- Adequate natural ventilation minimises the need for mechanical ventilation.
- The proposed development would meet BASIX water, thermal and energy efficiency targets.
- The buildings have been designed to maximise solar access and natural ventilation (see **Section 6.6.2** and **6.6.3**).

4V Water Management and Conservation

- Potable water use is minimised.
- Urban stormwater is treated on site before being discharged to receiving waters.
- Flood management systems are integrated into the site design.
- Water efficient fittings and appliances would be installed.
- A Flood Assessment has been prepared and flood management systems are integrated into the design.

4W Waste Management

- Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity.
- Domestic waste is minimised by providing safe and convenient source separation and recycling.
- Three garbage chutes are proposed adjacent to the lift cores in each building. These would discharge into basement waste rooms with the bins transferred to the collection area within the service area for each building. As recommended by Council, a separate recycling room is proposed on each floor in each building adjacent to the garbage chutes.
- Separate waste and recycling containers would be provided.
- See **Section 6.9**.

4X Building Maintenance

- Building design detail provides protection from weathering.
- Systems and access enable ease of maintenance.
- Material selection reduced ongoing maintenance cost.
- The buildings have been appropriately designed to allow ease of maintenance.
- The proposed materials are robust.

Planning Circular 'Using the Apartment Design Guide'

On 29 June 2017, the Planning Circular 'Using the Apartment Design Guide' was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

The Circular supports the Department's approach to assessing the residential amenity of the proposed buildings in that all proposed 293 apartments cannot reasonably achieve every amenity design criterion in the ADG and that this is not the intention of the ADG. As demonstrated in the analysis above and in **Section 6.6**,

the Department considers the proposed development achieves an acceptable level of amenity with most apartments receiving a high level of amenity. As such, the Department concludes the proposed building satisfies the intent of the ADG and are acceptable in relation to residential amenity.

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

The BASIX SEPP encourages sustainable residential development by setting targets that measure the efficiency of the buildings in relation to water and energy use and thermal comfort. It requires all new dwellings meet sustainability targets of a 20% reduction in energy use (building size dependent) and a 40% reduction in potable water.

A BASIX Certificate has been provided for the proposed development. The EIS also included an Ecologically Sustainable Development (ESD) Strategy and a BCA Report confirming compliance with the relevant energy efficiency section of the BCA. Conditions recommending compliance with the BASIX Certificate and BCA Report requirements are recommended.

Sydney Olympic Park Master Plan 2030 (2018 Review)

The 2018 Review provides specific design controls regarding sustainability, public domain, event controls, land use and density, building form and amenity, access and parking, transport strategies and infrastructure, landscaping and community infrastructure controls would apply. The relevant controls are addressed in **Table 6** below.

Table 6 | Consideration of the relevant provisions of 2018 Review

General controls and guidelines	2018 Review Requirements	Consideration
<p>4.2 Sustainability 4.2.1</p>	<ul style="list-style-type: none"> Engage an Ecologically Sustainable Design consultant as a core member of the project team. Connect all new development to Sydney Olympic Park’s recycled water system. Prioritise use of sustainable materials. All residential development must comply with the Building Sustainability Index (BASIX). Residential development must achieve a minimum 4 -tar Green Star rating. All developments must consider and address the impacts from climate change. 	Meets requirements.
<p>4.3 Public Domain 4.3.1</p>	<ul style="list-style-type: none"> Set aside land for streets, parks, through-site links and public spaces as shown in the site boundaries plan for the Parkview Precinct. Design and build streets, parks, through-site links and public spaces in accordance with relevant SOP guidelines and Australian Standards. Provide a continuous and accessible pedestrian network within streets, public places and parks. Connect to the local and regional pedestrian network. 	<p>Meets requirements with the following exception:</p> <p>The width of the proposed through-site link between 1 and 3 Murray Rose Avenue would be 18 m. This is consistent with the approved development at 3 Murray Rose Avenue which permitted a 9 m setback, allowing for a future 18 m wide link following the development of 1 Murray Rose Avenue (Section 6.3.3 and 6.4).</p>

	<ul style="list-style-type: none"> • Minimum footpath width on public streets of 1.8 m. • Building heights and setbacks should be configured to ensure that the urban domain affected by the proposed development receives a daily minimum of two hours of direct sunlight between 9.00am and 3.00pm on 30 June. Public parks should receive a minimum of two hours of direct sunlight between 9.00am and 3.00pm on 30 June for at least 30% of the park. • Provide weather protection at communal entrances. • Maximum surveillance of public domain and views of public areas from building. • Ensure through-site links are publicly accessible 24/7, they must not be gated. • Ensure through-site links are open to the sky and achieve the dimensions as set out in the precinct controls (20m) and provide visual and physical connections between public spaces and streets 	
4.4 Event access and Closures 4.4.1	<ul style="list-style-type: none"> • Maintain access to affected development sites during events requiring vehicle access points to be located away from affected streets. • Event Impact Statement to be provided – SOPA to assess event impact of each proposal in accordance with Major Event Impact Assessment Guidelines. 	Meets requirements.
4.5 Land Use and Density 4.5.1 4.5.2	<ul style="list-style-type: none"> • Land use of site – residential. • Maximum FSR: 3:1. • Potential design excellence bonus of 10%. • The maximum FSR will be granted only when the following controls are complied with: building zone, building depth, building height, building separation, building setbacks, open space and deep soil zone. 	Residential development proposed. Proposed FSR: 4.24:1. See Section 6.3.2.
4.6 Building Form and Amenity 4.6.1 4.6.2 4.6.3 4.6.4 4.6.5 4.6.6 4.6.7 4.6.8 4.6.9	<ul style="list-style-type: none"> • Create the sites shown in the Parkview Precinct Site Boundaries Plan. • Locate buildings within the building zone indicated on the Parkview Precinct control plan. • Provide through-site links and view corridors where indicated on the Parkview Precinct control plan. • Locate buildings within the building zone and ensure building layouts optimise solar access, natural light, cross ventilation, useable communal outdoor areas and views. 	The proposed development would complete the development of Sites 60A and 60B, consistent with the Parkview Precinct Site Boundaries Plan. Meets requirements.

4.6.10
4.6.11
4.6.12
4.6.14
4.6.15
4.6.16
4.6.17

- Ensure the maximum building depth is 18 m for all residential floorplates.
- Underground parking is to be concentrated under the building footprint and fully under natural ground level.

Meets requirements with the following exception:

- Maximum building depth for the western wings of both buildings exceeds 18 m. This is due to the particular design concept for the site and achieves an acceptable built form (**Section 6.3**). Apartments would not exceed 8 m in depth from an opening window and would achieve acceptable residential amenity (**Section 6.6**).

- Comply with the building height limits indicated on the Parkview Precinct Building Height Plan.
- Minor increases to building heights limits may be considered if:
 - special site conditions make strict compliance unworkable
 - there are demonstrable improvements to urban form and height transition
 - there is no impact on public open space and parklands.
- For sites adjoining two or more streets, the maximum number of storeys is not to exceed a plane created by joining the number of storeys measured along each street frontage.
- For south and west facing buildings over eight storeys high, setbacks and other treatments may be required to minimise wind turbulence. All developments over 25 m high will require assessment by a wind consultant.
- Comply with the minimum floor to ceiling heights.

The proposed building heights exceed the maximum height limits (**Section 6.3.1**).

A Wind Report has been provided (**Section 6.8**).

The proposed development complies with minimum floor to ceiling heights.

- Maximum roof top service zone height is 5 m.
- Setback the rooftop service zone 3 m from the parapet.
- The total area in plan above the maximum building height for services may not exceed 80 per cent of the building footprint area.
- Design lift towers, machinery plant rooms, chimneys, stacks, vent pipes and television antennae to minimise their visibility and size.
- The design of rooftop structures is to be integral with the overall building design.

Meets requirements with the following exception:

- Rooftop service zone on level 8 of 2 Murray Rose Avenue extends within 3 m of the parapet on the northern side. The variation is minor and a 3 m setback would be achieved from ground level to level 6.

- A minimum separation of 24 m is required between commercial buildings and facing habitable rooms in residential buildings opposite.
- For facing residential buildings with openings in both walls separation

A minimum separation distance of 18 m is proposed between the proposed development and the existing commercial buildings at 3 and 4 Murray Rose Avenue (**Section 6.3.3**).

distances, refer to *Table 4.4 Minimum Building Separation*.

-
- Comply with the building setbacks indicated on the Building Zone and Setbacks Plan for the Parkview Precinct.
 - Ensure building facades reinforce the street alignment.
 - Above ground articulation in the form of balconies, sunscreens and bay windows and the like may extend 300mm into the front setback zone distances, refer to *Table 4.4 Minimum Building Separation*.

Meets requirements.

-
- Tower building footprint to a maximum of 900 m² (Gross Building Area) are encouraged.
 - Towers are to be setback above level 6 by a minimum of 2 m.
 - Tower buildings are to be spaced to ensure that all north facing frontages affected by the proposed tower building have full solar access for a minimum of 2 hours between 9am and 3pm on 30 June.
 - Notwithstanding the above, maintain a minimum 40 m separation between tower buildings on neighbouring sites.
 - The positioning and separation of tower buildings should not impact on existing vistas along streets, views to external parklands or any other significant landmarks.
 - For residential buildings, floor plates over 600 m² GBA and 25 m in length should be articulated into separate wings around each lift/lobby zone. Floor plates for levels above 15 storeys should not exceed 900 m² GBA.
 - Ensure the maximum building depth is 18m (glass line to glass line) for all residential towers.
 - Where towers are articulated into separate wings, the heights of each wing should be varied to reduce overall bulk of the tower.
 - Articulate tower and podium separations, through the use of setbacks, recessing etc, for streets off Olympic Boulevard to modulate street corners and avoid sheer tower frontages adjacent to the public domain. Consider setting back or recessing upper levels.

Meets requirements with the following exceptions:

- Tower building footprints extend to 1,100 m² for 1 Murray Rose Avenue and 990 m² for 2 Murray Rose Avenue. This is due to the articulation of the buildings into separate wings and achieves an acceptable built form (**Section 6.3.4**).
- The proposed development includes 1 m setbacks above level 6 to the eastern side of both buildings and the northern side of 2 Murray Rose Avenue (**Section 6.3.3**).
- The maximum building depth exceeds 18 m. This is due to the particular design concept for the site and achieves an acceptable built form noting the heights of the wings have been varied to reduce the overall bulk of the towers (**Section 6.3**).

-
- With each application, prepare and submit a Disability Access Strategy to the satisfaction of SOPA.
 - Ensure that 30 per cent of ground floor apartments in each residential

Meets requirements.

development are visitable as defined in AS 4299.

- Ensure equitable access is provided to the main building entrance from both the street and car parking areas.
- Ensure car parking complies with relevant Australian Standards.

-
- To ensure the highest quality design for key sites in Sydney Olympic Park, a design competition is required for sites identified in the Design Competition Sites Plan.

Design excellence competition conducted in 2018.

-
- Ensure building facades are well modulated and scaled to reflect the aspect, uses and streetscape.
 - Design building facades to create a well-defined and integrated streetscape.
 - Ensure prominent elements are well articulated, including the ground floor, roofs, windows, doors, balconies and shading devices.
 - Provide modulation such as thickened walls, blade walls, fenestration, and sun shading elements to building frontages.
 - Provide appropriate forms of sun shading to screen eastern, northern and western sun, such as external adjustable vertical shading, sliding screens and brise-soleil.
 - Ensure that main building entrances are level with adjacent footpaths.
 - Provide individual off-street entry to at least 75 per cent of ground floor apartments in mixed use zones and 50 per cent of ground floor apartments in residential zones.
 - Adopt a broader palette of colour and textured material in building designs generally and avoid the over-use of reflective, monochromatic finishes such as glazed and metallic claddings.
 - Ensure architectural variety across long block edge facades by varying the articulation and/or modulation and/or materials for around every 30-40 m length of building façade

Meets requirements with the following exception:

- 46% of ground floor apartments would have individual off-street entries. Full compliance is not possible due to differences in levels between some ground floor apartments and the adjacent ground level.

-
- Provide active frontages and active uses along all park and public space frontages, including spaces that are privately and publicly owned or managed.
 - Ensure buildings are designed to contribute to the natural surveillance of adjacent streets and public space.
 - Promote casual views from residences to common internal areas such as lobbies, foyers, hallways, recreation areas and car parks.

Meets requirements.

- Provide direct and well-lit access between car parks and dwellings in car parks and lift lobbies, and to all apartment entrances.
- Ensure ramps have direct access to building entrances from the street and are visible from the street.
- Ensure that residential building entry points are within clear site of a public street frontage.
- For residential building sites, provide clearly defined and defensible separation between public and private areas.
- For residential buildings, locate the most active rooms, living rooms and kitchens to overlook the public domain and communal outdoor spaces.
- Development should ensure that Sydney Olympic Park's Closed-Circuit Television coverage is not obstructed or compromised in any way.
- Utility structures such as electrical substations and car park exhaust vents are not permitted in the public domain.

-
- Design the site, building layout and individual apartments to promote, capture and guide natural breezes.
 - Select and locate doors and operable windows to maximise natural ventilation opportunities established by the apartment layout. Meets requirements.
 - Minimise mechanically ventilated bathrooms and laundries.

-
- Applicants for a new development must prepare a report by a suitably qualified acoustic consultant assessing the possibility of land use conflicts as a result of the development.
 - The results of noise measurements should be used to design noise mitigation measures relevant to the proposed development
 - All plant rooms shall be designed to meet the requirements of the NSW Industrial Noise Policy. Meets requirements.
 - Residential development is not permitted in the orange areas shown in the Noise Plans.
 - Arrange apartments within a development to minimise noise transition between apartments by consolidating noisy active areas away from quieter areas.
 - Use storage or circulation zones to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas.

- Resolve conflicts between noise, outlook and views with appropriate barriers, including double glazing, openable screens, screened balconies and terraces.
- Wherever practicable, residential developments shall be sited, orientated and treated to mitigate noise and maximise natural ventilation while avoiding the use of air conditioning.
- Where residential development is located in the area marked 'Substantial Noise Mitigation Required', air conditioning and double-glazed windows and doors are required to reduce noise impact at certain times by closing all doors and windows.

-
- Submit a Waste Management Plan with all Development Applications to the satisfaction of Sydney Olympic Park Authority.
 - Include space for onsite waste management infrastructure that maximises the opportunities for the sorting and segregation of waste materials.
 - Locate waste management areas, including collection points, out of public areas so as to not cause offence to the general public, adjoining properties or occupants with regard to smell, visual amenity and noise.
 - Locate waste management areas wholly within the building.
 - Design waste management areas to allow collection vehicles to enter and exit the development in a forward direction.

Meets requirements (**Section 6.9**).

-
- All development proposals must include an economic assessment detailing the quantity of affordable housing achievable within the development. This must provide for a minimum of five per cent affordable housing, or the minimum required amount in accordance with any State or Local policy in force at the time of development, whichever is greater.
 - Affordable housing is to be distributed throughout the township and developments.
 - Affordable housing must be constructed to a standard consistent with other dwellings within that development.
 - Comply with the minimum apartment sizes in Table 4.9 Minimum Residential Apartment Sizes.
 - Provide the following quantities of apartment types to all residential and mixed-use developments:

Meets requirements with exception of:

- Minimum primary balcony dimensions have been designed to satisfy the ADG recommendation of 2 m rather than 2.4 m. The proposed balcony depths/sizes would provide suitable private open space for future residents.

See also consideration of amenity of future occupants in **Section 6.6** and consideration of the ADG in **Table 5** above.

- a minimum of 15 per cent studio or one-bedroom apartments
- a minimum of 15 per cent of three or more-bedroom apartments
- for developments less than nine storeys high, maximise the number of three-bedroom apartments at ground floor level with direct access to open space suitable for family use.
- Provide each above ground floor apartment with a primary balcony, terrace or deck that is directly accessible from the main living room or kitchen and complies with the minimum open space sizes for apartments in Table 4.13 Minimum Open Space Provision – Residential Uses.
- Provide a northern, eastern or western aspect to primary balconies.
- A minimum dimension of 2.4 m is required to primary balconies.
- Secondary balconies are encouraged as service areas, to alleviate uses dependent on the primary balcony and to increase connection between inside and outside.
- Design building layouts to minimise direct overlooking from apartments to other rooms and private open spaces.
- Incorporate screening devices to retain views and privacy from rooms and outdoor spaces.
- Stagger doors, windows and primary balconies to block direct views between apartments.
- Provide a minimum of three hours of direct sunlight per day to living rooms and private open spaces in at least 75 per cent of dwellings within a residential development on 30 June.
- All residential apartments must have daylight access to habitable rooms.
- Limit the depth of single aspect apartments to maximum 10 m.
- Limit the number of south facing apartments and provide generous windows.
- Provide lockable mail boxes close to the street and building entrances.
- Integrate mail boxes with front fences, building entrances and lobbies.
- In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:
 - one-bedroom apartments 6m²
 - two-bedroom apartments 8m²
 - three plus bedroom apartments 10m².

- Ensure storage separated from apartments is secure for individual use.
- Provide a screened outdoor clothes drying area either as a private service balcony or designated common drying areas for each dwelling.

4.7 Access and Parking

4.7.1

- All parking is to be underground.
- Garages and parking structures are not permitted forward of the building line and must be screened from the public domain by active uses.
- Design vehicle access points and paths to satisfy Australian Standards.
- Locate vehicle access points as indicated on the relevant precinct control drawing.
- To minimise visual intrusion and optimise active street frontages, vehicle driveways are to be as narrow as possible and have a garage door at the building line.
- Minimise the width of driveways and blank walls to the public domain by consolidating car access, docks, servicing and waste disposal.
- Provide car parking for residential developments at the maximum rates in Table 4.11.
- Bike parking facilities are to comply with Australian Standards.
- Locate basement bike parking as close to ground level car park entries as possible.
- Provide secure, conveniently located bike parking facilities at the minimum specified in Table 4.12.

Meets requirements with exception of the location of the vehicle access point to 2 Murray Rose Avenue (**Section 6.7.4**).

The proposed development would provide 329 resident car parking spaces, which is 27 below the maximum permitted (**Section 6.7.2**).

4.9 Landscape and Site

4.9.1

- Design open space to create a high-quality address and setting for buildings, and to complement the adjacent public domain.
- Provide setbacks as required in the Building Zone and Setbacks Plan for the Parkview Precinct.
- A minimum of 50 per cent of the front setback area is to be planted.
- A minimum of 30 per cent of the site area is to be open space, ground level private open space and/or ground level communal open space and/or setbacks.
- Provide communal open space to all residential apartment buildings at a minimum size of 60 m² with a minimum dimension of 6 m.
- Ensure a minimum of 50 per cent of the communal open space area is unpaved and planted.

Meets requirements.

Setbacks are considered in **Section 6.3.4**.

Communal open space, private open space and deep soil are considered in the ADG assessment in **Table 5** above.

Landscaping is considered in **Section 6.4**.

CPTED is considered in **Section 6.9**.

- Provide private open space area to all apartments to comply with Table 4.13.
- Carry out a formal risk assessment in accordance with NSW Police Safer by Design (CPTED) protocols for all residential developments of more than 20 new dwellings.
- To reinforce territory, ensure site boundaries and private and communal space boundaries are clearly defined and secure.
- Ensure common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks, are overlooked to provide passive surveillance.
- Provide direct, well-lit access between car parks and dwellings, car parks and lift lobbies, and to all apartment entrances.
- Ensure all communal and public site areas have clear sight lines and minimise opportunities for concealment.
- A minimum of 20 per cent of the site's open space area is to be deep soil.
- Areas included as deep soil are to have a minimum dimension of 2 m.
- Basement car parks are to be predominantly within the building footprint.
- A minimum of one large tree with a mature minimum height of 12 m in deep soil is to be planted per 60 m² of courtyard space.
- Minimise the impact of stormwater from communal open space on the health and amenity of nearby waterways.
- Prioritise drought tolerant plant species that enhance habitat and ecology.
- Provide the minimum soil dimensions in Table 4.14.
- Unless otherwise stated in the Precinct Controls, the maximum height for a front fence is 1.2m from the finished footpath level of the adjoining street.
- Design fences to be durable, easily cleaned and graffiti resistant.
- Do not create long, blank fences.
- Design fences to highlight building entrances and allow for outlook and casual street surveillance.
- Design fences to be integrated with the building and landscape design through the use of common materials and detailing, and to be part of a suite of fences in the street.

Parkview Precinct Controls

5.6.3 Floor Space Ratio Controls	<ul style="list-style-type: none"> Floos Space Ratio Plan identifies a maximum FSR of 3:1. 	Variation proposed. See consideration of FSR in Section 6.3.2 .
5.6.4 Land Use Controls	<ul style="list-style-type: none"> Site identified for residential land use on the Land Uses Plan. Vehicle access points to open onto Murray Rose Avenue (as shown on the Land Uses Plan). 	Residential land use proposed. Variation proposed as vehicle access to 2 Murray Rose Avenue would be via Parkview Drive. This is due to the topography of the site and no traffic or safety issues arise (Section 6.7.1).
5.6.5 Building Height Controls	<ul style="list-style-type: none"> Maximum building heights to be in accordance with the Building Heights Plan: <ul style="list-style-type: none"> 1 Murray Rose Avenue: maximum height of 6 to 8 storeys 2 Murray Rose Avenue: maximum height of 6 to 15 storeys. Proposals must demonstrate minimal or no impact in terms of overshadowing over the Badu Mangroves. 	Variation proposed. See consideration of building height in Section 6.3.1 . Minimal overshadowing of Badu Mangroves beyond a compliant development (Section 6.3.1).
5.6.6 Building Zone and Setback Controls	<ul style="list-style-type: none"> Site development, including permissible building zones, shall be in accordance with the Building Zones and Setbacks Plan. Buildings, including balconies, are only permitted within the building zone area shown in the Building Zones and Setbacks Plan. 	See consideration of built form in Section 6.3 .
5.6.7 Event Controls	<ul style="list-style-type: none"> Ensure all development can accommodate changes to access during major events. Vehicle access points to open onto Murray Rose Avenue (as shown on the Land Uses Plan). 	Proposed development can accommodate major event changes. Vehicle access to 2 Murray Rose Avenue would be via Parkview Drive. This suits the sloping site topography and no traffic or safety issues arise from this variation (Section 6.7.4).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)

The SREP 2005 aims to ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognized, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations.

The site is located within the area identified as the Sydney Harbour Catchment under the SREP 2005 but is outside of the area identified as the Foreshore and Waterways Area. On this basis, the proposal is not subject to controls under the SREP 2005 or associated Development Control Plan apart from consideration of matters raised under section 13 of the SREP 2005.

The Department concludes the proposed development is consistent with the relevant planning principles of SREP 2005 and would also have minimal impact on the Sydney Harbour Catchment.

Draft Environment State Environmental Planning Policy 2017 (draft Environment SEPP)

The Explanation of Intended Effect for the draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The draft SEPP proposes revisions to current SEPPs to remove unnecessary or outdated policy and locate provisions in the most appropriate level of the planning system. The draft SEPP includes the repeal and replacement of the SREP 2005. As SOP falls within the SREP 2005 catchment, it is likely to be captured by this new

policy. However, the Department does not anticipate the proposed development would result in any non-compliances with the new provisions of the SEPP.

Other Policies

Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The SSD application has been designed to achieve a 6-Star Green Star rating across all apartments and also includes the following ESD initiatives and sustainability measures:

- maximum use of natural lighting and natural ventilation
- effective use of sun shading and projections to minimise solar projections during summer months and maximise performance during winter months, reducing air conditioning/heating system sizes and energy use
- use of high efficiency glazing, hot water systems and lighting
- a roof-top solar PV system.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Appendix E – Recommended instrument of consent

The recommended conditions of consent can be found on the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10066>