



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

Design Changes to Building 1 and 2
State Significant Development Modification Assessment
(SSD 9403 MOD 2)
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Cover image: Visualisation of proposed development at 1 & 2 Murray Rose Avenue (Source: Applicant Urban Design Report)

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
Applicant	Austino Sydney Olympic Park Pty Ltd
BCA	Building Code of Australia
Council	City of Parramatta
Department	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
LGA	Local Government Area
Masterplan 2030	Sydney Olympic Park Masterplan 2030 (Review 2018)
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a section 4.55(2) modification application (SSD 9403 MOD 2) to the State significant development (SSD) consent for two residential apartment buildings at 1 & 2 Murray Rose Avenue, Sydney Olympic Park.

The site comprises two blocks within Sydney Olympic Park (SOP) known as 1 and 2 Murray Rose Avenue with a total site area of 6,453 m².

The modification seeks various design changes to both 1 and 2 Murray Rose Avenue, including:

- reduction in number of units in Building 1 from 292 to 274 units
- increase to Building 1 GFA resulting in a cumulative GFA of 27,566.9 m²
- minor increase to the maximum height of Building 1
- amendments to apartment layouts and unit mix of Building 1 and 2.
- additional communal areas of Building 1 and 2
- increase in car parking spaces from 330 to 337 spaces.

Engagement

The Department publicly exhibited the application for 14 days from 9 February 2023 to 22 February 2023. In response to the public exhibition, two submissions from Sydney Olympic Park Authority (SOPA) and City of Parramatta Council (Council). No public submissions were received.

SOPA did not object to the proposal but raised concerns with the additional overshadowing to the Wetlands of Badu Mangroves and recommended additional mitigation measures to address light spill and reflectivity. Council advised they had no comments on the proposed modification.

The Applicant provided a Response to Submissions (RtS) that included an ecological statement. EHG requested an updated BDAR be provided to address the 0.02 ha increase in overshadowing to the wetland area. SOPA subsequently advised they had no further comments on the proposed modification.

The Applicant provided an updated BDAR in response to EHG, who accepted the extent of impacts proposed was considered in the original assessment, which conservatively predicted a larger area of shadow cast (0.7 ha). EHG also advised the BDAR had various errors and omissions. The Department requested the Applicant provide an updated report to correct these issues.

Assessment

The Department has undertaken a detailed assessment of the proposal, the issues raised in submissions, and the Applicant's responses. The Department considers the modification application is acceptable for the following reasons:

- it would maintain the architectural and urban design principles that were originally established as part of the Design Excellence Competition
- the proposed building height increases across the two buildings are minor and would not significantly increase the bulk and scale of the buildings or result in any additional visual or amenity impacts

- the additional building height would not lead to any adverse environmental impacts to the Badu Mangrove Wetlands given the increased overshadowing would occur within the original study area and is limited to parts of the afternoon in winter
- the proposed changes to the unit mix would provide additional housing types and choice for future residents within SOP
- the apartments would still achieve reasonable levels of internal amenity in-line with the ADG
- any potential impacts would be reasonably minimised and mitigated through the existing and proposed conditions of consent.

Based on these findings, the Department is satisfied the proposal is in the public interest and recommends the application be approved, subject to conditions.

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1 Introduction

This report provides the NSW Department of Planning and Environment's assessment of an application to modify the State significant development (SSD) consent for two residential apartment buildings at 1 & 2 Murray Rose Avenue, Sydney Olympic Park. The modification seeks approval for various internal and external design changes to both Building 1 and Building 2.

The application was lodged by Urbis on behalf of Austino Sydney Olympic Park Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site comprises 1 & 2 Murray Rose Avenue within Sydney Olympic Park (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.

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 subject 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 1**).



Figure 1 | Site location within SOP (site circled in red and SOP Town Centre boundary dashed in 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 Badu Mangroves beyond to the east, Parkview Drive to the south, and Brickpit Park to the north (**Figure 2**).

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



Figure 2 | Aerial image of the site (outlined in red) and adjacent development (Base source: Nearmap)

1.2 Approval history

On 14 August 2019, the Minister for Planning and Public Spaces granted development consent (SSD 9403) for the construction of two residential apartment buildings across two sites. The key components for each site are as follows:

1 Murray Rose Avenue (Building 1):

- construction of an 8 to 12 storey residential apartment building, with a maximum height of 35.5m
- 167 apartments
- 205 parking spaces

- 16,202m² (FSR 4.12:1).

2 Murray Rose Avenue (Building 2):

- construction of an 8 to 14 storey residential apartment building, with a maximum height of 44.5m
- 126 apartments
- 125 parking spaces
- 11,194m² (FSR 4.44:1).

The development consent has been modified once previously, as shown in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Minor modifications to the internal layout and structure design of Site 2	Team Leader	4.55(1A)	18 February 2022

2 Proposed modification

The Applicant has lodged a modification application (SSD 9194 MOD 2) seeking approval, under section 4.55(1A) of the EP&A Act, for various design changes to both 1 and 2 Murray Rose Avenue, SOP, including internal and external changes to both buildings. A summary of the proposed changes is provided in **Table 2** below.

Table 2 | Summary of proposed changes

Aspect	1 Murray Rose Avenue (Building 1)	2 Murray Rose Avenue (Building 2)
Building height	<ul style="list-style-type: none"> 0.6 m increase in maximum building height from 35.5 m (RL 48.3) to 36.1 m (RL 48.9) increase in Level 9 lift overrun height from RL 35.6 to RL 37.59 (1.99 m increase) 	<ul style="list-style-type: none"> increase in Level 9 lift overrun height from RL 37.00 to RL 37.35 (0.35 m increase). increase in heights of Levels 10 – 14 by: <ul style="list-style-type: none"> 0.1 m for Levels 10 – 13 0.05 m for Level 14. reduced height of plant screening from 1.8 m to 1.5 m
GFA/ FSR	<ul style="list-style-type: none"> increase in GFA from 16,201.7 m² to 16,372.6 m², resulting in an FSR of 4.16:1 	N/A
Unit mix and layout	<ul style="list-style-type: none"> amendments to apartment layouts Increase in proportion of 3- and 4-bedroom units resulting in reduction in the quantity of units from 292 to 274 units 	<ul style="list-style-type: none"> amendments to internal layout of Unit 4B-1 at Level 14
Basement Amendments	<ul style="list-style-type: none"> addition of a sewer pump station within Level B1 and a rainwater pump increase to the size of the waste storage facility at Level B2 increase to the size of the rainwater harvesting tank at Level B1 change in layout of waste storage facility at Level B1 reduction in width of the vehicular entry point from 6.9 m to 5.5 m reconfiguration of the fire services in Level B1. 	N/A
Car and Bicycle parking	<ul style="list-style-type: none"> provision of 7 additional residential car parks resulting in 212 basement car parking spaces removal of 4 visitor bicycle parks resulting in 242 bicycle parks. 	<ul style="list-style-type: none"> relocation of 32 visitor bicycle parks on Level 00 from north entry to the central courtyard
Façade changes	<ul style="list-style-type: none"> reconfiguration of windows, louvers and balconies. 	<ul style="list-style-type: none"> reconfiguration of windows, louvers and balconies.

Communal open space and facilities

- landscaping amendments
- increase in the provision of communal open space from 2,330 m² to 2,588.6 m²
- amendments to internal layout of Level 08 gym/community room
- landscaping amendments
- increase in the provision of communal open space from 1,218 m² to 1,278 m².

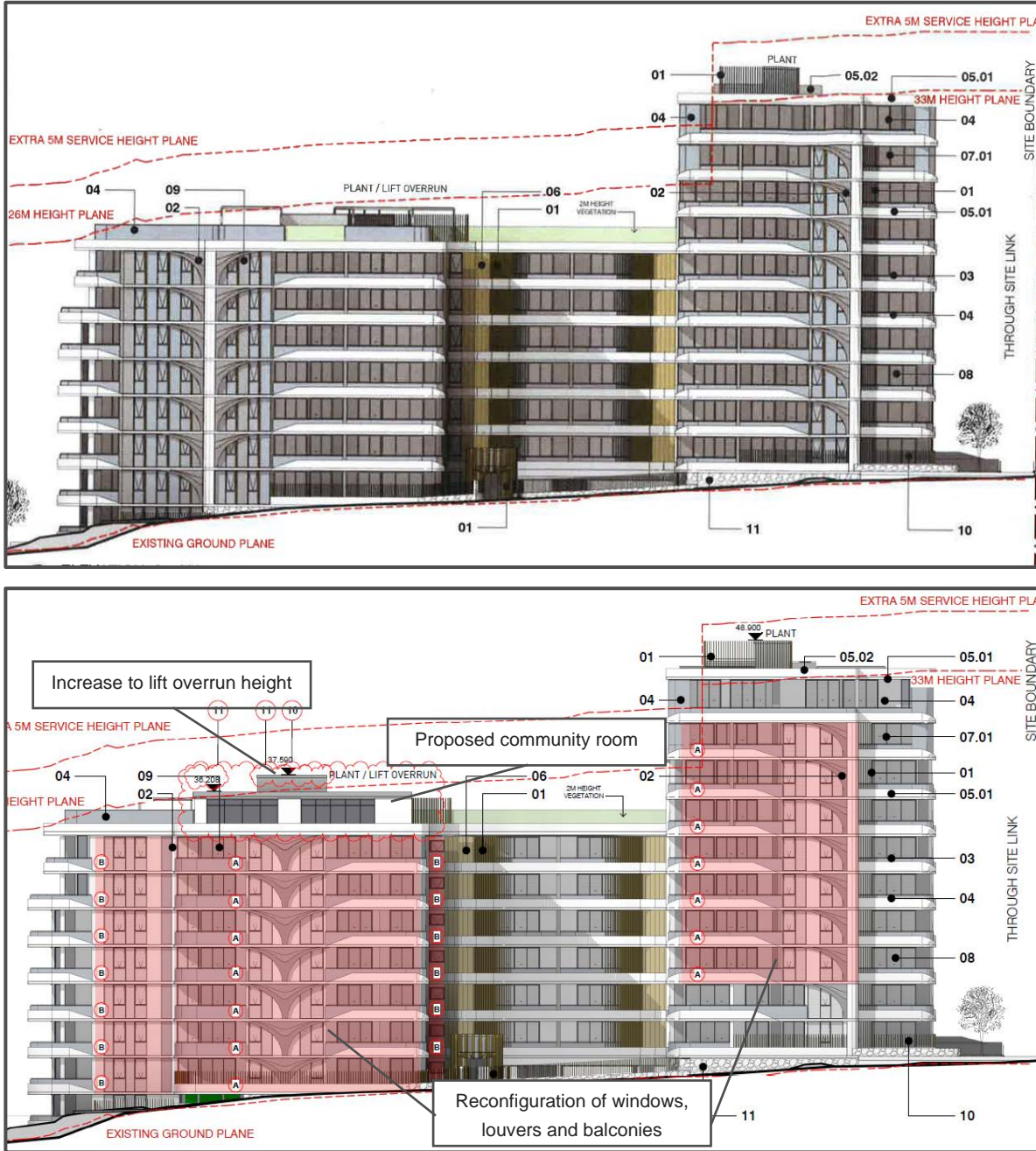


Figure 3 | Northern elevation of Building 1: approved (above) and proposed (below) (source: SSD 9403 Approved Plans and Applicant's RtS)

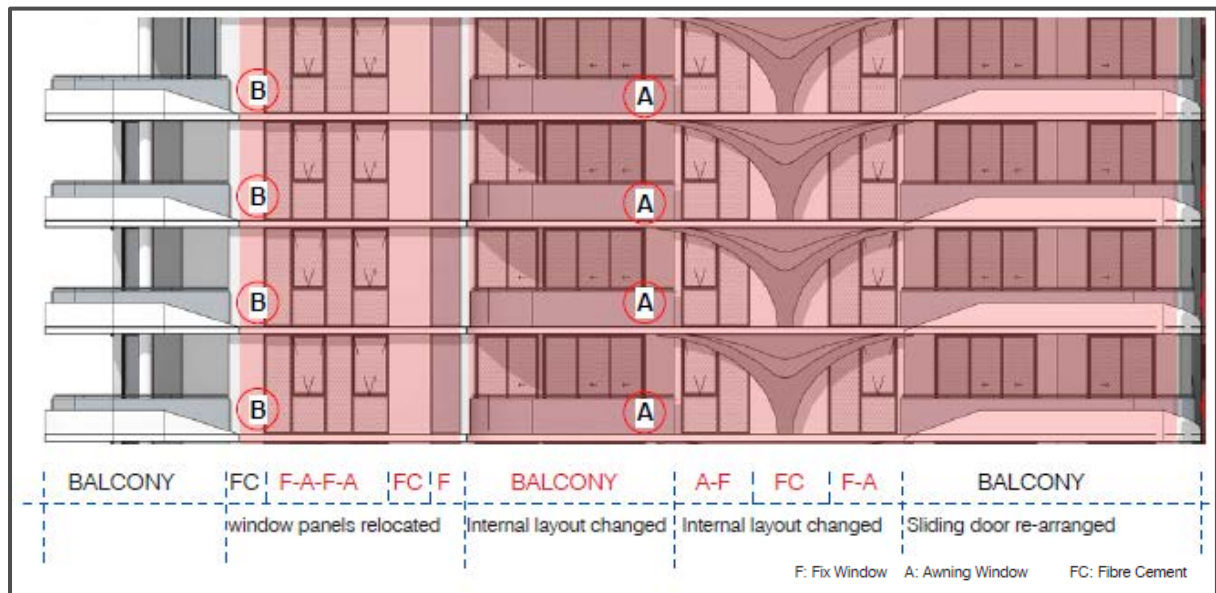
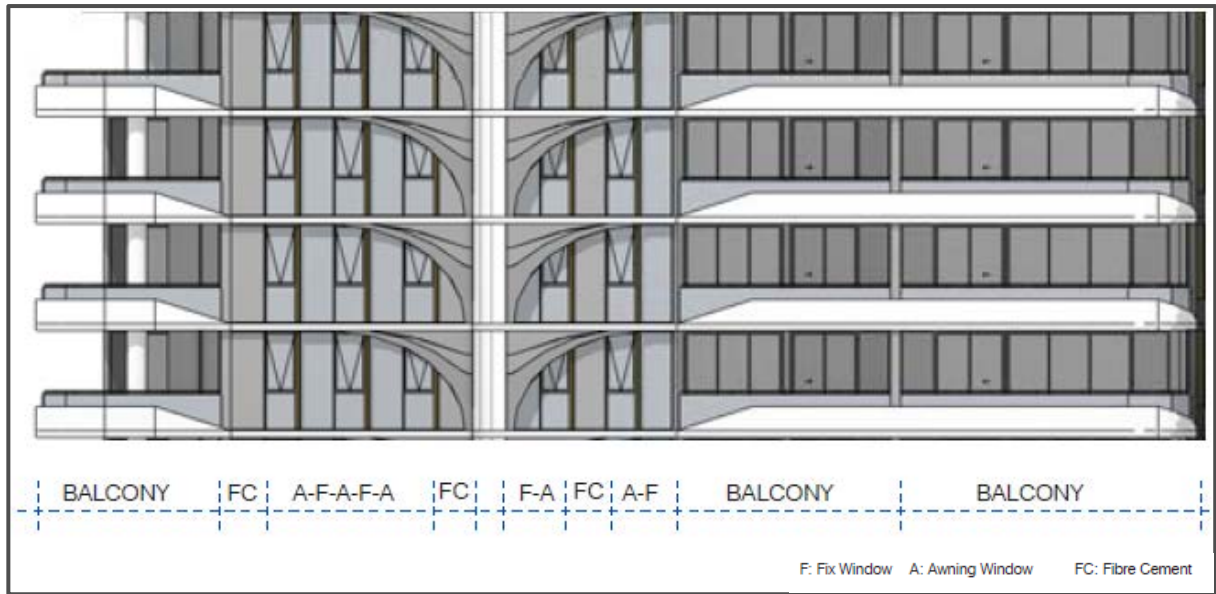


Figure 4 | Building 1 façade comparison of northern elevation: approved (above) and proposed (below) (source: SSD 9403 Approved Plans and Applicant’s RtS)

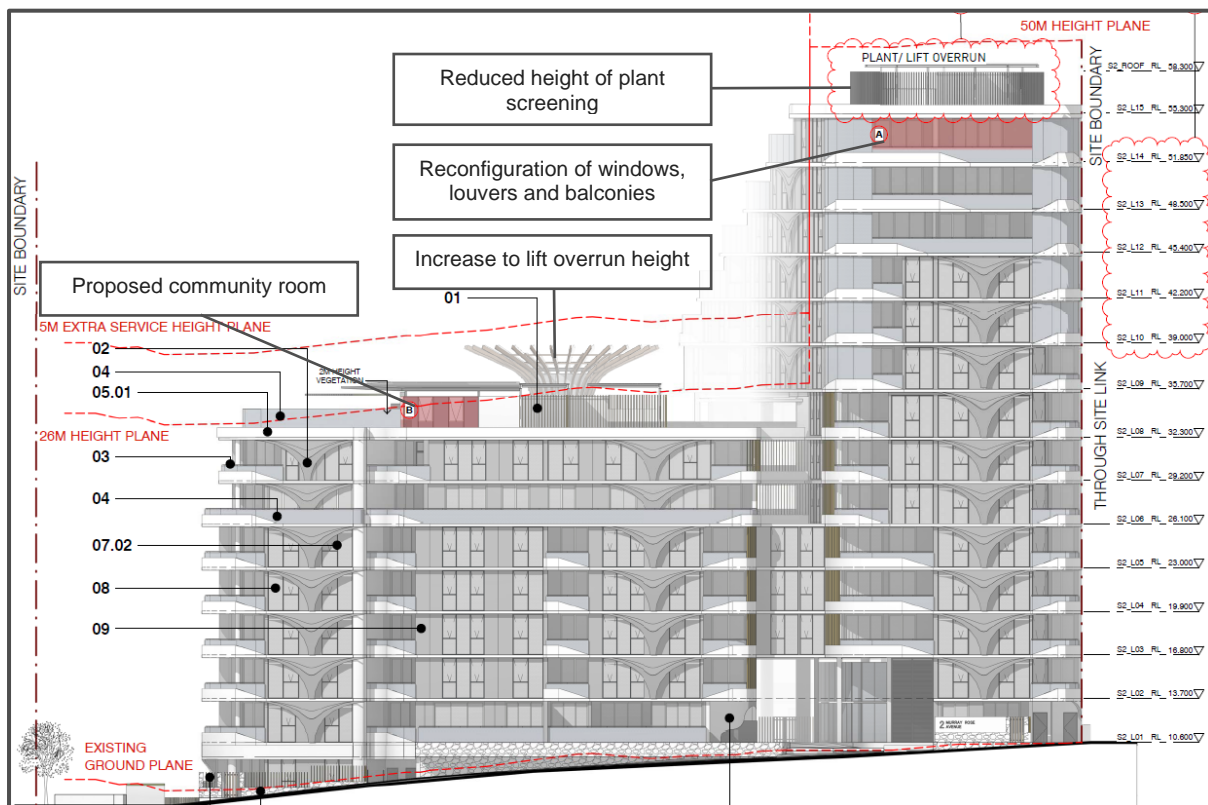
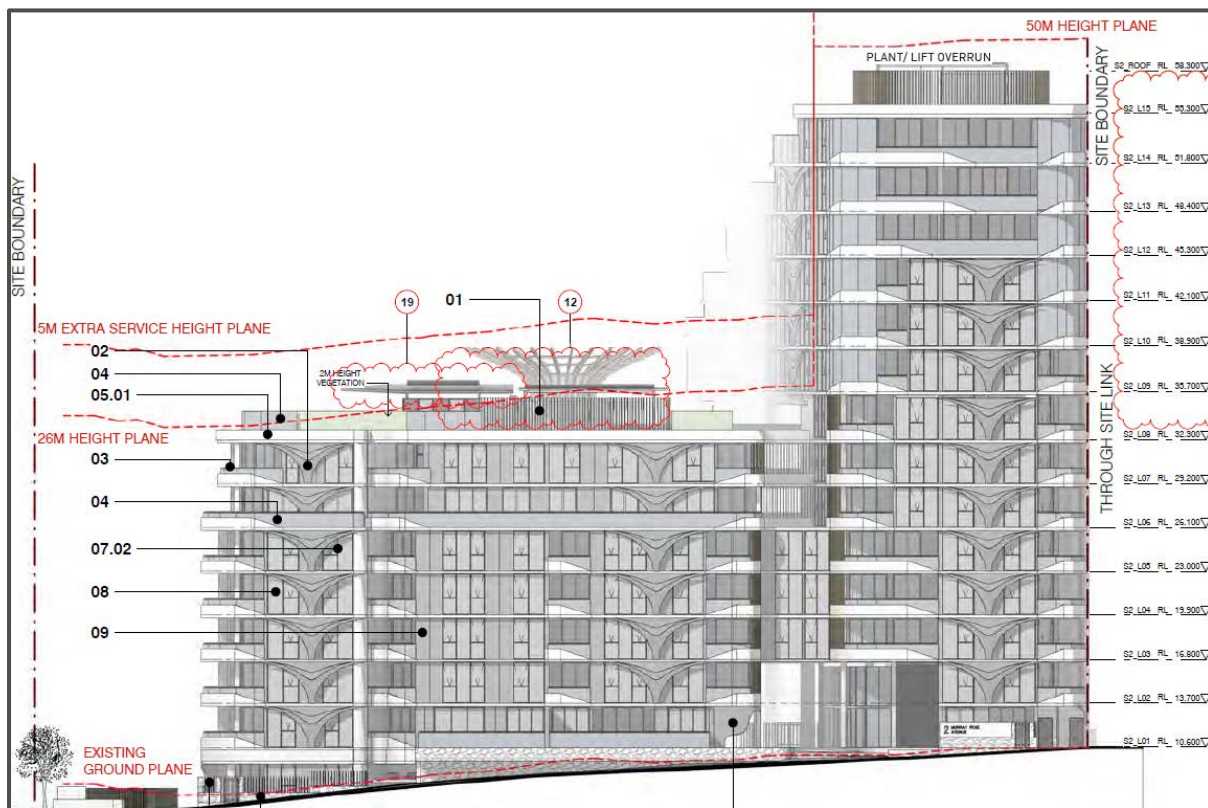


Figure 5 | Northern elevation of Building 2: approved MOD 1 (above) and proposed (below) (source: SSD 9403 MOD 1 Approved Plans and Applicant's Rts)

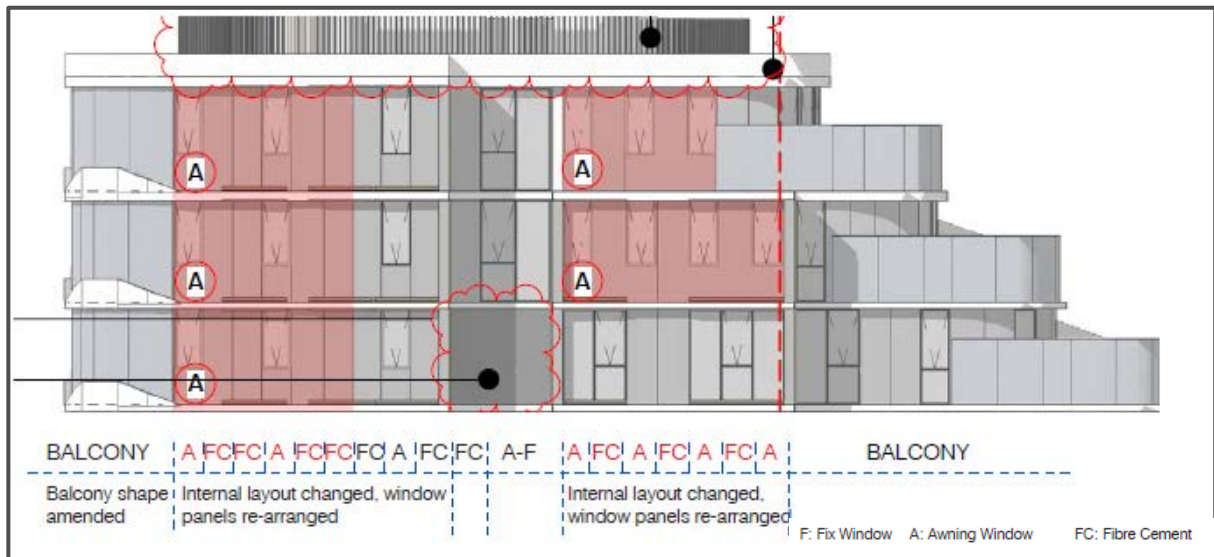


Figure 6 | Building 2 façade comparison of western elevation: approved (above) and proposed (below) (source: SSD 9403 Approved Plans and Applicant’s RtS)

3 Statutory context

3.1 Scope of modifications

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

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

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation the Director, Key Sites Assessments, may determine the application.

- political disclosure statement has not been made
- there are less than 15 public submissions in the nature of objections
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(2) of the EP&A Act
- environmental planning instruments or proposed instruments;
- any planning agreements;
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

As part of the Further Response to Submissions (FRtS), the Applicant submitted an BDAR to consider any additional overshadowing onto the Badu Mangrove Wetlands to the east of the site. The BDAR concluded the impacts of any additional overshadowing were considered in the original BDAR, which predicted a larger area of shadow cast (0.7 ha) than the modification is anticipated to result in (approximately 0.66 ha).

As discussed in **Section 5.2**, the Department is satisfied that there will be no additional biodiversity impacts beyond that previously assessed and considered under the original approval.

4 Engagement

4.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and section 106 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), the Department exhibited the application for 14 days from 9 February 2023 to 22 February 2023.

The application was made publicly available on the Department's website and notice was given to Council, relevant Government agencies and each person who made a submission in relation to the original development application.

The Department has considered the comments raised in submissions during the assessment of the application (**Section 5** and **Appendix B**).

The Department received two submissions from Sydney Olympic Park Authority (SOPA) as summarised in **Table 3**. Parramatta Council advised it had no comments. No public submissions were received.

Following the RtS, the application was referred to the Environment and Heritage Group (EHG) to consider potential impacts on biodiversity values, as summarised in **Table 3**.

4.2 Key issues - Government agencies

The key issues raised by Government agencies are summarised in **Table 3**.

Table 3 | Summary of Government Agency submissions

Sydney Olympic Park Authority (SOPA)	
Application	SOPA provided the following comments: <ul style="list-style-type: none">• none of the mitigation measures address shadow impact to the Wetlands of Badu Mangroves.• no information has been provided into the existence of this wetland, the nature of the estuarine communities affected or the impact to the estuarine community• improve light spill mitigation measures to adopt best practice lighting design principles of the National Light Pollution Guidelines for Wildlife given the proximity of the site to ecologically significant areas• expand assessment into reflectivity to consider ecological impacts and include mitigation measures to included glazing design to minimise risk of birdstrike.
RtS	SOPA advised they had no further comments on the proposed modification.

Environment and Heritage Group (EHG)

- RtS** EHG provided the following comments:
- section 7.17 of the *Biodiversity Conservation Act 2016* states that a BDAR should be submitted with a modification unless the consent authority is satisfied the modification would not increase the impact on biodiversity values
 - the proposal would result in an increase in overshadowing of the wetland area by 0.02 ha, a BDAR is considered required.

- FRtS Report** EHG provided the following comments:
- the greatest impact from the proposal is the potential impact from overshadowing on nearby habitats for the aquatic threatened plant species, *Zannichellia palustris*.
 - supports the Applicant's argument that the extent of impacts was considered in the original assessment, which conservatively predicted a larger area of shadow cast (0.7 ha), and the modification is anticipated to result in approximately 0.66 ha.
 - the BDAR submitted has errors and omissions; however, these were not considered to be material and a revised BDAR is not considered to be required.

4.3 Response to submissions

The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

In April 2023, the Applicant provided a Response to Submissions (RtS) to address the issues raised in the submission made by SOPA and provided additional information requested by the Department, including an ecological statement.

The Department referred the RtS to EHG and SOPA to review and provide comments.

SOPA advised they had no further comments on the proposed modification. EHG requested an updated BDAR be provided to address the 0.02 ha increase in overshadowing to the wetland area.

4.4 Additional information

In May 2023, the Applicant provided a Further Response to Submissions (FRtS) to address the issues raised in submissions, including an updated BDAR. EHG reviewed the revised BDAR and accepted the extent of impacts proposed was considered in the original assessment, which conservatively predicted a larger area of shadow cast (0.7 ha), and the modification is anticipated to result in approximately 0.66 ha. EHG also advised the BDAR had various errors and omissions.

While EHG advised these were not considered to be material to the outcome, the Department requested the Applicant provide an updated report to correct these issues. In June 2023, the Applicant provided an amended BDAR that corrected the errors and omissions.

5 Assessment

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

- the modification application and associated documents
- the Environmental Impact Statement and conditions of approval for the original application
- all submissions received on the proposal
- relevant environmental planning instruments, policies, and guidelines, and
- the requirements of the EP&A Act and Regulation.

The Department considers the key assessment issues associated with the proposed modification below. Other issues are considered in **Section 5.4**.

5.1 Building Height

Building 1

The maximum building heights prescribed by the Central River City SEPP for Building 1 is 26 m fronting Bennelong Parkway and 33 m on the western portion of the site. The approved consent resulted in a maximum height for Building 1 of 35.5 m (RL 48.3) to the top of the plant on the western wing and RL 35.80 to the top of the eastern wing. A portion of the western wing protrudes partially into the 26 m portion of the site resulting in variations of up to 9.5 m (6 storeys).

The subject modification seeks to make the following changes to the height of Building 1:

- increase the maximum building height from 35.5 m (RL 48.3) to 36.1 m (RL 48.9), resulting in a 0.6 m increase. The Applicant advised the increase in maximum height was to facilitate structural changes, including the thickening of concrete slab heights at each level.
- increase in the height of the lift overrun at Level 9 from RL 35.6 to RL 37.59, resulting in a 1.99 m increase. The Applicant advised the increase was required to facilitate the installation of the lift and meet requirements of the lift contractor (**Figure 3**).
- addition of an enclosed community room on level 8 with a maximum height of RL 36.2 (**Figure 3**).

A comparison of the approved and proposed height increases on the height variation is shown in **Figure 7**.

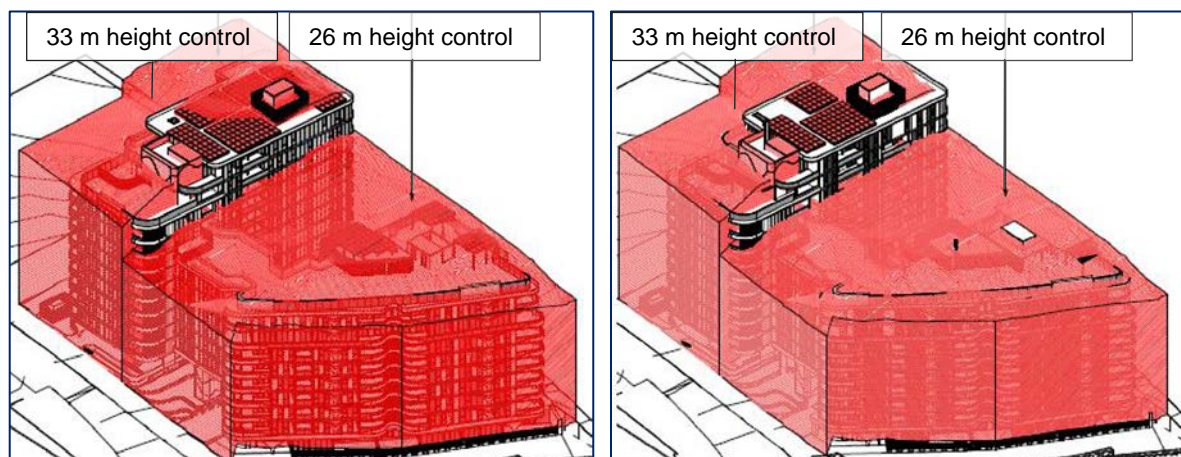


Figure 7 | Site 1: Extent of height variation: approved (left) and proposed (right). Source: Applicant

Building 2

The maximum building heights prescribed by the Central River City SEPP for Building 2 is 26 m fronting Bennelong Parkway and 50 m on the western portion of the site.

The original consent for Building 2 resulted in a maximum height of 44.5 m (RL 57.6) to top of the plant on western wing and a maximum RL 35.3 to top of the plant on eastern wing. However, the previous modification (SSD 9403 MOD 1) increased the maximum height by 0.7 m from 44.5 m (RL 57.6) to 45.2 m (RL 58.30). A portion of the western wing protrudes partially into the 26 m portion of the site resulting in variations of up to 18.5 m (9 storeys).

The subject modification seeks to make the following changes to the building height of Building 2:

- increase the height of the lift overrun/plant at Level 09 of Building 2 from RL 37.00 to RL 37.35, resulting in a 0.35 m increase (**Figure 5**).
- increase in heights of Levels 10 – 14 to accommodate the thickening of concrete slabs. Levels 10 – 13 are proposed to increase by 0.1 m, and Level 14 by 0.05 m. No change is proposed to the approved maximum height of RL 58.30 (**Figure 5**).

A comparison of the approved and proposed height increases on the height variation is shown in **Figure 8**.

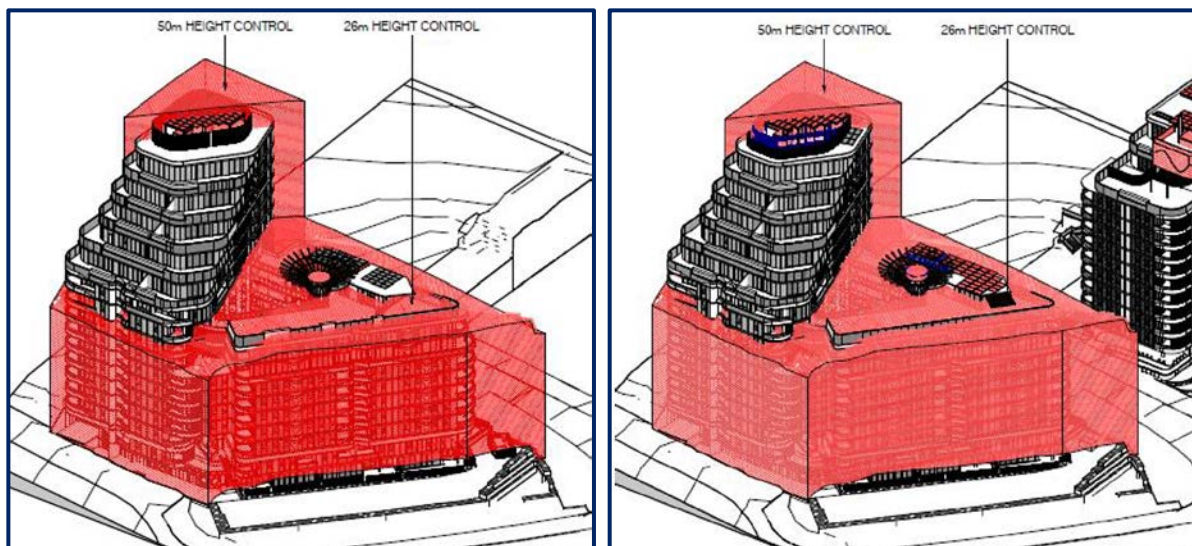


Figure 8 | Site 2 Extent of height variation: approved (left) and proposed (right). Source: Applicant

While SOPA did not object to the proposed increase in height, concerns were raised regarding the impact of additional overshadowing to the Badu Mangrove Wetlands to the east of the site. This matter is discussed further in **Section 5.3**.

The Department considers the proposed increase in height to be acceptable as:

- the 0.6 m increase in maximum height to Building 1 to 36.1 m (RL 48.9) is minor, representing an increase of 1.69% of the approved building height
- the increase in maximum height to Building 1 is attributed to the thickening of concrete slabs and therefore would not significantly increase the bulk and scale of the building
- while proposal would result in an additional exceedance due to the increase in height of the lift overrun in Building 1, it would remain below the additional 5 m rooftop service zone permitted by the Sydney Olympic Park Master Plan (2018 Review)

- the proposed community room on Level 8 of Building 1 would be predominantly contained within the 26 m height control, would be lower in height than the adjacent lift overrun, and the area subject to the proposed exceedance was subject to a noncompliance in the original approval
- the proposed 0.35 m increase in height of the lift overrun in Building 2 is minor and would remain below the additional 5 m rooftop service zone permitted by the 2018 Review
- the increase in heights of Levels 10 – 14 would not increase the overall height of Building 2 and would not increase the maximum height of the building
- it would result in negligible view loss impacts to adjacent and neighbouring properties.
- it would maintain the architectural and urban design principles that were originally established as part of the Design Excellence Competition
- any additional overshadowing to the Badu Mangrove Wetlands would be minor (**Section 5.3.**)
- Council raised no concerns about the proposed amendments to building height.

The Department’s assessment therefore concludes the proposed height increases are minor and would not result in any significant impacts beyond those already assessed and approved. The Department recommends Conditions A2 be updated to reflect the revised design drawings.

5.2 Floor Space Ratio

The Central River City SEPP provides a maximum Floor Space Ratio (FSR) of 3:1 for each site. As the development was determined to exhibit design excellence, the original consent was provided with an additional 10% FSR to 3.3:1 resulting in a total GFA of 21,295 m². The FSR and GFA controls inclusive of this bonus are detailed in **Table 4**.

The consent (as modified) approved a grand total GFA of 27,396 m² with an FSR of 4.24:1, which represents an exceedance of 6,101 m² (29%) above an FSR of 3.3:1.

The original exceedance to FSR/GFA was supported on the basis that 3, 4 and 5 Murray Rose Avenue were not developed to the full FSR/GFA potential with a combined GFA of 43,458 m², leaving a remaining GFA of 30,087 m² across the wider lot. In addition to the 10% design excellence bonus provides a final available GFA of 33,957 m² for the development of 1 and 2 Murray Rose Avenue, of which the approved consent used 27,395.9 m².

The proposed modification seeks to increase the GFA of Building 1 by 170.9 m², resulting in a FSR of 4.16:1 as shown in **Table 4**. No changes are proposed to the GFA or FSR of Building 2. The overall development would result in a total GFA of 27,566.9 m² with an FSR of 4.27:1. The Applicant advised the additional GFA was the result of the additional communal spaces proposed at Level 00 and Level 8 (as discussed in **Section 5.4**).

Table 4 | Permitted FSR / GFA controls and proposed amendments

Lot	Site Area	FSR / GFA control	Approved FSR / GFA	Proposed: FSR / GFA
Building 1: 1 Murray Rose Avenue	3,931 m ²	3.3:1 / 12,972 m ² *	4.12:1 / 16,201.7 m ²	4.16:1 / 16,372.6 m ²

Building 2: 2 Murray Rose Avenue	2,522 m ²	3.3:1 / 8,323 m ² *	4.43:1 / 11,194.2 m ²	No change
Cumulative Total	6,453 m ²	3.3:1 / 21,295 m ² *	4.24:1 / 27,395.9 m ²	4.27:1 / 27,566.9 m ²

* Inclusive of 10% design excellence bonus.

The Department considers the increase in FSR acceptable as:

- as the proposed 27,566.9 m² GFA remains below the full GFA of 33,957 m² available across the wider lot area and it continues to generate a density consistent with what is expected from development in this area
- the 107.9 m² increase in GFA to Building 1 to 16,372.6 m² is minor, representing an increase of 1.05 % of the approved GFA
- the additional GFA would provide a greater variety of community facilities and result in an improved amenity outcome for residents
- no concerns were raised by Council or SOPA regarding the increase in GFA
- any additional overshadowing to the Badu Mangrove Wetlands would be minor (**Section 5.3**).

The Department's assessment therefore concludes the proposed increase in GFA is minor and acceptable. The Department recommends Conditions A2, B6 and E2 be updated to reflect the revised design drawings and maximum GFA.

5.3 Overshadowing to the Badu Mangrove Wetlands

The extent of overshadowing onto the Badu Mangrove Wetlands (the Wetlands) to the east of the site was a key consideration of the original assessment and MOD 1.

The greatest extent of overshadowing to the Wetlands from the approved building envelopes (as modified) was determined to occur at 3 pm in June and would result in approximately 0.64 ha of shadow. The Biodiversity Development Assessment Report (BDAR) submitted with the approved development determined it would result 0.7 ha of overshadowing onto the Bennelong Pond and the mangroves on the western edge during the Winter solstice between 2 pm – 3 pm. The BDAR noted that much of the affected area is already subject to shadow from existing vegetation.

The Applicant advised the increase in height of Building 1 would result in 170 m² of additional overshadowing to the Mangroves during the Winter solstice between 2 pm – 3 pm (**Figure 9**). While the reduction in the height of plant screening on Building 2 would result in 6 m² less overshadowing to the Mangroves during the Winter solstice between 2 pm – 3 pm than previously approved (**Figure 10**).

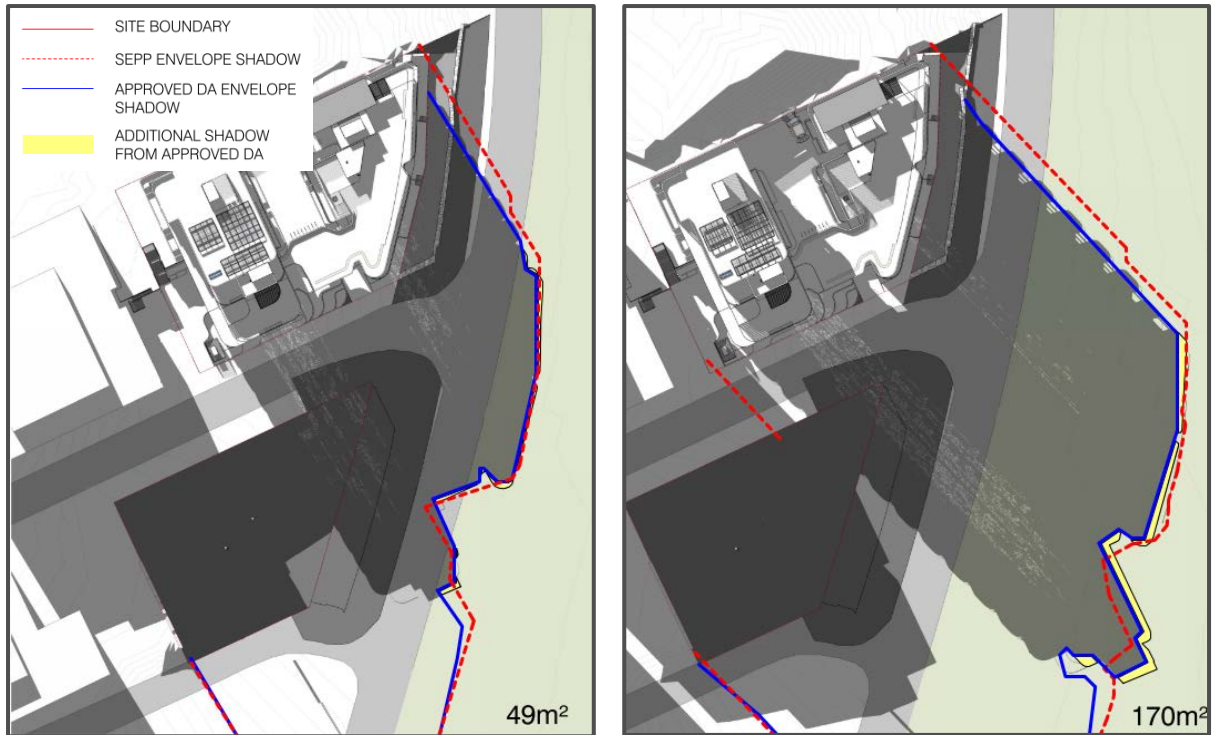


Figure 9 | Shadow diagrams for 21 June at 2 pm (left) and 3 pm (right) with the approved shadow extent outlined in blue and any additional shadow resulting in yellow. Source: Applicant.

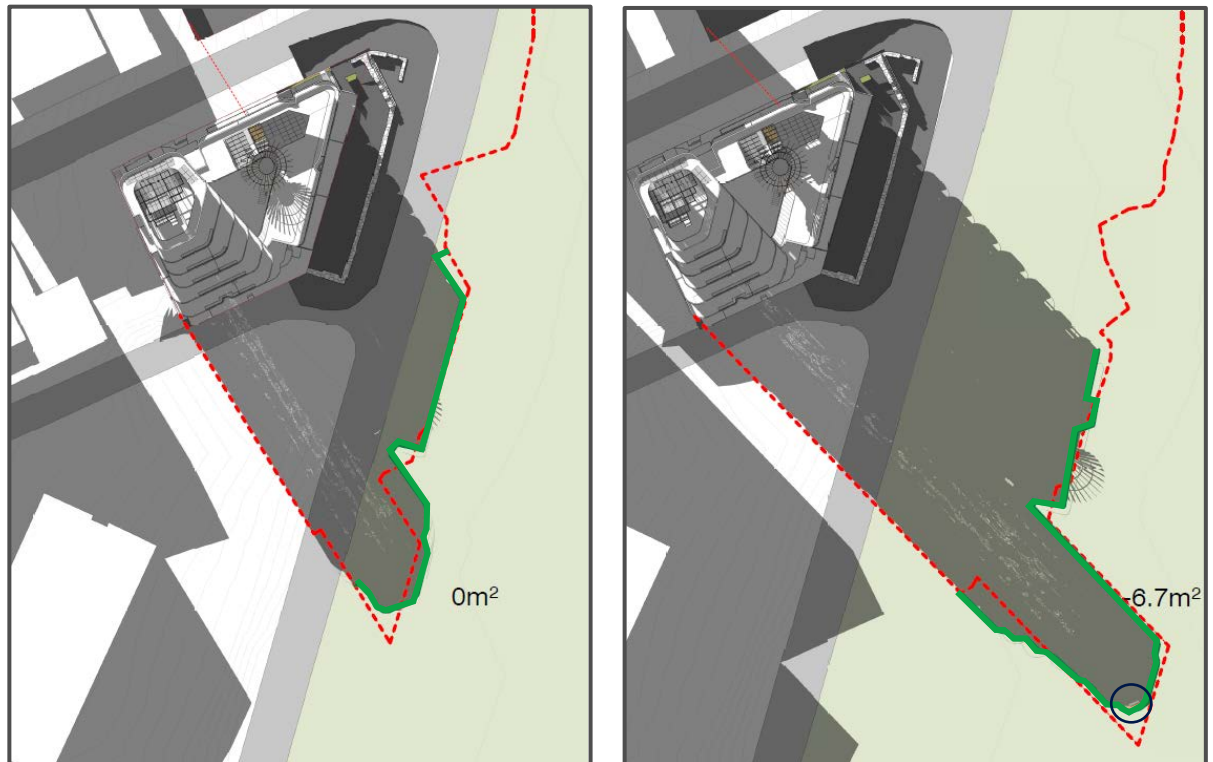


Figure 10 | Shadow diagrams for 21 June at 2 pm (left) and 3 pm (right) with approved shadow extent outlined in green and the area of reduced shadow circled in navy. Source: Applicant.

SOPA raised concern with the lack of information into the wetland, the nature of the estuarine communities affected or the impact to the estuarine community. Additionally, SOPA noted that none of the mitigation measures proposed address shadow impact.

As part of the RtS, the Applicant provided an Ecological Statement which advised the modification would result in 0.02 ha of additional overshadowing to the Wetlands in the Winter solstice, resulting in a total approximately 0.66 ha of shadow. This would equate to 2.2% of the wetlands area.

The Ecological Statement concluded the modification would not warrant an updated BDAR as the increase in overshadowing is small (0.02 ha) and remains temporary in nature (parts of the afternoon in winter only) and the existing shade caused by native trees.

SOPA advised they had no further comments on the proposed modification. EHG requested an updated BDAR be provided to address the 0.02 ha increase in overshadowing to the wetland area.

The Applicant provided an updated BDAR that concluded:

- the proposed modification would increase the maximum extent of overshadowing from 0.64 ha to 0.66 ha at June 3 pm, representing an increase of 0.02 ha
- the original assessment considered a larger overshadow area of 0.7 ha, as the figure was rounded up from an area calculation undertaken at a broader scale
- the ecological integrity of the wetland area would be retained due to the small area that would be affected, the temporary nature of the overshadowing and the existing shadow over part of the area as a result of the trees lining Bennelong Pond
- while the Biodiversity Offset Scheme (BOS) can be used to offset indirect impacts that result in degradation of an ecosystem to the extent that it is no longer viable, in this instance this is not considered to be necessary as the proposed development is unlikely to impact the biodiversity values of the wetland area.

EHG supports the Applicant's argument that the extent of impacts was considered in the original assessment, which conservatively predicted a larger area of shadow cast (0.7 ha), and the modification is anticipated to result in approximately 0.66 ha. EHG noted there were errors in the BDAR submitted with the FRtS. As requested by the Department, the Applicant subsequently submitted a revised BDAR correcting these errors.

The Department considers the additional overshadowing is acceptable as:

- it would not lead to any adverse environmental impacts to the Badu Mangrove Wetlands given that proposed overshadowing is marginal and would be limited to parts of the afternoon in winter
- the impacts of any additional overshadowing were considered in the original BDAR, which predicted a larger area of shadow cast (0.7 ha) than the modification is anticipated to result in (approximately 0.66 ha)
- SOPA and EHG do not object to the proposal and any comments have been resolved as part of the Applicant's revised BDAR and additional information
- Council raised no concerns with the additional overshadowing.

The Department's assessment therefore concludes that the additional overshadowing is minor and the proposal would not result in any significant impacts on the adjoining wetlands beyond those already assessed and approved.

5.4 Other issues

The Department has considered other issues in **Table 5**.

Table 5 | Department's consideration of other issues

Issue	Findings	Recommendations
<p>Unit mix and layout</p>	<ul style="list-style-type: none"> • The modification seeks to amend the configuration of apartments in Building 1 and Unit 4B-1 at Level 14 of Building 2. • Additionally, the proposal seeks to reduce the number of apartments in Building 1 from 292 to 274 units. The Applicant advised the reason for this change was to increase the proportion of 3- and 4-bedroom units as follows: <ul style="list-style-type: none"> ○ 26 less 1-bedroom apartments ○ 21 less 2-bedroom apartments ○ 13 additional 3-bedroom apartments ○ 16 additional 4-bedroom apartments • Due to the reduction in total number of units, the modification would also reduce the number of adaptable units from 30 (10.3%) to 28 (10.2%) in Building 1. It is noted this remains compliant with the 10% required by relevant Australian Standards. • The proposal to reduce the number of units would vary the ADG solar and cross ventilation figures as follows: <ul style="list-style-type: none"> ○ the overall number of apartments that receive minimum of 2 hours direct sunlight would increase from 70% to 70.1%. The overall number of apartments that receive no solar access between 9 am and 3 pm would decrease from 9% to 6.6%. ○ apartments in 1 Murray Rose Avenue that are naturally cross ventilated apartments in the first nine storeys would decrease from 59% to 58.7%. Overall, 60.4% of apartments within the first nine storeys of both buildings would be capable of being naturally cross ventilated. • Council raised no concerns with the amendments to the unit mix, reconfiguration of apartments or the ADG variations. • The Department supports the proposed amendment to unit mix as it would improve housing types and choice for future residents within SOP. Further, the apartments would still 	<p>The Department recommends:</p> <ul style="list-style-type: none"> • Condition A2 is updated to reflect the revised design drawings. • Condition B35 be updated to reflect the updated number of adaptable units.

achieve reasonable levels of internal amenity, largely consistent with ADG.

Basement Amendments

- The following amendments are proposed to the basement configuration of Building 1:
 - addition of a sewer pump station within Level B1 and a rainwater pump
 - increase in the size of the waste storage facility at Level B2
 - increase in the size of the rainwater harvesting tank at Level B1
 - change in layout of waste storage facility at Level B1
 - reduction in width of the vehicular entry point in Level B1 from 6.9 m to 5.5 m
 - reconfiguration of the fire services in Level B1.
- The Applicant advised these changes resulted from the ongoing detailed design and the need to accommodate additional parking and storage in response to the amendments to the unit mix.
- A Waste Management Report was submitted with the application to consider the change in configuration and size of waste storage areas. The report confirmed the proposal would adequately accommodate the required quantity of waste collection bins.
- A Traffic Engineering Statement was provided, which confirmed the proposed plans are consistent with design criteria required by the Australian Standards for Off-Street Car Parking (AS2890.1:2004).
- No concerns with the amendments to the basement configuration were raised by agencies or public submissions.
- The Department supports the proposed changes as they are minor and would not result in any additional impacts.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings.

Car and Bicycle parking

- The modification seeks to incorporate 7 additional residential car parks within Building 1 resulting in a total of 210 basement car parking spaces and the removal of 4 visitor bicycle parks resulting in a cumulative 242 bicycle parks.
- The Applicant advised the additional parking was proposed in response to the increase in 3- and 4-bedroom units, which are prescribed a greater rate

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings.
- Condition B28, B30 and B3 is updated to reflect the revised number and layout

than 1- and 2-bedroom units in the Sydney Olympic Park Master Plan (2018 Review).

- The modification also seeks to relocate the 32 visitor bicycle parks on Level 00 of Building 2 from the north entry to the central courtyard. The Applicant advised this area would be repurposed to provide a communal exercise area.
- The Traffic Engineering Statement concluded the additional car parking spaces would not generate any perceptible impact on the existing road network and would be consistent with design criteria required by the Australian Standards for Off-Street Car Parking (AS2890.1:2004).
- No concerns with the additional car parks or amendments to bicycle parking were raised by SOPA or Council.
- The Department notes the proposed number of resident car parking spaces remains below the 2018 Review maximum car parking rate of 354.
- The Department supports the proposed changes as they are minor and would provide the additional parking required to accommodate the amendments to unit mix.

of car and bicycle parking spaces.

Façade changes

- The modification seeks to reconfigure the windows, louvers and balconies of both buildings.
- The Applicant advised the reason of this change was to coordinate with the internal layout changes proposed as part of this modification.
- No concerns were raised by agencies or public submissions regarding the reconfiguration of windows, louvers and balconies.
- The Department considers the proposed changes to be acceptable as they are minor and would maintain the amenity of apartments and the architectural integrity of the original building design.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings.

Communal open space and facilities

Building 1

- The modification seeks to include two additional communal areas, one at Level 00 and the other on the Level 8 rooftop. This would increase communal open space (COS) from 2,330 m² to 2,588.6 m².
- The modification also seeks to change the landscape design as follows:
 - amend landscaping on the Level 8 rooftop to facilitate the addition of a community room
 - addition of an executive garden on Level 10.

The Department recommends:

- Condition A2 is updated to reflect the revised design drawings.

- The proposal would result in a minor reduction in Deep Soil zones (excluding deep podium soil) from 6.8% to 6.45% of the Building 1 lot area.

Building 2

- The proposal seeks to convert the visitor bike parking area at Level 01 of Building 2 into a communal exercise area, increasing the provision of COS from 1,218 m² (as approved by SSD 9403 MOD 1) to 1,278 m².
- The modification seeks to change the landscape design as follows:
 - amend landscaping on the Level 8 rooftop to facilitate the configuration of the community room/gym
 - reconfiguration of landscaping within the internal courtyard at ground level.
- It is noted the extent of COS was reduced in the previous modification (SSD 9403 MOD 1) and the current modification would increase the extent of COS beyond what was originally approved.
- The proposal would result in a minor reduction in Deep Soil zones (excluding deep podium soil) from 12.5% to 10.4% of the Building 2 lot area.

Assessment

- No concerns were raised by agencies or public submissions regarding the landscaping amendments.
- The proposed modification would increase the cumulative extent of COS from 55% to 59.1% and would result in only a minor decrease in deep soil planting from 9.05% to 8.02%.
- The proposal would continue to exceed ADG recommendations that 25% of the site be for the purposes of communal open space and 7% be dedicated to deep soil zones.
- The Department considers the proposed changes to communal open space and facilities to be acceptable as it would result in only a minor reduction of landscaping and would provide additional community facilities for residents.

Ecological Sustainable Design

- The Applicant submitted an updated BASIX Report and Certificate with the modification application, which confirmed the proposal would continue to comply with relevant requirements.
- An Ecological Sustainable Design (ESD) Report was submitted, which confirmed the proposal

The Department recommends:

- Conditions B23 and E18 are updated to reflect the changes to the BASIX Certificate number

	<p>would continue to target the 6 Star Green Star benchmark in line with Condition B26 of the consent.</p> <ul style="list-style-type: none"> The Department is satisfied the proposal would continue to achieve BASIX and ESD requirements and that existing conditions of consent would enforce a 6 Star Green Star benchmark. 	<ul style="list-style-type: none"> Conditions B25 and E19 are updated to reflect the changes to the updated ESD report.
<p>Light Spill</p>	<ul style="list-style-type: none"> SOPA raised concerns with the proposed light spill mitigation measures given the proximity of the site to ecologically significant areas. As part of the RtS, the Applicant submitted an Ecological Statement and Lighting Statement which confirmed the lighting design is consistent with the International Dark Sky Association (IDSA), Australian Dark Sky alliance philosophy and National Light Pollution Guidelines for Wildlife 1.0 to avoid or minimise light spill into the night sky and to avoid detrimental impacts to wildlife. SOPA subsequently advised they had no further comments on the proposed modification. The Department notes existing conditions of consent requires outdoor lighting to comply with relevant Australian Standards and for all external lighting to face inward and be limited to pathways and communal areas. The Department considers the proposed changes to be acceptable as it would not result in any additional lighting impacts and any potential impacts would be mitigated by existing conditions of consent. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> Conditions F11 is updated to reference the Lighting Statement.
<p>Reflectivity</p>	<ul style="list-style-type: none"> SOPA requested the Applicant expand the assessment into reflectivity to consider ecological impacts and include mitigation measures to included glazing design to minimise risk of birdstrike. As part of the RtS, the Applicant submitted an Ecological Statement that advised the area of reflective surface across the façade has been broken up through the incorporation of windows, balconies, external screening and fibre cement building components. It was further noted that the windows are generally setback from the structural surface of the building. SOPA subsequently advised they had no further comments on the proposed modification. 	<p>No changes.</p>

- The Department notes the proposal only seeks to reconfigure windows, louvers and balconies rather than incorporate additional reflective surfaces.
 - The Department considers the proposed changes to be acceptable as it would not result in any additional reflectivity impacts.
-

6 Evaluation

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

- it would maintain the architectural and urban design principles that were originally established as part of the Design Excellence Competition
- the proposed building height increases across the two buildings are minor and would not significantly increase the bulk and scale of the building or result in any additional visual or amenity impacts
- the additional building height would not lead to any adverse environmental impacts to the Badu Mangrove Wetlands given the increased overshadowing would occur within the original study area and is limited to parts of the afternoon in winter
- the proposed changes to the unit mix would provide additional housing types and choice for future residents within SOP
- the apartments would still achieve reasonable levels of internal amenity in-line with the ADG
- any potential impacts would be reasonably minimised and mitigated through the existing and proposed conditions of consent.

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

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 9403 MOD 2 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 9403
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Lucinda Craig
Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:



10 July 2023

Anthony Witherdin

Director

Key Sites Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

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

Modification Application and Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/1-2-murray-rose-sop-mod-2-design-changes-site-1-and-site-2>

Appendix B – Statutory considerations

To satisfy the requirements of the EP&A Act, the Department’s assessment of the proposal has given detailed consideration to a number of statutory requirements. These include:

- objects of the EP&A Act
- the requirements of section 4.55(2) and (3) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 1** to **Table 3**.

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

Objects of the EP&A Act	Objects of the EP&A Act
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 modification would continue to facilitate the development of land within an existing urban area/town centre that is close to existing services and public transport access. The proposed changes would not result in any significant impacts on any natural or artificial resources, agricultural land or natural areas.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The Applicant submitted an updated ESD Report with the proposed modification, which confirmed the proposal would continue to target the 6 Star Green Star benchmark.
c) to promote the orderly and economic use and development of land	The proposal would promote the orderly and economic use of the site as it facilitates the development of a site in the Sydney Olympic Park town centre for residential use.
d) to promote the delivery and maintenance of affordable housing	In accordance with the original approval, the modification would continue to provide comprised of 14 affordable housing apartments, equating to 5% of the development.
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 would not adversely impact any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The additional overshadowing resulting from the proposed modification is considered acceptable as it is marginal and would be limited to parts of the afternoon in winter (Section 5.3).
f) to promote the sustainable management of built and	The proposal would not have an adverse impact on nearby heritage items or conservation areas.

cultural heritage (including Aboriginal cultural heritage)

g) to promote good design and amenity of the built environment	The proposed modification would maintain the design integrity of the original building design.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Existing 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 Department publicly exhibited the proposed modification application and consulted with relevant government agencies (as discussed in Section 4).
j) to provide increased opportunity for community participation in environmental planning and assessment.	Section 4 of this report sets out details of the Department's public exhibition of the development.

Table 2 | Consideration of section 4.55(2) and (3) of the EP&A Act

Section 4.55(2) & (3) Evaluation	Consideration
<p>Section 4.55(2) Other modifications:</p> <p>a) That the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.</p>	<p>The Department is satisfied the development is substantially the same development for which consent was originally granted as:</p> <ul style="list-style-type: none"> the land use remains the same as the originally approved development the proposed modification to the approval would not substantially alter the built form or scale of the development with only a very minor increase in height and GFA proposed the anticipated environmental impacts arising from the proposed modifications are considered in Section 5 of this report.
<p>b) That consultation has occurred with the relevant Minister, public authority or approval body and an objection has not been received.</p>	<p>The Department consulted with the relevant government agencies and Council in relation to the modification application (refer to Section 4 of this report).</p>
<p>c) The application has been notified in accordance with the regulations.</p>	<p>The modification application has been notified in accordance with the regulations.</p>

- d) Consideration of any submissions made concerning the proposed modification within the period prescribed by the regulations.
- As discussed at **Section 4**, the Department received submissions from SOPA, EHG and Council. These submissions have been considered in the assessment of this application. It is noted Council stated they had no comments on the proposal.

Table 3 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The proposed modification does not substantially alter compliance with the relevant Environmental Planning Instruments (EPIs) addressed below in this report. The proposed modification seeks a minor increase to the exceedance to the maximum height and FSR previously approved, as discussed in Section 5.1 and 5.2 .
(a)(ii) any proposed instrument	The proposed modification is consistent with the relevant draft Environmental Planning Instruments (EPIs)
(a)(iii) any development control plan	Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The applications satisfactorily meet the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification and fees as addressed in Section 4 .
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the proposed modification acceptable (built form, overshadowing and design quality) and have been appropriately addressed (Section 5). Existing conditions of consent would continue to address potential impacts.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 of this report.
(d) any submissions	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.
(e) the public interest	The Department considers the modified proposal to be in the public interest.

Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience & Hazard) 2021
- State Environmental Planning Policy (Precincts – Central River City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Other Plans and Policies:
 - Sydney Olympic Park Master Plan 2030 (2018 Review)

The Department undertook a comprehensive assessment of the development against the relevant EPIs in its original assessment. The Department has considered the current EPIs and is satisfied the modification does not result in any inconsistency with these EPIs, except in respect of the height and FSR controls in the Central River City SEPP (**Table 4**) below.

State Environmental Planning Policy (Precincts – Central River City) 2021

Table 4 | Department's consideration of the relevant sections of Appendix 4 of the Precincts – Central River City SEPP

Relevant Sections	Department's Consideration
Part 2 Provisions relating to development within Sydney Olympic Park site	
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).	Both approved buildings partially exceed the maximum height controls. The proposed modification would result in the following breaches: <ul style="list-style-type: none">• increase the existing breach to maximum building height of Building 1 to 36.1 m (RL 48.9), equating to a 0.6 m increase.• additional breach resulting from an increase to the height of the lift overrun at Level 9 from RL 35.6 to RL 37.59• increase the existing breach caused by the lift overrun/plant at Level 09 of Building 2 to RL 37.35, equating to a 0.35 m increase. No concerns were raised by Council or SOPA regarding the proposed increase in height. It is noted SOPA raised initial concerns regarding the impact of additional overshadowing to the Badu Mangrove Wetlands to the east of the site; however, these were subsequently resolved. The Department considers the breaches to height to be acceptable as they are minor, would not significantly increase the bulk and scale of the building and any additional

overshadowing to the Badu Mangrove Wetlands would be minor.

This matter is considered in detail in **Section 5.1**.

19 Floor space ratio

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

As the development was determined to exhibit design excellence, the original consent was provided with an additional 10% FSR to 3.3:1 resulting in a total GFA of 21,295 m².

The consent (as modified) approved a grand total GFA of 27,396 m² with an FSR of 4.24:1, which represents an exceedance of 6,101 m² (29%) above an FSR of 3.3:1.

The proposed modification seeks to increase the GFA of Building 1 by 170.9 m², resulting in a FSR of 4.16:1. The overall development would result in a total GFA of 27,566.9 m² with an FSR of 4.27:1.

No concerns were raised by Council or SOPA regarding the proposed increase in FSR.

The Department notes the overall GFA would remain below the full GFA of 33,957 m² available across the wider lot area (including 3, 4 and 5 Murray Rose Avenue), as discussed in **Section 5.2**.

The Department considers the proposed increase in FSR to be acceptable as it is minor, representing an increase of 1.05 % of the approved GFA and would provide a greater variety of community facilities.

This matter is considered in detail in **Section 5.2**.

Appendix C – Modification Instrument

The Modification Instrument can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/1-2-murray-rose-sop-mod-2-design-changes-site-1-and-site-2>