

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Sydney

10 July 2023

SCHEDULE 1

Development consent:	SSD 9403 granted by the Executive Director Compliance, Industry and Key Sites on 14 August 2019
For the following:	Construction of two residential apartment buildings, comprising: <ul style="list-style-type: none">• 293 274 apartments;• 330 337 basement car parking spaces; and• 27,396 27,566.9 m² of gross floor area.
Applicant:	Austino Sydney Olympic Park Pty Ltd
Consent Authority:	Minister for Planning
The Land:	1 and 2 Murray Rose Avenue, Sydney Olympic Park (Lots 1 and 2, DP 1185060)
Modification:	MOD 2 - design changes including: <ul style="list-style-type: none">• increase to Site 1 GFA resulting in an overall site area 27,566.9 m²• minor increase to maximum height of Site 1• amendments to apartment layouts and unit mix• additional enclosed communal areas• reduction in quantity of units from 292 to 274 units• increase in car parking spaces from 330 to 337 spaces

SCHEDULE 2

1. Schedule 2 Part A – Administrative Conditions – Condition A2 is amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions and additional information;
- (d) in accordance with the approved plans in the table below;
- (e) the Section 4.55(1A) application prepared by Urbis dated December 2021 and additional documents, as amended by Response to Request for Further Information prepared by Urbis dated 4 February 2022 and appendices;
- (f) **the Section 4.55(2) application prepared by Urbis dated December 2022, as amended by Responses to Request for Further Information prepared by Urbis dated 6 April 2023, 10 May 2023 and 14 June 2023:**

Architectural Drawings prepared by PTW Architects			
Drawing No.	Revision	Name of Plan	Date
DA-00-0200	A	Site Plan	12/10/18
DA-00-0400	A	Demolition Plan	12/10/18
DA-00-0500	B <u>C</u>	Architectural Site Plan	03/11/21 <u>30/11/22</u>
DA-10-1700	B <u>C</u>	S1 Level B3	24/01/19 <u>30/11/22</u>
DA-10-1800	B <u>C</u>	S1 Level B2	24/01/19 <u>30/11/22</u>
DA-10-1900	D <u>E</u>	S1 Level B1	17/05/19 <u>30/11/22</u>
DA-10-2000	E <u>F</u>	S1 Level 00	04/06/19 <u>30/11/22</u>
DA-10-2100	D <u>F</u>	S1 Level 01	17/05/19 <u>30/11/22</u>
DA-10-2200	C <u>D</u>	S1 Level 02	17/05/19 <u>30/11/22</u>
DA-10-2300	B <u>C</u>	S1 Level 03-05	17/05/19 <u>30/11/22</u>
<u>DA-10-2310</u>	<u>A</u>	<u>S1 Level 04-05</u>	<u>30/11/22</u>
DA-10-2400	B <u>C</u>	S1 Level 06	17/05/19 <u>30/11/22</u>
DA-10-2500	B <u>C</u>	S1 Level 07	17/05/19 <u>30/11/22</u>
DA-10-2600	D <u>E</u>	S1 Level 08	17/05/19 <u>30/11/22</u>
DA-10-2700	D <u>E</u>	S1 Level 09	17/05/19 <u>30/11/22</u>
DA-10-2800	D <u>E</u>	S1 Level 10	17/05/19 <u>30/11/22</u>

DA-10-2900	D E	S1 Level 11	17/05/19 30/11/22
DA-10-3000	A B	S1 Level 12	12/10/18 30/11/22
DA-10-3100	A B	S1 Roof	12/10/18 30/11/22
DA-10-4700	D	S2 Level B3	03/11/21
DA-10-4800	D	S2 Level B2	03/11/21
DA-10-4900	E F	S2 Level B1	03/11/21 30/11/22
DA-10-5000	D E	S2 Level 00	03/11/21 30/11/22
DA-10-5100	E F	S2 Level 01	03/11/21 30/11/22
DA-10-5200	D E	S2 Level 02	03/11/21 30/11/22
DA-10-5300	D E	S2 Level 03-05	03/11/21 30/11/22
DA-10-5400	D E	S2 Level 06	03/11/21 30/11/22
DA-10-5500	D E	S2 Level 07	03/11/21 30/11/22
DA-10-5600	E F	S2 Level 08	03/11/21 30/11/22
DA-10-5700	D E	S2 Level 09	03/11/21 30/11/22
DA-10-5800	E F	S2 Level 10	03/11/21 30/11/22
DA-10-5900	E F	S2 Level 11	03/11/21 30/11/22
DA-10-6000	E F	S2 Level 12	03/11/21 30/11/22
DA-10-6100	E F	S2 Level 13	03/11/21 30/11/22
DA-10-6200	E F	S2 Level 14	03/11/21 30/11/22
DA-10-6300	B C	S2 Level 15	03/11/21 30/11/22
DA-10-6400	B C	S2 Roof	03/11/21 30/11/22
DA-20-0000	G D	Elevations S1	19/03/19 30/11/22
DA-20-0100	G D	Elevations S1	19/03/19 30/11/22
DA-20-0200	G D	Elevations S1	19/03/19 30/11/22
DA-20-0300	D E	Elevations S2	03/11/21 30/11/22
DA-20-0400	D	Elevations S2	03/11/21

	<u>E</u>		<u>30/11/22</u>
DA-20-0500	D <u>E</u>	Elevations S2	03/11/21 <u>30/11/22</u>
DA-20-0600	D <u>E</u>	Elevation – Bennelong Parkway Road	03/11/21 <u>30/11/22</u>
DA-30-0000	G <u>D</u>	Sections-S1	19/03/19 <u>30/11/22</u>
DA-30-0010	A <u>B</u>	Sections-S1	19/03/19 <u>30/11/22</u>
DA-30-0100	D <u>E</u>	Sections-S2	03/11/21 <u>30/11/22</u>
DA-30-0200	D <u>E</u>	Sections-S2	03/11/21 <u>30/11/22</u>
DA-30-0300	B <u>C</u>	Sections-S2	03/11/21 <u>30/11/22</u>
DA-40-0000	B	Façade Finish Schedule-S1	24/01/19
DA-40-0100	C	Façade Finish Schedule-S2	03/11/21
DA-40-0200	B	Façade Finish Schedule-S2 Central Courtyard	03/11/21
DA-50-1000	A <u>B</u>	Adaptable Units-S1	12/10/18 <u>30/11/22</u>
DA-50-1001	A	Adaptable Units-S1	12/10/18
DA-50-1100	A <u>B</u>	Silver Livable Units-S1	12/10/18 <u>30/11/22</u>
DA-50-1200	B <u>C</u>	Visitable Units-S1	19/03/19 <u>30/11/22</u>
DA-50-2000	B	Adaptable Units-S2	03/11/21
DA-50-2001	B	Adaptable Units-S2	03/11/21
DA-50-2100	B	Silver Livable Units-S2	03/11/21
DA-50-2200	B	Visitable Units-S2	03/11/21
DA-70-0000	A <u>B</u>	Storage Schedule_S1	19/03/19 <u>30/11/22</u>
DA-70-0100	B <u>C</u>	Storage Schedule_S2	03/11/21 <u>30/11/22</u>
DA-91-0000	D <u>E</u>	GFA Diagrams	03/11/21 <u>30/11/22</u>
DA-91-0100	D <u>E</u>	GFA Diagrams	03/11/21 <u>30/11/22</u>
Landscape Drawings prepared by RPS			
Drawing No.	Revision	Name of Plan	Date
L0.00	04 <u>H</u>	Coversheet and Drawing Schedule <u>Coversheet</u>	15/11/21 <u>14/11/22</u>
L0.01	G <u>I</u>	Deep Soil Plan	15/11/21 <u>14/11/22</u>
L0.02	H	Specification	15/11/21
L1.01	04	External Works – Level 1	27/10/21
L1.02	H <u>I</u>	External Works	15/11/21 <u>14/11/22</u>
L1.03	H	External Works	15/11/21

	<u>I</u>		<u>14/11/22</u>
L1.04	04 <u>I</u>	External Works – SOPA land	27/10/21 <u>14/11/22</u>
L1.05	H <u>I</u>	External Works	15/11/21 <u>14/11/22</u>
L1.06	H	External Works	15/11/21
L1.07	F	External Works – Roof	15/11/21
L1.08 <u>L1.07</u>	F <u>G</u>	External Works	15/11/21 <u>14/11/22</u>
<u>L1.08</u>	<u>G</u>	<u>External Works</u>	<u>14/11/22</u>
<u>L1.09</u>	<u>A</u>	<u>External Works</u>	<u>14/11/22</u>
<u>L1.10</u>	<u>A</u>	<u>External Works</u>	<u>14/11/22</u>
L2.01	04	Planting ground	27/10/21
L2.03	04	Planting roof	27/10/21
L2.04	04	Planting SOPA land	27/10/21
L3.01	03 <u>H</u>	Sections – Level 1	26/08/21 <u>14/11/22</u>
L3.02	03 <u>H</u>	Sections – Roof	26/08/21 <u>14/11/22</u>
L3.03	04	Section SOPA land	27/10/21
L3.04	04	Substation	27/10/21
L4.01	03 <u>I</u>	Details	26/08/21 <u>14/11/22</u>
L4.02	04 <u>H</u>	Details	27/10/21 <u>14/11/22</u>

2. Schedule 2 Part B – Prior to Issue of Construction Certificate – Condition B6, B23, B25, B28, B30, B31 and B35 are amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

GROSS FLOOR AREA (GFA) CERTIFICATION

B6. The GFA of 1 Murray Rose Avenue must not exceed ~~46,202~~ **16,372.6** m². The GFA of 2 Murray Rose Avenue must not exceed 11,194 m². Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Construction Certificate for each building.

BASIX CERTIFICATION

B23. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~972037M-03~~ **972037M_05**, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

B25. The building must incorporate all design, operation and construction measures as identified in the ESD Strategy, prepared by Cardno, dated 9 August 2018, **as amended by the ESD Report prepared by Eco Engineering Group, dated 15 December 2022**. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

NUMBER OF CAR PARKING SPACES

B28. A maximum of ~~204~~ **210** residential car parking spaces, one manager car parking space and one accessible visitor car parking spaces are to be provided for 1 Murray Rose Avenue. Details

demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

LAYOUT OF CAR PARKING AREAS

B30. The layout of the proposed car parking areas within each building, **as amended by including MOD 1 and MOD 2**, (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

NUMBER OF BICYCLE PARKING SPACES

B31. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the bicycle parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation: 1 Murray Rose Avenue	Number
Residential	204
Visitors	42 38
Bicycle parking allocation: 2 Murray Rose Avenue	Number
Residential	152
Visitors	32

ADAPTABLE HOUSING

B35. Prior to issue of the relevant Construction Certificate for each building, the Certifying Authority is to ensure that the overall development been designed to accommodate a minimum of ~~27~~ **28** adaptable residential units and that the requirements are referenced on the relevant Construction Certificate drawings. In addition, information shall be provided confirming:

- (a) the required number of units are able to be adapted for people with a disability in accordance with the BCA; and
 - (b) compliance with *Australian Standard AS4299 – Adaptable Housing*.
3. Schedule 2 Part E – Prior To Occupation or Commencement of Use – Condition E2, E18 and E19 are amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

GFA AND HEIGHT CERTIFICATION

E2. A Registered Surveyor is to certify that the GFA of 1 Murray Rose Avenue does not exceed ~~16,202~~ **16,372.6** m² and the height of the building must not exceed the heights nominated on the approved plans listed in **Condition A2(d)**. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of any Occupation Certificate for 1 Murray Rose Avenue.

ENVIRONMENTAL PERFORMANCE

E18. Prior to the issue of the any Occupation Certificate for each building, the Applicant shall implement the commitments outlined in BASIX Certificate No. ~~972037M_02~~ **972037M_05**.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E19. Prior to the issue of an Occupation Certificate for each building, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the

ESD Strategy, prepared by Cardno, dated 9 August 2018, **as amended by the ESD Report prepared by Eco Engineering Group, dated 15 December 2022.**

4. Schedule 2 Part E – Prior To Occupation or Commencement of Use – Condition F11 is amended by the insertion of **bold and underlined** words as follows:

EXTERNAL LIGHTING

F11. All external lighting is to be inward facing and limited to pathways and communal areas **and be in accordance with the Lighting Statement prepared by Cundall dated 20/03/2023.**

**End of modification
(SSD 9403 MOD 2)**