

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State Significant Development Modification
Application number and project name	SSD 9403 MOD 2 Residential development, 1 & 2 Murray Rose Avenue-Mod-2
Applicant	Austino Sydney Olympic Park Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under s4.55(2) of the Environmental Planning and Assessment Act 1979 (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

10 July 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would not result in any unreasonable impacts subject to conditions
- the modification is permissible with consent, and is consistent with NSW Government policies
- 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
- any potential impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- no issues were raised by the community during consultation and any agency submissions have been considered and adequately addressed by the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 9 February 2023 to 22 February 2023 (14 days) and received two submissions, one from Sydney Olympic Park Authority (SOPA) and one from City of Parramatta Council (Council), who advised they had no comments. No public submissions were received.

The Department also undertook the following consultation activities:

- exhibition on the Department's website
- notification of adjoining landholders, Council and relevant government agencies in writing.

Following the RtS, the application was referred to the Environment and Heritage Group to consider potential impacts on biodiversity values.

The key issues raised by Government agencies have been considered in the Department's assessment report and by the decision maker.