



14208
19 June 2014

David Gibson
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Dear David

**SECTION 75W MODIFICATION MP11_0082
3 MURRAY ROSE AVENUE, SYDNEY OLYMPIC PARK**

On behalf of GPT RE Limited we write to request the Minister (or his delegate) modify Project Approval MP11_0082 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

This modification application seeks to amend Project Application MP11_0082 by modifying the wording of Condition B4 within the Instrument of Approval. Condition B4 relates to 'Access for People with Disabilities'.

1.0 THE SITE

The 3 Murray Rose Avenue site is a portion of a larger site formerly known as 7 Parkview Drive, (now known as 1-5 Murray Rose Avenue) at Sydney Olympic Park. 3 Murray Rose Avenue is the second of five buildings envisioned at 1-5 Murray Rose Avenue (refer to **Figure 1**). The first building, 5 Murray Rose Avenue has been completed and is occupied and a Project Application for 4 Murray Rose Avenue is currently being assessed by the Department of Planning & Environment.

2.0 BACKGROUND

On 30 April 2013, the Executive Director for Development Assessment Systems and Approvals, as delegate of the Minister for Planning and Infrastructure approved a Project Application (MP11_0082) for a commercial development at 3 Murray Rose Avenue, Sydney Olympic Park. The key components of the development comprise:

- a five storey commercial building (13,675m² GFA) with up to four levels of basement car parking;
- completion of the construction of "The Cutting" – a landscaped public domain area located between 3 and 5 Murray Rose Avenue (the first part of The Cutting was constructed as part of the 5 Murray Rose Avenue development); and
- construction of part of "The Chase" – a landscaped public domain area located between 3 Murray Rose Avenue and the 1 Murray Rose Avenue site. It is noted that the remainder of The Chase will be constructed in conjunction with the construction of 1 Murray Rose Avenue.

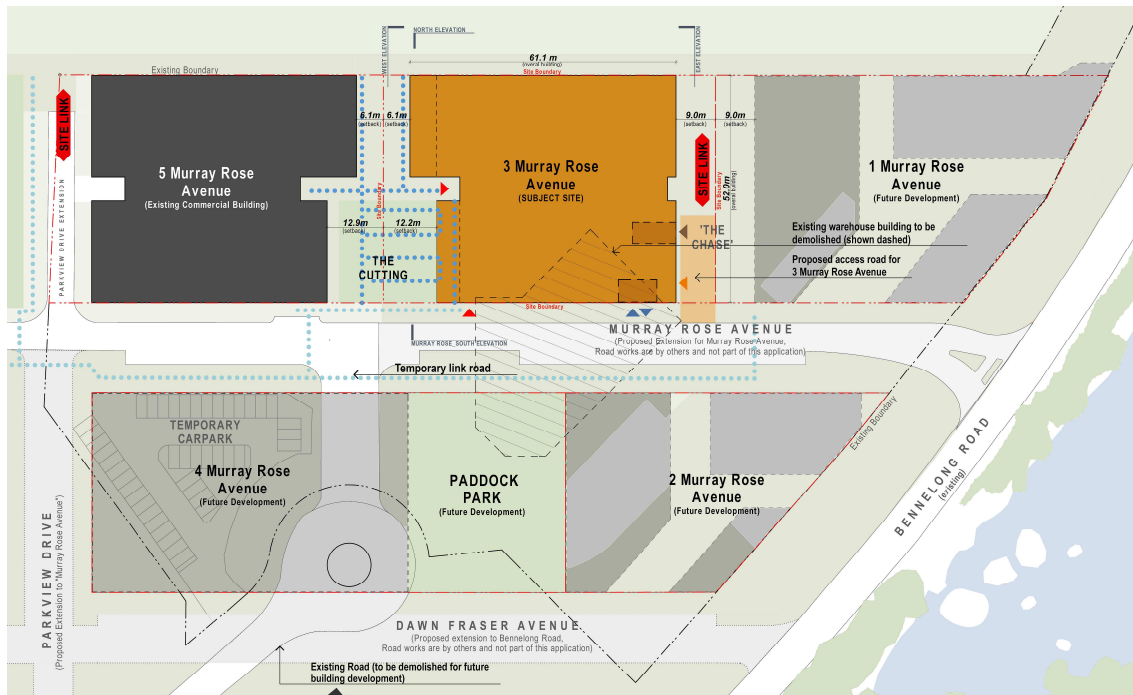


Figure 1 – 1- 5 Murray Rose Avenue Master Plan

Source: Turner and Associates

3.0 DESCRIPTION OF MODIFICATION

The proposed modification comprises the amendment of the wording to Condition B4 of the Instrument of Approval. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Access for People with Disabilities

- B4. The building and landscaping, ~~including paths within “the Chase”~~, must be designed and constructed **generally** to provide access and facilities for people with a disability in accordance with the Building Code of Australia and SOPA Access Guidelines 2011. ***Compliance with the SOPA Access Guidelines is not applicable to “the Chase” portion of the site.***

The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on relevant plans prior to the issue of a construction certificate.

3.1 Justification

Condition B4, as currently worded is considered to be overly onerous as it requires the entire development to comply with SOPA's Access Guidelines (Guidelines). As set out within the Guidelines their purpose is to:

"provide information (our emphasis) concerning requirements for an accessible built environment that enables independent equitable and inclusive access for people with disabilities".

The development of the Chase as approved on the stamped plans would require a significant re-design of the stairs in order to comply with Condition B4 as currently worded. Accordingly, it is considered that the Guidelines should not be implemented as mandatory rules and the wording changes proposed reflect this.

Furthermore we request that the reference to the '*paths within the Chase*' be amended. On investigation, we consider that this reference was specified in the condition as a result of SOPA's submission comment that:

"the pedestrian path within The Chase is shown as 1.2m wide and not consistent with the Authority's Access Guidelines which nominate 1.8m as the minimum width for publicly accessible paths."

Within the Response to Submissions document (dated 28 March 2011), GPT RE Limited confirmed that the path width would be amended within the Chase. As demonstrated in **Attachment 1**, the proposed path width above and below the stairs is a minimum of 1.8m wide and the Chase complies with AS 1428.1 – 2001 – 'Design for access and mobility', as confirmed by Morris Goding in its statement at **Attachment 2**.

It is not envisaged that people will enter 3 Murray Rose Avenue from the Chase, only an emergency fire exit is proposed, as illustrated in **Figure 2** below. The Chase is also not envisaged as a 'principal footpath' which would cater for a large number of people, given it is partly a loading dock. Therefore, it is considered that access can be provided from Murray Rose Avenue to Brick Pit Park for people with a disability without them needing to use the Chase.

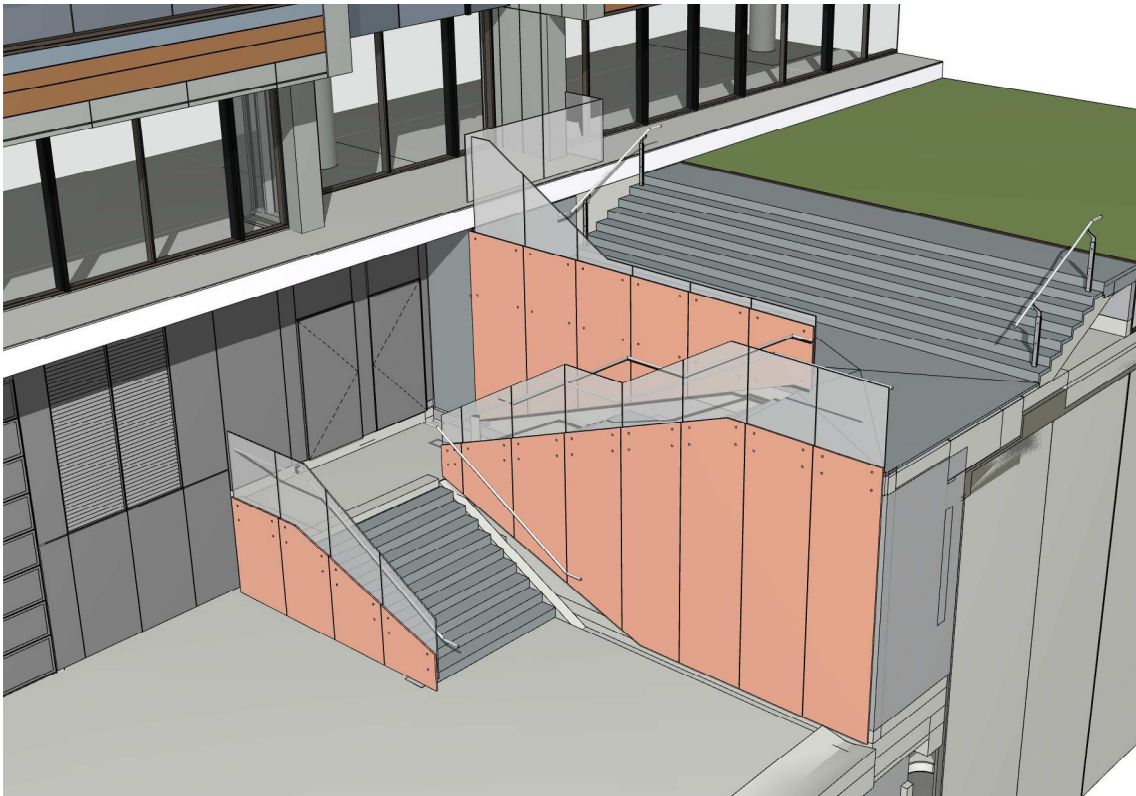


Figure 2 – 3D view of the Chase stairs and fire exit

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the application be approved. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or cburdett@jbaurban.com.au.

Yours faithfully

A handwritten signature in dark ink that reads "Claire Burdett". The script is cursive and fluid.

Claire Burdett
Senior Planner