



Planning &
Environment

***MODIFICATION REQUEST:
Commercial Development at 3 Murray
Rose Avenue, Sydney Olympic Park
(MP 11_0082 MOD 1)***

Request to modify Condition B4 Access for People
with Disabilities

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

August 2014

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1. BACKGROUND

On 30 April 2013, the Executive Director, Development Assessment Systems and Approvals, as delegate of the then Minister for Planning and Infrastructure, approved the major project (MP 11_0082) for the construction of a new five storey commercial building with a four level basement car park and associated demolition works, tree removal, landscaping and public domain works at 3 Murray Rose Avenue, Sydney Olympic Park (see **Figure 1** for the project location).

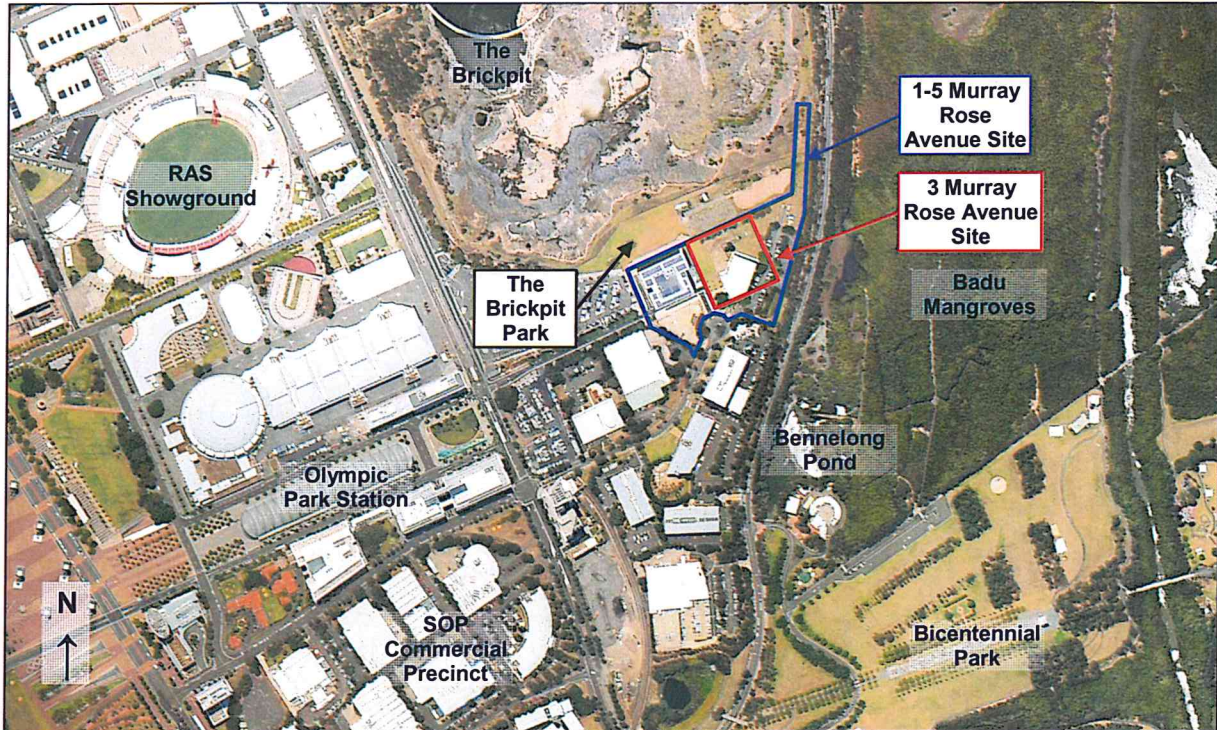


Figure 1: Project Location

The 3 Murray Rose Avenue site forms a part of the site known as 1-5 Murray Rose Avenue (Lot 88 DP 870992). The 1-5 Murray Rose Avenue site largely forms the site known as Site 60A in the Sydney Olympic Park Master Plan 2030 (MP 2030) and partially Site 60B.

An approval for a commercial development at 5 Murray Rose Avenue (formerly Building A, 7 Parkview Drive) was granted by the Planning Assessment Commission under delegation from the then Minister for Planning on 14 October 2010. The two through-site links, 'the Chase' and 'the Cutting', were approved as part of both the approvals for 3 and 5 Murray Rose Avenue, to provide access from Murray Rose Avenue to Brick Pit Park located to the north of 1-5 Murray Rose Avenue (see **Figure 2**). The construction of 5 Murray Rose Avenue has been completed and the building is currently occupied, while 3 Murray Rose Avenue is currently under construction.

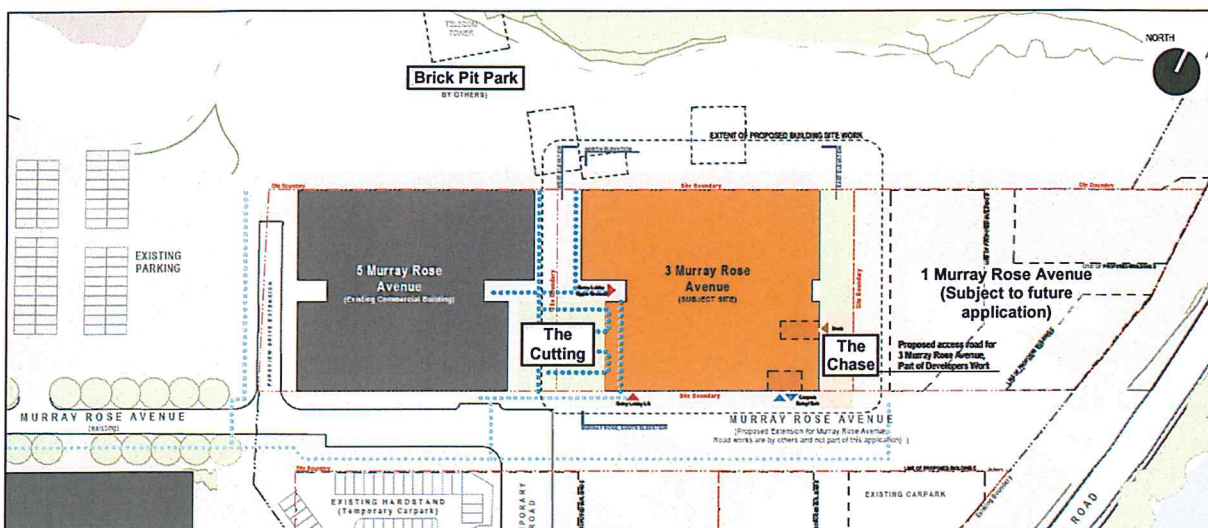


Figure 2: Project Layout

2. PROPOSED MODIFICATION

The modification application seeks to modify condition B4 *Access for People with Disabilities* of MP 11_0082, which imposes the following requirement on the approval:

- B4. The building and landscaping, including paths within "the Chase", must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia and SOPA Access Guidelines 2011.*

The approved design of 'the Chase' public domain does not meet the SOPA Access Guidelines and the proponent contends that a redesign of the area to comply would not be feasible due to spatial restrictions given the width and grade of the through-site link and the location of the loading dock driveway. The amendment proposes to remove reference to 'the Chase' from condition B4 as meeting accessibility requirements is not necessary as it is not the 'principal footpath' to the site, which would be via the main entrance from Murray Rose Avenue and 'the Cutting'. Furthermore, 'the Chase' is not appropriate as a main thoroughfare as the loading dock functions of 3 Murray Rose Avenue are located along 'the Chase'.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. Approved projects are transitional Part 3A projects.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposal involves modification to the conditions of approval, the application will require the Minister's approval.

3.2 Delegated Authority

On 4 April 2013, the then Minister for Planning and Infrastructure delegated his powers and functions under section 75W of the EP&A Act to Directors in cases where:

- the council has not made an objection, and

- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

As no submissions were received from the public regarding the proposed modification, council has not made an objection and there has been no political disclosure statement made for this application or for any previous related applications or by any of the persons who lodged a submission, the application is able to be determined by the Director, Industry, Key Sites and Social Projects under delegation.

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification request was made available on the department's website. Due to the minor nature of the proposed modification, the application was not exhibited by any other means. No public submissions were received on the modification request.

The application was referred to Auburn Council, which raised no objection to the modification request. The application was also referred to Sydney Olympic Park Authority, which raised no objection and acknowledged that 'the Chase' did not need to provide access for persons with a disability as it is not identified as a primary accessible path of travel.

5. ASSESSMENT

The department considers the key issue for the proposed modification to be accessibility for persons with a disability.

The main entrance to the new commercial building will be from Murray Rose Avenue and 'the Cutting', and access for persons with a disability would be supported by a shuttle lift, which provides an accessible path of travel from Murray Rose Avenue (see **Figure 3**).

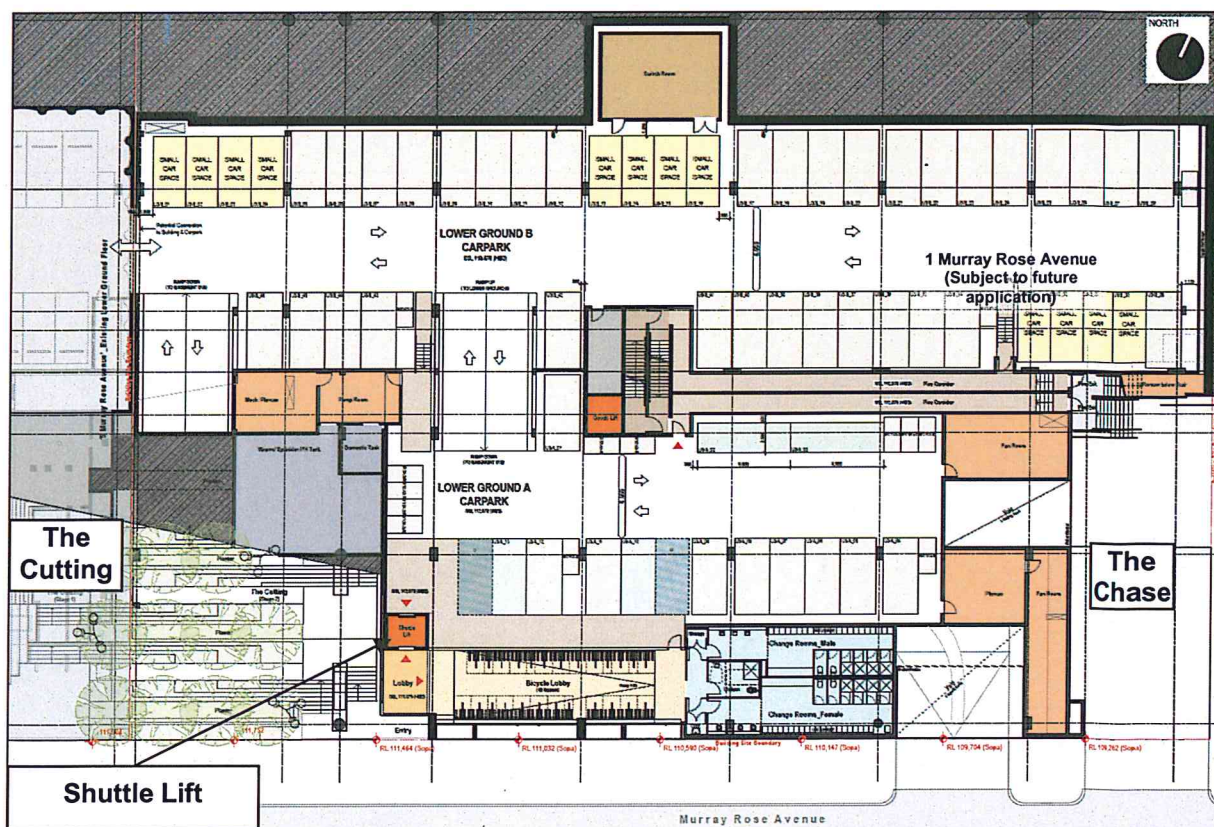


Figure 3: Lower Ground Floor Plan

'The Chase' functions as a through-site link to provide access to Brick Pit Park as well as for emergency egress from the building. An alternate path of travel is available to pedestrians to Brick Pit Park from Parkview Drive and the main entry for 3 Murray Rose Avenue from the 'the Cutting' is identified as the most appropriate means of egress from the building in the event of an emergency situation. 'The Chase' also supports the loading dock for 3 Murray Rose Avenue and potentially the loading operations of the future 1 Murray Rose Avenue development (the remaining eastern portion of 1-5 Murray Rose Avenue) and would therefore perform as a secondary through-site link (see **Figure 4** for the current design of 'the Chase' and indicative future design upon delivery of 1 Murray Rose Avenue).

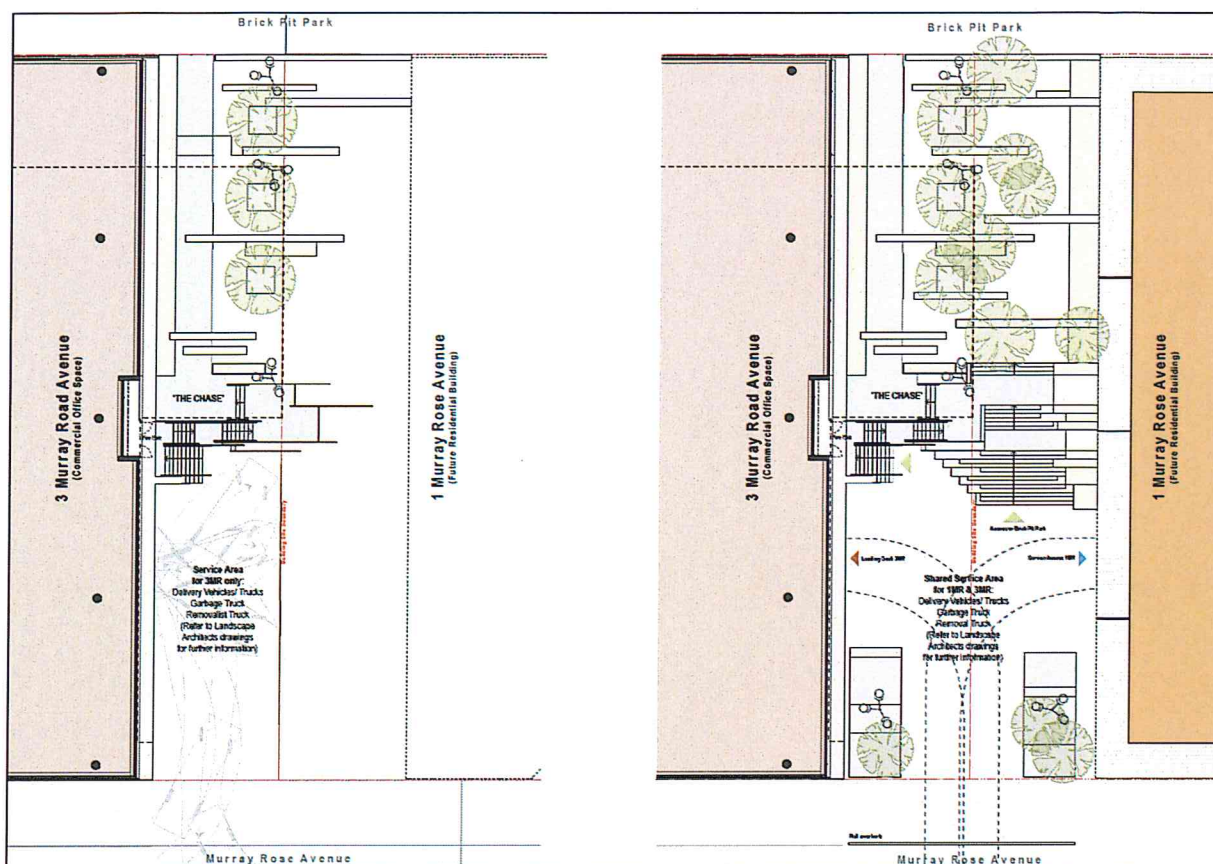


Figure 4: Design of 'the Chase' – Approved on the left and indicative future design on the right

The department accepts that it would be unreasonable that a complete redesign of 'the Chase' be undertaken to ensure the area adheres to the accessibility requirements given alternate primary access paths to the main building and to the Brick Pit Park are available to persons with a disability. A redesign would also potentially have impacts on the design and function of the loading dock given 'the Chase' has a slope of approximately seven metres, which would require a minimum 140 metre ramp or walkway to meet accessibility requirements, and additional pedestrian traffic has the potential to generate increased pedestrian and vehicle conflict.

6. CONCLUSION

The department considers that the proposed modification would not have any additional environmental impacts and the project continues to be in the public interest and can be appropriately managed and mitigated in accordance with the Statement of Commitments and conditions of approval. The project will continue to provide social benefits by supporting the urban renewal of a culturally significant and iconic precinct and economic benefits through additional jobs and the further diversification of uses within the precinct. The proposal would continue to ensure that access for persons with a disability are provided as the primary

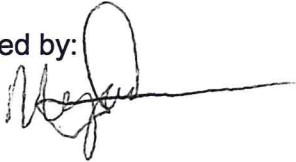
access points and links provide accessible paths of travel. Consequently, the department is satisfied that the modification should be approved.

7. RECOMMENDATION

It is RECOMMENDED that the Director, Industry, Key Sites and Social Projects:

- note the information provided in this report;
- approve the modification request; and
- sign the attached modifying instrument (**Appendix B**).

Prepared by:



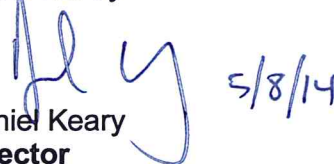
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APPENDIX A MODIFICATION REQUEST

See the department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6574.

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT