



CB/JH  
15130  
27 April 2015

Ms Carolyn McNally  
Secretary  
Department of Planning & Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Ms McNally

**SECTION 75W MODIFICATION MP11\_0082  
3 MURRAY ROSE AVENUE, SYDNEY OLYMPIC PARK**

On behalf of FDC Construction & Fitout Pty Ltd (FDC) we write to request a modification to Project Approval MP11\_0082 under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in order to enable Samsung (the proposed future tenants of the building) to provide an on-site service centre within the approved development.

Accordingly, this application is submitted pursuant to clause 3(1) of Schedule 6A to the EP&A Act that provides for the continued application of the provisions of the now repealed Part 3A of the EP&A Act.

This application has been prepared by JBA and describes the proposed modifications to the approved design, sets out the proposed amendments to the Instrument of Approval conditions and provides an assessment of the environmental impacts of the proposed changes. This application is accompanied by the following documents:

- Lower Ground Floor – General Arrangement Plan (A0000 Rev C), prepared by Geyer, dated 31/03/2015 (**Attachment A**);
- Lower Ground Level – Demolition Plan (A050 Rev B), prepared by Geyer, dated 12/02/2014 (**Attachment B**);
- Elevation Plans – showing signage detail, prepared by Turner, (Drawing No's ADB35101 Rev H, ABD35102 Rev H, ADB35103 Rev G and ABD35104 Rev G) (**Attachment C**);
- Transport Impact Statement, prepared by GTA Consultants, dated 10 April 2014 (**Attachment D**); and
- BCA Statement, prepared by Vic Lilli & Partners Consulting, dated 17 March 2015 (**Attachment E**).

This application should be read in conjunction with the following documents:

- the Environmental Assessment Report prepared by JBA, dated October 2012, relating to MP11\_0082;
- the Preferred Project Report and Response to Submissions, prepared by JBA, dated March 2013, relating to MP11\_0082; and
- the Section 75W Modification Application, prepared by JBA, dated June 2014, relating to MP11\_0082 MOD1.

## 1.0 BACKGROUND

On 30 April 2013, the Executive Director for Development Assessment Systems and Approvals, as delegate of the Minister for Planning and Infrastructure (the Minister) 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 (13,736m<sup>2</sup> 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 the development approved for 1 Murray Rose Avenue.

A modification application (MP11\_0082 MOD1) which sought to amend the wording of Condition B4 within the Instrument of Approval relating to ‘Access for People with Disabilities’ was approved by the Director, Industry, Key Sites and Social Projects as delegate for the Minister on 5 August 2014.

## 2.0 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. Construction of the base building structure at 3 Murray Rose Avenue is near completion.

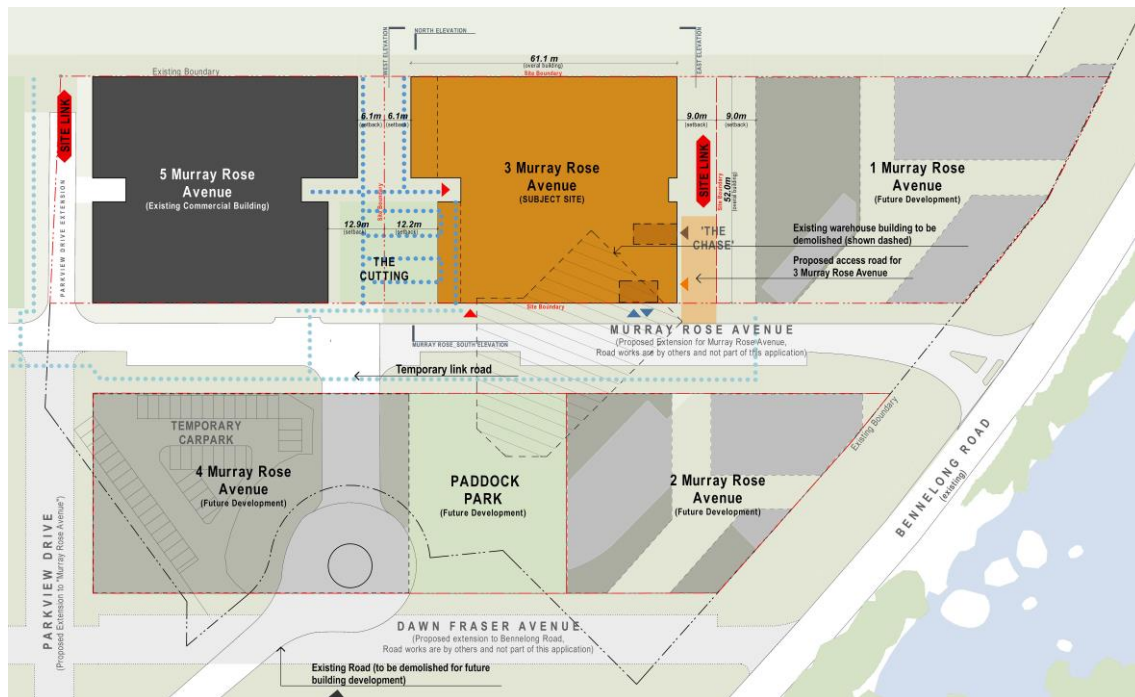


Figure 1 – 1-5 Murray Rose Avenue Master Plan

Source: Turner and Associates

### 3.0 PROPOSED MODIFICATIONS

The proposed modifications arise solely from the desire by Samsung to provide a service centre within the approved development. To accommodate the service centre, approval is sought for the following modifications to the approved development:

- relocation of the bicycle lobby at Lower Ground Floor level;
- loss of 6 car spaces and 1 motorcycle space at Lower Ground Floor level;
- provision of 113.5m<sup>2</sup> of additional gross floor area for commercial use (i.e. the Samsung service centre) at Lower Ground Floor level;
- fit-out of the proposed service-centre; and
- a total of six (6) x business identification signs.

#### 3.1 Proposed Modifications to the Development

For completeness the following description sets out the aspects of the approved Project Application which are proposed to be modified.

##### Project Overview

The modified description of the development is summarised as follows:

- demolition of the remaining office/warehouse building;
- construction of a five storey building comprising approximately 13,849.5m<sup>2</sup>;
- up to four levels of parking beneath the building with approximately 243 car spaces;
- associated landscaping and tree removal; and
- signage.

### Numerical Overview

**Table 1** provides a comparison summary of GFA statistics of the proposed modification and the approved Project Application, all other approved key development statistics are not proposed to be modified.

**Table 1** – Modification to the GFA breakdown

Component	Approved Project Application	Proposed Modification	Difference
Total GFA	13,736m <sup>2</sup>	13,849.5m <sup>2</sup>	Increase of 113.5m <sup>2</sup>
▪ Basement 03	-	-	No Change
▪ Basement 02	-	-	No Change
▪ Basement 01	28m <sup>2</sup>	28m <sup>2</sup>	No Change
▪ Lower Ground Floor	104m <sup>2</sup>	217.5m <sup>2</sup>	Increase of 113.5m <sup>2</sup>
▪ Upper Ground Floor	2,455m <sup>2</sup>	2,455m <sup>2</sup>	No Change
▪ Level 1	2,782m <sup>2</sup>	2,782m <sup>2</sup>	No Change
▪ Level 2	2,782m <sup>2</sup>	2,782m <sup>2</sup>	No Change
▪ Level 3	2,791m <sup>2</sup>	2,791m <sup>2</sup>	No Change
▪ Level 4	2,791m <sup>2</sup>	2,791m <sup>2</sup>	No Change

The relocation of the bicycle lobby will result in a total of 243 car spaces (previously 249) and 31 motorcycle spaces (previously 32) being provided within the modified development. No change is proposed to the number of bicycle spaces proposed, therefore 88 spaces will be provided within the relocated bicycle lobby area and 18 will be provided within the public domain area for visitors.

### Architectural Design

Amendments are only proposed to the approved arrangement of the Lower Ground Floor level. A revised Lower Ground Floor plan (A0000 Rev C) is included at **Attachment A** and a Lower Ground Floor Level Demolition Plan (A0500 Rev B) is included at **Attachment B**.

No amendments are proposed to Basement Levels 01-03, the Upper Ground Floor level, Levels 1-4, the external appearance of the building (with the exception of the proposed business identification signage) or the landscape design.

### Parking and Access

Whilst the internal bicycle lobby area is to be relocated no change is proposed to the number of bicycle parking spaces provided. End of trip facilities for cyclists will continue to be provided at Lower Ground Floor level.

No change is proposed to be vehicular access arrangements, however access to the bicycle lobby by cyclists will be via the car park entrance (located at Basement Level 01) instead of the Murray Rose Avenue entrance lobby located at Lower Ground Floor level, as previously envisaged.

Access into the Samsung service centre from street level will be via the Murray Rose Avenue lobby.

### Samsung Service Centre Fit out and Use

This modification application seeks the inclusion of the fit out and use of a Samsung service centre within the approved development. The fit out detail is illustrated on the Lower Ground Floor – General Arrangement Plan (A0000 Rev C) at **Attachment A**. It includes an arrival/ reception area, product drop counter and back-of house service centre.

The proposed operational management provisions for the Samsung Service Centre are as follows:

- proposed hours of operation - 7.00am to 7.00pm Monday to Friday;
- Samsung is to occupy the entire building. Service Centre staff will have access to and use all staff facilities within the building;
- the waste management procedures adopted by Samsung for the entire building will include provisions specifically relating to the Samsung Service Centre;
- any necessary servicing and deliveries specifically required for the Samsung Service Centre will be co-ordinated by Samsung staff in conjunction with the servicing of the remainder of the building.

### Signage

The elevations showing the proposed signage are included at **Attachment C**. The approved Digital Display Signage is proposed to be removed from the approved development, but a total of six (6) business identification signs are to be located on the building. The proposed dimensions, location and materials of each sign are summarised in **Table 2**.

**Table 2 – Signage details**

Sign	Elevation	Dimensions	Material	Illumination
Sign 1	Northern elevation – north western corner at Level 4	2500mm x 5000mm	Metal frame with digitally printed image on perspex	No
Sign 2	Eastern elevation – north-eastern corner at Level 4	2500mm x 5000mm	Metal frame with digitally printed image on perspex	No
Sign 3	Southern elevation – south western corner at Level 4	2500mm x 5000mm	Metal frame with digitally printed image on perspex	No
Sign 4	Southern elevation – above the lobby entrance at Lower Ground Floor level	900mm x 1800mm	Vinyl film	No
Sign 5	Western elevation – building façade at Upper Ground Floor level	1200mm x 2400mm	Vinyl film	No
Sign 6	Western elevation – above lobby entrance at Upper Ground Floor level	900mm x 1800mm	Vinyl film	No

### 3.2 Proposed Modification to the Instrument of Approval

The proposed modifications described above necessitate amendments to Conditions A2 and A7 within the Instrument of Approval. The proposed amendments are identified below. Where relevant, the conditions have been restated, words proposed to be deleted are shown in **~~bold-strike through~~** and words to be inserted are shown in ***bold italics***.

**Development in Accordance with Plans and Documents**

- A2. The proponent shall carry out the project generally in accordance with the:
- (a) Environmental Assessment titled *Environmental Assessment Report 3 Murray Rose Avenue, Sydney Olympic Park (Formerly Building B, 7 Parkview Drive) prepared by JBA Planning, dated October 2012*;
  - (b) Preferred Project Report titled *Response to Submissions and Preferred Project Report 3 Murray Rose Avenue, Sydney Olympic Park prepared by JBA Planning, dated March 2013*; and
  - (c) The following drawings, except for"
    - (i) any modifications which are Exempt' or Complying Development;
    - (ii) as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
    - (iii) otherwise provided by the conditions of this approval.

<b>Architectural (or Design) Drawings prepared by Turner + Associates</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
EA004_D	D	Demolition Plan	22.03.2013
EA100_D	D	Roof Plan/ Site Plan	19.03.2013
EA101A_D	D	Basement 03 Plan	30.08.2012
EA101B_F	F	Basement 02 Plan	30.08.2012
EA102_F	F	Basement 01 Plan	30.08.2012
<del>EA104_G</del>	<del>G</del>	<del>Lower Ground Floor Plan</del>	<del>30.08.2012</del>
EA105_D	D	Upper Ground Floor Plan	19.03.2013
EA106_G	G	Typical Floor Plan Level 1 & 2	13.03.2012
EA107_C	C	Plant level Plan	19.03.2012
EA300_H	H	South Elevation	19.03.2012
EA301_H	H	East Elevation	19.03.2012
EA302_H	H	North Elevation	19.03.2012
EA303_H	H	West Elevation	19.03.2012
EA400_E	E	Section A	19.03.2012
EA401_E	E	Section B	19.03.2012
<b>ADB 35101</b>	<b>H</b>	<b>North Elevation</b>	<b>11.07.2014</b>
<b>ADB 35102</b>	<b>H</b>	<b>East Elevation</b>	<b>11.07.2014</b>
<b>ADB 35103</b>	<b>G</b>	<b>South Elevation</b>	<b>19.05.2014</b>
<b>ADB 35104</b>	<b>G</b>	<b>West Elevation</b>	<b>19.05.2014</b>
<b>Landscape Drawings prepared by Turf Design</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
LA5	C	The Cutting Detail Plan	31August 2012
LA7	D	The Chase –Detail Plan	31August 2012
LA8	C	East and West Sections	31August 2012
LA9	C	South Elevation	31August 2012
LA12	C	Flora and Soil Chemistry	31August 2012
<b>Architectural Drawings prepared by Geyer</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b>A0000</b>	<b>C</b>	<b>Lower Ground Level – General Arrangement Plan</b>	<b>31.03.2015</b>
<b>A0500</b>	<b>B</b>	<b>Lower Ground Level – Demolition Plan</b>	<b>14.02.2014</b>

**Limits of Approval**

- A7. This approval does not approve commercial fit out (*other than for the service centre*), signage (*unless specified on the plans*) or an awning between 3 and 5 Murray Rose Avenue. Separate approval/s must be obtained, if required by the EP&A Act.

## **4.0 JUSTIFICATION**

### **4.1 Justification to the design modifications**

The proposed modifications to the development involves minor design changes which will enable Samsung, the future tenant of 3 Murray Rose Avenue, to provide a service centre within the premises that will offer customer service, repairs and technical support to it's customers.

### **4.2 Justification for Modification to Conditions**

The justifications for the proposed modifications to Conditions A2 and A7 are provided below.

#### **A2 - Development in Accordance with Plans and Documents**

In line with the modifications south to the development, the amendments to Condition A2 are sought to ensure that the description of development and schedule of approved plans accurately describe the Project as modified.

#### **A7 - Limits of Approval**

As a result of the proposed modifications to the Project, the wording has been revised to delete the further approval requirement for the fit out of the Service Centre and the signage.

## **5.0 PLANNING ASSESSMENT**

The Environmental Assessment Report submitted with the original Project Application (MP11\_0082) addressed the following environmental impacts:

- Consistency with Relevant Legislation, Strategic and Statutory Plans
- Built form;
- Amenity;
- Traffic and access;
- Accessibility;
- Major Events;
- Tree removal;
- Flora and fauna;
- Integrated water management;
- Geotechnical implications;
- Contamination;
- Ecologically sustainable development;
- Building Code of Australia compliance;
- Construction management; and
- Operational waste management.

The planning assessment of the proposed modified Project remains generally unchanged with respect to the above matters. The following matters, however warrant further assessment.

## 5.1 Consistency with Relevant Legislation, Strategic and Statutory Plans

The original Project was assessed against the following:

- *Environmental Planning & Assessment Act 1979*;
- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy 64 – Signage and Advertising;
- Metropolitan Plan for Sydney 2036;
- Draft West Central Subregional Strategy; and
- Sydney Olympic Park Master Plan 2030.

The proposed modifications proposed within this application are not considered significant enough to warrant reassessment of the development against the legislation, strategic and statutory plans as listed above.

However it is considered necessary to assess the proposed business identification signage against the assessment criteria within Schedule 1 of State Environmental Planning Policy 64 – Signage and Advertising (SEPP 64). Accordingly, **Table 3** below demonstrates that the proposed business identification signage satisfies the assessment criteria.

**Table 3 – SEPP 64 Assessment**

Schedule 1 Assessment Criteria	Comments	Compliance
<b>Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is of a scale and design which is compatible with the character of the development and the area.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the locality.	Y
<b>Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The signs will general face Murray Rose Avenue or the other surrounding developments. The sign which is to be located on the northern elevation will not be illuminated and is modest in design to ensure that it does not detract from Brickpit Park or any environmentally sensitive or natural areas.	Y
<b>Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage is integrated with the existing buildings and therefore will not result in any obstruction of views, and the location and content of signage will not otherwise compromise important views within the locality.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is modest in design and scale and will not dominate the skyline or reduce the quality of vistas.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obstruct the view of any existing signage on or in the vicinity of the site.	Y
<b>Streetscape, setting or landscape</b>		



Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the streetscape of the development.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage contributes to the visual interest of the streetscape by contributing to the identification and recognition of the building.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No existing advertising exists on the site.	Y
Does the proposal screen unsightliness?	The proposed signage will not screen unsightliness, rather it fits within the design of the building.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building.	Y
Does the proposal require ongoing vegetation management?	The proposed signage will not require ongoing vegetation management.	Y
Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale and proportion of the proposed development.	Y
Does the proposal respect important features of the site or building, or both?	The proposed signage does not compete with important features of the building or site.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage appropriately relates to its location and is attractive and tasteful in design.	Y
Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms, lighting devices or logos are incorporated as an integral part of the signage.	Y
Illumination		
Would illumination result in unacceptable glare?	The signage is not proposed to be illuminated.	n/a
Would illumination affect safety for pedestrians, vehicles or aircraft?		n/a
Would illumination detract from the amenity of any residence or other form of accommodation?		n/a
Can the intensity of the illumination be adjusted, if necessary?		n/a
Is the illumination subject to a curfew?		n/a
Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not affect road safety or that of pedestrians or cyclists.	Y
Would the proposal reduce the safety for pedestrians or bicyclists?		Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will be integrated with the building and will not obscure sight lines from public areas.	Y

## 5.2 Built Form

The proposed amendments to the design result in the overall GFA (13,736m<sup>2</sup>) of the development increasing by 113.5m<sup>2</sup> which represents an increase of 0.8%. The additional GFA is wholly contained within the approved building envelope and does not alter the overall bulk and scale, or the exterior appearance of the approved development.

For these reasons, the minor increase in overall GFA will not result in any significant adverse impacts, indeed, the proposed location of the service centre will provide increased activation to Murray Rose Avenue and natural surveillance opportunities over the street.

## 5.3 Use

The proposed service centre would be defined as a 'business premise' which is an allowable land use within the commercial land use category applicable to the site.

## 5.4 Car Parking

The approved development provides in excess of the maximum car parking requirement as stipulated within the Sydney Olympic Park Master Plan 2030 (Master Plan 2030) and approved development' consistency with regard to car parking provision was discussed in detail as part of the MP11\_0082 application. The modified development will continue to provide in excess of the maximum car parking requirement as stipulated by Master Plan 2030. The Traffic Impact Statement, prepared by GTA (**Attachment D**) confirms that the proposed loss of 6 car spaces and 1 motorbike space will not give rise to any adverse traffic or parking impacts and remains consistent with the objectives of Masterplan 2030. The potential customer car parking can be accommodated in the surrounding on and off-street car parking provisions.

Furthermore, GTA confirm that the revised car park layout is consistent with the requirements of the Australian Standard for Off-Street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009) and Bicycle Parking Facilities (AS2890.3-1993).

## 5.5 BCA

Vic Lilli & Partners has undertaken an assessment of the proposed modified development against the relevant provisions of the BCA (**Attachment E**). The assessment confirms that the proposed service centre will continue to achieve compliance with the relevant provisions of the BCA.

## 6.0 CONCLUSION

In light of the merits of the proposal and in the absence of any significant adverse environmental, economic or social 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](mailto:cburdett@jbaurban.com.au).

Yours faithfully



Claire Burdett  
Senior Planner