



**SECTION 96(2) MODIFICATION APPLICATION
ASSESSMENT REPORT
Commercial Development
4 Murray Rose Avenue, Sydney Olympic Park
(SSD 6076 MOD 1)**



Secretary's
Environmental Assessment Report
Modification of consent under section 96(2) of the
Environmental Planning and Assessment Act, 1979

July 2015

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Cover Photograph: Artist's impression of the proposed development
(Source: Applicant's EIS)

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1. INTRODUCTION

This report is an assessment of a section 96(2) modification application (MOD 1), lodged by The GPT Group (the Applicant), seeking to modify development consent (SSD 6076) for the construction of a six-storey commercial building at 4 Murray Rose Avenue, Sydney Olympic Park (SOP).

The application seeks approval for internal and external changes to the approved commercial building including additional retail/commercial floor space on the ground floor and relocation of the basement car park entry and loading dock from Murray Rose Avenue to the future Dawn Fraser Avenue.

The proposed modifications are described in detail in **Section 2** of this report.

1.1 Site Description and Surrounding Development

The site is known as No. 4 Murray Rose Avenue located at the eastern edge of the SOP Town Centre within the Auburn Local Government Area (LGA). The site location is shown in **Figure 1**.

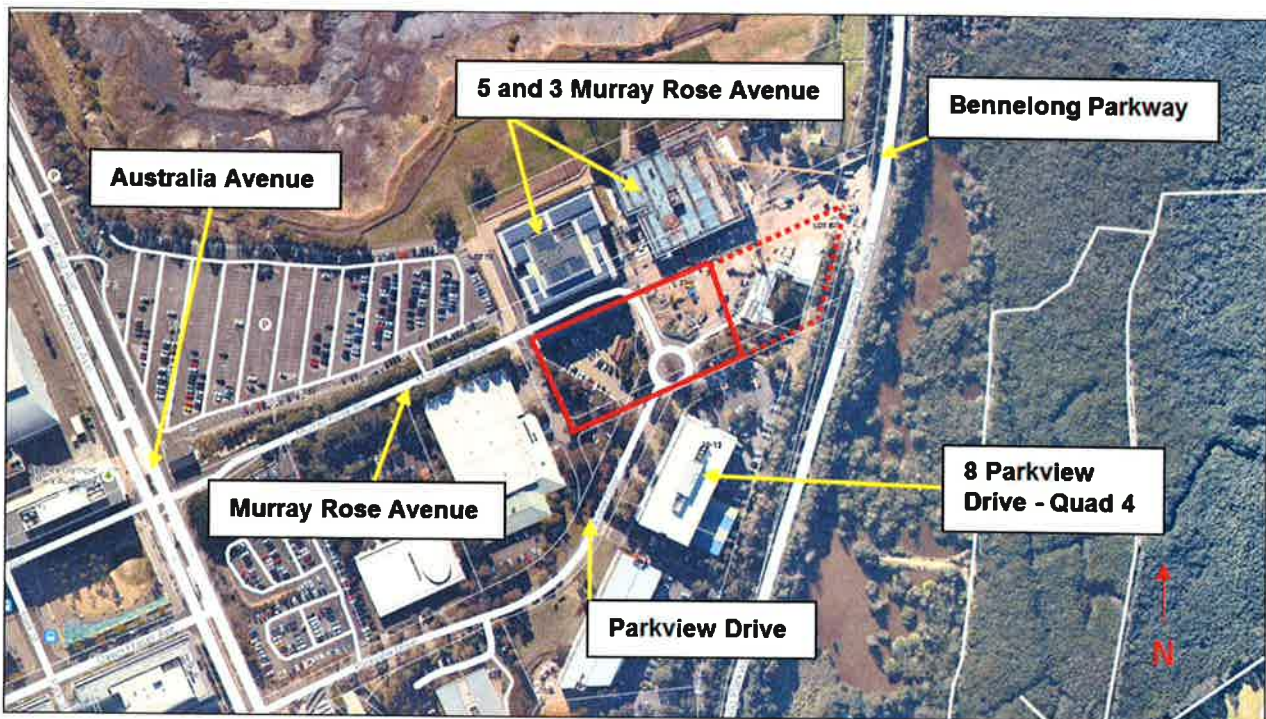


Figure 1: Site Location (site bounded in **red line** and No. 2 Murray Rose Avenue shown dotted)

The subject site has an area of 5,014 sq.m and forms part of a larger parcel identified as Site 60B in the SOP Master Plan 2030 (**Figure 2**).

The northern boundary of the site is formed by Murray Rose Avenue and its future eastern extension to Bennelong Parkway (**Figure 2**). To the immediate north of the site is an existing commercial building at No. 5 Murray Rose Avenue, and a commercial building under construction at No. 3 Murray Rose Avenue (**Figure 1**).

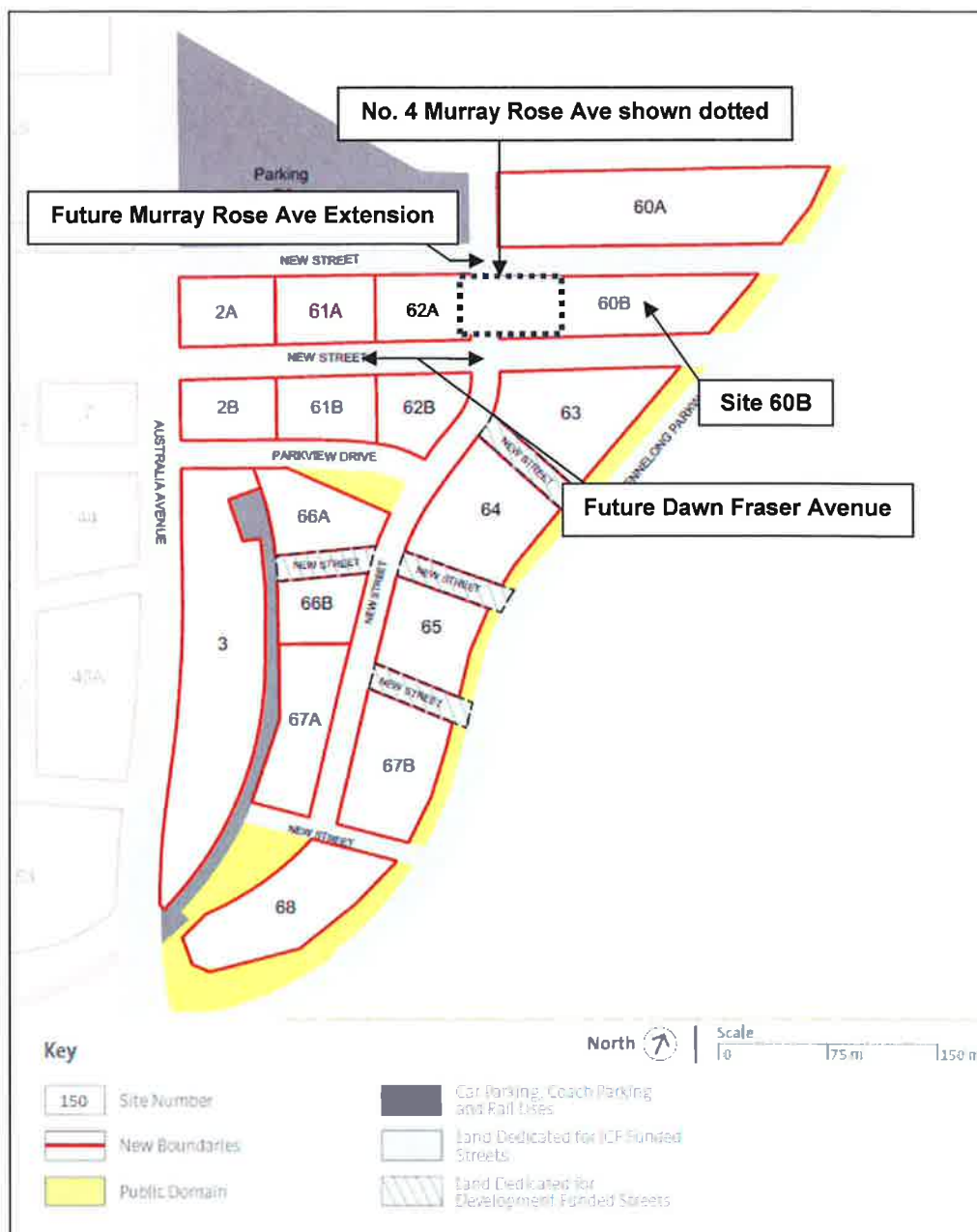


Figure 2: SOPA Master Plan 2030 Figure

The southern boundary of the site will be formed by the future Dawn Fraser Avenue between Bennelong Parkway to the east and Parkview Drive to the west (**Figure 2**). Land to the immediate south of the site contains an existing commercial building known as 'Quad 4' No. 8 Parkview Drive.

The adjoining land to the east at No. 2 Murray Rose Avenue contains an at-grade parking area adjoining Bennelong Parkway. To the east of Bennelong Parkway are the wetlands and parklands associated with Bicentennial Park.

The adjoining land to the west contains an existing warehouse and hardstand parking areas at No. 6 Murray Rose Avenue. The future extension of Parkview Drive to Murray Rose Avenue will form the western boundary of the site.

1.2 Sydney Olympic Park Master Plan 2030

The SOP Master Plan sets out the planning controls to guide future development at SOP. The Sydney Olympic Park Authority (SOPA) is the agency responsible for managing the future development of SOP in accordance with the SOP Master Plan. The subject site is located in the Parkview Precinct which is an emerging mixed use, commercial and residential neighbourhood at the eastern edge of the town centre adjoining the parklands (**Figure 2**).

1.3 State Significant Development Approval

On 16 September 2014, a State Significant Development application was approved under delegation for the construction of a six-storey commercial building on the subject site at 4 Murray Rose Avenue. Consent was granted for:

- demolition of the remaining hardstand car parking area;
- construction of a six storey commercial building comprising approximately 15,712m² of gross floor space;
- construction of three levels of underground parking beneath the building with 287 car parking spaces; and
- associated landscaping and tree removal.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 5 January 2015, the Applicant lodged an application under section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSD 6076. The proposed modification seeks approval for the:

- relocation of the car park entry/exit from Murray Rose Avenue to Dawn Fraser Avenue;
- relocation (and reconfiguration) of the loading dock, garbage facilities, switch room, back-of-house corridor, staff amenities and fire services from Ground Level to Basement Level 1;
- provision of two additional tenancies at Ground Level;
- provision of 523m² of additional gross floor area (GFA) at Ground Level for commercial use to accommodate office and retail premises;
- relocation of the bicycle store at Ground Level from the south-western corner of the building to be centrally located adjacent to the change room facilities that allows for direct bicycle access off Dawn Fraser Avenue;
- inclusion of a plant mezzanine level above Basement Level 1 and below Ground Level;
- refinement of the south-eastern façade (i.e. fronting Dawn Fraser Avenue) and extension of part of the northern façade to the east by 200 mm at Levels 2 to Level 5 to accommodate the above façade changes;
- reduction of 25 car spaces and addition of 3 motorcycle spaces within the basement car park;
- addition of 5 bicycle spaces and 3 visitor bicycle spaces;
- amendments to the landscape design plans including the provision of a new 'lawn terrace' and a revised through-site link design on the eastern boundary of the site; and
- addition of a temporary accessible pathway through the Paddock Park.

The proposed modifications are illustrated in **Figure 3** to **Figure 6** below.

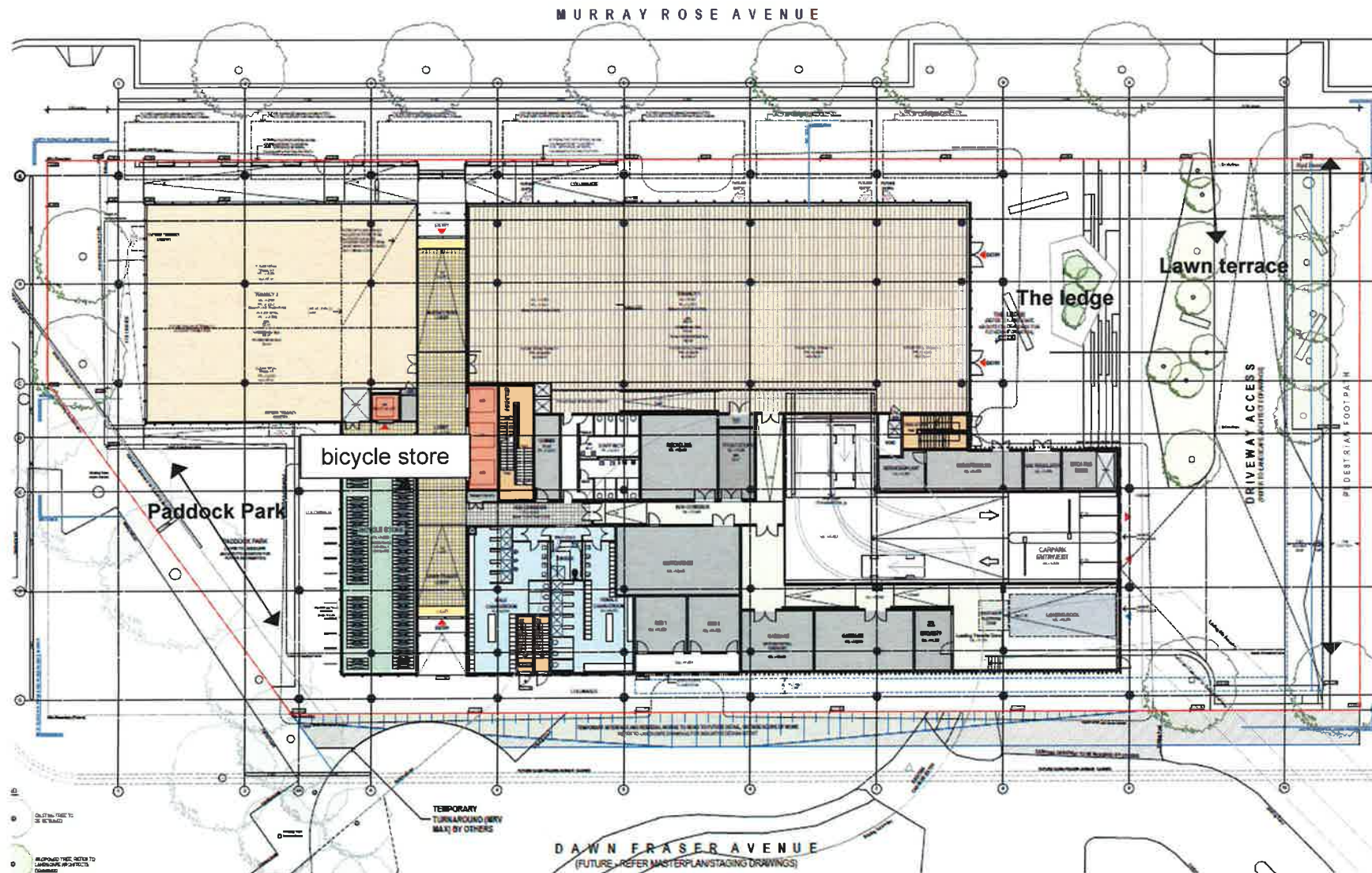


Figure 3: Approved ground floor plan of commercial building

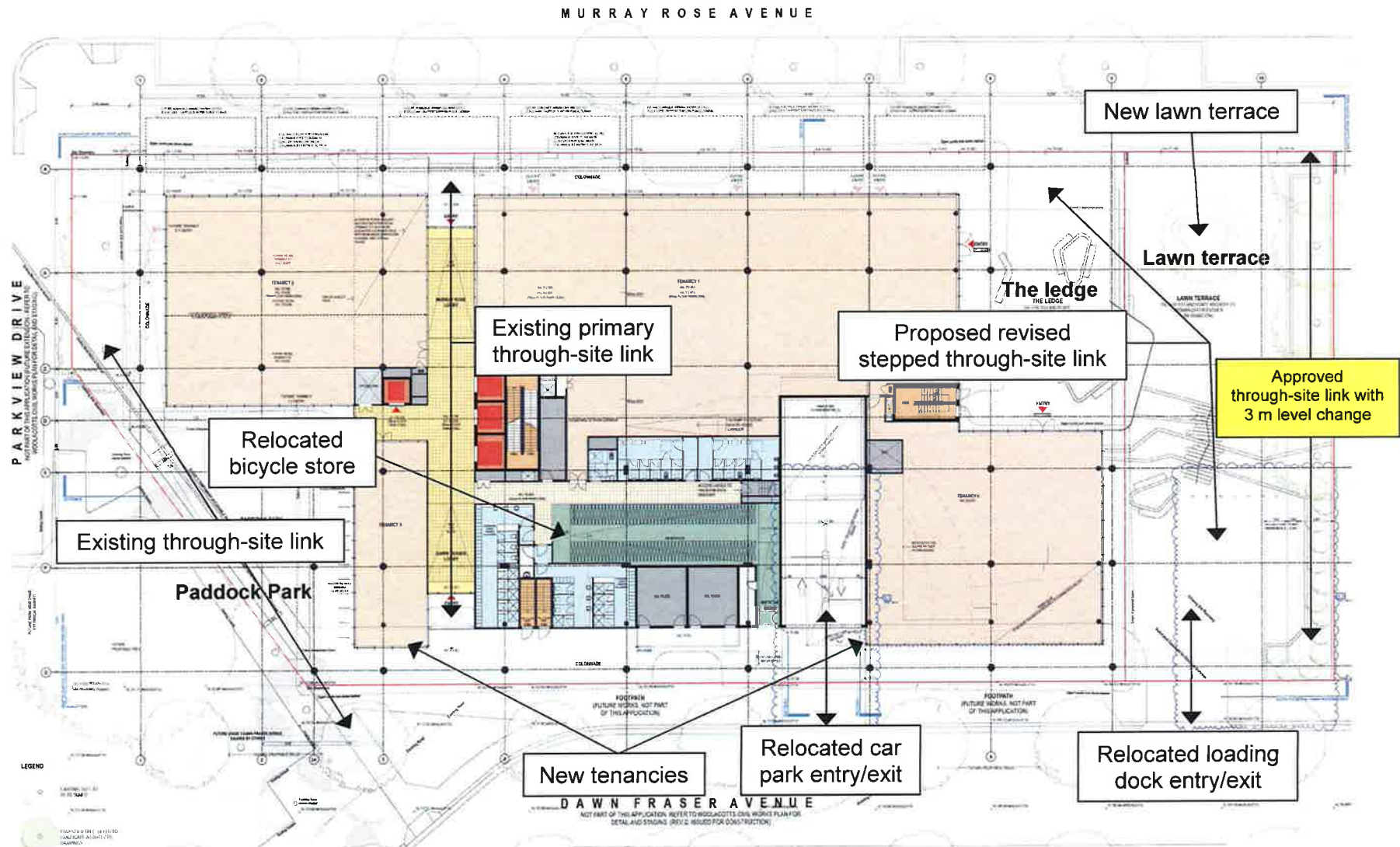


Figure 4: Proposed ground floor plan of commercial building



Figure 5: Modified northern elevation of commercial building



Figure 6: Photomontage of the commercial building when viewed from the north-west

2.2 Justification

The Applicant has advised the Department that the proposed modification:

- is needed to integrate the design of the commercial building with SOPA's final road layout for Dawn Fraser Avenue; and
- would not result in any new environmental or amenity impacts on neighbouring properties.

3. STATUTORY CONTEXT

3.1 Modification of Approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications which seek modifications to approvals:

1. *That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

The proposal is substantially the same development for which consent was originally granted because the proposal (as modified):

- would not result in any new environmental or amenity impacts; and
- would not materially change the height, bulk or scale of the approved development.

2. *That it has consulted with the relevant Minister, public authority or approval body for required integrated approvals and an objection has not been received.*

The approved development did not require any integrated approvals.

3. *It has notified the application in accordance with the regulations.*

Refer to **Section 4** of this report.

4. *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Refer to **Section 4.1** and **Section 5** of this report.

5. *It has considered the matters referred to in section 79C (1) of the EP&A Act as are of relevance to the development the subject of the application.*

The Department has considered all relevant matters for consideration under section 79C(1) of the EP&A Act in its assessment of the proposal as outlined in this report.

3.2 Environmental Planning Instruments

Under section 79C of the EP&A Act, the consent authority is required to take into account the relevant provisions of any State Environmental Planning Policy or Environmental Planning Instrument (EPI) that applies to the carrying out of the proposal. The following EPIs apply to the carrying out of the proposal:

- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);*
- *State Environmental Planning Policy (Major Development) 2005 (MD SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Sydney Harbour Catchment) 2005; and*
- *Sydney Olympic Master Plan 2030.*

The Department undertook a comprehensive assessment of the redevelopment against the above EPIs in its original assessment. The Department is satisfied that the proposal, as modified generally complies with the above EPIs.

3.3 Permissibility

The development is permissible with consent and the subject modification does not give rise to any permissibility issues.

3.4 Consent Authority

The Minister for Planning is the consent authority for the application. However, under the delegation dated 16 February 2015, the Acting Director, Regional Assessments can determine the application as:

- the council has not made an objection; and
- a political disclosure statement has not been made; and
- there have been no public submissions in the nature of objections.

4. CONSULTATION

The application was notified in accordance with the *Environmental Planning and Assessment Regulation 2000*. After accepting the Statement of Environmental Effects (SEE) for the proposal, the Department:

- made the application and SEE publicly available from **Thursday 5 February 2015** until **Thursday 19 February 2015**;
 - on the Department's website; and
 - at the **Auburn Council's** Civic Precinct Centre.
- notified Auburn Council and the Sydney Olympic Park Authority by letter; and
- provided public notices in the Sydney Morning Herald, the Daily Telegraph and the Auburn Review on **Wednesday 4 February 2015**.

The application was also referred to all members of the public who made a submission on the original application for 14 days.

A summary of all submissions received is outlined below.

4.1 Public Authorities

Table 1: Agency submissions on the proposed modification

| |
|---|
| Auburn City Council (Council) |
| <ul style="list-style-type: none"> • Council requested that car parking design comply with the relevant Australian Standards. • Council requested that service vehicle loading and deliveries occur within the site, recommended minimum overhead clearances for trucks of 4.5 m in the basement and requested that sufficient manoeuvring space is available in the basement to allow vehicles to enter and exit in a forward direction. • Car parking provision should be in accordance with the rates in the RMS's <i>Guide for Traffic Generating Developments</i>. Council also noted that additional commercial floor space is proposed despite a proposed reduction in car parking. |
| Sydney Olympic Park Authority (SOPA) |
| <ul style="list-style-type: none"> • SOPA supports the application because the modified design would better integrate into the final street design of Dawn Fraser Avenue. • However, SOPA made a number of design recommendations in relation to driveway levels, driveway materials and finishes, pavement levels, pedestrian safety and through-site/pedestrian links. |

4.2 Public Submissions

No public submissions were received.

4.3 Response to Submissions

On 19 May 2015, the Applicant lodged a response to submissions report (RtS) to address the issues raised by Council and SOPA (**Appendix B**). This response has been made publicly available on the Department's website and was forwarded to the relevant public authorities for comment for 14 days.

SOPA did not support the public domain plans in relation to the following issues:

- conflict with access to the loading dock from Dawn Fraser Avenue;
- formalise the through-site pedestrian link (recommended minimum of 1.8 metre pathway) connecting Murray Rose Ave to Dawn Fraser Avenue;
- compliance with the relevant DDA standards for the primary building entrance and the Murray Rose Avenue colonnade;
- a portion of the integral seating to be provided at the base of the colonnade is to include specific elements; and
- the level of amenity proposed for the Paddock Park Temporary Space.

The Applicant liaised directly with SOPA regarding these issues and has submitted revised plans and additional information to address SOPA's concerns. SOPA has confirmed that the changes address its issues subject to a recommended condition that requires associated Landscaping drawings to be amended to reflect the details in the revised Ground Level Plan. The Department supports SOPA's recommended conditions.

Council did not comment on the RtS.

5. CONSIDERATION OF PROPOSED MODIFICATION

The Department considers the key issues for the proposed modification are:

- increased GFA ;
- urban design; and
- parking.

Other issues that are considered to be minor are assessed in **Table 2, Section 5.4**.

5.1 Increased GFA

The proposed modification seeks approval for internal changes which primarily relate to the relocation and reconfiguration of the loading dock, garbage facilities, switch room, back of house corridor, staff amenities and fire services from the Ground Level to Basement Level 1. This would facilitate the provision of the additional commercial and retail tenancies on the ground floor.

The proposed changes would increase the total gross floor area (GFA) of the building by 523m² to a total of 16,235m². The proposed changes represent a 3.3% increase in GFA and a minor increase in floor space ratio (FSR) from 1.74 to 1.75:1 for the entire site.

The Department has considered the potential impacts associated with the minor increase in GFA and considers that the proposed modification is acceptable as:

- the proposal complies with the maximum FSR of 2.5:1 for the site;
- the addition of the two retail/commercial tenancies on the Ground Floor would improve the street activation along Dawn Fraser Avenue;
- the proposed changes do not result in changes to the overall height, bulk, scale or external appearance of the approved development; and
- no additional amenity impacts on neighbouring properties would occur.

It is also noted that SOPA and Council did not raise any concerns with the proposed increased GFA. The Department is therefore satisfied that the proposed additional GFA is acceptable.

5.2 Urban Design

Key external changes to the approved commercial building which have the potential to impact on the quality of urban design include:

- the relocation of the car park entry/exit from Murray Rose Avenue to Dawn Fraser Avenue;
- the provision of the additional commercial and retail tenancies on the ground floor; and
- a minor refinement of the south-eastern façade (i.e. fronting Dawn Fraser Avenue) and extension of part of the northern façade to the east by 200mm at Levels 2 to Level 5 that is to accommodate the changes proposed as part of this application (**Figure 5**).

The approved commercial building was designed in consultation with SOPA's Design Review Panel, and it was subject to a design excellence competition held by the Applicant in 2012 for a group of buildings along Murray Rose Avenue, including commercial buildings at No. 5 and No. 3.

The Department considers that the proposed changes are minor in nature and would not substantially alter the approved design which continues to represent a high quality commercial building. The modified building design continues to incorporate appropriate solar access, natural light and ventilation, communal outdoor areas and access to/maintenance of view corridors. Further, the replacement of the building services on the Ground Floor with the addition of the two retail/commercial tenancies would result in an improved urban design outcome for Dawn Fraser Avenue.

Council did not raise any concerns in relation to the proposed changes and SOPA advised that it supports the proposed modification because it would better integrate into the final street design of Dawn Fraser Avenue (**Section 4**).

Given the above, the Department's assessment concludes that the proposed modification would improve the urban design quality of the approved development.

5.3 Parking

Car Parking

The approved development provided 287 car parking spaces on the subject site, which equates to one space per 55 m² of GFA. This rate exceeds the SOP Master Plan 2030 controls which require a maximum of 1 space per 80 m² (i.e. 196 spaces).

The proposed modification would result in the provision of 262 car parking spaces which is 25 spaces less than the approved development. As a result of the additional floor space, car parking is now proposed to be provided at the rate of one space per 62 m² of GFA.

Council considered car parking provision should be in accordance with the rates in the RMS's *Guide for Traffic Generating Developments* which would require approximately 393 car parking spaces (1 per 40m² of GFA).

However, the Department considers that the quantum of car parking required under the RMS guideline is not warranted in the context of development at SOP because:

- the modified car parking ratio of one space per 62 m² of GFA, would more closely align with the SOP Master Plan 2030 controls (which is the primary document guiding development on the site) than the approved development; and
- the modified car parking ratio would also be consistent with the SOP Master Plan 2030 Transport Strategy which recommends that commercial private parking be decreased over time to encourage the use of public transport.

The Department also notes that the site is supported by good public transport services, including access to the Sydney Olympic Park Railway Station, which is located approximately 300 metres from the subject site, and four metropolitan bus services with stops located approximately 350 metres from the site. The Department therefore supports the reduced car parking rate and recommends the modification to the consent to require the provision of 262 car parking spaces.

The Department also notes that Council requested the car parking design comply with the relevant Australian Standards. In the RTS, the Applicant confirmed that the layout of the loading dock and car park would comply with AS 2890 – *Parking Facilities*. Existing conditions also require the layout and design of the car parking areas to be in accordance with AS 2890.

The Department therefore concludes that the proposal is acceptable in terms of parking.

Motorbike and Bicycle Parking

The proposed modification would result in the provision of 3 additional motorbike spaces and 7 additional bicycle spaces. The Department supports the minor increase in motorbike and bicycle spaces as it provides alternative transport modes for employees and visitors in the building.

5.4 Other Issues

Table 2: Assessment of Other Issues

| Issue | Consideration | Recommendation |
|---|--|--|
| <i>Public Domain Access and Pedestrian Safety</i> | <ul style="list-style-type: none"> • SOPA initially raised concerns about: <ul style="list-style-type: none"> ○ potential pedestrian safety conflicts with vehicles at the loading dock entry and car park entrance; ○ driveway levels, pavement, materials and finishes; ○ formalising the through-site pedestrian link (recommended minimum of 1.8 metre pathway) connecting Murray Rose Avenue to Dawn Fraser Avenue; ○ compliance with the relevant DDA standards for the primary building entrance and the Murray Rose Avenue colonnade; and ○ the level of amenity proposed for the Paddock Park Temporary Space. • The Applicant liaised directly with SOPA regarding these issues and has submitted revised plans and additional information to address SOPA's concerns. • SOPA has confirmed that the changes address its issues subject to a recommended condition that requires associated Landscaping drawings to be amended to reflect the details in the revised Ground Level Plan. | The Department has recommended a condition requiring the landscape plans to be amended to the satisfaction of SOPA's General Manager to reflect the Ground Level drawing (SK104.A - 09.06.15). |

| Issue | Consideration | Recommendation |
|------------------|--|---|
| Service vehicles | <ul style="list-style-type: none"> The Department supports SOPA's suggested condition and has included it as a recommended condition of approval. Council requested that: <ul style="list-style-type: none"> service vehicle loading and deliveries occur within the site; a minimum overhead clearances of 4.5 metres provided for Medium Rigid Vehicles (MRV); and requested that sufficient manoeuvring space is available in the basement to allow vehicles to enter and exit in a forward direction. The Applicant confirmed that: <ul style="list-style-type: none"> the loading dock, swept paths and car park layout comply with the Australian Standards and has been designed to cater for MRVs; while the clearance height would be 3.985 metres, vehicles servicing the site would be made aware of the maximum height of the loading dock through the use of appropriate warning gauge signage and flexible barriers in accordance with AS 2890.2. it is unlikely that vehicles as large as an MRV will require access to the site/loading dock once completion of the first fit out of the development has occurred. Based on the additional information provided by the Applicant, the Department is satisfied that the proposed loading dock design and height clearance is sufficient. The Department notes that existing condition F5 requires all vehicles using the loading dock to enter and exit in a forward direction. The Department has also amended existing condition F1 requiring all vehicles to enter and exit the basement from Dawn Fraser Avenue in a forward direction. | The Department has recommended a modified condition requiring all vehicles entering and exiting the basement do so in a forward direction (Condition F1). |

6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 96 (2) and section 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items, subject to conditions.

The Department supports the proposed modification because it would:

- allow the design of the commercial building to integrate with SOPA's final road layout for Dawn Fraser Avenue;
- result in positive impacts on landscaping and the public domain; and
- not result in any new environmental or amenity impacts.

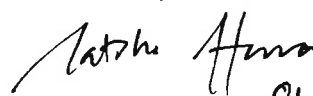
It is therefore recommended that the modification application be approved, subject to conditions.

7. RECOMMENDATION


It is recommended that the Acting Director, Regional Assessments:

- consider** the findings and recommendations of this report;
- approve** the modification under delegated authority, subject to condition; and
- sign** the attached Instrument of Modification for SSD-6076 MOD 1 (**Appendix A**).

Endorsed by:


Natasha Harras
Team Leader
Regional Assessments
01.07.2015

Approved by:


Anthony Witherdin
Acting Director
Regional Assessments
1.7.2015

APPENDIX A NOTICE OF MODIFICATION

APPENDIX B SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Statement of Environmental Effects

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6885

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6885

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6885