

State Significant Development Application 6076_ Mod 2 Section 96(1A) Modification Application



4 Murray Rose Avenue, Sydney Olympic Park

Commercial Development

Submitted to NSW Department of Planning & Environment
On Behalf of GPT RE Limited

February 2017 ■ 16705

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This report has been prepared by:

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Belinda Thomas

2/02/2017

This report has been reviewed by:

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Claire Burdett

2/02/2017

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to the NSW Department of Planning & Environment (DP&E) in support of a Section 96(1A) application to modify State Significant Development consent SSD_6076 relating to the construction of a six-storey commercial building, with three levels of basement parking and associated landscaping and tree removal, at 4 Murray Rose Avenue, Sydney Olympic Park.

This Section 96(1A) application seeks approval for minor internal and external improvements to the approved development as detailed in Section 3 of this report. These have been made following further design development and in recognition of the requirements of the future tenant for the building - the Rural Fire Service.

This SEE has been prepared by JBA on behalf of GPT RE Limited (GPT) and is based on the Architectural Drawings provided by Turner (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the proposed modifications to the approved design, sets out the proposed amendments to the development consent conditions, and provides an assessment of the environmental impacts of the proposed changes. It should be read in conjunction with the documentation that accompanied the original State Significant Development Application, and the Section 96(2) Modification Application dated December 2014.

1.1 Background to the project and Statutory Context

4 Murray Rose Avenue is a portion of a larger site formerly known as 7 Parkview Drive, Sydney Olympic Park. During 2007 a Master Plan was prepared by GPT RE Limited for the 7 Parkview Drive site which envisaged three commercial/retail buildings and two residential buildings with a total gross floor area in the order of 61,200m² arranged around extensions to Murray Rose Avenue and Dawn Fraser Avenue.

At the time that the 7 Parkview Drive project was initiated, *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) identified development to which Part 3A of the EP&A Act applied and which therefore required approval from the Minister for Planning ('the Minister'). Under Part 23 Clause 5 of Schedule 3 of the SEPP, development within Sydney Olympic Park that had a capital investment value of more than \$10 million was a project to which Part 3A of the EP&A Act applied.

The provisions then in force required the proponent to seek the opinion of the Minister as to whether the project was of a kind to which Part 3A of the EP&A Act applied (in accordance with Section 75A of the EP&A Act and Clause 6 of the Major Development SEPP).

On 23 October 2008, the Director-General of the Department of Planning, as delegate of the Minister for Planning, formed the opinion that the proposed commercial, residential and community/retail development of 7 Parkview Drive was of a kind described in Schedule 3 and declared it to be a project to which Part 3A of the EP&A Act applied for the purposes of Section 75B of the EP&A Act. It also authorised the submission of a Concept Plan for the whole site and Project Application for Building A (now known as 5 Murray Rose Avenue).

In December 2009, the proponent lodged an EAR for a Project Application (MP07_0157) for Building A (now known as 5 Murray Rose Avenue). On 14 October 2010, the Planning Assessment Commission approved the Project Application in accordance with Section 75(J) of the EP&A Act. This building has now been completed and is occupied.

On 10 March 2010, the Sydney Olympic Park Master Plan 2030 (MP 2030) was announced by the NSW Government and came into effect. MP 2030 incorporated the 7 Parkview Drive site into the Parkview Precinct, one of nine precincts identified within the Plan.

MP 2030 includes development controls and guidelines for each precinct. The precinct controls provided in MP 2030 were taken to be a Concept Plan for the 7 Parkview Drive site, and therefore the authorisation to submit a Concept Plan was subsequently revoked.

In October 2012, the proponent lodged an EAR for a Project Application (MP11_0082) for Building B (now known as 3 Murray Rose Avenue). On 30 April 2013, the Department of Planning & Infrastructure approved the Project Application in accordance with Section 75(J) of the EP&A Act. This building is constructed and occupied.

1.2 Approved State Significant Development SSD_6076

On 1st October 2011, Part 3A of the EP&A Act and associated parts of the Major Development SEPP were repealed. Consequently, significant and large scale development was brought into Part 4 of the EP&A Act and *State Environmental Planning Policy (State and Regional Development 2011)* (SRD SEPP) was gazetted by the DP&E. The SRD SEPP identifies, amongst other things, development which is State Significant Development, State Significant Infrastructure and critical State Significant Infrastructure.

Under Schedule 2 of SRD SEPP, development at Sydney Olympic Park with a capital investment value (CIV) of more than \$10 million is declared as State Significant Development (SSD). Following a request submitted pursuant to Section 75(F) of the EP&A Act, the DP&E issued Director-General's Requirements (DGRs) for the 4 Murray Rose Avenue development on 1st August 2013.

In January 2014 State Significant Development Application SSD_0676 (SSDA) was submitted to the then Minister for Planning and was publicly exhibited between 19 February 2014 until 21 March 2014. A Response to Issues Report, which included amended plans, was submitted in June 2014 and the development was approved by the DP&E, under delegation, on 16 September 2014.

The approved State Significant Development (approved SSD) comprised the following:

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

1.2.1 Modification 1

In December 2014, an application was submitted to modify the Minister's approval of SSD 6076 for the commercial development. The application sought several amendments to the approved design following further design development and the need to integrate the building design with SOPA's finalised road layout for Dawn Fraser Avenue.

A Response to Submissions report was submitted in May 2015 and the application was approved on 1 July 2015.

The modified description of development (as approved under SSD 6076_MOD1) is summarised as follows:

- demolition of the remaining hardstand car parking area;
- construction of a six-storey building comprising approximately 16,235m² of gross floor area;
- construction of three levels of parking beneath the building with 262 car parking spaces; and
- associated landscaping and tree removal.

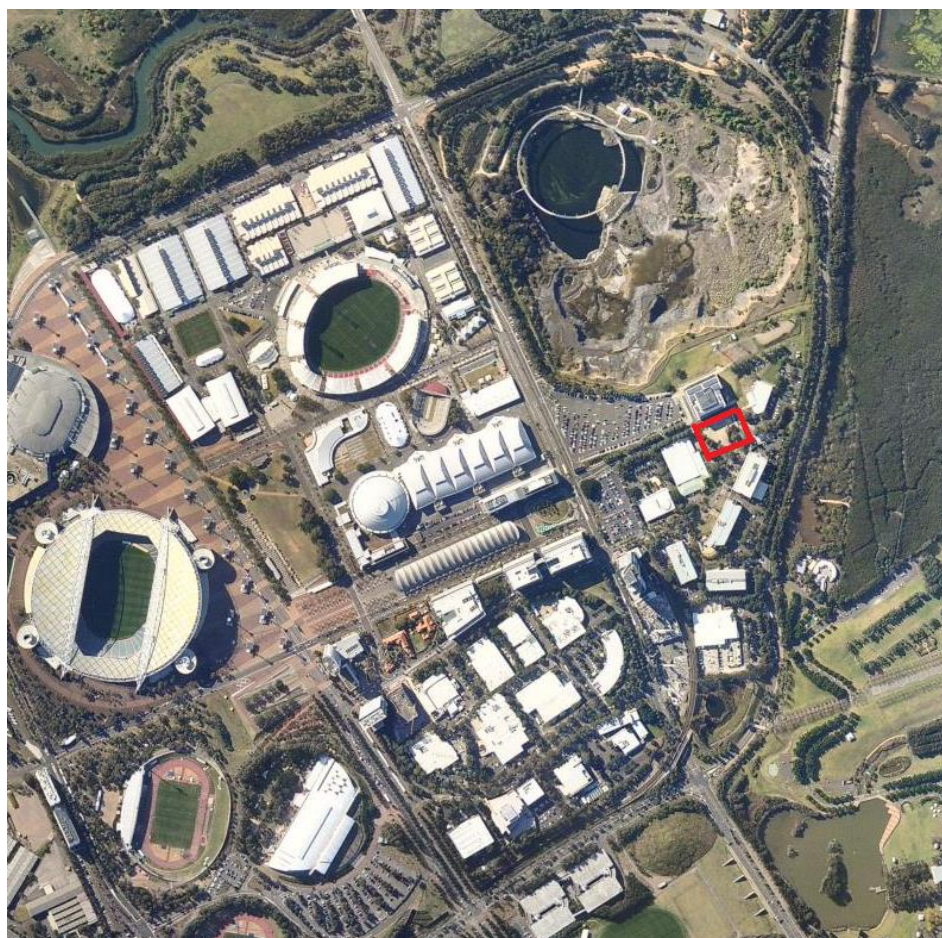
2.0 The Site

The 4 Murray Rose Avenue site is located within northern portion of the Parkview Precinct as defined by the Sydney Olympic Park Master Plan 2030 shown in **Figure 1**. An aerial view of the site in the wider context of Sydney Olympic Park is provided at **Figure 2**.

The site is legally described as part Lot 88 in DP870992 and is owned by GPT RE Limited. It has an area of approximately 5,014m². The site is currently occupied by a hardstand area that is used for car parking, and part of the existing cul-de-sac head of Park View Drive.



Figure 1 – MP 2030 Precincts
Source: MP 2030



The Site

Figure 2 – Aerial photograph of the site and existing context

Source: NearMap and JBA

2.1.1 1-5 Murray Rose Avenue

MP 2030 envisages a total of three commercial buildings and two residential buildings at 1-5 Murray Rose Avenue. Whilst the original Concept Plan for the Precinct envisaged a total of 61,200m² gross floor area across the five buildings, MP 2030 does not explicitly include a maximum floor space provision for 1-5 Murray Rose Avenue. Notwithstanding this, the indicative floor space under the Concept Plan and subsequent approvals for 1-5 Murray Rose Avenue is set out in **Table 1**.

Table 1 – Summary of indicative concept for 1-5 Murray Rose Avenue

Building	Use	Height (Storeys)	Approximate GFA (m ²)
1 Murray Rose Avenue	Residential	4-8	10,500
2 Murray Rose Avenue	Residential	4-8	8,500
3 Murray Rose Avenue	Commercial	5	13,736**
4 Murray Rose Avenue	Commercial	5	16,235*
5 Murray Rose Avenue	Commercial	5	13,253**

* approved ** approved and built

2.1.2 Day 1 and Future Site Layout

As the Precinct, will continue to develop, 4 Murray Rose has been modified to suit both the existing and future site conditions. These are known as 'Day 1', being the time that the development is completed but before surrounding works are completed, and 'Future', relating to when the entire precinct has been redeveloped in accordance with the MP 2030. These conditions are shown in **Figures 3 and 4**.

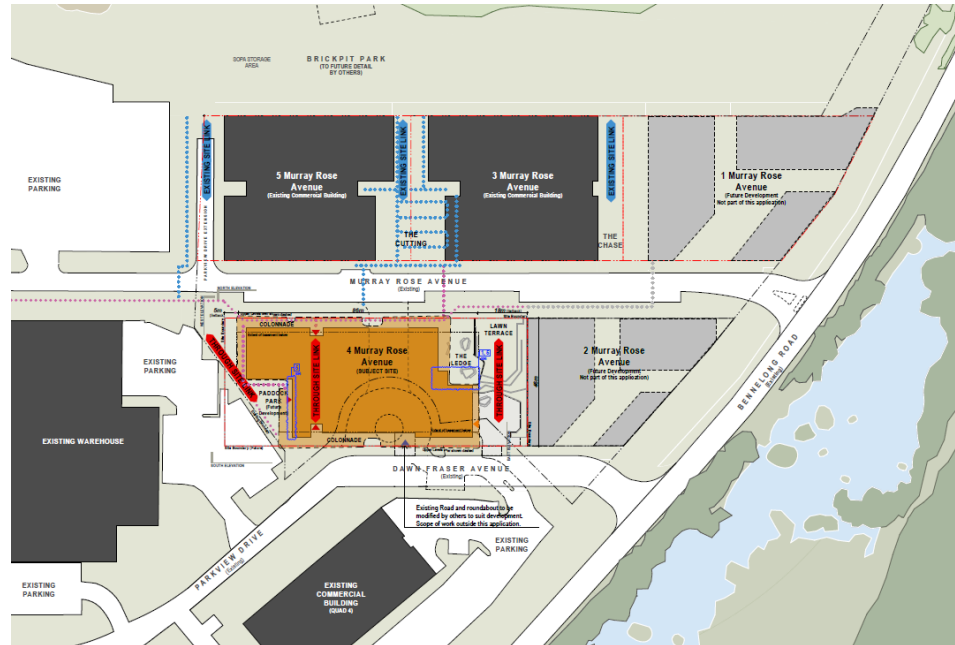


Figure 3 – 4 Murray Rose Avenue Master Plan – Day 1
Source: Turner

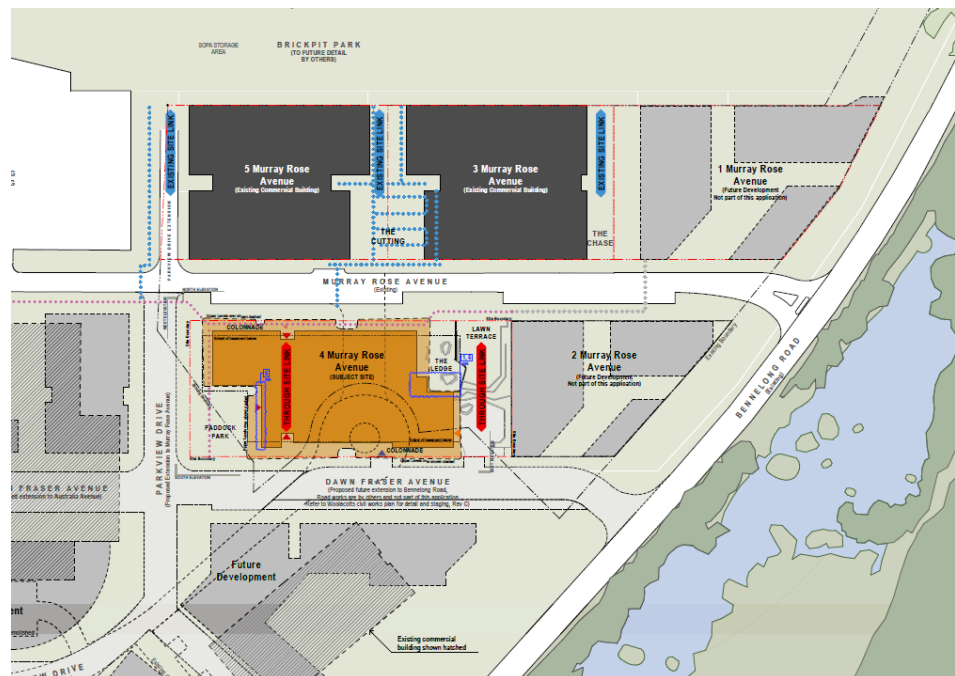


Figure 4 – 4 Murray Rose Avenue Master Plan - Future
Source: Turner

3.0 Proposed Modifications

This application seeks approval under Section 96(1A) of the EP&A Act to modify the approved SSD in line with the operational tenant requirements from the NSW Rural Fire Services who will be leasing part of the Ground Level and Levels 3-5. The scope of the modification application is addressed in the following sub-sections.

The key modifications proposed to the approved SSD are:

- reconfiguration of the carpark layout at Basement Levels 03 to 01 and inclusion of an additional lift and core;
- relocation of bicycle parking, male/female change rooms and grease arrestor and modification to waste rooms at Basement Level 01;
- a reduction of 24 car spaces and increase of 5 motorcycle spaces within the basement car park;
- an increase of 120m² of gross floor space for commercial use to provide a total of 16,355m²;
- modifications to lift cores and lobby, bathrooms and fire stairs to Ground Level to Levels 1-5 and Plant Level;
- reconfiguration of the Ground Level tenancies and incorporate additional male and female toilets, switch room, gas regulator, hydrant sprinkler room and substation;
- inclusion of a void between Levels 4 and 5 (Note: The void has been shown indicatively on plans EA108 and EA109 to represent the notional size and location of the void as the tenant fitout has yet to be finalised. The indicative area of the void of 464m² is included in the GFA);
- modification and extension of plant area and addition of new architectural roof element at Plant Level over the new void at Levels 4 and 5;
- amendments to the east and western façade to refine the development in accordance with the other design amendments; and
- extension of the footpath seating along the Murray Rose Avenue colonnade edge.

3.1.1 Project Overview

The modified description of the development is summarised as follows:

- demolition of the remaining hardstand car parking area;
- construction of a six-storey building comprising approximately 16,355m² of gross floor area;
- construction of three levels of parking beneath the building with 238 car parking spaces; and
- associated landscaping and tree removal.

3.2 Numerical Overview

Table 2 provides a comparison summary of the key development statistics of the proposed modification and the approved SSD.

Table 2 – Modification to key development statistics

Component	Approved SSD (including s96 mod 1)	Proposed Modification	Difference
Total GFA ¹	16,235m ²	16,355m ²	+120m ²
▪ Basement 03	-	14m ²	+14m ²
▪ Basement 02	-	-	-
▪ Basement 01	12 m ²	24 m ²	+12m ²
▪ Ground Level	1,655 m ²	1,629m ²	-26m ²
▪ Level 1	2,144 m ²	2,241m ²	+97m ²
▪ Level 2	3,106 m ²	3,091m ²	-15m ²
▪ Level 3	3,106 m ²	3,091m ²	-15m ²
▪ Level 4	3,106 m ²	3,106m ²	-
▪ Level 5	3,106 m ²	3,106m ²	-
▪ Mechanical reductions		53m ²	+53m ²
Overall FSR for 1-5 MRA precinct	2.52:1	2.52:1	No change
Maximum building height	27.8m	27.8m	No Change
Number of storeys	6 storeys		No Change
Building length	86m		No Change
Building depth	46m		No Change
Total car parking spaces	262	238	-124
▪ Basement 03	97	90	-7
▪ Basement 02	94	80	-14
▪ Basement 01	71	68	-3
Motorcycle spaces	16	21	+5
Bicycle spaces	105	106	+1
Bicycle spaces (visitor)	22	22	No Change

3.2.1 Architectural Design

The design of the proposed building has been refined in accordance with the operational requirements of the NSW Rural Fire Services whom will be leasing part of the building. Architectural Drawings prepared by Turner are located at **Appendix A** and an Architectural Design Statement is included at **Appendix B**.

¹ **Gross Floor Areas** means the sum of the floor area of each storey of the building measured from the internal face of external walls, or from the internal face of the walls separating the building from any other building, measured at a height of 1.4m above the floor and includes

- a) the area of a mezzanine within the storey;
 - b) habitable rooms in a basement;
 - c) any shop, auditorium, cinema, and the like, in a basement or attic;
- But excludes
- d) any area for common vertical circulation, such as lifts and stairs;
 - e) any basement: storage and vehicular access, loading areas, garbage and services;
 - f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting;
 - g) car parking to meet any requirements of the Consent Authority (including access to that car parking);
 - h) any space used for the loading or unloading of goods (including access to it);
 - i) terraces and balconies with outer walls less than 1.4m high; and
 - j) voids above a floor at the level of a storey or storey above.

The modified design does not seek to alter the bulk or scale of the approved building envelope rather, it only proposes minor reconfiguration works as described below.

Basements 03, 02 and 01

The revised design proposes minor reconfiguration of the layout of all three basement levels including the provision and positioning of lift cores and pits, fire stairs and circulation area. A minor adjustment to the number of spaces provided at each level as described in **Table 2** is also proposed. Furthermore, bicycle parking and male/female change rooms have been relocated from Ground Level to Basement 01.

Plant Mezzanine

At the Plant Mezzanine Level the only amendments relate to lift core and fire stairs.

Ground Level

At Ground Level, the amendments relate to:

- lift core and fire stairs;
- modification of the layout of the tenancies increasing from 4 to 5 tenancies;
- provision of an additional set of male and female toilets,
- inclusion of switch room, gas regulator, hydrant sprinkler room and substation;
- provision of a secure lift lobby to provide access to Levels 3-5 only; and
- an extension of the footpath seating along the Murray Rose Avenue colonnade edge.

Level 1

At Level 1, the amendments relate to lift core, fire stairs and an exhaust fan.

Levels 2-4

At Levels 2-4 the amendments relate to lift cores, lobby, bathrooms and fire stairs.

Level 5

At Level 5 the amendments relate to lift core and fire stairs and the inclusion of a void in the roof of Level 4 and within Level 5.

Plant Level

At Plant Level the modifications include the relocation of the plant area to reflect lift core changes and the addition of a new architectural roof element over the new void area at Levels 4 and 5.

3.2.2 Gross Floor Area

The proposed GFA of 16,355m² is an increase of 120m² (+0.7%) to the approved GFA (16,235m²). There is no change to the overall FSR for the 1-5 Murray Rose Avenue site which remains at 2.52:1.

3.2.3 Building Height, Length and Depth

No change is proposed to the maximum building height, length or depth.

3.2.4 External Materials and Finishes

No amendments are proposed to the materials and finishes for the development (refer to **Appendix A**).

3.2.5 Proposed Use

No amendment is proposed to the approved commercial use (i.e. business, office and retail premises) of the building.

3.2.6 Landscaping and Public Domain

The landscape design at The Ledge, Lawn Terrace and the transition down to Dawn Fraser Avenue has been revised to ensure an integrated approach to the modified building design.

3.2.7 Pedestrian Circulation and Access

The pedestrian entry from Paddock Park into the lobby area is to be relocated. Furthermore, two additional lifts are to be included to provide specific lift access for use solely by tenant(s) of Levels 3 to 5.

3.2.8 Vehicular Access and Parking

The modifications proposed within this application has resulted in the reconfiguration of the car parking layout and relocation of the bicycle storage area from Ground Level to Basement 01. Cyclists will be able to access the bike storage area directly from the through site link and loading dock area.

In addition, as noted in **Table 2**, the proposed modifications result in the provision of 238 car spaces which is 24 less car spaces than the approved development. However, 5 additional motorbike spaces will be provided in the modified development.

There will be no alteration to the access to the basement.

3.2.9 Ecologically Sustainable Development

The modified design continues to incorporate all the initiatives included in the approved SSD to achieve ESD and a minimum performance of 5 Stars under the Green Building Council of Australia Green Star Office Design (v3) rating system and 5 Star NABERS rating for both water and energy performance.

3.2.10 Demolition, Excavation and Bulk Earthworks

The proposed modifications do not amend the demolition, excavation or bulk earth works as set out within the approved SSD.

3.2.11 Tree Removal

No additional trees are to be removed as a result of the proposed modifications.

3.2.12 Stormwater Drainage

The proposed modifications do not amend the stormwater drainage system for the development.

3.2.13 Utilities and Services

The modified development will be connected to the available services to the site, in accordance with the requirements of the relevant service providers.

3.3 Proposed Modification to the Approval

The proposed modifications described above necessitate amendments to the approved conditions. The proposed amendments are identified below. Where relevant, the conditions have been restated and words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in **bold italics**.

A2. Terms of Consent

The applicant shall carry out the project generally in accordance with the:

- a) State Significant Development Application SSD 6076;
- b) Environmental Impact Statement prepared by JBA Planning dated February 2014;
- c) Response to Submissions prepared by JBA Planning dated June 2014;
- d) The conditions of this consent;
- e) The Section 96 Modification Application (MOD1) dated December 2014;
- f) ***The Section 96 Modification Application (MOD2) dated November 2016;***
and
- g) The following drawings, except for:
 - (i) any modifications which are Exempt or Complying Development;
 - (ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Turner			
Drawing No.	Revision	Name of Plan	Date
EA000	<i>U</i>	Cover Page	30 Jan 17
EA001	<i>J</i>	Site Analysis	27 Jan 17
EA002	<i>J</i>	Master Plan Day 1	27 Jan 17
EA003	<i>J</i>	Master Plan Future	27 Jan 17
EA004	<i>G</i>	Demolition Plan	21 Nov 16
EA005	<i>G</i>	Context Elevation North & South	27 Jan 17
EA006	<i>G</i>	Context Elevation East & West	27 Jan 17
EA007	<i>D</i>	Photomontages	17 Jan 17
EA008	<i>G</i>	Infrastructure Plan	21 Nov 16
EA100	<i>J</i>	Site/ Roof Plan	30 Jan 17
EA101	<i>V</i>	Basement 03	27 Jan 17
EA102	<i>V</i>	Basement 02	27 Jan 17
EA103a	<i>AB</i>	Basement 01	30 Jan 17
EA103b	<i>J</i>	Basement Plant Mezzanine	27 Jan 17
EA104	<i>AH</i>	Ground Level	30 Jan 17
EA105	<i>R</i>	Level 01	30 Jan 17
EA106	<i>L</i>	Level 02	27 Jan 17
EA107	<i>L</i>	Level 03	27 Jan 17
EA108	<i>R</i>	Level 04	27 Jan 17
EA109	<i>L</i>	Level 05	27 Jan 17
EA110	<i>N</i>	Plant Level	27 Jan 17
EA114	<i>K</i>	Area Schedule	27 Jan 17
EA300	<i>L</i>	North Elevation	30 Jan 17
EA301	<i>P</i>	East Elevation	30 Jan 17
EA302	<i>R</i>	South Elevation	30 Jan 17
EA303	<i>K</i>	West Elevation	27 Jan 17
EA400	<i>M</i>	Section A	30 Jan 17
EA401	<i>K</i>	Section B	30 Jan 17
EA403	<i>H</i>	Section D	27 Jan 17

Architectural (or Design) Drawings prepared by Turner			
Drawing No.	Revision	Name of Plan	Date
EA500	E	Shadow Analysis	17 Oct 16
EA501	C	Solar Analysis Study	16 May 14
EA700	C	Perspective View 01	16.05.14
EA701	C	Perspective View 02	16.05.14
EA800	C	External Materials & Finishes Board	02 Dec 14
EA810	N	Ground Level – Future Proposed	30 Jan 17
EA811	P	South Elevation – Future Proposed	30 Jan 17

The justification for the proposed modification to the Condition is set out below:

A2. Terms of Consent

In line with the modifications sought to the development, the amendments to Condition A2 are sought to ensure that the approval accurately lists all relevant documentation and plans.

B12. Number of Car and Motorbike Spaces

- a maximum of ~~262~~ **238** carparking spaces and ~~46~~ **21** motorcycle spaces are to be provided for the development in the basement. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- The layout and design of the car parking areas (including driveways, grades, turn paths, sight distance, aisle widths and lengths and parking bay dimensions) are to be in accordance with AS2890 parts 1,2 and 6.

The justification for the proposed modification to the Condition is set out below:

B12. Number of car and Motorbike Spaces

In line with the modifications sought to the development, the amendment to Condition B12 is sought to ensure that the maximum number of motorcycle spaces provided within the development is consistent with the number of spaces on the plans.

4.0 Assessment of Environmental Impacts

This section considers the planning issues relevant to the proposed modifications and contains our assessment of the associated environmental impacts. Section 96(1A) of the EP&A Act requires the consent authority to take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

Section 79C(1) of the EP&A Act states:

“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) The provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) any development control plan, and*
 - (iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

We discuss each of these matters in Section 4.1 and 4.2 below.

4.1 Section 79C(1)(a) Planning Instruments

The Environmental Impact Statement submitted with the original State Significant Development application addressed the proposed development’s level of compliance against the relevant planning instruments, including:

- Environmental Planning & Assessment Act 1979;
- NSW 2021;
- State Environmental Planning Policy (Major Development) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- A Plan for Growing Sydney
- Draft West Central Subregional Strategy; and
- Sydney Olympic Park Master Plan 2030.

The proposed modifications do not affect the proposed development’s level of compliance with the majority of the relevant planning instruments. However, it is considered necessary to re-examine the proposed development’s level of compliance with certain provisions within the Sydney Olympic Park Master Plan 2030 and the Draft Sydney Olympic Park Master Plan 2030 (2016 Review) which was issued by the Sydney Olympic Park Authority in June 2016.

4.1.1 Compliance with Sydney Olympic Master Plan

The modified development continues to be consistent with the provisions of the Sydney Olympic Master Plan 20130 in regards to the following general controls:

- Sustainability;
- Public Domain; and
- Landscaping and site.

Furthermore, the modified development is consistent with the controls in that:

- no change is proposed to the commercial use of the premises, whereby office, business and retail uses are permissible within the commercial land use category applicable to the site;
- the overall concept for the 4 Murray Rose Avenue site continues to be consistent with the building envelope controls stipulated in MP 2030 and results in a no change in the FSR for the entire 1-5 Murray Rose site; and
- the proposed amendments will not result in any additional impact on the capacity of the existing and proposed road network.
- the proposed design amendments do not alter the approved building envelope therefore, the proposed building will continue to be within the prescribed building zone;
- the modified building design improves solar access and access to natural light;
- no amendments are proposed to be approved building length or depth;
- car parking continues to be located beneath the building footprint;
- no amendments are being made to the approved floor to ceiling heights;
- minor amendments are being made to the approved rooftop service zone, the works will maintain a 3m setback from the parapet to minimise their visibility and size;
- Morris Goding Accessibility Consulting has undertaken a review of the modified development's compliance with the relevant accessibility provisions (refer to Section 4.2.3);
- MP 2030's parking controls require a maximum of 1 space per 80m² GFA. However, the approved car parking ratio for the site is 1 space per 55m² GFA. The car parking ratio resulting from the proposed modifications is 1 space per 1 space per 65m² GFA, which is more in line with the MP 2030 controls than the approved SSD. Notwithstanding this, the arguments for a car parking ratio within Sydney Olympic Park of 1 space per 55m² GFA, as set out within the approved SSD is considered appropriate until such time that the available public transport is significantly improved, whereby the tenant would not require as many parking spaces as staff would utilise the public transport.

4.1.2 Compliance with Draft Sydney Olympic Master Plan 2030 (Revision 2016)

The modified development is consistent with the provisions of the Draft Sydney Olympic Master Plan 2030 (Revision 2016) in regards to the following general controls:

- Landuse: no change is proposed to the commercial use of the premises, whereby office, business and retail uses are permissible within the commercial land use category applicable to the site; and
- Parking: the reduction in 16 parking spaces results in a parking rate of 1 space per 65m² which is consistent with the original approved parking rate for the site. As outlined above the parking is considered appropriate until such time that the available public transport is significantly improved.

4.2 Matters for consideration under Section 79C(b) of the EP7A Act

The EIS submitted with the original SSD addressed the following matters:

- 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;
- Flooding;
- Geotechnical Implications;
- Contamination;
- Ecologically Sustainable Development;
- Building Code of Australia;
- Construction Management;
- Operational Waste Management;
- Aboriginal Heritage; and
- Contributions.

As identified in Section 3, the development contemplated by the modification application is within the envelope of the approved SSD which was informed by the detailed specialist technical reports and assessment that accompanied the original SSD application.

Each of the detailed reports and assessments that support the approved SSD have been reviewed by the relevant specialist consultants to assess whether the findings, conclusions and recommendations within the original reports continue to apply to the modification application. Where it has emerged that further assessment in respect of the modified development is necessary, this has been carried out.

The following specialist technical documents have been prepared to reflect the modified development:

- Architectural Drawings, prepared by Turner (**Appendix A**);
- Architectural Statement, prepared by Turner (**Appendix B**);
- Accessibility Review Statement, prepared by Morris Goding (**Appendix C**); and
- BCA Assessment, prepared by Technical Inner Sight (**Appendix D**).

The relevant matters that require specific detailed assessment in relation to the modification application are further detailed below.

4.2.1 Built Form

The built form of the modified development retains the key parameters of the approved envelope. As demonstrated in the Architectural Plans (**Appendix A**), the minor increase in GFA of 97m² within the development, resulting from the internal layout

reconfiguration at Ground Level and Level 4, does not alter the bulk of the development or approved building envelope. The modifications to the roof including the new architectural roof element at Plant Level are setback from the parapet which ensures it is not readily visible from the public domain.

Overall, the proposed modifications are considered to offer a better outcome than the approved development and meets the operational requirements of the future tenant and therefore will enable it to be further occupied. Further the modified development achieves:

- increased activation at Ground Level, by the inclusion of additional tenancies;
- improved accessibility for future tenants;
- improved parking layout and access;
- improved solar access into the building; and
- improved efficiencies in building management services.

Overall, the amendments to the development are considered acceptable for the following reasons:

- the development continues to provide a high quality, architecturally designed development;
- the development continues to provides active street frontages to both Murray Rose Avenue and Dawn Fraser Avenue;
- the height, depth and length of the development have not been amended;
- the development is not expected to give rise to any adverse additional traffic impacts;
- the development will not generate any additional adverse impacts on neighboring properties or open space;
- the development continues to be consistent with the General Controls and Precinct Controls within the Sydney Olympic Park Master Plan 2030 and Draft Sydney Olympic Master Plan 2030 (Revision 2016);
- no additional environmental impacts (which have not been considered in the Approved SSD) will result from the proposed amendments; and
- the development will contribute positively to the area and provide a high visual quality and amenity to the street scape.

4.2.2 Accessibility

Morris Goding Accessibility Consulting (Morris Goding) has undertaken a review of the Architectural Drawings, prepared by Turner as included at **Appendix A**. Following the review, Morris Goding have provided a statement (**Appendix C**) which confirms that the proposed modifications to the approved development do not require any additional supporting information, analysis or commentary in regard to the ability of the proposed development to achieve the accessibility design requirements.

On this basis, the recommendations made within the Accessibility Report, dated 26 November 2013, which accompanied and was approved with the original SSD application are considered to be relevant to the modified development. In order to ensure that the development meets the relevant statutory requirements and standards, the recommendations will be incorporated into the detailed design of the development and submitted with the construction certificate documentation.

4.2.3 Building Code of Australia

Technical Inner Sight has undertaken an assessment of the proposed development against the provisions of the Building Code of Australia 2016 (BCA 16) (**Appendix D**).

The assessment confirms that the proposed development is capable of achieving compliance with the requirements of the BCA 2016 and relevant Australian Standards without undue modification to the design or appearance of the building.

However, in order to ensure compliance, Technical Inner Sight has provided a number of recommendations for minor amendments or alternative solutions. The necessary amendments will be incorporated into the detailed design of the development and submitted with the construction certification documentation.

4.3 Substantially the Same Development

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”* and if *“it is satisfied 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 approved development is for the following:

- demolition of the remaining hardstand car parking area;
- construction of a six-storey building comprising approximately 16,235m² of gross floor area;
- construction of three levels of parking beneath the building with 262 car parking spaces; and
- associated landscaping and tree removal.

Whilst there is no hard and fast rule when it comes to determining what constitutes ‘substantially the same development’ the ‘substantially the same’ test has been considered and approved through various cases within the Land and Environment Court.

The applied phrasing as described in *Moto Projects (No2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280, requires the consent authority to undertake both quantitative and qualitative analysis:

“The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved....Rather, the comparison involves an appreciation, qualitative, as well as quantitative, or the developments being compared in their proper contexts (including circumstances in which the development consent was granted)”.

Further *Moto Projects Pty Ltd v North Sydney* [1999] NSWLEC 280 established the following key principles when considering what constitutes a modification:

- The verb “modify” means to alter without radical transformation.
- “Substantially” in this context means essentially or materially or having the same essence.
- A development as modified would not necessarily be “substantially the same development” simply because it is precisely the same use as that for which consent was originally granted.
- A modification application involves undertaking both a qualitative and quantitative comparison of the development as originally approved and modified.
- Although the comparative task required under Section 96 involve a comparison of the whole development being compared, that fact does not eclipse if a particular feature of the development, particularly if that feature is found to be important material or essential to the development.

- Environmental impacts of the proposed modifications are relevant in determining whether or not a development is 'substantially the same'.

With the above in mind the development as proposed to be amended is considered substantially the same as the development for which consent was originally granted as:

- the proposed use of the site for a commercial office building is consistent with the existing approved use;
- the proposed building envelope and site configuration remain largely the same and will not result in any new environmental impacts;
- an increase of 120m² of GFA is considered minor and represents no change in the FSR;
- the changes will result in traffic generation consistent with what was originally approved, therefore no additional traffic generation impacts will result;
- the environmental impacts of the modified development remain the same as the approved development;
- the changes to the external appearance of the building are solely cosmetic and do not alter the overshadowing, bulk or mass of the building, which continue to deliver a high quality design outcome consistent with the approved development; and
- the changes do not give rise to any new matters/ areas of non-compliance.

For these reasons the DP&E can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. Furthermore, it is important to note the extent of the proposed modifications are minor and are generally consistent with the previous Section 96 approval.

5.0 Conclusion

This SEE has been prepared to consider the environmental, social and economic impacts of proposed modifications to State Significant Development SSD_6076 at 4 Murray Rose Avenue, Sydney Olympic Park.

The driving factor in amending the approved SSD is the operational requirements by the NSW Rural Fire Services whom will be leasing part of the Ground Level and Levels 3-5.

The key modifications proposed to the approved SSD are:

- reconfiguration of the carpark layout at Basement Levels 03 to 01 and inclusion of an additional lift and core;
- relocation of bicycle parking, male/female change rooms and grease arrestor and modification to waste rooms at Basement Level 01;
- a reduction of 24 car spaces and increase of 5 motorcycle spaces within the basement car park;
- an increase of 120m² of gross floor space for commercial use to provide a total of 16,355m².
- modifications to lift cores and lobby, bathrooms and fire stairs to Ground Level to Levels 1-5 and Plant Level;
- reconfiguration of the Ground Level tenancies and incorporate additional male and female toilets, switch room, gas regulator, hydrant sprinkler room and substation;
- inclusion of a void between Levels 4 and 5;
- modification and extension of plant area and addition of new architectural roof element at Plant Level over the new void at Levels 4 and 5;
- amendments to the east and western façade to refine the development in accordance with the other design amendments; and
- extension of the footpath seating along the Murray Rose Avenue colonnade edge.

The proposed amendments are considered acceptable for the following reasons:

- the development continues to provide a high quality, architecturally designed development;
- the height, depth or length of the development have not been amended;
- the development is not expected to give rise to any adverse traffic impacts;
- the development will not generate any additional adverse impact on neighboring properties or open space;
- the development continues to be consistent with the General Controls and Precinct Controls within the Sydney Olympic Park Master Plan 2030 and Draft Sydney Olympic Park Master Plan 2030 (Revised 2016);
- no additional environmental impacts (which have not been considered in the Approved SSD) will result from the proposed amendments; and
- the development will contribute positively to the area and provide a high visual quality and amenity to the street scape.

The assessment of the modified development demonstrates that it will have no adverse environmental impacts that cannot be managed or mitigated. Given the minor nature of the amendments detailed in the report and the basis for seeking these amendments being to accommodate the bespoke requirements of an important public service dealing with disaster recovery, we request that the Secretary for the Department of Planning & Environment or her delegate approve this modification application.