

Planning Assessment Report

Application No:	DA 11-09-2016
Application Site:	11 Murray Rose Avenue, Sydney Olympic Park (Site 8D)
File No:	F16/00780
Proposal:	Early works package associated with a future commercial development on the site (subject of a separate application), comprising bulk earthworks / excavation; construction of 2 levels of basement, ground floor slab and electricity substation
Applicant:	FDC Construction and Fitout Pty Ltd
Determining Agency:	Sydney Olympic Park Authority

1 Background / Development History

The subject site has been used as an at-grade car park since 1998, but more recently has been used as a staging area for the construction of the new commercial building on Site 8C (NRMA).

FDC Construction and Fitout Pty Ltd has entered into an Agreement for Lease with the Authority for Site 8D and is currently preparing documentation in support of a separate Development Application which will seek approval for the construction of a six storey commercial building on the site. Depending on the capital investment value of the works, that application may be submitted to the Department of Planning and Environment for assessment and determination by the Minister.

The rationale for lodging separate applications allows the continuation of early works for an FDC construction crew currently based on site completing the development at Site 8C.

The development application was submitted on 30 September 2016.

2 Site and Surrounds

The subject site is located to the north of Sydney Olympic Park Rail Station (**Figure 1**) and is within the area currently known as the 'Central' Precinct. The site is legally described as Lot 2122 in DP 1169474.

The site has frontage to Murray Rose Avenue of 58.45 metres and has an area of 2,642m².

Development in the immediate vicinity includes the SOP Railway Station to the south, Sydney Showground to the north, No. 9 Murray Rose Avenue (NRMA building currently nearing completion) to the east and the RAS Administration building and associated plant to the west.



Figure 1 – Location

3 The Proposed Development

The application seeks approval for the bulk earthworks / excavation and construction of two basement levels, together with the construction of the ground floor concrete slab of a future (subject to a separate development application) six storey commercial building.

This proposed development involves construction of the following elements:

- 63 car spaces over 2 basement levels;
- motorcycle spaces;
- 56 bicycle spaces;
- end of trip facilities;
- lift core (for future building access); and
- associated building infrastructure including stormwater and an electricity substation.

4 Consultation

The application was referred for review and comment on 30 September 2016. Responses were received as follows:

INTERNAL DEPARTMENT	RESPONSE
Building Services	No objection subject to conditions
Environmental Infrastructure	Requested additional information in relation to stormwater and compliance with SOPA's Policy – refer Section 5.3.

INTERNAL DEPARTMENT	RESPONSE
Major Events	Clarified issues around proposed location of Site Shed compound (on opposite site of Murray Rose Avenue within the Station curtilage – refer discussion at Section 5.4.1.

All conditions recommended by the internal specialists have been incorporated into the recommended Conditions of Consent where appropriate and necessary.

At the time of preparing this report, no objections or comments were received from other internal stakeholders.

5 Assessment

The application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, including consideration of the following matters:

5.1 Environmental Planning Instruments, DCPs and Planning Agreements

5.1.1 State Environmental Planning Policy (State Significant Precincts) 2005

The Minister for Planning is the consent authority pursuant to Schedule 6, Part 1, clause 3 of the SEPP (State Significant Precincts) 2005. The proposed development is permissible with consent in the B4 Mixed Use Zone pursuant to Schedule 3, Part 23 of the SEPP. The relevant provisions are addressed in Table 1 below.

Table 1 SEPP State Significant Precincts – Planning Provisions

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposed works are part of a future commercial development on the site and is permissible with consent. The objectives of the B4 zone are satisfied.	✓
(23) Public infrastructure	Public infrastructure requirements will be addressed in the future development application for the 6 storey commercial building. It is noted that a new electricity substation is required to service the future commercial building which is proposed to be located at ground floor level on the northern side of the building (ie. accessed via the service road that runs parallel to the northern property boundary).	✓
(24) Major event capability	The construction of the basement parking levels to service the future commercial building on Site 8D is not expected to impact on major events at SOP. The DA includes an assessment against the Authority's Guidelines (refer discussion at Section 4.1.3).	✓
(25) Transport	The basement parking is proposed to be constructed in anticipation of future commercial development on the site. It is reasonable to expect however, in light of proximity to the station, that occupants of the future building may utilise public transport. Provision is also being made as part of the design of the basement for bicycle parking.	✓
(26) Master Plan (Note: MP 2030 is a deemed DCP).	The proposed early works are in anticipation of a future commercial office building on the site and are not inconsistent with MP 2030 principles and controls.	✓
(29) Development in conservation area	The subject site is not in a conservation area.	N/A
(30) Design excellence	Design excellence provisions do not apply to the early works package.	N/A

Clause	Response	Compliance */✓/N/A
(31) Heritage Conservation	The subject site is not within the vicinity of a heritage item and the proposed excavation and construction of the basement parking levels will not impact on heritage conservation or heritage values in the vicinity. It is noted that the SSD application for the built form will be required to address potential heritage impacts.	N/A

5.1.2 State Environmental Planning Policy 55 – Remediation of Land

The proposed development involves excavation and removal of material from the site to accommodate 2 basement levels. The DA is accompanied by a geotechnical and waste classification investigation of ground conditions prepared by Douglas Partners which confirms that the site contains some fill material (from previous activities) over natural ground conditions.

The fill layer was assessed and some low levels of contamination were identified and have been allocated a preliminary classification of General Solid Waste (no putrescible). The report recommends that the waste classification of fill be confirmed by a qualified environmental consultant ex situ during bulk excavation. The natural soil / rock should be further assessed (by sampling and laboratory analysis) following the removal of fill (and the top 0.1 m of natural soil) to determine whether the natural soil / rock can be disposed as VENM.

A condition is recommended for inclusion in any consent issued which requires additional investigation during excavation as recommended by Douglas Partners to further determine and confirm classification. This report will also be required to be provided to civil contractors undertaking the work to ensure the excavated material can be handled appropriately.

5.1.3 Sydney Olympic Park Master Plan 2030

Site 8D is located in the Central Precinct in the Master Plan 2030, which is designed to become a high density, mixed use neighbourhood with commercial offices, retail and residential uses.

The site is designated for commercial uses and is subject to a maximum permissible FSR of 5:1 and a height control of 6 storeys. The proposed basement parking and ground floor slab has been designed to accommodate the built form that will result from the implementation of these controls.

5.1.4 Draft Master Plan 2030 (2016 Review)

The draft Master Plan 2030 (2016 Review) is currently on public exhibition. Whilst a number of changes are proposed as a result of the review process, the controls applicable to Site 8D remain unaltered.

The proposed development is therefore considered to be consistent with both the current Master Plan and the changes currently under consideration as part of the Master Plan Review.

5.2 Prescribed Matters EP&A Regulation 2000

The proposed development is able to comply with prescribed matters of the *Environmental Planning and Assessment Regulation 2000* subject to fulfilment of conditions of consent.

5.3 SOPA Stormwater Policy

The application has been assessed in accordance with SOPA's Stormwater Policy. The A/Senior Manager, Environmental Infrastructure has advised that:

- a water balance report at this stage but the DA process for the next stage when the design of the building has been completed will require a water balance report demonstrating the anticipated recycle water use versus potable water use.

- collected stormwater and roof water will be discharged to the street stormwater system within the WRAMS Stormwater Harvesting Catchment similar to site 8B and 8C;
- an adequate stormwater maintenance plan has been provided by the applicant;
- stormwater quality testing prior to discharge to the street stormwater system won't be necessary.
- The revised stormwater management plan – which proposes subsurface drainage along the whole perimeter of the proposed building - demonstrates adequate management of stormwater and groundwater/sub-surface water

As such, the proponent has responded to all raised issues and concerns adequately.

5.4 Impact of the development

The proposed development is for the construction of 2 basement levels of parking, ground floor slab and an electricity substation to service the future 6-storey commercial building on the site (subject to separate DA). The key areas of potential impact associated with the proposal are generally limited to construction impacts.

5.4.1 Construction Impacts

It is reasonable to assume that impacts during the construction phase could include noise, dust and construction traffic and may cause temporary inconvenience for users or occupants on adjacent sites.

It is noted that all works will be required to be undertaken in accordance with EPA and WorkCover requirements / guidelines to ensure that impacts to nearby premises and their occupants are minimised and that the safety of workers is afforded the highest continued priority.

The applicant has provided a Construction Management Plan as part of the DA documentation which indicates locations for temporary fencing, a B Class hoarding, construction zone, construction vehicle access point and the tower crane. It is noted that the plan proposes:

- (i) the erection of a self-supported storage platform over the existing substation located immediately to the west of the site; and
- (ii) a site shed compound (approx. 23 x 7 metres) being established on the southern side of Murray Rose Avenue under the Station awning.

In relation to point (i) it is noted that such an arrangement would be subject to the approval of Ausgrid and the RAS. However there is no certainty that this can be agreed and the applicant has not identified an alternative location for the storage of materials.

The Authority's Acting Director, Major Events and Precinct has reviewed the application and has raised no objection to locating site sheds on the southern side of Murray Rose Avenue (adjacent to the station) within the footprint nominated (23m x 7m) on the Construction Management Plan which accompanies the DA. It should be noted however, that any storage of material at this location would not be supported because of the disruptions to traffic and pedestrian movement involved in moving materials between the construction site and the compound.

Having regard to the above it is recommended that conditions be included on any consent issued which requires the preparation of a detailed Construction Environment Management Plan (CEMP) which confirms details of the materials storage and handling.

5.5 The suitability of the site for the development

The proposal is of a nature that is in keeping with the overall objectives and functions of the site and the intended future development as a commercial building with retail tenancies at ground floor.

The proposal is demonstrably consistent with the objectives and function of the site and zoning provisions of *SEPP State Significant Precincts 2005*.

5.6 Notification, advertising and submissions received

No submissions were received from the general public as the proposal did not require advertising or notification.

The application was referred to Sydney Trains due to the proximity of the rail corridor. Advice was received on 14 November 2016 which raised no objections subject to standard conditions which have been included in the consent.

The application was also referred to Sydney Showground for review and comment. Comments were received on 7 November 2016 which is categorised into underlined issues below, with response from the applicant following each of the issues and SOPA Assessment Notes **bolded**:

- Dilapidation Report – A dilapidation report will be provided by FDC before and after the works are completed. **This has been included as Conditions of Consent.**
- RAS Operation of Royal Easter Show and other events – FDC has now constructed three buildings within the Sydney Olympic Park Area (two within this immediate locality). We are well aware of the various events and management requirements of such throughout the year and will continue to deal with these events in coordination with RAS and SOPA. **Noted**
- Dust Suppression – FDC, through its environmental management procedures for the construction site, will mitigate dust through various means of dust suppression. **This has been included as a Condition of Consent for a Construction Environment Management Plan (CEMP).**
- Extent of Carriageway / Drop Inlet Sediment Trap – FDC has addressed this issue on numerous occasions with SOPA and RAS. RAS seems unaware of the fact that the Site 8D Side Deed (a legal agreement between RAS and SOPA) sets out all provisions relating to the construction and development of site 8A, 8B, 8C and 8D with regard to the common right of carriage way to the rear of the proposed building. FDC is also bound by this agreement because it is appended to the Agreement for Lease. We therefore do not believe that any further response is required in this regard. **Noted**
- Platform to Substation – FDC acknowledges that more information is required in order to seek approval from the adjoining land owner. We therefore ask SOPA to include an appropriately worded condition requiring FDC to obtain consent from RAS prior to the issue of the relevant CC relating to the platform. We trust that this condition can be worded so as not to delay all other works on site and hence should be specific to the CC relating to the temporary structure only. **This has been included as a Condition of Consent.**
- Crane and Access – Again, this matter is addressed by the RAS Side Deed. No further comment or approval is required from RAS – FDC will work with RAS to manage construction impacts as required under the Agreement for Lease. **Noted**

5.7 The public interest

The proposal is considered to be in the wider public interest as it:

- Is consistent with the in-force provisions and controls of the principal environmental planning instrument applying to the land contained within *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- is not expected to result in any adverse environmental affects (subject to conditions).

6 Sydney Olympic Park Authority Act 2001

6.1 Clause 22(2) – Consistency with Environmental Guidelines

The proposed development is not inconsistent with the *Environmental Guidelines*. It is noted that the future commercial building will be required to achieve a high green-star rating. This will be assessed as part of the future development application for built form.

7 Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP (State Significant Precincts) 2005 and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 10 November 2014, the Minister delegated his powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the Act)* for all development at Sydney Olympic Park which have a Capital Investment Value of less than \$10 Million. These delegations have been provided to the Chief Executive Officer of the Authority. The proposed development is consistent with these delegations as:

- the proposal has a CIV less than \$10 million (the estimated cost of the early works package is \$5,960,000);
- SOPA is not the applicant; and
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development.

It is therefore appropriate for SOPA to exercise its delegations in determining this development application.

8 Conclusion and recommendations

8.1 Conclusions

The application has been considered with regard to the matters raised in section 79C of the EP&A Act. The proposed development is considered to be acceptable, in the public interest and is recommended for approval subject to Conditions of Consent.

8.2 Recommendation

- A) Consider all relevant matters prescribed under Section 79C of the EP&A Act, as contained in the findings and recommendations of this report;
- B) Determine that the development application be **approved subject to conditions** pursuant to Section 80(1) and 80(A) of the EP&A Act, having considered the relevant matters in accordance with (A) above;
- C) Authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 81 of the EP&A Act

Prepared by



Planner

Date: 15/11/2016

Reviewed & Endorsed by



A/Chief Executive Officer

Date: 15/11/2016