
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 04-03-2020
Application Site:	4 Murray Rose Avenue, Sydney Olympic Park NSW 2127
Proposed development:	Installation of decals to the existing children's play area
Applicant:	Little Zak's Academy
Determining Agency:	Sydney Olympic Park Authority

1. Purpose

The purpose of this report is to provide an assessment of the subject development application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the Sydney Olympic Park Authority Act 2001.

SOPA has completed the assessment and is referring the Application to the Department of Planning, Industry and Environment (DPIE) as the delegate of the Minister in determining the application.

An assessment of the application has been made against the relevant provisions of the following Environmental Planning Instruments and Policies:

- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No 64 – Advertising and Signage
- Sydney Olympic Park – Commercial Signage Policy

2. Recommendation

It is recommended that the delegate of the Minister for Planning and Public Spaces in accordance with the prescribed delegation:

- A) Consider all relevant matters prescribed under Section 4.15 of the EP&A Act, as contained in the findings and recommendations of this report;
- B) Accept and adopt all the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- C) Determine that the development application be approved subject to the recommended conditions pursuant to Section 4.16 of the EP&A Act, having considered the relevant matters in accordance with (A) above
- D) Sign the attached development consent and recommended conditions; and
- E) Authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 4.18 of the EP&A Act.

Recommendations by **Richard Seaward**
Urban Planner (SOPA)

3. Site and Surrounds

The site is located at 4 Murray Rose Avenue, Sydney Olympic Park. It is located within the northern portion of the Parkview Precinct as defined in the Sydney Olympic Park Master Plan 2030 (2018 Review). The State Significant Precincts SEPP 2005 identifies the land zoning to be B4 Mixed Use and the Master Plan further designates the land use to be commercial. The site is legally described as part of Lot 88 in DP870992.

3.1 Site History

On 16 September 2014, the delegate of the Minister for Planning and Environment granted consent to State Significant Development (SSD) 6076 at 4 Murray Rose Avenue for:

- Demolition of the remaining hardstand car parking area, associated roads and roundabout;
- Construction of a six-storey building comprising approximately 15,712m² of gross floor area;
- Construction of three levels of basement parking with 287 car parking spaces; and
- Associated landscaping and tree removal.

Two modifications to the development were approved by DPIE relating to minor reconfiguration of the basement, lower levels, internal layout and roof plant layout. The building has now been constructed, with occupation commencing in October 2018.

On 25 March 2019 consent was granted by Sydney Olympic Park Authority under reference DA 12-11-2018 for the fit-out of tenancies 1.2 and 4 for use as a Child Care Centre with 86 places. This fit-out approval included the installation of a 2.1m high glass screen to enclose the external play area (figure 2).

On 19 November 2019 this consent was modified pursuant to section 4.55(1A) of the EP&A Act to increase the number of childcare places from 86 to 90.

The site is currently occupied by a six-storey commercial building completed in October 2018.



Figure 1 – Aerial photograph of subject site in red. Indicative location of the decal in green.

The application site forms part of the Commercial section of the Parkview Precinct under Master Plan 2030 (2018 Review). The site to the east at 2 Murray Rose Avenue has recently been granted development consent for a 15 storey residential building. The site is adjoined to the west by a warehouse building which is occupied as a data centre.

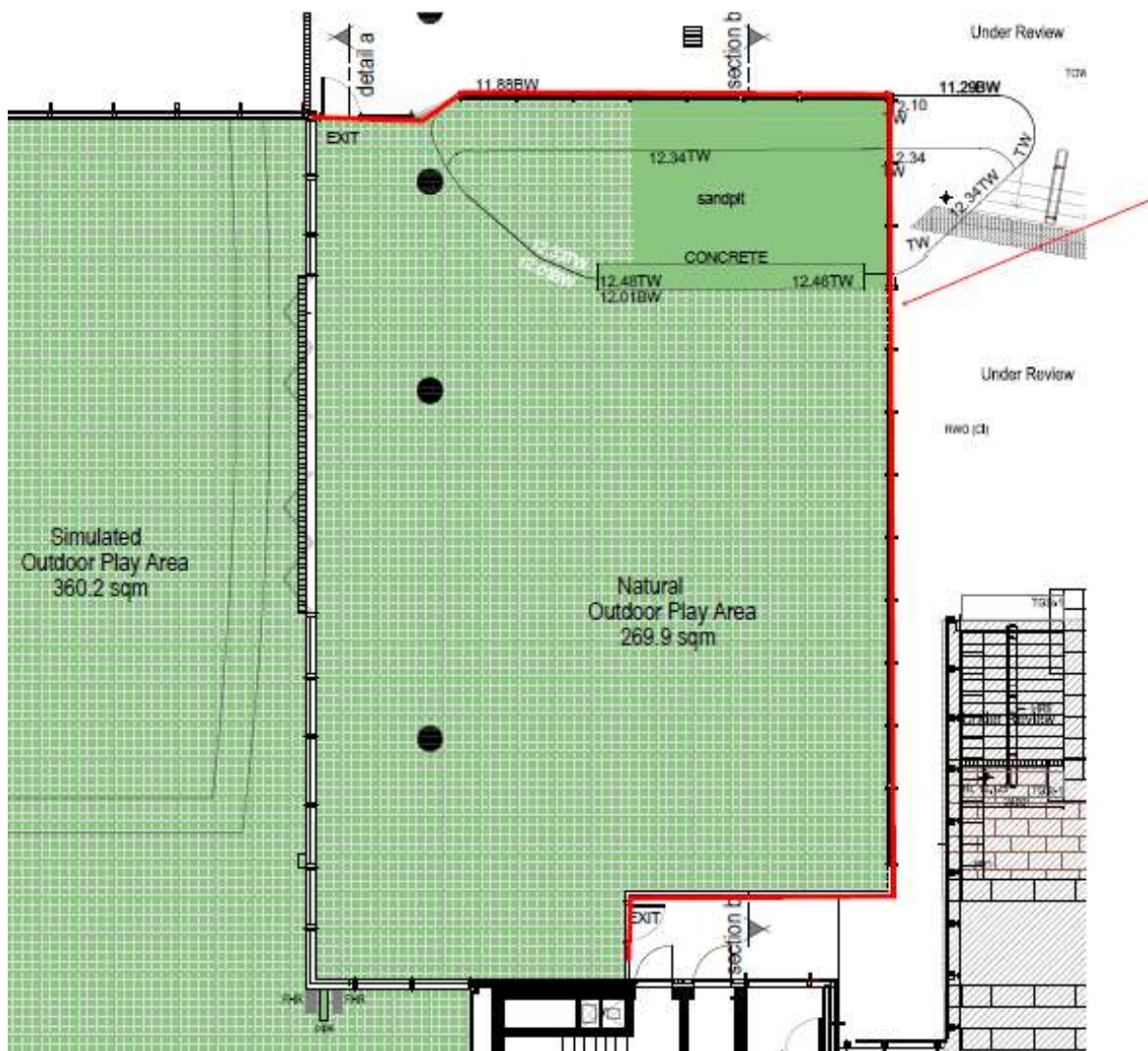


Figure 2 – approved plan of DA 12-11-2018 showing the extent of the glazed enclosure (2.1m in height) around the external play area



**Figure 3 – image of the external enclosure which currently comprises an un-consented decal.
Note: at the time the photograph was taken the enclosure was damaged.**

For the avoidance of doubt, the approved external enclosure consented under DA 12-11-2018 is clear glazing and comprises circa 33 2.1x1m glazed panels.

4. The Proposed Development

The proposed development involves the application of a decal to the external face of the glazed enclosure of the outdoor area of the childcare facility. The decal will replace existing coloured decals which were installed without the benefit of development consent.

The decals will act as screening for the outdoor play area and will feature directional signage and business identification in connection with the use of the unit as a childcare centre. In total, all 33 panels which comprise the glazed external enclosure shall be covered with the decal.



Figure 4 – image depicting the proposed decal elevation along Murray Rose Ave

5. Assessment

The application has been assessed pursuant to Section 4.15 of the EP&A Act, including consideration of the following matters:

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (State Significant Precincts) 2005

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

Table 1: SEPP (State Significant Precincts) 2005 – Planning Provisions

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposed development is permissible with consent. The objects of the zone are satisfied.	✓
(18) Height of Buildings	The site has a maximum building height of 33m. The installation of the decal will not impact on the height of the building.	N/A
(19) Floor Space Ratio	The proposed development will not increase the gross floor area of the existing building and therefore will not alter the FSR of the site.	N/A
(24) Major event capability	The proposed development will not impact on the major event capabilities of the Park.	N/A
(25) Transport	The proposal will not impact vehicle movements or the free flow of	✓

Clause	Response	Compliance */✓/N/A
	pedestrian movement on the adjacent footway.	
(26) Master Plan	The subject site is operating under consent DA 12-11-2018 which relates to the fit-out of tenancies 1.2 and 4 for the use as a Child Care Centre; in accordance with the controls contained within the Master Plan.	✓
(29) Development within an environmental conservation area	The site is not located within a conservation area.	✓
(30) Design Excellence	The six storey commercial building at 4 Murray Rose Avenue was subject to a design competition in accordance with the design excellence requirements in MP2030.	N/A
(31) Heritage Conservation	The site is not identified as a heritage item or within a heritage conservation precinct.	N/A

5.1.2 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Child Care Facilities are subject to certain minimum requirements and development standards under the SEPP (Educational Establishments and Child Care Facilities) 2017. The proposal is in relation to a Centre-Based Child Care Facility for the purpose of this SEPP. The provisions of this SEPP that are applicable to the proposed development are set out in Table 2 below:

Table 2: SEPP (Educational Establishments and Child Care Facilities) 2017

Clause	Response	Compliance */✓/N/A
(3) Aims of Policy	The aims of the policy have been assessed under DA 12-11-2018.	✓
(22) Centre-based childcare facility	This proposed development does not relate to the minimum unencumbered floor area or outdoor space requirements under regulation 107 and 108 of the <i>Education and Care Services National Regulation</i> .	N/A
(22) Matters for consideration by consent authorities	The proposed development has been assessed against the applicable provisions of the NSW Child Care Planning Guideline in Table 3 below.	✓
(25) Centre-based childcare facility – non-discretionary development standards	The proposal complies with the minimum development standards under Clause (25)(2) of the SEPP (Educational Establishments and Child Care Facilities) 2017.	✓

5.1.3 Child Care Planning Guideline

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development in relation to a centre-based childcare facility. Whilst the principle of the land use has been established and consented under DA 12-11-2018 an assessment against the aesthetic controls and other associated guidelines has been undertaken in relation to this DA assessment.

Table 3: Child Care Planning Guideline

Matters for consideration	Response	Compliance */✓/N/A
Objectives of the Guideline	The proposed development is consistent with the objectives of the Child Care Planning Guideline.	✓
3.2 Local character, streetscape and public domain interface	The proposed decal is generally compatible with the prevailing character and appearance of the streetscape. It is set back from the curtilage of the site and is flush with the ground floor building line under a comparative double height colonnade. The design and colour of the decal is considered unobtrusive in design and appearance and is thus acceptable in this part of the precinct where active frontages do not generally prevail. This is subject to the coloured text on the side and rear elevations being removed as it is considered unnecessary repetition.	✓ subject to condition of consent
3.4 Landscape	The proposed development relates to the installation of a decal and will not impact on the landscaping provisions of the site.	N/A
3.5 Visual and acoustic privacy	Objective C21 seeks to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> appropriate site and building layout; suitably locating pathways, windows and doors; and permanent screening and landscape design. This proposal relates to the installation of decals to the glazed external enclosure with the objective of providing permanent screening to the external landscaped child play area.	✓
4.12 Fencing	Regulation 104 of the <i>Education and Care Services National Regulations</i> requires that any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. For the avoidance of doubt, this does not require the fencing or means of enclosure is to be non-transparent or obscure glazed.	N/A

5.1.4 State Environmental Planning Policy No 64 – Advertising and Signage

The proposal has been assessed against the relevant provisions of SEPP 64, which relates specifically to advertisements. The relevant provisions are set out in the table below:

Table 4: SEPP 64 Advertising and Signage – Compliance

Clause	Comments	Compliance
(3) Aims and Objectives	The decal contains business identification signage which is not out of character in a mixed-use urban precinct such as Sydney Olympic Park Town Centre. Notwithstanding this, it is considered that a planning condition requiring the final details of the decal be submitted to the satisfaction of the SOPA Director, Environment and Planning prior to installation. This condition will require the coloured text on the side and rear elevations be removed because they are unnecessary repetition and to simply the visual content of the proposed signage to ensure they will not visually detract from the appearance of the building.	✓
(8) Granting of consent to signage	The proposal is consistent with the objectives of SEPP 64 with an assessment of the proposal against Schedule 1 (assessment criteria) of SEPP 64 is set out further in this table.	✓
Schedule 1 Assessment Criteria		

Clause	Comments	Compliance
(1) Character of the area	It is considered the proposed signage is appropriate, subject to a condition requiring the text on the side and rear elevations be removed as it is considered excessive and unnecessary.	✓
(2) Special areas	The decal signage is not likely to 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.	✓
(3) Views and vistas	The location of the decal will not obscure, compromise or detract from any key views or vistas.	✓
(4) Streetscape, setting or landscape	Subject to a condition relating to a suitably amended final design of the decal, SOPA will have approval of the final design on the setting and streetscape. In addition, it is considered that the purpose of the decal will not harm the setting of the existing building in the streetscape.	✓
(5) Site and building	The scale and proportion of the proposed signage is compatible with the scale and proportions of the host building. This is subject to a suitably worded planning condition requiring the final details of the decal to be approved prior to installation.	✓
(6) Associated devices and logos with advertisements and advertising structures	No external or associated advertising other than the decal are proposed.	✓
(7) Illumination	No illumination is proposed	N/A
(8) Safety	No safety issues are anticipated as a consequence of the proposed signage/ decal.	N/A

5.2 Sydney Olympic Park – Commercial Signage Policy

In addition to SEPP 64 – Advertising and Signage, advertising within the Town Centre is assessed against controls contained within the Commercial Signage Policy. This seeks to encourage business identification signs, on-premises and third-party advertising in a manner that contributes positively to the public domain and is of a high design quality. It seeks to ensure that signage is designed to protect the characteristics of buildings, public domain, streetscapes, vistas and skyline.

Whilst there are no specific controls in the policy relating to decal signage, the proposal has been assessed against the objectives of the policy which are set out below:

Table 5: Commercial Signage Policy – Objectives

Objective	Response	Compliance x/✓/N/A
1) Provide a consistent approach to the design and location of signage and advertising structures in the Park	Whilst there are no specific controls relating to signage on decals, a pragmatic approach to their siting and location is undertaken in the assessment of proposals. Accordingly, subject to a condition requiring the submission of the final design, to the satisfaction of SOPA's Director, Environment and Planning it is considered this objective has been met.	✓
2) Ensure signage and advertising structures erected or displayed are compatible with architectural style, scale of building, surrounding built form	The proposed decal is generally compatible with the prevailing character of the host building. It is set back from the curtilage of the site and is flush with the ground floor building line under a comparative double height colonnade. The design and colour of the decal is considered unobtrusive	✓

Objective	Response	Compliance */✓/N/A
and streetscape.	in design and appearance (subject to the proposed condition of consent) and is thus acceptable in this part of the precinct where active frontages do not prevail in the streetscape.	
3) Ensure signage and advertising structures are not intrusive or create adverse impact on the visual amenity of the Park.	Subject to a condition relating to a suitably amended final design of the decal, SOPA will have approval over the design of the decal on the setting and visual amenity of the Park.	✓
4) Protect residents, open space, parkland, heritage items and conservation areas from the adverse impacts of inappropriate signage.	The signage will not be located within an open space, parkland, heritage item or conservation area.	N/A
5) Ensure signage is well designed and located so as not to create a hazard for residents, workers and visitors to the Park.	The signage will be affixed to the glazed external enclosure of the building and will not create a hazard for residents, workers or visitors to the Park.	✓
6) Ensure signage is designed and located not to create a road safety risk or compromising the safety of all road users.	The signage by virtue of its location and position will not create a road safety risk or compromise the safety of road users.	✓
7) Encourage signage that makes a positive contribution to both day and nighttime activities within the Park.	The decal signage will have a positive impact on the day activities within the Park in terms of wayfinding and building/use identification.	N/A
8) To minimise visual clutter through excessive signage and advertising structures by encouraging fewer more effective signage.	It is considered that signage is necessary to reduce views into the outdoor play area of the childcare centre. The decal will be affixed to an existing enclosure which received consent under DA 12-11-2018. Further, subject to a condition relating to final detained design, it is considered the decal will not compromise the design quality of the existing building.	✓

5.3 Sydney Olympic Park Local Infrastructure Contributions Framework (ICF)

The proposed development is for the installation of decals to an existing screened area and does not result in any additional gross floor area. Accordingly, the ICF does not apply to the proposed development.

5.4 Likely Impacts of the Development

Subject to a condition of consent it is not considered the proposal would have any adverse environmental, social or economic impacts.

5.5 The suitability of the site for the development

The suitability of the site for development has been assessed previously under Development Application reference DA 12-11-2018 in relation the use of the unit as a childcare facility and SSD 6076 with regards to the development of the site. This application is associated with the installation of decals to the existing building in connection with the approved use of the site and is therefore considered suitable.

5.6 The public interest

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

- is consistent with the applicable 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 unlikely to result in any adverse environmental affects, subject to compliance with the recommended conditions of consent.

6. Consultation

6.1 Public notification

The proposal did not necessitate public advertising or notification in accordance with section 4.13 of the EP&A Act 1979. Accordingly, no public submissions were made or received in respect to this DA from the general public; and no submissions were made or received from the LGA, City of Parramatta.

6.2 Internal referrals

Given the proposal will have no material traffic, structural or contamination implications no referrals were made in this regard.

7. Findings and Recommendations

The proposed decal to the external enclosure of the approved childcare facility at 4 Murray Rose Ave, Sydney Olympic Park, NSW 2127 is considered to comply with the requirements of SEPP (State Significant Precincts) 2005 which relates to development within Sydney Olympic Park. The proposal accords with State Environmental Planning Policy No 64 – Advertising and Signage and the SOPA Commercial Signage Policy subject to a suitably worded planning condition relating to final design, maintenance and duration of consent.

The neutral colour tones of the decal are consistent with the character and appearance of the precinct, however, the amount and dominance of written text is considered excessive and any consent granted is subject to a planning condition requiring the removal of 'Mini Masterminds' written text on the side and rear elevations. The proposal will not conflict with the requirements or guidelines contained within SEPP (Educational Establishments and Child Care Facilities) 2017.

The decal is not considered to be out of character on the existing commercial building or on Murray Rose Avenue which is located within the town centre of Sydney Olympic Park. Accordingly, the proposal does not raise any amenity concerns.

8. Conclusion

The application has been considered with regard to the matters raised in section 4.15 of the EP&A Act. The proposed development is considered to be acceptable, in the public interest and is recommended for **approval** subject to the recommended conditions of consent.

9. Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 2 November 2017, the Minister delegated his powers and functions under Section 80 (now section 4.16) of the EP&A 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 proposed development has a CIV less than \$10 million;
- SOPA is not the applicant; and
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development.

SOPA is in the process of reviewing its delegation in relation to determining development with a CIV of less than \$10 million. In the interim period, it is requested the Minister for Planning and Public Spaces (or delegate) pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the *Sydney Olympic Park Authority Act 2001* exercise their function and determine this DA.

In accordance with the Minister's delegation to the Department of Planning, Industry and Environment dated 9 March 2020, the Director, Key Sites Assessments (DPIE), can determine this application as:

- Council has not objected to the proposal;
- There are ten or less public submissions in the nature of objection; and
- A political disclosure statement has not been made.

As such, it is recommended that the steps as set out in section 2 of this report are undertaken by the Director Key Sites Assessments.

10. Endorsement

In accordance with the aforementioned delegation of the Department of Planning, Industry and Environment of 9 March 2020 and as the delegate of the Minister for Planning and Public Spaces, I adopt the recommendations of this report.



7 July 2020

Anthony Witherdin
Director, Key Sites Assessments (DPIE)