
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 03-05-2021
Application Site:	SP101702, in 2 Figtree Drive, Sydney Olympic Park, NSW 2127
Proposal:	Fitout of ground floor retail tenancy as supermarket, liquor store and ancillary café; inclusive of façade amendments, window decal screens and business identification signage.
Applicant:	Architecture Design Studio NSW
Consent Authority:	Sydney Olympic Park Authority (SOPA)

1 Purpose

The purpose of this report is to provide an assessment of the subject development application (DA) under Part 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2 Recommendation

It is recommended that the Director, Environment and Planning, of Sydney Olympic Park Authority:

- A) Consider all relevant matters as discussed and assessed by this report;
- B) **Approve** the development application pursuant to Sections 4.16 and 4.17 of the EP&A Act, having considered the relevant matters in accordance with point A) above by signing the Instrument of Consent at Tag A;
- C) Sign the attached Instrument of Consent; and
- D) Authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 4.18 of the EP&A Act.

3 Site and Surrounds

The subject site is known as Site 53 (as defined by the Sydney Olympic Park Master Plan), 2 Figtree Drive, Sydney Olympic Park and is located within the Parramatta Local Government Area (LGA). The site is legally described as Lot 20 of DP1228905.

The site is bounded by Figtree Drive to the north, Australia Avenue to the east, Linear Park to the south and Kookaburra Lane to the west. Site 53 includes a mixed use development including residential units and approved retail floor area.

This DA relates to the fitout of the ground floor tenancy for use a supermarket, associated liquor shop and ancillary food and drink premises (café) within the 973m² Retail Unit 2.

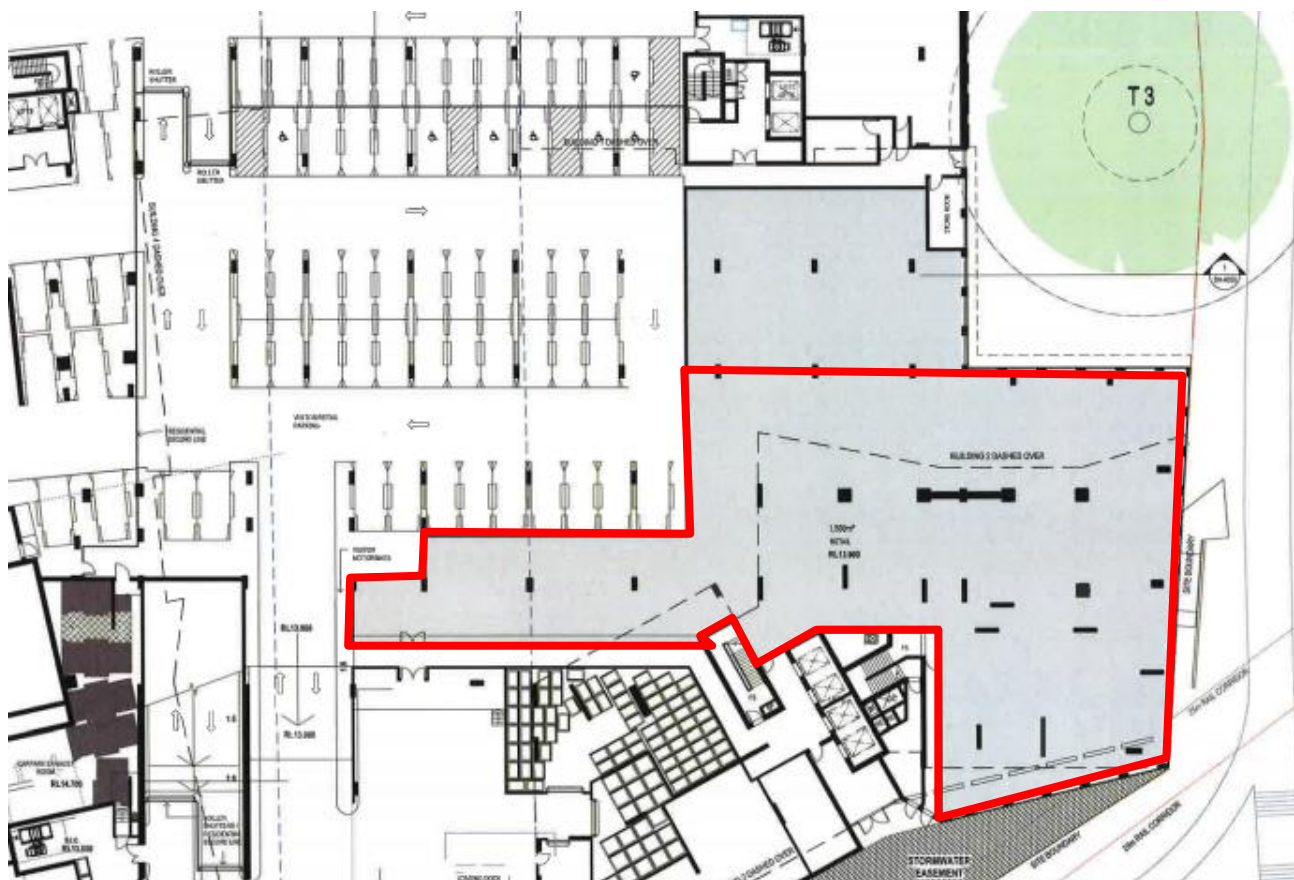


Figure 1: Location of the subject site outlined in red comprising retail floorplate on the ground floor

3.1 Background

On 8 September 2017, the delegate of the Minister for Planning granted consent to State Significant Development (SSD) 7662 at 2 Figtree Drive for:

- Four residential flat buildings, referred to as Buildings 1, 2, 3 & 5, ranging in height from nine to thirty-five storeys and comprising 705 dwellings;
- A landscaped ground plane, comprising private communal open space, deep soil landscaping, an interpretive children's play area, and a 20 metre wide view corridor to the Bicentennial Marker;
- A retail tenancy with an area of approximately 1,500m² in the basement of Building 2, to be transferred to Sydney Olympic Park Authority on completion;
- Four levels of basement parking, comprising 71 visitor and retail car parking spaces, four (4) car share spaces and 655 residential car parking spaces; and
- Construction of part of a new access road (Kookaburra Lane) located on the western boundary of the site, as identified within the Sydney Olympic Park Master Plan 2030 (2018 Review).

Note, part of the 1,500m² of retail space to be transferred to SOPA upon completion forms part of retail unit 2 which is subject to this DA.

On 6 July 2018, consent was issued by SOPA for DA 07-06-2018, a Part 4 Local Development application, for a 2 lot stratum subdivision to create Lot 25 (corresponding with building 5) and a residual lot (Lot 26). That stratum subdivision was registered with the NSW Land Registry Services on 23 November 2018 as Deposited Plan No. 1244955.

On 6 December 2018, consent was issued by the Department of Planning and Environment (DPE) pursuant to section 4.55 of the EP&A Act to modify SSD 7662 comprising a reduction in the total number of units from 705 to 698 together with minor internal and external alterations to the approved plans.

On 7 December 2018, consent was issued by SOPA for DA 11-11-2018, a Part 4 Local Development application for the stratum subdivision of lot 26 to create lots 33 (which corresponds with building 3) and lot 34 (the residual lot); subsequently creating three stratum lots for the site comprising lots 25, 33 and 34.

On 23 March 2019, consent was issued by the DPE pursuant to section 4.55 of the EP&A Act to further modify SSD 7662. This application incorporates the modifications made under the initial modification application in addition to a further reduction in the number of units from 698 to 696. The reduction in units is commensurate with the addition of an area of communal space on level 9 of Building 3 and conversion of an area of communal amenity on level 9 of Building 5 into 4 residential units. No alterations were proposed to the approved car parking layout.

On 27 May 2019 consent was issued under reference DA 04-04-2019 by SOPA for the Strata subdivision to create eight lots comprising four residential building lots; one commercial unit lot; one new road lot; one park lot (Linear Park); and one reserve lot (Fig Reserve) with associated easements for access, services, and maintenance. This consent was modified under section 4.55(1) of the EP&A Act to slightly modify the boundaries of the stratum subdivision lots.

On 21 May 2021 Consent was granted for the illumination of temporary a lightbox real estate signage within the landscaped area at the junction of Figtree Drive and Australia Avenue. A further temporary illuminated real estate lightbox was approved on 15 July 2021 for a further lightbox within the landscaped area at the junction of Figtree Drive and Australia Avenue.

In addition, a DA for the insertion of a tenancy partitioning wall dividing the two retail tenancies is pending consideration. This DA will create retail unit 2 of which this DA relates to.

4 Proposed Development

The proposal relates to the fitout of Retail Tenancy 2 for supermarket use, ancillary food and drink and associated liquor store. The proposal involves:

- Alteration to the retail unit façade to accommodate an external café hatch;
- Plant machinery in connection with the supermarket use; and
- Installation of window decal screens to the side and rear façade of the unit.

Supermarket and Liquor Store

The supermarket and liquor shop, with ancillary café will occupy Retail Unit 2 comprising approximately 973m² of the 1,500m² retail GFA approved under SSD7662. The retail space will provide an extensive range of grocery items and other products typically available in supermarkets and liquor shops.

The supermarket will be divided into a number of zones, including the main retail floor area, liquor shop, café and back-of-house and cool room areas. All stock will be received via the loading dock within the building.

The proposed hours of operation of the supermarket, liquor shop and cafe are 06:00 to 23:00 seven days a week.



Proposed signage on Elevations

Figure 2: Proposed Decal Screens

Decal screens are proposed to the side and rear elevation of the building; these are proposed to screen the rear of the refrigeration units which will be located up against the external walls of the unit in front of the fenestration. Window signage is also proposed to the front elevation of the building.

Ancillary Café

The café will be operated as part of the supermarket (not as a separate business or sub-lessee) and will be ancillary to the supermarket use. The café will be accessed by customers from both within the supermarket, or via a servery that will open onto the forecourt on the northern side of the supermarket and will offer coffee/tea, cakes, pre-made sandwiches and other assorted food and drink products. Other than the preparation of hot drinks and the warming of food products in microwave and/or warming ovens, no cooking or food preparation will be carried out within the café. The ancillary café will provide 4 tables and 12 chairs against the building façade. It is noted that this is located within the curtilage of the site and will not infringe on SOPA operational plan.

It is anticipated that the ancillary café would open at 06:00 and close at 18:00.

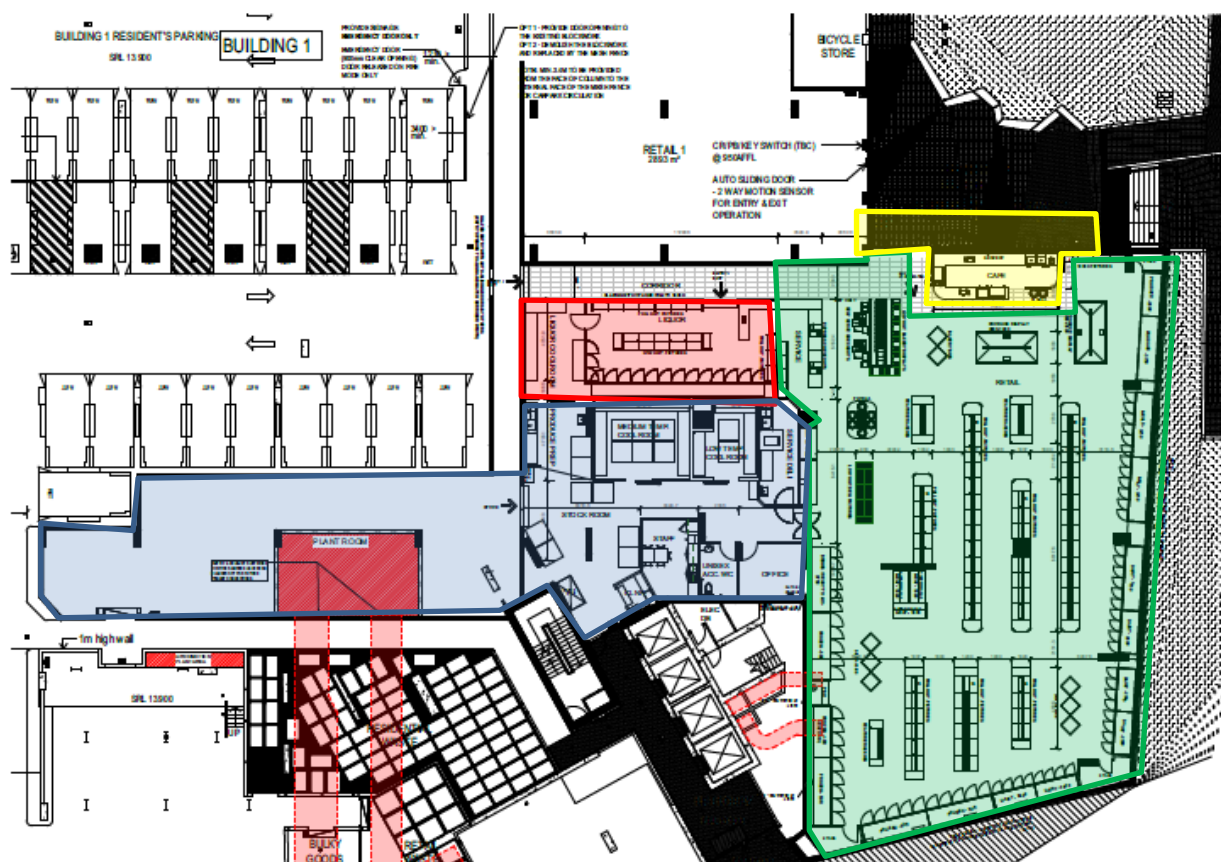


Figure 3: Plan of the proposed internal layout of the supermarket (green), ancillary café (yellow) and Liquor Store (red) with back of house (blue)

5 Environmental Planning and Assessment Act 1979

The proposal is local development to which Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies. The application has been assessed against the heads of consideration set out under Section 4.15 of the *EP&A Act*.

This DA was lodged on 12 May 2021. The exhibition ran for 14 days from 13 May 2021 until 27 May 2021. On 1 June 2021, a request for further information pursuant to Section 112 of the *Environmental Planning and Assessment Regulations 2000* was sent pertinent to the façade and signage details and the acoustic assessment. On 2 July 2021 the proponent lodged the requisite information.

5.1 Sydney Olympic Park Authority Act 2001

Clause 22(2) of the *Sydney Olympic Park Authority Act 2001* (SOPA Act) requires consideration of the Environmental Guidelines for Sydney Olympic Park 2008 (Environmental Guidelines) for all proposed developments. The application relates to internal works to the floorplate of Retail Unit 2

within Site 53 (SP101702) located within the town centre. The proposal is generally consistent with the requirements of the Environmental Guidelines.

5.2 Environmental Planning Instruments

5.2.1 State Environmental Planning Policy (State Significant Precincts) 2005

The Minister for Planning is the consent authority cl.9A SEPP (State Significant Precincts) 2005 being Appendix 11, Part 2. The relevant provisions are addressed in Table 1:

Clause	Response	Compliance x/✓/N/A
(9) Zone B4 Mixed Use	The proposal is permissible with B4 Mixed Use zoning for the site.	✓
(16) Subdivision	This development application does not seek the subdivision of the site.	N/A
(18) Building Heights	The site has a building height control of 102m. The proposal does not seek to alter the height control for the site which was assessed under SSD 7662.	✓
(19) Floor space ratio	The proposal will have no implications on FSR as no floor space will be lost or added.	✓
(23) Public infrastructure	The proposal will have no impact on public infrastructure.	✓
(24) Major event capability	The proposal does not adversely affect the major event capabilities of the Park or the free movement of people during major events.	N/A
(25) Transport	A total of 70 visitor/commercial/retail spaces were approved under SSD7662 (Condition B11 - as modified). Of these, 33 spaces were designated as retail parking spaces and are located directly adjacent to the retail area. A full assessment of traffic, transport and parking is included within section 5.5 of this report.	✓
(26) Master Plan	The proposed development is consistent with a B4 Mixed Use zoning for the site and it will not impede on the deliverability of the Master Plan principles.	✓
(29) Development within an environmental conservation area	The site is not located within an environmental conservation area.	✓
(30) Design Excellence	The internal fitout of Retail Unit 2 will not impact on the design excellence of the site. The proposal includes alterations to the façade to accommodate the café hatch. This will infill a previously glazed panel with a contrasting non-combustible aluminium composite panel with timber finish. It is considered that this	✓

Clause	Response	Compliance x/✓/N/A
	contrasting panel will respect the prevailing rhythm of the fenestration of this elevation.	
(31) Heritage Conservation	The site is not identified as a heritage item or within the vicinity of a heritage item, nor is it within a heritage conservation precinct.	N/A

Table 1 SEPP State Significant Precincts 2005 – Planning Provision

5.2.2 State Environmental Planning Policy No 55 – Remediated Land

The development would not require invasive disturbance of the sub-surface or excavation of the site, accordingly a detailed investigation of potential contamination of the site is not required in this instance.

5.3.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment Plan) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment Plan) 2005 (Harbour REP) aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations. Although the Harbour REP applies to the whole of the Sydney Catchment Area, including the subject site, it primarily provides planning provisions relating to the foreshore and waterway areas.

The site is located outside the mapped foreshores and waterways area and therefore the provisions of the Harbour REP do not apply in this instance.

5.2.4 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 and signage. The business identification signage located on the decal screens is not out of character in a mixed use urban precinct such as Sydney Olympic Park Town Centre. The proposed signage has been assessed against the Sydney Olympic Park Commercial Signage Policy, in Section 5.3 below.

5.2.5 Design and Place SEPP (Public Exhibition EIE)

The new Design and Place SEPP forms part of a broader review of all SEPPs and aims to simplify and consolidate how to deliver good design in NSW. The Design and Place SEPP seeks to put place and design quality at the forefront of development. The SEPP seeks to promote shared responsibility to care for Country and sustain healthy, thriving communities. It spans places of all scales, from precincts, significant developments, and buildings to infrastructure and public spaces. The Explanation of Intended Effect for the SEPP was on public exhibition until 28 April 2021 and has briefly been taken into consideration in the determination of this DA.

Given this DA relates to a previously assessed SSD, notwithstanding the minor façade amendment, it is considered that the proposal would not comprise the design quality of the building.

5.3 Sydney Olympic Park – Commercial Signage Policy

In addition to SEPP 64 – Advertising and Signage, business identification signage 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.

The proposal has been assessed against the objectives of the policy which are set out below:

Objective	Response	Compliance */✓/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 business identification signage on decal screens, a pragmatic approach to their siting and location is undertaken in the assessment of proposal. In this instance the principal purpose of the decal screens is to conceal the back of the refrigeration units within the supermarket which are unsightly. The business identification signage on the decal screens is subservient to the overall screen design.	✓
2) Ensure signage and advertising structures erected or displayed are compatible with architectural style, scale of building, surrounding built form and streetscape.	The proposed decal screen and signage is generally compatible with the prevailing character of the host building. The design and colour is considered unobtrusive in design and appearance and is thus acceptable in this part of the precinct.	✓
3) Ensure signage and advertising structures are not intrusive or create adverse impact on the visual amenity of the Park.	The proposed signage is generally compatible with the prevailing character of the host building. The design and colour is considered unobtrusive in design. It is considered it would have a neutral impact on the character and appearance of the site.	✓
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 night time activities within the Park.	The limited business identification signage would have a positive impact on the day activities within the Park in terms of wayfinding and building/use identification. The business identification element of the decal screen is subservient and the artwork contributes to the sense of place within Sydney Olympic Park.	✓
8) To minimise visual clutter through excessive signage and advertising structures by encouraging fewer more effective signage.	It is noted that the principal purpose of the decal screen is to provide screening of the back of the refrigeration units within the supermarket, which are positioned along the side and rear wall, from external viewing. The business identification signage element of the decal screen is subservient and the artwork contributes to the sense of place within Sydney Olympic Park.	✓

Whilst section 4.10 of the Commercial Signage Policy seeks to ensure that 80% of the window area is free from on-premises advertising, it is noted that the principal purpose of the decal screens is not to provide business identification signage for the supermarket, instead it is to protect the visual amenity of the streetscape from unsightly views of the rear of refrigeration units. Business identification signage directly relating to IGA (containing the IGA logo) is contained on 4 of the 16 decal screens; a further 2 decal screens contain indirect signage text and the remaining 10 decal screens comprise related imagery such as drawings of Sydney Olympic Park. Overall, it is noted that 80% of the decal screen surface area is free from on-premises business identification signage in compliance with the Commercial Signage Policy.

Furthermore, the business identification signage on the decal screens is subservient to the overall design. It is on this basis that it is considered, in this instance, that strict adherence to this policy would result in greater harm to the amenity of the area than if the glazing was left unobstructed by the decal screen.

The IGA window signage on the entrance elevation of the retail unit fails to ensure that more than 80% of the surface area of the window is free from advertising or signage as per the Commercial Signage Policy. However, it is noted that no fascia signs are proposed for this unit and other windows on this elevation will remain free from advertisement or signage. It is therefore considered that on this basis the window sign on this elevation does not harm the amenity of the area and is acceptable in this instance.

5.4 Compliance with Master Plan 2030 (2018 Review)

The Sydney Olympic Park Master Plan 2030 (Master Plan 2030) establishes the vision and guides the long-term sustainable development of Sydney Olympic Park. Master Plan 2030 has been prepared in accordance with the requirements of the *Sydney Olympic Park Authority Act 2001* and Appendix 11 Section 26 of the SSP SEPP. Given the proposal seeks to facilitate retail to the town centre, it is considered that the proposal is considered generally consistent with Master Plan 2030 (2018 Review).

5.5 Traffic and Transport

A total of 70 visitor commercial and retail spaces were previously approved under SSD7662 (Condition B11 - as modified). Of these, 33 spaces were designated as retail parking spaces and are located directly adjacent to the retail these spaces will be utilised by retail unit 2.

The proposed servicing and deliveries was assessed under SSD7662 and is considered acceptable and relevant to this proposal. All vehicles will enter and leave the site in forward gear and the loading dock is constructed in accordance with AS 2890.2 with regards to height as set out in SSD7662 Planning Condition B10 Parking and Access which is imposed in perpetuity.

5.6 Design

It is considered that the internal fitout of retail unit 2 will not impact on the design excellence of the site. However, given the operational requirements of the unit as a supermarket which include refrigerated and freezer units it is considered the most appropriate location for these units is along the rear and side wall of the floorplate – in front of the glazing. As such, the glazing would be obscured and visually unpleasant when viewed from the public domain. The applicant thus

proposes decal screening to the south and east windows of the unit with an approximate 600mm gap at the top to allow natural daylight to penetrate above the refrigeration and freezer units. SOPA has been consulted on the design of the decals screens and considers they provide visual interest to the façade. Overall it is considered that in this instance the principal purpose of the decals screens is not to provide advertising for the unit and further, the business identification signage on the decal screens is subservient to the overall design. Accordingly, on this basis, and taking into consideration the guidance contained within the SOPA Commercial Signage Policy, in this instance the decals screens are acceptable, subject to standard decal screen maintenance conditions.

The proposal includes alterations to the façade of the retail unit to accommodate the café hatch that will infill a previously glazed panel. The applicant has worked with SOPA to find an appropriate design solution and a contrasting non-combustible aluminium composite panel with timber finish is proposed. It is considered that this contrasting panel will not disrupt the prevailing rhythm of the fenestration of this elevation and thus respect the design integrity of the façade.

5.7 Residential Amenity – Acoustic Impacts

The proposed supermarket use is located within a B4 Mixed Use zoning and the Sydney Olympic Park Master Plan 2030 (2018 Review) allocates the site for mixed commercial, residential, hotels and serviced apartments. The principle of the land use comprising 1,500m² of retail with residential above was established through SSD 7662. Nevertheless, it is noted that this DA seeks consent for the following operating hours:

- Supermarket, Liquor Shop and Cafe are 06:00 - 23:00 – seven days per week

For the avoidance of doubt the retail operating hours were not set by the previously approved State Significant Development Application.

Given the town centre location in this part of Sydney Olympic Park, it is considered that the proposed operating hours are not unusual or out of character for an emerging town centre. Nevertheless, the submitted acoustic report assesses the impact of the plant machinery and servicing arrangements for the proposal.

The *NSW Environmental Protection Authority Noise Policy for Industry 2017* has been used to assess the impact of the development on the surrounding residential receivers. The nearest residential receiver was identified as the residential apartments situated on level 1 directly above the loading dock entry/exit.

The submitted acoustic assessment for the internal noise level criteria demonstrates that the day to day servicing during the 07:00 – 18:00 period will not materially impact on the residential amenity of these units. However, if servicing was to take place between 22:00 – 07:00 the residential occupiers of these units would be materially affected. It is therefore recommended that in order to protect the residential amenity of these units a planning condition will be imposed restricting the use of the servicing area between the hours of 07:00 – 18:00.

With regards to the operational plant machinery, the submitted acoustic report demonstrates that the mechanical plant to service the proposed supermarket will be contained within the plant room within the back of house area of the tenancy. The plant room is to be serviced by one supply fan and one exhaust fan and will contain 5 condenser units to service the requirements of fridges/freezers maintained within the proposed supermarket. Accordingly the impact of this plant machinery on the residential receivers will be negligible.

5.8 Consideration

The development, subject to suitably worded planning conditions will not materially impact on the residential amenity of nearby residential units or the design quality of the existing building. The proposal will facilitate the activation of the retail floorplate to site 53.

5.9 Sydney Olympic Park Local Infrastructure Contributions Framework (ICF)

The proposed development will not result in any additional GFA; accordingly, the ICF does not apply in this instance.

5.10 The suitability of the site for the development

The site was developed under SSD reference 7662 as a residential-led mixed-use development. The site is consistent with the mixed-use zoning for the site and this DA relates to use of the retail floorplate of Site 53 consistent with the B4 Mixed Use land zoning.

5.11 Likely Impacts of the Development

The proposal is considered acceptable and unlikely to have any adverse environmental, social or economic impacts. It is considered the proposal will seek to encourage Sydney Olympic Park town centre to reach its potential within a mixed used community with a strong retail focus.

6 Consultation

6.1 Notification, advertising and submissions received

The application was placed on public notification for a period of 14 days from 13 May 2021 to 27 May 2021 in accordance with the requirements prescribed under the *Environmental Planning and Assessment Regulation 2000*. No public submissions were received during the notification period.

6.2 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.

6.3 Internal referral

SOPA's Building Services Unit was notified of this DA; standard conditions pertinent to compliance with National Construction Code (NCC)/Building Code of Australia were recommended in addition to conditions requiring certification. These conditions have been included in the Development Conditions. SOPA's Senior Manager, Operations and Senior Manager, Infrastructure Engineering were notified of this DA and raised no objection.

7 Delegations

The Minister for Planning is the consent authority pursuant to cl.9A SEPP (State Significant Precincts) 2005 and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 2 November 2017, the Minister delegated powers and functions under Section 4.16 of the *EP&A Act* development at Sydney Olympic Park which have a Capital Investment Value of less than \$10 Million. These delegations have been provided to the Director, Environment and Planning, of Sydney Olympic Park Authority. The proposed development is consistent with these delegations as:

- it has a CIV less than \$10 million;
- the Authority is not the applicant; and
- the Authority will not derive a commercial benefit in excess of \$250,000 per year from the development.

Accordingly, it is appropriate for the Authority to exercise its delegations in determining this development application.

8 Findings and Recommendation

The proposal seeks permission for the fitout of a supermarket and liquor store in combination with building façade alterations within the site 53 residential-led mixed-use development. The development will contribute to the vitality and viability of Sydney Olympic Park town centre through providing retail choice in the form of a medium range convenience supermarket and is consistent with the vision of the Master Plan. Subject to suitably worded planning conditions pertinent to the development, use and operation of the supermarket and associate liquor store, it is recommended that development consent is granted.

9 Conclusion

The application has been assessed with regard to the matters raised in:

- (i) Section 4.15 of the *EP&A Act*;
- (ii) The provisions and controls of *SEPP (State Significant Precincts) 2005*;
- (iii) The provisions of Sydney Olympic Park Master Plan 2030 (2018 Review).

The proposed development is considered acceptable, in the public interest and is therefore recommended for **approval** subject to the recommended conditions of consent.

Assessed and Recommended by:



Richard Seaward
Urban Planner

Reviewed:



Vivienne Albin
Senior, Manager Planning

Approved:



Sally Hamilton
Director Environment and Planning