
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 06-06-2021
Application Site:	Lot 20 of DP1228905, in 2 Figtree Drive, Sydney Olympic Park, NSW 2127
Proposal:	The insertion of a tenancy partitioning wall dividing the two retail tenancies in addition to the associated fire system upgrade, including combined fire hydrant system, alarm system and fire roller shutter.
Applicant:	GJS Property
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, and Linear Park to the south and Kookaburra Lane to the west. Site 53 includes a mixed use development including residential units and a proposed supermarket.

This DA relates to alterations and additions to the retail floorplate located on Australia Avenue.

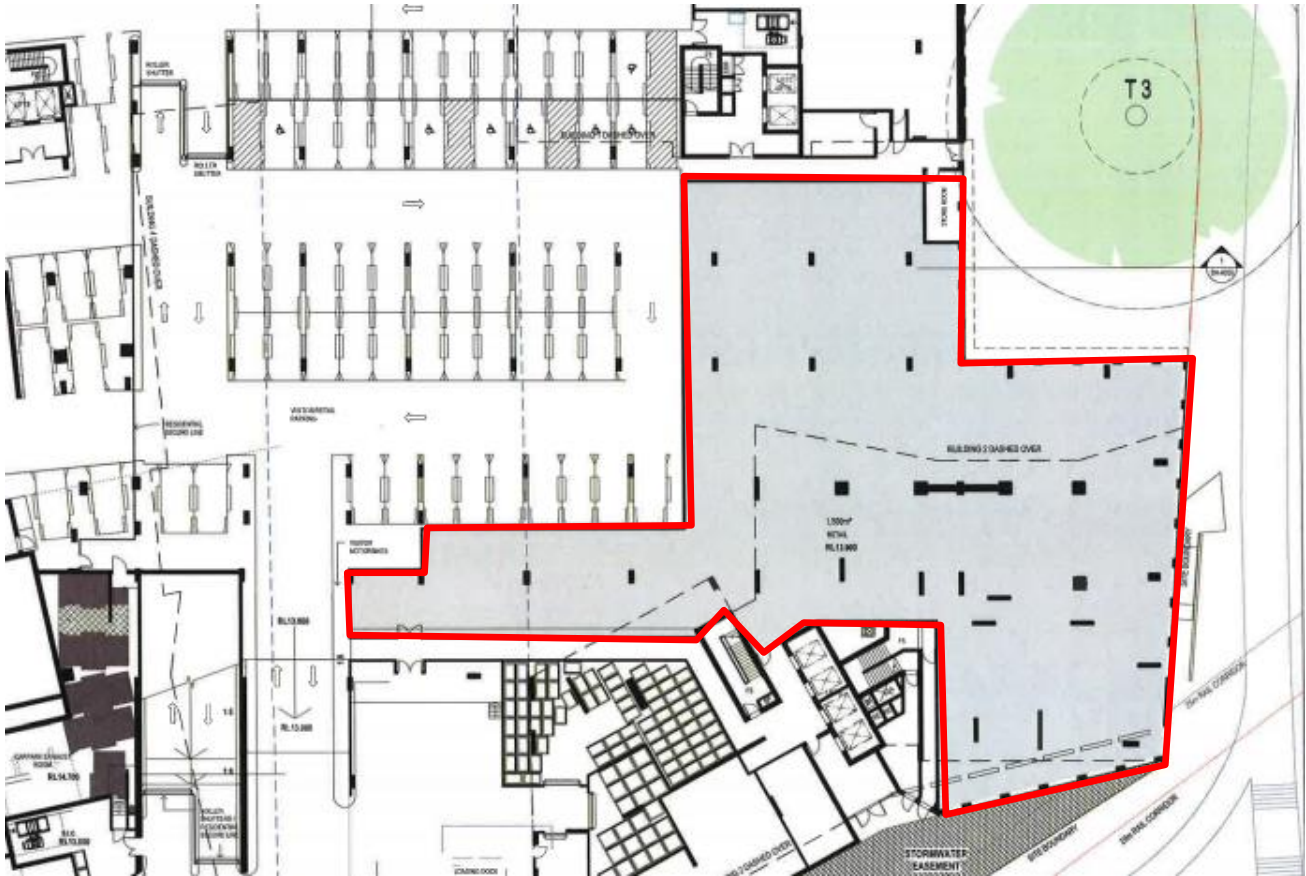


Figure 1: Location of the subject site outlined in red comprising retail floorplate on the ground floor

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).

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 which 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 Stratum 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 is pending determination adjacent to the existing lightbox within the landscaped area at the junction of Figtree Drive and Australia Avenue.

Similarly, a DA for the fitout of a supermarket with ancillary food and drink premises is pending for the retail tenancy at the site.

4 Proposed Development

The proposal relates to the insertion of a speed wall diving the two retail tenancies in addition to the associated fire system upgrade, including combined fire hydrant system, alarm system and fire roller shutter. The development is wholly within the retail floorplate of site 53.

Clause	Response	Compliance x/✓/N/A
(9) Zone B4 Mixed Use	The proposed development is for the insertion of a speed wall dividing the two retail tenancies in addition to the associated fire system upgrade, including combined fire hydrant system, alarm system and fire roller shutter. The proposal is permissible in the B4 zone and satisfies the objectives of the zone.	✓
(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.	✓
(19) Floor space ratio	The proposal will have no implications on FSR as no floor space will be lost or added.	N/A
(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	The proposal will not impact on traffic or transport within Sydney Olympic Park.	✓
(26) Master Plan	The proposed development will enable the provision of two retail units within site 53 which is consistent with a B4 Mixed Use zoning; 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 alterations and additions are internal to the retail floorplate and thus the proposal will not impact on the design excellence of the site.	✓
(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 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 thus in accordance with section 4.15(1)(a)(ii) of the EP&A Act 1979 the emerging SEPP should be taken into consideration in the determination of this DA.

Given this DA relates to internal works it would not result in any permanent development the emerging Design and Place SEPP is not relevant in this instance.

5.3 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 is internal and seeks to facilitate retail to the town centre, the proposal is considered generally consistent with Master Plan 2030 (2018 Review).

5.4 Consideration

Given the proposal is wholly contained within the floorplate of the retail element of site 53, accordingly the works will not detract from the design quality of the building and will not be visible from the surrounding public domain. The proposal will facilitate the creation of two retail tenancies and enable the activation of the retail floorplate to site 53. The proposal has been reviewed by SOPA's Building Services Manager and relevant building compliance conditions proposed.

5.5 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.

5.6 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 enabling the creation of two retail tenancies within the retail floorplate of site 53 consistent with the B4 Mixed Use land zoning.

5.7 Likely Impacts of the Development

The proposal is considered acceptable and unlikely to have any adverse environmental, social or economic impacts.

6 Consultation

6.1 Notification, advertising and submissions received

The application was placed on public notification for a period of 14 days from 2 July 2021 to 15 July 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.

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 insertion of a speed wall dividing the two retail tenancies in addition to the associated fire system upgrade, including combined fire hydrant system, alarm system and fire roller shutter at the ground floor retail space within the site 53 residential-led mixed-use development. The development will have a neutral impact on the vision of the Master Plan. Subject to suitably worded planning conditions relating to BCA compliance and certification this DA recommended for approval.

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