
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 05-05-2019
Application Site:	4 Murray Rose Avenue, Sydney Olympic Park
Proposal:	Erection of Four Flagpoles
Applicant:	New South Wales Rural Fire Service
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).

2 Recommendation

It is recommended that the Chief Executive Officer, 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 Background

On 16 September 2014, the delegate of the Minister for Planning granted consent to State Significant Development (SSD) 6076 at 4 Murray Rose Avenue for the construction of a six storey commercial building with rooftop plant and basement car parking. The consent comprises 15,713sqm of Gross Floor Area (GFA) and contains 287 car parking spaces across three levels of basement.

On 1 July 2015 consent was issued by the Department of Planning and Environment (DPE) pursuant to s.96 (section 4.55) of the Environmental Planning and Assessment Act 1979 (EPA Act) which included amendments to the ground floor of the building and the loading dock access.

A further modification was approved by the DPE on 3 April 2017 pursuant to s.96(1A) (section 4.55 1A) of the EPA Act which includes modifications considered to have minimal

environmental impacts. These modifications include internal alterations, façade alterations, landscaping amendments and an increase in the floor space by 120m².

The development has been built in accordance with the development consent and associated modifications.

4 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 Environmental Planning Policy State Significant Precincts 2005 identifies the land zoning to be B4 Mixed Use; the Master Plan further designates the land use to be commercial within the Parkview Precinct.

The site is legally described as part of Lot 88 in DP870992 and has an area of approximately 5,014sqm.

The anchor tenant is the New South Wales Rural Fire Service (RFS) who occupy the building as their headquarters and maintain the main entrance fronting onto Murray Rose Avenue.



Figure 1 – Aerial photograph of subject site

5 The proposed development

This Development Application (DA) proposal seeks approval for the erection four (4) flagpoles at the front of the building entrance. It is proposed the flagpoles will be positioned on the top of the retaining wall of the building which slopes right to left from approximately 600m to 1.2m in height.

The flagpoles will be positioned adjacent to the front entrance to the RFS headquarters. They will be located approximately 2.3 metres in front of the glass façade of the building. They will be utilised for the flying of the Australian flag, the New South Wales flag, the NSW Rural Fire Service flag and the Indigenous Australian flag.

The flag poles will be 6m in height (measured from the base) and positioned under the double storey cantilever at the entrance to the building. They will be made out of aluminium and fixed to the ground with a steel spigot



Figure 2 – Site photo showing the proposed location of the flagpoles



Figure 3 – Perspective of the proposed flags in front of the front entrance of the Rural Fire Services building

6 Assessment

The application has been assessed pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including consideration of the following matters:

6.1 Environmental Planning Instruments

6.1.1 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 pursuant to Schedule 3, Part 23 of SEPP State Significant Precincts 2005 and the relevant provisions are addressed in Table 1.

Table 1 SEPP State Significant Precincts 2005 – Planning Provisions

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposal is in relation to the use of the site as office accommodation for the NSW RFS which is consistent with the B4 Mixed Use land zoning as set by the SEPP.	✓
(19) Subdivision	This development application does not seek the subdivision of the site.	N/A
(23) Public infrastructure	The flagpoles will not connect to any public infrastructure; nonetheless, essential services such as electricity, potable water and sewer are available in the immediate vicinity of the site.	N/A
(24) Major event capability	The proposed development will not adversely impact on the major event capabilities of the Park or the free movement of people during major events.	N/A
(25) Transport	The flagpoles will not be illuminated and are considered to be elements of a building which are not out of character or context in an urban environment. It is therefore considered the addition of flagpoles and associated flags to the building will not unduly distract motorists or give rise to any material traffic safety concerns. Furthermore, the flagpoles will be contained within the curtilage of the site on top of a small retaining wall and thus will not impact on the free flow of pedestrian movement on the adjacent footway.	✓
(26) Master Plan	The proposed development is within the Parkview precinct, and is consistent with Master Plan 2030 (2018 Review) principles and controls for this precinct.	✓
(29) Development within an environmental conservation area	The site is not located within a conservation area.	✓
(30) Design Excellence	Whilst the flagpoles are of a utilitarian design, it is considered they will not detract from the overall Design Excellence of the host building. Furthermore, the flagpoles located at the front of the building are consistent with the general character and appearance of a public building such as the NSW RFS headquarters. To ensure that the use of the flagpoles do not detract from the amenity, it is recommended that a condition be imposed prohibiting the use of the flagpoles for business identification, advertising or promotional signage under this consent.	✓
(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

6.2 Key Issues

The locations of the flagpoles are not out of character for a public building such as the NSW RFS headquarters. Their positioning to the front of the building will accord with the overall asymmetry of the front elevation. The heights of the flagpoles are consistent with the double storey cantilever of the front elevation to the building and are thus considered to be a sympathetic addition to the front elevation.

It is considered in order to safeguard the visual amenity of the area; a suitably worded planning condition should be included on the development consent to ensure the flags are replaced if deemed damaged, tattered or ripped.

6.3 The suitability of the site for the development

The suitability of the site for development has been assessed previously under Development Application reference SSD 6076. This application is associated with the use of the site by the NSW RFS which is deemed to accord with the relevant controls.

6.4 Notification, advertising and submissions received

The application does not necessitate advertising or notification and, as such, no submissions were received regarding the proposal.

6.5 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.

7 Consultation

7.1 Public notification

The proposal did not necessitate public advertising or notification.

7.2 Internal referrals

Given the proposal will have no material traffic, structural or contamination implications no referrals were made in this regard. SOPA's Placemaking team were notified about the DA and they confirmed they have no objection to the proposal on the basis that the flagpoles will be located within the curtilage of the site and a planning condition will be imposed restricting the flagpoles from being used as advertisement signage.

8 Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP Major Development 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 *Environmental Planning and Assessment Act 1979* (the Act) for certain 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 '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.

9 Conclusion

The proposal has been assessed against:

- (i) the provisions and controls of *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- (ii) the relevant provisions of Sydney Olympic Park Master Plan 2030 (2018 Review).

The application has been assessed 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 therefore recommended for approval subject to the recommended conditions of consent.



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