
SYDNEY OLYMPIC PARK AUTHORITY

Planning Assessment Report

Application No:	DA 04-03-2012
Application Site:	"Site 3" Shop 2, 1-11 Australia Avenue, Sydney Olympic Park
Proposal:	Fitout and use of shop 2 for retail use, takeaway Indian restaurant including signage and outdoor dining.
Background/History:	Site 3 is an approved development comprising the first of 3 stages approved by the Minister for Planning under DA Consent MP 06_0127 and MP10_0027
Applicant:	Piyush Patel – Siddhivinayak Enterprise
Determining Agency:	Sydney Olympic Park Authority

1 Site and surrounds

A site visit was carried out on 3 April 2012. 1-11 Australia Avenue (Site 3) is located to the south east of Sydney Olympic Park Rail Station and is within the area currently known as the 'Parkview' Precinct. The site is legally described as Lot 74 DP 1134933.

The site is located on the Australia Avenue frontage and is immediately bounded by Parkview Drive to the north, and a rail corridor to the south and east.

2 The proposed development

The proposal is to fitout one of the ground floor tenancy known as Shop 2 for retail use (takeaway shop to be known as "Maharaja's Indian Cuisine" with outdoor seating for up to 16 patrons). The proposal includes minor internal and external alterations/additions, and erection of one external business identification sign.

3 Assessment

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

3.1 Environmental Planning Instruments, DCPs and Planning Agreements

3.1.1 State Environmental Planning Policy (Major Development) 2005

The Minister for Planning is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP (Major Development) 2005. The proposed development is permissible with consent pursuant to Schedule 3, Part 23 of SEPP Major Development 2005 and the relevant provisions are addressed in Table 1.

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposal is permissible with consent. The objects of the zone are satisfied.	✓
(23) Public infrastructure	Public infrastructure requirements have been addressed in the base building approval. This application does not require additional public infrastructure to that already approved.	✓
(24) Major event capability	The proposal will provide a takeaway food service to residents and workers within SOP as well as patrons of major events.	✓
(25) Transport	Transport/ parking requirements have been addressed in the approval of MP 06_0127 by the Minister for Planning.	✓
(26) Master Plan (Note: Master Plan 2030 is a deemed DCP and is also considered here for the purpose of S79C(1)(a)(iii)).	The proposed development is generally consistent 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	The design excellence of the residential apartment building was considered as part of the assessment and approval of MP 06_0127 by the Minister for Planning.	N/A
(31) Heritage Conservation	The subject site is not within the vicinity of a heritage item and the proposed fit out works will not impact on heritage conservation.	N/A

Table 1 SEPP Major Development – Planning Provisions

3.2 Prescribed Matters EP & AR 2000

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

3.3 Impact of the development

The proposed development is for the fitout and use of the upper ground floor as a Cafe, and will not adversely affect the natural, social or economic environment subject to conditions of consent.

3.4 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 approved land use.

3.5 Notification, advertising and submissions received

No submissions were received as the proposal did not require advertising, notification or agency referrals.

3.6 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 principle environmental planning instrument applying to the land contained with *State Environmental Planning Policy (Major Development) 2005*; and
- Would not result in any adverse environmental affects (subject to conditions).

4 Sydney Olympic Park Authority Act 2001

4.1 Clause 22(2) – Consistency with Environmental Guidelines

The proposed development is generally consistent with the *Environmental Guidelines* as the proposed development does not alter the environmental performance of the commercial building, which is designed to achieve a high green-star rating.

5 Consultation

5.1 Internal referrals

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 3 April 2012:

INTERNAL DEPARTMENT	RESPONSE
BUILDING SERVICES	No objections subject to conditions

Building Services Unit – All conditions recommended have been incorporated into the Conditions of Consent where appropriate and necessary.

6 Outdoor Commercial Seating Policy

Aspects of outdoor dining are able to comply with SOPA's Commercial Outdoor Seating Policy subject to specific conditions.

It should be noted that the proposed outdoor seating area (and Shop 2) are contained within the proposed freehold title. On completion of the construction works of Australia Towers (Stage 1), the freehold title will be transferred from SOPA to the Owners Corporation and the individual lot owners. Therefore the licence for outdoor seating in the common area, outside the Shop 3 leased premises will be issued by the Owners Corporation and not by SOPA.

7 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*. The Authority is the assessing and determining agency pursuant to the Minister's delegation dated 1 October 2011.

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

Reviewed & Endorsed by

Darren Troy
**Manger Planning
Urban Planning**

Andrew Brown
**Executive Manager
Urban Planning and Design**

Date:

Date: