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**SYDNEY OLYMPIC PARK AUTHORITY**

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**Planning Assessment Report**

<b>Application No:</b>	DA 07-08-2017
<b>Application Site:</b>	Levels 4&5, 2 Dawn Fraser Ave, Sydney Olympic Park
<b>Proposal:</b>	Infill of existing internal stairs between levels 4 and 5, and infill of the void.
<b>Background/History:</b>	Existing commercial office use, proposed to continue.
<b>Applicant:</b>	Mr Stephen Mangion
<b>Determining Agency:</b>	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 the Sydney Olympic Park Authority:

- A) Consider all relevant matters as discussed and assessed by this report; and
- B) **Approve** the development application subject to conditions pursuant to Section 80(1) and 80A of the EP&A Act, having considered the relevant matters in accordance with A) above.

**3 Site and surrounds**

The site is located immediately south east of the Sydney Olympic Park Rail Station and is within the area known as the 'Central' Precinct. The site is legally described as Lot 7 DP 1130359.

The site has frontage to Dawn Fraser Avenue (north), Australia Ave (east) as well as Herb Elliot Ave (south). The site shares the remaining boundary with a commercial development to the south west. The site is relatively flat and currently contains an office building.

The building is an 8 storey (above ground) office tower with basement car parking as well as mixed retail uses at the ground floor level. The subject tower is connected to the office tower at 4 Dawn Fraser Ave by 4 suspended bridges as well as a common basement car park.

The office areas of both buildings are currently occupied by a single tenant (Commonwealth Bank of Australia).

## 4 The proposed development

The proposal is for the demolition of the existing internal stair located at the eastern extremities of Levels 4 & 5, and infilling the floor opening to remove the connection between the floors. The area of the void on Level 5 to be in-filled is approximately 20m<sup>2</sup>.

This will allow for the future occupation of the floors by unrelated commercial tenants.

### Assessment

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

#### 4.1 Environmental Planning Instruments, DCPs and Planning Agreements

##### 4.1.1 State Environmental Planning Policy (State Significant Precincts) 2005

The proposed development does not fall within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as it fails to meet the development standard at Part 5, Div 1, Sub 1, Clause 5.2 (1)(d), as the alteration will involve the infill of a void.

The proposed development is permissible with consent pursuant to Schedule 3, Part 23 of SEPP 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 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.	✓
(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 within Site 7 of Central Precinct, identified for commercial uses. It consists of minor internal works whilst maintaining the existing approved use of the site, which is consistent with the MP 2030 principles and controls.	✓
(30) Design excellence	This site and the proposal do not trigger the design excellence provisions of the Master Plan.	N/A
(31) Heritage Conservation	The site is not within a heritage conservation area.	N/A

**Table 1 SEPP State Significant Precincts 2005 – Planning Provisions**

#### **4.2 Prescribed Matters Environmental Planning & Assessment Regulation, 2000**

The prescribed matters of the *Environmental Planning and Assessment Regulations 2000* such as subdivision, coastal protection are not applicable to the subject DA (with the exception of demolition).

#### **4.3 Impact of the development**

The proposed development is for internal works which will not notably intensify use of the site. The proposed development will not adversely affect the natural, social or economic environment, subject to compliance with conditions of consent. The proposal will allow the current approved use of the site to continue.

#### **4.4 The suitability of the site for the development**

The proposal is in keeping with the overall objectives and functions of the site and approved commercial land use.

#### **4.5 Notification, advertising and submissions received**

No submissions were received as the proposal did not require advertising.

#### **4.6 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 (State Significant Precincts) 2005*; and
- Would not result in any adverse environmental affects such as noise or traffic (subject to conditions).

### **5 Sydney Olympic Park Authority Act 2001**

#### **5.1 Clause 22(2) – Consistency with Environmental Guidelines**

The proposed development is for internal works only and is generally consistent with the *Environmental Guidelines* as the proposed development is minor and does not adversely affect the environment.

### **6 Consultation**

#### **6.1 Internal referrals**

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

INTERNAL DEPARTMENT	RESPONSE
BUILDING SERVICES	No objections subject to conditions

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

## 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.

On 10 November 2014, the Minister delegated powers and functions under Section 80 of the Environmental Planning and Assessment Act 1979 (*the Act*), effective from 10 November 2014, 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 Chief Executive Officer 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.

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

## 8 Conclusion

The proposal is of a nature that is generally in keeping with the overall objectives and functions of the site and permissible land use. It is consistent with:

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

The application has been assessed with regard to the matters raised in Section 79C of the EP&A Act. The proposed development is considered to be acceptable, is in the public interest and is recommended for **conditional approval**.

Prepared by

**Liz Coker – Consultant Planner**

**Date: 7 September 2017**

Reviewed by

**Sally Hamilton - Director, Environment**

**Date:**

Endorsed by

**John Ferguson – A/ Executive Director, Operations**  
**Date:**

**Charles Moore - Chief Executive Officer**  
**Date:**