
SYDNEY OLYMPIC PARK AUTHORITY

Planning Development Application Assessment Report

Application No:	DA 08-07-2018
Application Site:	5 Figtree Drive, Sydney Olympic Park (Lot 58, DP 786296)
Proposed development:	Continuing use of the site as an educational establishment, increase in student numbers from 500 to 800 and amend the approved hours of operation.
Applicant:	SP Jain School of Global Management
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 Director, Environment and Planning of the Sydney Olympic Park Authority (SOPA):

- A) Consider all relevant matters as discussed and assessed by this report;
- B) Determine that the development application be approved subject to conditions and pursuant to Sections 4.16 and 4.17 of the EP&A Act, having considered the relevant matters in accordance with A) above; and
- C) 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 March 2012 SOPA, as the Delegate of the Minister for Planning, granted consent to DA 02-02-2012 at 5 Figtree Drive, Sydney Olympic Park, for:

- alterations and additions to existing commercial building;
- new signage; and
- use as an international business school.

The consent for DA 02-02-2012 limited the maximum number of students to be enrolled at the school to 500. The consent also imposed a trial period on the use through Condition A3 to allow SOPA to monitor the impacts of the student numbers on transport and precinct management. The condition required the applicant or operator of the business to obtain

approval to modify the consent to remove this trial period condition within three (3) years of the commencement of the use, or the consent would become invalid.

The operator of the consent did not lodge an application to remove this condition within the three year period and, as such, the education establishing is currently operating without a valid consent. When the operator became aware of this issue, they sought a pre-DA meeting with SOPA staff and have lodged this development application to regularise the use.

4 Site and Surrounds

The subject site is known as 5 Figtree Drive, Sydney Olympic Park. The site is legally described as Lot 58 DP 786296.

The site is currently occupied by a warehouse building. The warehouse building is internally divided into two separate tenancies. The SP Jain School of Global Management is located within the larger tenancy on the northern side of the warehouse building, while the smaller tenancy is currently occupied by Sydney Sports Incubator. The SP Jain tenancy has a total gross floor area of 6,660.3m².



Figure 1: Aerial photograph of subject site (Base Map: Google Maps)

5 The Proposed Development

The proposal seeks approval to continue the use of 5 Figtree Drive as SP Jain Global Management Campus and to increase student numbers from 500 to 800.

The proposal seeks to amend the approved hours of operation on Saturday and Sunday from 9.00am to 5.00pm to 8.00am to 7.00pm. The proposal will maintain the approved hours of operation from Monday to Friday of 7.30am to 11.00pm

The proposed development does not include any alterations to the existing buildings or signage and does not involve any other changes to the site.

6 Assessment

The application has been assessed pursuant to Section 4.15 of the EP&A Act, 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 in the B4 Mixed Use Zone, pursuant to Schedule 3, Part 23 of the SEPP. The relevant provisions are addressed in Table 1 below.

Table 1 SEPP (State Significant Precincts) 2005 – Planning Provisions

Clause	Response	Compliance */✓/N/A
(9) Zone B4 Mixed Use	The proposal is permissible with consent. The objects of the zone are satisfied.	✓
(18) Height of buildings	The proposal does not involve any new building work.	N/A
(19) Floor space ratio	The proposal does not involve an increase in Gross Floor Area.	N/A
(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 proposed development is unlikely to impact on the major event capability of the Park.	✓
(25) Transport	Parking is provided in accordance with Condition B7 of the consent for DA 02-02-2012 and will not be altered as part of this proposal. The proposal will not increase staff numbers or the classroom capacity of the site. The Applicant has not undertaken a Traffic Impact Assessment to assess the impacts of the increase to student numbers. However, as the classroom capacity of the site has not changed, the maximum number of students and staff on-site at any given time will not increase as a result of the proposed increase in student enrolments. Accordingly, the proposed increase in student numbers is unlikely to result in any significant increase in traffic impacts.	✓
(26) Master Plan	The proposed development is within the Central precinct, and is generally consistent with MP 2030 principles and controls It is considered that the subject use is an appropriate use and will not comprise the long term realisation of Master Plan 2030.	✓
(29) Development in conservation area	The subject site is not in an environmental conservation area.	✓
(31) Heritage Conservation	The subject site is not within the vicinity of a heritage item and the proposed works will not impact on heritage conservation.	✓

6.1.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) no longer applies to educational establishments.

6.1.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposal does not require assessment under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) as the proposed works will not be carried out by or on behalf of a public authority.

6.2 Key Issues

6.2.1 Traffic and Transport

The proposal seeks to increase the maximum student enrolments for the business school from 500 to 800. The proposal will not increase staff numbers or the classroom capacity of the site. The additional student numbers will be accommodated by more efficient class scheduling and increased weekend hours of operation. The maximum number of students and staff on-site at any given time will therefore remain at approximately 450-500 despite the increase in student enrolments.

As outlined in Table 1 above, parking is provided on-site in accordance with Condition B7 of DA 02-02-2012 and will not be altered as part of this proposal. Accordingly, the majority of students will continue to utilise public transport or SOPA's public car parks.

Accordingly, the proposed increase in student numbers is unlikely to result in any significant increase in traffic impacts.

6.2.2 Operating Hours

The site is located within an existing business park in Central Precinct. The business school has operated between 7.30am and 11.00pm, Monday to Friday and 9.00am and 5.00pm, Saturday and Sunday. SOPA has no record of any operational issues or complaints regard the current hours of operation for the business school.

The proposed hours of operation of 7.30 am to 11.00 pm (Monday to Friday) and 8.00am to 7.00pm Saturday and Sunday represent a minor increase to the weekend operating hours. The increased hours are unlikely to adversely impact on the operation of any surrounding businesses or the wider precinct.

The proposed hours are also consistent with the objectives in Section 3.4 of Master Plan 2030 (2018 Review) of achieving an 18-24 hour economy within the Town Centre and will contribute to better activating the Town Centre on weekends.

6.3 Sydney Olympic Park Local Infrastructure Contributions Framework (ICF)

The proposed development will not increase gross floor area at the site. Accordingly, the ICF does not apply to the proposed development.

6.4 The suitability of the site for the development

The subject site has previously been developed as an educational establishment for private tertiary education. The site is suitable to accommodate this re-established educational use, as well as the proposed increase in student numbers.

6.5 The public interest

The proposal 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 in *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- is not expected to result in any adverse environmental affects, subject to the recommended conditions.

7 Sydney Olympic Park Authority Act 2001

7.1 Clause 22(2) – Consistency with Environmental Guidelines

The proposed development does not involve any new building work and is unlikely to have any adverse environmental impacts. The proposal is therefore considered to be generally consistent with SOPA's Environmental Guidelines.

8 Consultation

8.1 External referrals

The proposal did not require external referrals.

8.2 Internal referrals

The application was referred for review and comment on 12 July 2018. Responses were received as follows:

INTERNAL DEPARTMENT	RESPONSE
Precinct management	<ul style="list-style-type: none"> • Recommended issuing a 3 year DA to allow SOPA to monitor the impacts to the immediate intersections due to the increase in students. • The Applicant should prepare a Transport Plan which addresses increasing public transport usage by students on major event days.

After internal discussions, it was agreed that the imposition of a further trial would be unreasonable, given that SOPA has not had any reported complaints regarding traffic or pedestrian management and the number of students and staff on-site at any given time will not increase.

Similarly, the requirement for the Applicant to prepare a Transport Plan was also considered unreasonable in this instance, given that:

- on-site car parking numbers will not be increased at the subject site;
- the majority of students will continue to utilise public transport; and
- the number of students and staff on-site at any given time will not increase as a result of the proposal and therefore, the proposal is unlikely to have a significant impact on public transport demand to and from Sydney Olympic Park.

9 Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SSP SEPP and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 10 November 2014, the Minister delegated his powers and functions under Section 80 (now section 4.16) of the EP&A Act for all 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 the Authority. The proposed development is consistent with these delegations as:

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

It is therefore appropriate for SOPA to exercise its delegations in determining this development application.

10 Conclusion

The application has been considered 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 recommended for conditional approval.

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6/9/2018