

SYDNEY OLYMPIC PARK AUTHORITY

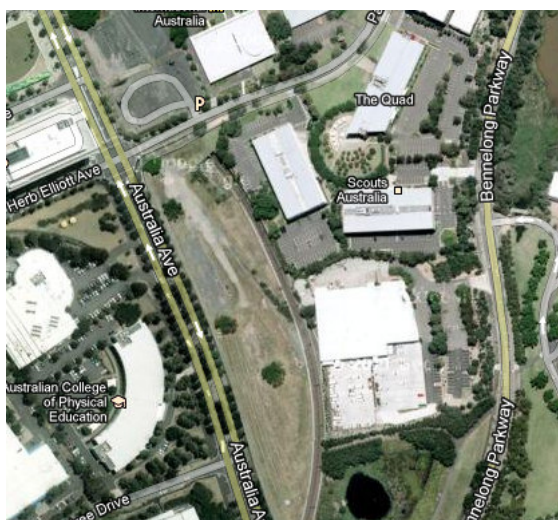
Planning Development Application Assessment Report

Application No:	DA 11-09-2011
Application Site:	Ground floor, 1 Australia Avenue, Sydney Olympic Park
File No:	F11/936
Proposal:	Fit Out of Child Care Centre
Background/History:	<p>1 Australia Avenue is a new mixed use residential development part 24 storeys and part 16 storeys with 3 levels of basement parking (approved by the Department of Planning Ref: 06_0127).</p> <p>Separate development applications are required for fitout of the childcare centre and ground floor commercial tenancies.</p>
Applicant:	Site 3 Development Company
Determining Agency:	Sydney Olympic Park Authority

1 Site and surrounds

A site visit was carried out on 22 September 2011.

1 Australia Avenue is located on the southern corner of Australia Avenue and Parkview Drive. The site is located immediately to the south east of the Sydney Olympic Park Town Centre and railway station. The site is located with the Parkview Precinct of the Master Plan 2030. The site is legally described as Lot 1 DP 1159930.



2 The proposed development

The proposed development involves a fit out of a ground and mezzanine level in an approved building at 1 Australia Avenue, Sydney Olympic Park.

The fit out is for the establishment of a 40 place childcare centre.

The centre will have a total floor area of approximately 614m².

The works will include an internal fit out to create spaces for internal play, storage, sleeping, kitchens and bathroom facilities. Internal spaces will also be created for staffrooms, offices and a parent's lounge. On the ground level a large 280m² outdoor play area will be constructed, part of which will be covered.

Five (5) car parking spaces will be provided within the buildings car park for the use of the childcare centre. An additional 5 drop off bays will be provided on the Parkview Street frontage.

The works would be carried in accordance with the plans prepared by Fortey + Grant Architecture. The development has also been designed in accordance with the Children's Services Regulation 2004.

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 proposed development is for a childcare centre which 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. As part of the building consent 5 visitor drop off bays were to be provided on the Parkview Drive frontage. These parks have been provided prior to the lodgement of this application.	✓
(24) Major event capability	The proposed development is for minor commercial development and as such do not impact on major events.	✓
(25) Transport	The proposed development is for minor commercial (child care centre) development and as such do not impact on transport infrastructure for the overall park. The proposed development does not involve increase in demands or require works to existing traffic intersections or public roads.	✓

Clause	Response	Compliance */✓/N/A
	11 parking spaces are provided on site for the child care centre along with 5 drop off bays on the public street. This infrastructure is considered to adequately address the parking demands of the development.	
(26) Master Plan (Note: Master Plan 2030 is a deemed DCP and is also considered here for the purpose of S79C(1)(a)(iii)).	Master Plan applies to the subject site and has been considered in the base building approval and the proposed development is consistent with MP 2030 principles and controls.	✓
(29) Development in environmental conservation area	The subject site is not in a environmental conservation area.	✓
(30) Design excellence	Design excellence was considered as part of the application for the original building.	✓
(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.	✓

Table 1 SEPP Major Development – Planning Provisions

3.1.2 Draft State Environmental Planning Policy Competition 2010

Following a review undertaken in 2009 by the NSW Department of Planning and the Better Regulation Office into how economic growth and competition were impacted by the planning system, a new draft State Environmental Planning Policy for Competition has been prepared. This draft policy has been considered in Table 2.

Clause	Response	Suitably of development
(8) Commercial viability of proposed commercial development	Commercial viability of the proposed development or any other existing development is not a consideration for this development.	✓
(9)(1)(2) Loss of trade etc for other commercial development	The loss of trade for existing or proposed commercial development is not a consideration.	✓
10 (1)(2) Restrictions on number of particular types of retail premises	There are no restrictions on the number of types of the development proposed that can be approved subject to meeting all other planning requirements.	✓
11 (1)(2) Restrictions on proximity of particular types of retail premises.	Proximity to other existing retail and commercial development is not a consideration.	✓

Table 2 Draft SEPP Competition 2010

3.2 Child Services Regulation

The proposed childcare centre has demonstrated, by the submitted plans and within the Statement of Environmental Effects that it can meet the requirements of the Child Services Regulation 2004. Complete compliance with the regulation will need to be provided in the documentation for a construction certificate application and will need to be in place prior to occupation of the premises.

3.3 Auburn Council Child Care Centre DCP 2000

An assessment of the child care centre has been provided under the Auburn Child Care Centre DCP. It is noted that this DCP is not an enforceable planning policy within Sydney Olympic Park, however the proponent has chosen to demonstrate their compliance.

The SEE identifies that the proposal is generally consistent with the provisions with some minor departures. The departures are considered to be acceptable and justification has been provided within the SEE for these departures.

3.4 Prescribed Matters EPAR 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.

3.5 Impact of the development

The proposed development is for a childcare centre fit out and will provide a positive affect on the natural, social or economic environment.

Potential noise impacts of the proposed development have been considered and an acoustic assessment has confirmed that the proposed glazing measures will satisfactorily mitigate noise from the childcare centre and therefore should not result in any unreasonable impacts on the residential units.

The proposed development should not give rise to any other negative impacts to the local community.

3.6 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 commercial building.

The proposal is of a nature that is in keeping with the overall objectives and function of the site and zoning provisions of *SEPP Major Development 2005*. The subject site is on high ground and not subject to flooding or land slip, or other known natural hazard.

3.7 Notification, advertising and submissions received

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

3.8 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 is minor and routine and does not alter the environmental performance of the base building, which is designed to achieve a high green-star rating.

5 Consultation

5.1 External referrals

The proposal was not referred externally as the proposal is relatively minor and routine in nature.

5.2 Internal referrals

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 19 September 2011:

- Building Approvals
- Events and Precinct Coordination

INTERNAL DEPARTMENT	RESPONSE
BUILDING SERVICES	No objections subject to conditions. Issues raised are addressed below.
EVENTS AND PRECINCT COORDINATION	No objections raised

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

No objections were received from internal stakeholders. Relevant conditions provided by internal stakeholders will be imposed on any consent granted.

6 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 1 October 2011.

7 Conclusion and recommendations

7.1 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.

7.2 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

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Date: **4 October 2011**

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Reviewed by

Endorsed by

Original signed 04.10.2011

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Date:

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