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## SYDNEY OLYMPIC PARK AUTHORITY

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### Planning Development Application Assessment Report

<b>Application No:</b>	DA 06-05-2011
<b>Application Site:</b>	1-11 Australia Avenue (Site 3), Sydney Olympic Park
<b>Proposal:</b>	Stratum Subdivision of Lot 1 DP 1159930 into four lots.
<b>Background/History:</b>	<p>1-11 Australia Avenue (Site 3) is the site of a residential apartment undergoing construction (approved by the Minister for Planning (Ref: MP 06_0127)).</p> <p>The Applicant has made reportable political donations and advice from the Department of Planning and Infrastructure is that because the development is not subject to Part 3A of the EP&amp;A Act, the Planning Assessment Commission is not the determining authority and that this function remains with SOPA in accordance with the delegations.</p>
<b>Applicant:</b>	Bassam Aflak, Site 3 Development Co. Pty Ltd
<b>Determining Agency:</b>	Sydney Olympic Park Authority

## 1 Site and surrounds

A site visit was carried out on 18 May 2011. 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 subdivide Lot 1 DP 1159930 into four stratum lots. Lot 4 contains Stage 1 of the development approved known as Australia Towers A and B (ref MP 06\_0127). The development is currently under construction. The proposed development would be undertaken in accordance with the plans prepared by Souter and Associates Pty Ltd. The four proposed stratum lots are described below:

Stratum Lot 101 – Tower A residential building containing 140 units and associated parking;

Stratum Lot 102 – Retail component and associated parking;

Stratum Lot 103 – Childcare centre and associated parking; and,

Stratum Lot 104 – Tower B residential building containing 76 units and associated parking.

### 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 stratum subdivision of a residential land use and subdivision 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 proposed development is for stratum subdivision only and as such do not impact on major events.	✓
(25) Transport	The proposed development is for stratum subdivision only and as such do not impact on transport infrastructure.	✓
(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 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	N/A – stratum subdivision only	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 stratum subdivision only and will not adversely affect the natural, social or economic environment subject to conditions of consent. The proposal

generally complies with existing approvals granted over the site in terms of land subdivision and development.

### **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 residential 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 is stratum subdivision only and does not alter the environmental performance of the residential building, which is designed to achieve a high green-star rating.

## **5 Consultation**

### **5.1 Internal referrals**

No internal referrals were considered necessary in this instance.

## **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 agency pursuant to the Minister's delegation 25 January 2010.

The Applicant has made reportable political donations and advice from the Department of Planning is that because the development is not subject to Part 3A of the EP&A Act, the Planning Assessment Commission is not the determining authority and that this function remains with SOPA in accordance with the delegations.

## 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

Checked by

Endorsed by

**Original signed 24.05.2011**

**Original signed 24.05.2011**

**Original signed 24.05.2011**

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**Date:**

**Date:**

**Date:**