
SYDNEY OLYMPIC PARK AUTHORITY

Planning Development Application Assessment Report

Application No:	DA 06-07-2014
Application Site:	Shop 6.6, 4 Dawn Fraser Avenue, Sydney Olympic Park
File No:	F14/715
Proposal:	Alterations & additions and use of premise as a Mexican Restaurant
Background/History:	4 Dawn Fraser Avenue is the site of a commercial development (approved by the Minister for Planning (Ref: DA 84-04-2005). Separate development applications are required for the internal alteration and additions of ground floor retail stores. This development application relates to alterations and additions to tenancy Shop 6.6, 4 Dawn Fraser Avenue. The premise was previously used as a Dry Cleaner, under DA approval 01-01-2011.
Applicant:	Nicholas Glynatsis
Determining Agency:	Sydney Olympic Park Authority

1 Site and surrounds

A site visit was carried out on 25 July 2014.

4 Dawn Fraser Avenue is located to the south of Sydney Olympic Park Rail Station and is within the area currently known as the 'Central' Precinct. The site is legally described as Lot 6 DP 1130359.

The site is located on the western side of 4 Dawn Fraser Avenue and is immediately bounded by Dawn Fraser Avenue and Sydney Olympic Park Station to the north, Stock Route Lane and Stock Route Park to the west, and the Herb Elliott Avenue to the south.

Photos of the site are attached below.

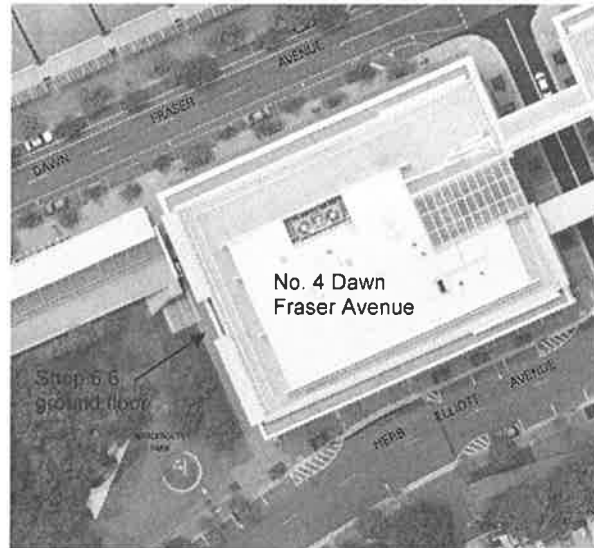


Figure 1 – The site



Figure 2 – Shop 6.6, 4 Dawn Fraser

2 The proposed development

The proposed fit-out is for a Mexican themed tapas and cocktail bar. The food menu will focus predominantly on a range of customisable taco options. This will be supported by a variety of tapas plates, dips, salsas and light snacks. The beverage menu will be highlighted by a small selection of well-made cocktails, fine liquor and Mexican beers.

Alcohol will be served under a small bar licence, which an application is being made to the Office of Liquor, Gaming and Racing. Alcohol will only be allowed to be consumed on the licenced premises with no takeaway liquor allowed.

The maximum capacity of the venue will be 60 patrons as allowed by the small bar licence. It will trade predominantly as a café during the day, and as a casual dining venue and cocktail bar in the evening. It will also be available as a space for event hire.

Hours of Operation

Monday to Saturday: 11 am till 1 am

Sunday: Closed except during a major event - regular opening hours to apply on event days that fall on a Sunday.

Employee Numbers

Employee numbers to be between five and nine at any one time. Refer to table below.

Staff type	Base level of operation	Peak periods of demand (Friday, Saturday, events)
Management (To double as bartender, barista or general hand)	1	1
Kitchen Staff	2	3
Wait person	1	2
Bar Tender	1	2
Bar Back/General		1
Total	5	9

Staff Parking & Transport

There is no parking available to the tenancy. Accordingly, all staff and management will be encouraged to use public transport as per the Sydney Olympic Park Master Plan. Should the bar trade outside the hours that public transport is available, the onus will be on management of the venue to arrange transport for staff (for example, provide Cabcharge vouchers or a system for staff to be reimbursed for travel costs).

Deliveries

Deliveries to the business will be made in small quantities on a regular basis.

Waste Management

The waste resulting from operations will include a mixture of food waste and recyclable material. Stock will be procured to ensure that all non-food waste is recyclable, and that waste is managed to maximise recycling. Recyclable material will include glass bottles, beer cans and recyclable food service disposables. No chemical waste will be produced. The removal of all waste will be managed in coordination with the base building waste management system.

Rubbish removal for construction waste will be disposed of immediately and in accordance with SOPA regulations.

Signage

Signage for the business will consist of a single sign located on an existing frame (1500mm x 350mm x 200mm) attached to the base building, and vinyl decal graphics to be applied to the glass frontage.

Outdoor seating

The outdoor seating arrangement will consist of four tables and two freestanding, stainless steel outdoor heaters. This will seat 14 people in the following configuration:

- 3 x 4 seat tables (800mm x 800mm) with a seating area of 2m x 2m per table
- 1 x 2 seat table (800mm x 800mm) with a seating area of 2m x 1m for the table

3 Delegated Authority

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 14 September 2011, the Minister delegated his powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the Act)*, effective from 1 October 2011, 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 Manager, Urban Planning, and 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
- SOPA is not the applicant; and
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development.

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

4 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 (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 retail/commercial development and 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 minor retail development and as such do not impact on major events.	✓
(25) Transport	The proposed development is for minor retail development and as such do not impact on transport infrastructure.	✓
(26) Master Plan (Note: Master Plan 2030 is a	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.	✓

Clause	Response	Compliance */✓/N/A
deemed DCP and is also considered here for the purpose of S79C(1)(a)(iii)).		
(29) Development in conservation area	The subject site is not in a conservation area.	✓
(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

4.2 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.

4.3 Impact of the development

The proposed development is for minor retail development and will not adversely affect the natural, social or economic environment subject to conditions of consent.

4.4 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 commercial building with retail on ground floor.

4.5 Notification, advertising and submissions received

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

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 (Major Development) 2005*; and
- Would not result in any adverse environmental affects (subject to conditions).

5 Sydney Olympic Park Authority Act 2001

5.1 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.

6 Consultation

6.1 Internal referrals

The application was referred to the Authority's Building Services Unit for comment(s) on 25 July 2014. The BSU raised no objections and have recommended standard conditions. Conditions recommended by the BSU have been incorporated into the Conditions of Consent where appropriate and necessary.

6.2 External referrals

The application was referred to the NSW Police (Flemington LAC) for comment(s) on 25 July 2014. The Police responded on 31 July and raised no objections and have recommended some advisory notes regarding prominent business identification/numbering to assist emergency services in locating the premise in an emergency, and duress alarm & internal alarm system. These advisory notes have been added to the consent.

The Police also recommended restricting the operating hours to midnight, and this has been imposed on the consent as standard operating hours. However, the applicant has requested operating hours until 1am.

Therefore, a reviewable condition (in accordance with Section 80A(10B) of the EP&A Act) for extended hours until 1am has also been included in the consent and the Authority may review this condition at any time. Should there be any operational issues, noise or other disorderly or antisocial behaviour associated with the extended operating hours, the extended hours will be revoked and the business will revert to the standard operating hours.

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

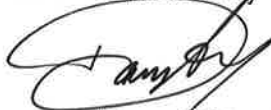
Prepared by



Planner, Urban Planning

Date: 31 July 2014

Reviewed & Endorsed by



Manager, Urban Planning

Date: 31 July 2014