

## SYDNEY OLYMPIC PARK AUTHORITY

### Planning Development Application Assessment Report

<b>Application No:</b>	DA 74-11-2010
<b>Application Site:</b>	Lilies Cafe, Bicentennial Drive, Bicentennial Park, Sydney Olympic Park
<b>File No:</b>	F10/1387
<b>Proposal:</b>	Alterations to existing outdoor dining area, including installation of operable glass louvres, to provide protection from inclement weather.
<b>Background/History:</b>	Lilies is part of the Waterview Convention Centre and has been operational since 2005. This development application relates to alterations to Lilies outdoor dining area only.
<b>Applicant:</b>	David Grosvenor, Waterview Convention Centre
<b>Determining Agency:</b>	Sydney Olympic Park Authority

## 1 Site and surrounds

A site visit was carried out on 19 November 2010.

Lilies is located approximately 900 metres to the southeast of Sydney Olympic Park Rail Station and is part of the Waterview Convention Centre at 'Bicentennial Park' within the Sydney Olympic Park Parklands. The site is legally described as Lot 10 DP 1095867.

The site is located on the eastern side of the Waterview Convention Centre and is immediately bounded by Bicentennial Park Car Park to the east and parkland areas to the north and south.

Photos of the site are attached below.



**Figure 1 – The site of Lilies, circled in red**



Figure 2 – Lilies Cafe

## 2 The proposed development

The proposed development is for alterations to the existing outdoor dining area, including installation of operable glass louvres, to provide protection from inclement weather. The proposed development includes new glass façade. The works would be carried out in accordance with the plans prepared by Arcane Pty Ltd.

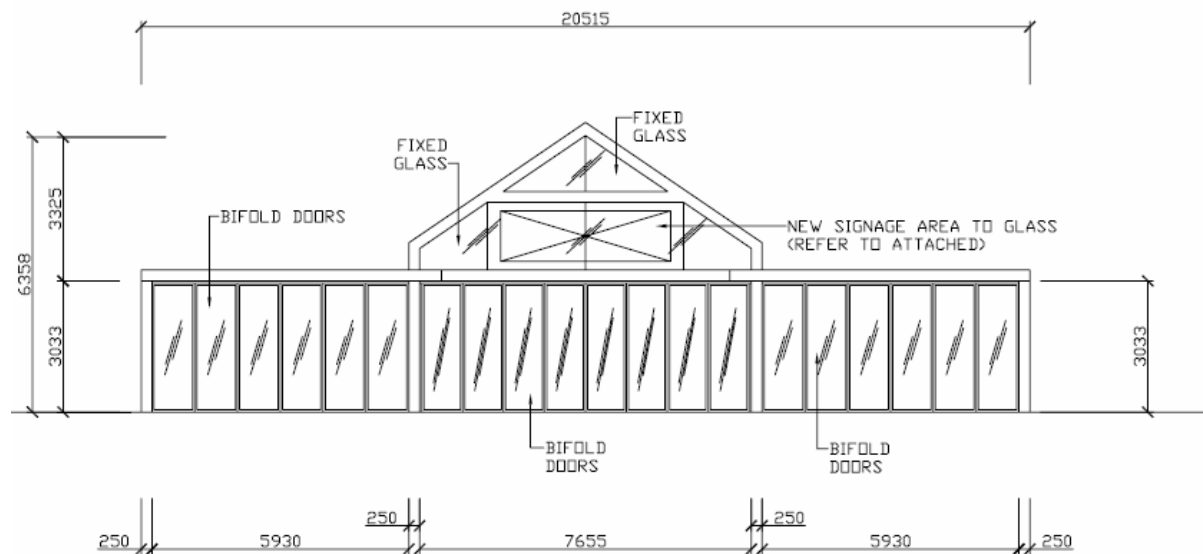


Figure 3 – Proposed development

### 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 x/✓/N/A
(9) Zone RE 1 Public Recreation	The proposed development is for alterations to an existing food and drink premises 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 relatively minor and as such will not impact on major events.	✓
(25) Transport	The proposed development is minor and will 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 Master Plan does not apply specifically to the site however it references development controls in the Parklands Plan of Management, which the proposed development is generally consistent with.	✓
(29) Development in conservation area	The subject site is not in a conservation area.	✓
(30) Design excellence	Design excellence has been demonstrated in the plans prepared by professional designers/architects.	✓
(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.	✓

**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 SEPP Competition 2010**

### 3.2 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.

### 3.3 Impact of the development

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

### 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 building.

### 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 minor and routine and does not alter the environmental performance of the locality or natural environment.

## **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 November 2010:

- Parklands Unit,
- Ecology Unit
- Building Approvals, and
- Urban Design.

All conditions and design changes recommended by the internal units have been incorporated into the recommended Conditions of Consent where appropriate and necessary.

## **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 25 January 2010.

## **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 by

Endorsed by

Original signed 15.12.2010

Original signed 15.12.2010

Original signed 15.12.2010

Town Planner, Planning

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Date:

Date:

Date: