

---

## SYDNEY OLYMPIC PARK AUTHORITY

---

### Planning Assessment Report

<b>Application No:</b>	DA 03-03-2017
<b>Application Site:</b>	Part Lot 10 in DP 1185060, Lot 73 and 75 DP 1134933, Sydney Olympic Park
<b>Proposed Development Application:</b>	Subdivision of unregistered lot (Lot 21 DP1228905) into four Torrens title stratum lots
<b>Applicant:</b>	Bassam Aflak (Australia Avenue Developments Pty Ltd)
<b>Determining Agency:</b>	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 Chief Executive Officer of the Sydney Olympic Park Authority:

- A) Consider all relevant matters as discussed and assessed by this report;
- B) **Approve** the development application subject to conditions pursuant to Section 80(1) and 80A of the EP&A Act, having considered the relevant matters in accordance with A) above;

### 3 Site and surrounds

Site 68 is located on the north-eastern corner of the intersection of Australia Avenue and Bennelong Parkway, approximately 500 metres from the Sydney Olympic Park Town Centre, and it is located within the Parkview Precinct under Sydney Olympic Park Master Plan 2030. To the north, the site adjoins Site 67 being a mixed-use development with residential and child care uses. To the west, the site adjoins Building D Australia Towers, Pocket Park and a railway corridor.

The site is currently being developed as a mixed use residential, commercial and retail development in accordance with a State Significant Development Application (SSD 14\_6603) approved by Department of Planning and Environment. The proposed stratum subdivision will define the boundaries of the mixed uses / different elements of the development such as residential, commercial, child care & bio retention system.

## 4 Background

On 18 June 2015, the delegate of the Minister for Planning and Environment granted consent to SSD 14\_6603 for a Mixed Use Development on Site 68 including:

- a single residential tower known as “Opal Tower”, with ground floor commercial / retail uses, landscaped ground plane, stormwater detention tank, and basement car parking; and
- the building footprint for a 692m<sup>2</sup> Childcare Centre.

On 17 March 2017, the Sydney Olympic Park Authority (the Authority) granted consent to DA 02-02-2017 for the subdivision of Part Lot 10 in DP 1185060, Lot 73 and 75 DP 1134933 as follows:

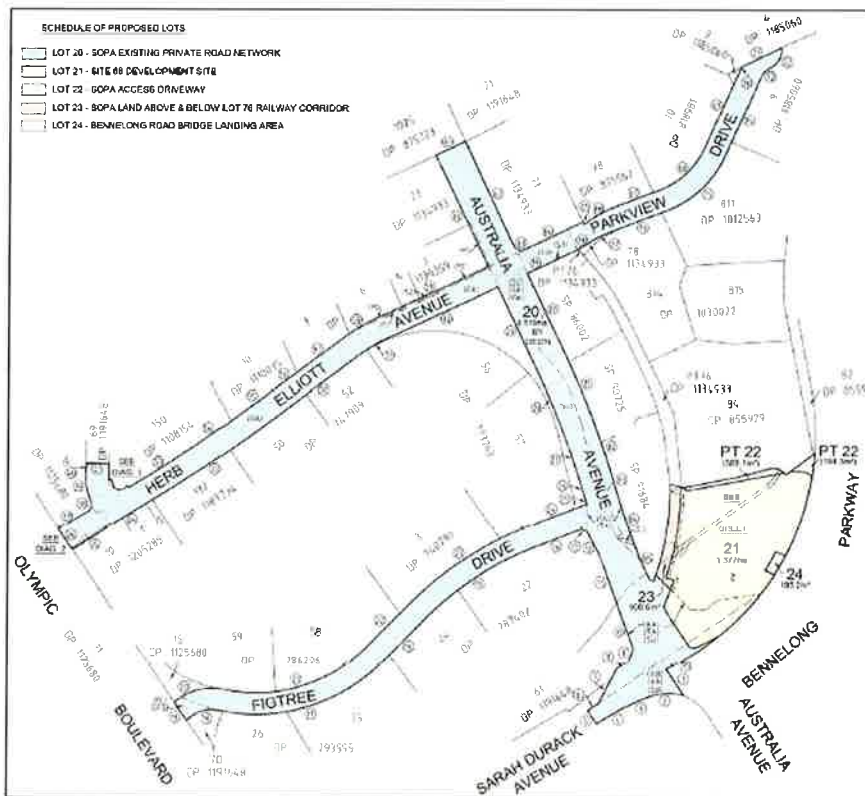
- **Lot 20** – Lot 20 is the Authority’s existing private road network of Australia Avenue, Parkview Drive, Herb Elliott Ave and Figtree Drive.
- **Lot 21** – Lot 21 is the “Opal Tower” Development Lot. This lot will be further stratum subdivided to align with its final build form and uses as follows:
  - *Lot 101 Residential Stratum Parcel Lot;*
  - *Lot 102 Retail Stratum Parcel Lot;*
  - *Lot 103 Child Care Stratum Parcel Lot;*
  - *Lot 104 Bio retention system Stratum Parcel Lot.*

**Note:** The stratum subdivision of Lot 21 (yet to be registered) is the subject of this Development Application (DA 03-03-2017).

- **Lot 22** – Lot 22 will contain the balance of the common access road between the Opal Tower Development Lot and the adjoining Meriton development (Site 67). The remaining part of the access road lot will be recreated upon the registration of the adjoining “Meriton Stratum Subdivision Plan DP1218180”. The extent of the road lot is proposed to be the adjoining kerb line. The adjacent foot path and 10 at-grade car spaces along the northern site boundary are proposed to form part of the “Opal Tower” Development Lot 21.
- **Lot 23** - Lot 23 is the residue land and below the adjoining rail corridor.
- **Lot 24** - Lot 24 is the residue land adjoining the area of the newly upgraded pedestrian foot bridge linking the site to Bicentennial Park.



**Figure 1 – Current Deposited Plan**



**Figure 2 – Approved Subdivision Plan of DA 02-02-2017 (Lot 21 DP1228905 is yet to be registered)**

## 5 The proposed development

The proposal is for the subdivision of unregistered Lot (Lot 21 DP1228905) into four Torrens title stratum lots as follows:

- **Lot 101** - Opal Tower residential comprising apartments on level 1 and above together with parking in the basement levels and at ground level and storage in the basement levels.
- **Lot 102** - Opal Tower retail/commercial comprising retail/commercial areas on ground level and level 1 together with parking and storage in the basement levels.
- **Lot 103** - Childcare centre on ground and level 1 together with parking and storage.
- **Lot 104** - Bio retention system with at ground landscaping.

### Future Subdivisions

Lot 101 will be further subdivided by a strata plan of subdivision. This will be the subject of a separate Development Application in the future.

## 6 Assessment

The application has been assessed pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, including consideration of the following matters:

### 6.1 Environmental Planning Instruments, DCPs and Planning Agreements

#### 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 State Environmental Planning Policy State Significant Precincts (SEPP SSP) 2005. The proposed development is permissible with consent pursuant to Schedule 3, Part 23 of SEPP SSP 2005 and the relevant provisions are addressed in Table 1.

Clause	Response	Compliance x/✓/N/A
(9) Zone B4 Mixed Use	The proposed development is for subdivision of land. The subdivision is permissible with consent.  The objects of the zone are satisfied.	✓
(16) Consent required for subdivision	The proposed development is for subdivision and is permissible with consent.	✓
(23) Public infrastructure	Essential services e.g. electricity, potable water and sewer are available in the immediate vicinity of the site.	✓
(24) Major event capability	The proposed development is for subdivision only and as such does not impact on major events.	✓
(25) Transport	The proposed development is for subdivision only and as such does not impact on transport infrastructure.	✓

Clause	Response	Compliance */✓/N/A
(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 subdivision is generally consistent with MP 2030 boundaries.	✓
(29) Development in conservation area	The subject site is not in a conservation area.	✓
(30) Design excellence	N/A – Subdivision only	N/A
(31) Heritage Conservation	The subject subdivision will not impact any heritage item and/or heritage conservation area.	N/A

Table 1 SEPP 2005 – Planning Provisions

## 6.2 Prescribed Matters Environmental Planning and Assessment Regulations 2000

The prescribed matters of the *Environmental Planning and Assessment Regulations 2000* such as demolition, coastal protection are not applicable to the subject DA.

## 6.3 Impact of the development

The proposed development is for subdivision only and physical works would not take place and as such will not adversely affect the natural, social or economic environment, subject to compliance with conditions of consent.

## 6.4 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 permissible land use.

## 6.5 Notification, advertising and submissions received

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

## 6.6 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 *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- Would not result in any adverse environmental affects (subject to compliance with conditions of consent).

## 7 Sydney Olympic Park Authority Act 2001

### 7.1 Clause 22(2) – Consistency with Environmental Guidelines

The proposed development is for subdivision only and is generally consistent with the *Environmental Guidelines* as the proposed development is minor and routine and does not adversely affect the environment.

## 8 Consultation

### Internal referrals

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 14 March 2017:

INTERNAL DEPARTMENT	RESPONSE
Property Development	No comments
Building Services	No objections
Major Projects	No comments

Standard conditions have been incorporated into the recommended Conditions of Consent.

## 9 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.

On 10 November 2014, the Minister delegated powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the Act)*, effective from 10 November 2014, for certain development at Sydney Olympic Park which have a Capital Investment Value of less than \$10 Million. These delegations have been provided to 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
- The Authority is not the applicant; and
- The Authority will not derive a commercial benefit in excess of \$250,000 per year from the development.

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

## 10 Conclusion

The proposal is of a nature that is generally in keeping with the overall objectives and functions of the site and permissible land use. It is consistent with:

- (i) the in-force provisions and controls of *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- (ii) the relevant provisions of Sydney Olympic Park Master Plan 2030.

The application has been assessed with regard to the matters raised in Section 79C of the EP&A Act. The proposed development is considered to be acceptable, is in the public interest and is recommended for **conditional approval**.

Prepared by

  
**Dat Tran - Planner**  
 Date: 2/5/2017

Reviewed by

  
**Sally Hamilton - Director, Environment**  
 Date: 3/5/2017

Endorsed by

  
**Charles Moore - Chief Executive Officer**  
 Date: 7/05/2017

