
SYDNEY OLYMPIC PARK AUTHORITY

Planning Development Application Assessment Report

Application No:	DA 04-07-2016
Application Site:	Lot 84 DP 855929 100 Bennelong Parkway, Sydney Olympic Park
Background/History:	The subject site has previous development approval for the construction of residential apartment buildings which are currently under construction.
Applicant:	Karimbla Constructions Services (NSW) P/L – Walter Gordon
Determining Agency:	Sydney Olympic Park Authority

1 Site and surrounds

100 Bennelong Parkway (Site 67) an irregular shaped parcel of land which is bound to the east by Bennelong Parkway and the railway line to the west. It has an area of approximately 1.504 hectares. Refer Figure 1. The site is situated within the Parramatta Local Government Area (LGA), within Sydney Olympic Park. It is located approximately 14 km to the west of Sydney CBD and 8 km to the east of Parramatta CBD.

The Sydney Olympic Park Master Plan 2030 provides a vision for the sustainable development of Sydney Olympic Park. The master plan divides the area into nine precincts. The site is located within the “Parkview Precinct” at the eastern edge of Sydney Olympic Park, which is envisaged to be an area characterised by a transition in scale from larger development along Australia Street to lower built form along Bennelong Parkway connecting with the parklands.



Figure 1 – Site Location

2 Background

2.1 State Significant Development Application SSD 6246

Conditional approval was granted to State Significant Development Application SSD 6246 by the Planning Assessment Commission (PAC) on 27 February 2015. The approved development comprises:

- Two separate buildings ranging in height from four to eight storeys and eight to ten storeys
- containing 331 dwellings.
- A childcare centre for 90 children.
- Basement and ground level parking.
- Pedestrian and street network.
- Associated landscaping.
- Subdivision.

The SSD 6246 approval has been amended two times as follows:

MOD1: Minor internal and external design changes including:

- internal layout changes to specified units;
- relocation of a substation;
- introduction of additional windows; and
- Substitution of glazed louvres to the western building facade of Building A.

MOD2: Increasing the height of approved buildings to respond to amended road levels.

2.2 DA 05-07-2016

Another separate DA (05-07-2016) has been submitted concurrently and proposes to stratum subdivide the approved development on the existing lot (Lot 84 DP 855929) at 100 Bennelong Parkway, Sydney Olympic Park. The subdivision will contain 4 new stratum lots as detailed below:

- **Lot 99** - Lot 99 is allocated as private road that is publicly accessible. This lot is to be created specifically to facilitate vehicular access into the eastern part of the site while the remainder of the development is being completed.
- **Lot 100** - Lot 100 is allocated to the approved residential parts of the buildings on the site. These occupy all basement levels and above ground levels of the approved development, except for those areas occupied by Lots 99, 101 and 102.
- **Lot 101** - Lot 101 is allocated to the approved childcare parts of the buildings on the site. These occupy only Parking Level 1 and Ground Floor Level of the western part of the approved development.
- **Lot 102** - Lot 102 is allocated as private road that is publicly accessible. This will cover the approved publicly accessible vehicular and pedestrian access into the site. With Lot 99, Lot 102 will complete the approved publicly accessible vehicular and pedestrian access arrangements over the site.

3 The proposed development

The subject DA (04-07-2016) proposed to undertake staged strata subdivision and implement a Strata Development Contract (SDC) at 100 Bennelong Parkway, Sydney Olympic Park.

The applicant indicated that the Strata subdivision of the approved development on the site could ordinarily be approved via State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. However, it is proposed to undertake staged strata subdivision of the site and this requires the implementation of a SDC. Therefore, the consent of SOPA is required to the staged strata subdivision, and SOPA's agreement to the Strata Development Contract is also required.

Following is a legal description / explanation for the SDC:

A Strata Development Contract is a disclosure document required under section 28A of the Strata Schemes (Freehold Development) Act 1973 if the development is carried out in stages. The Strata Development Contract indicates the details of the future development of the strata scheme and the form and content of the Contract must in an approved form in accordance with section 28C of the Strata Schemes (Freehold Development) Act 1973. In essence,

- *It must contain a concept plan*
- *The development contract gives an explanation of the each stage of the development after the first stage (Stage 1).*
- *Each stage described in the contract can be identified as warranted development or authorised proposals.*
- *The developer is compelled to complete warranted development.*
- *The developer is permitted to complete authorised proposals but not compelled.*

The SDC allows for the staged strata subdivision of the site, as follows:

- Stage 1 Strata Plan will subdivide Building C into 162 Lots and 1 Development Lot as per the Draft Stage 1 Strata Plan;
- Stage 2 subdivision will allow for the subdivision of Buildings A and B into 199 Lots (subject to separate relevant application) in one or more stages as per the SDC and concept plans.

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 (State Significant Precincts) 2005

The Minister for Planning is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP State Significant Precincts 2005. The proposed development is permissible with consent pursuant to Schedule 3, Part 23 of SEPP State Significant Precincts 2005 and the relevant provisions are addressed in Table 2.

Clause	Response	Compliance x/√/N/A
(9) Zone B4 Mixed Use	The proposed development is for subdivision of land for approved residential use. The subdivision is permissible with consent. The objects of the zone are satisfied.	✓

Clause	Response	Compliance */✓/N/A
(16) Consent required for subdivision	The proposed development is for subdivision and is permissible with consent.	✓
(23) Public infrastructure	Public infrastructure requirements have been addressed in the Master Plan 2030. This application is for subdivision, and does not require additional public infrastructure to that already approved.	✓
(24) Major event capability	The proposed development is for subdivision only and as such do not impact on major events.	✓
(25) Transport	The proposed development is for 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 subdivision is generally consistent with MP 2030 boundaries.	✓
(29) Development in conservation area	The subject site is not located within a conservation area.	✓
(30) Design excellence	N/A – Subdivision only	N/A
(31) Heritage Conservation	The subject site is not within the vicinity of a heritage item and/or a heritage conservation area.	N/A

Table 2 SEPP 2005 – Planning Provisions

4.2 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.

4.3 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 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 permissible land use.

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 (State Significant Precincts) 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 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.

6 Consultation

6.1 Internal referrals

The proposal was referred to the following Units for comment on 7 July 2016 as follows:

INTERNAL DEPARTMENT	RESPONSE
Building Services	No objections
Commercial	No objections / comments
Development Contracts	No objections / comments
Development Planning	No objections / comments
Major Projects	No objections / comments

7 Delegations

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the SEPP State Significant Precincts 2005 and Clause 22 of the Sydney Olympic Park Authority Act 2001.

On 10 November 2014, the Minister delegated his powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the Act)* 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 Chief Executive Officer of the Authority. The proposed development is consistent with these delegations as it:

- has a CIV less than \$10 million (proposal has a CIV of \$750,000);
- 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.

8 Conclusion and recommendations

8.1 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.

8.2 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.

Reviewed by



Planner

Date: 17/8/2016

Endorsed by



A/Chief Executive Officer
Sydney Olympic Park Authority

Date: 17/8 2016