

## SYDNEY OLYMPIC PARK AUTHORITY

### Planning Development Application Assessment Report

<b>Application No:</b>	DA 13-12-2014
<b>Application Site:</b>	Lot 131 in DP1189734, Site 4B, Sydney Olympic Park
<b>Proposed Development:</b>	Subdivision to create 5 Lots; including 3 residual Lots (Lots 2, 3 & 5)
<b>Applicant:</b>	Jamie Stewart, Fitzpatrick Investments Pty Ltd
<b>Determining Agency:</b>	Sydney Olympic Park Authority

## 1 Site and surrounds

Site 4B is an irregularly shaped land parcel surrounding the Pullman Hotel at the intersection of Herb Elliot Avenue and Olympic Boulevard. The site has street frontages to both Olympic Boulevard and Herb Elliot Avenue and has a site area of approximately 5,310.3m<sup>2</sup>. The site is legally described as Lot 13 in DP1125680.



Figure 1 – SOP MP 2030 Sites Map (Site 4B Highlighted)



Figure 2 – Aerial View (Site 4B Highlighted)

## 2 The proposed development

The proposed subdivision is described below:

- Proposed Lot 1 – is created for the northern (constructed) commercial building and includes stratum to cater for the footprint of basement level car parks;
- Proposed Residual Lot 2 – is created to provide a separate developable lot which will accommodate the approved southern commercial building (yet to be constructed);
- Proposed Residual Lot 3 – is created as a 'public domain' lot as defined within the approval (MP\_0273) and reflecting boundaries of public domain works as agreed with Sydney Olympic Park Authority;
- Proposed Lot 4 – is created for the approved residential dwelling on Level 8 of the constructed commercial building; and
- Proposed Residual Lot 5 for the purposes a future public road along the eastern boundary as anticipated by the Sydney Olympic Park Master Plan 2030;

### 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 B4 Mixed Use	The proposed development is for subdivision of land for a commercial/residential use and future public roads. 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 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: <i>Master Plan 2030</i> 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 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 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.

### 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 permissible 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 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.

## 5 Consultation

### Internal referrals

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 3 December 2014:

INTERNAL DEPARTMENT	RESPONSE
PROPERTY	No comments
COMMERCIAL SERVICES	No comments

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

## 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.

On 10 November 2014, the Minister delegated her powers and functions under Section 80 of the Environmental Planning and Assessment Act 1979 (*the Act*), effective from 10 November 2014, 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 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.

## 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**

Date: 6 January 2015

Reviewed & Endorsed by



**A/Chief Executive Officer**

Date: 6 January 2015