
SYDNEY OLYMPIC PARK AUTHORITY

Planning Development Application Assessment Report

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| Application No: | DA 16-10-2016 |
| Application Site: | Strata Plan 92314, No. 3 Australia Avenue, Sydney Olympic Park |
| Proposal: | Fit-out and use of 3 x Ground Floor Tenancies (Lot 9, 10 & 11) for 24-hour gym (Snap Fitness) |
| Applicant: | Kia Siang Maxwell Lim (Snap Fitness Olympic Park Pty Ltd) |
| Determining Agency: | Sydney Olympic Park Authority |
| Recommendation: | APPROVAL |

1 Purpose

The purpose of this report is to provide an assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) of DA 16-10-2016 which seeks approval for the fit-out and use of 3 x Ground Floor Tenancies (Lot 9, 10 & 11) for 24-hour gym (Snap Fitness). It is recommended that the development application be **granted consent**.

2 Site and surrounds

3 Australia Avenue is located to the south east of the Sydney Olympic Park Rail Station and is within the area currently known as the 'Parkview Precinct' in Sydney Olympic Park Master Plan (MP) 2030. The site is legally described as Strata Plan 92314.

3 The proposed development

This DA (16-10-2016) seeks the fit-out and use of 3 x Ground Floor Tenancies (Lot 9, 10 & 11) at 3 Australia Avenue, Sydney Olympic Park for 24-hour gym (Snap Fitness). The internal fit-out of the gym is:

Tenancy 1:

- Central foyer with mahogany vinyl planking 26.5m²;
- Rubber area with rubber matting 95m²;
- Cardio area with strip vinyl flooring 62m²;
- Carpet area with ontera carpet squares 84m²;
- Walkway area in front of bathroom facilities with mahogany vinyl planking 9.5m²;
- Bathroom facilities;

Tenancy 2:

- Functional training area with 15mm thick rubber matting 69m²;

Tenancy 3:
Ladies Gym with ontera carpet squares 30m2.

Staff Details:

- 1 club manager; and,
- 4-6 personal trainers.

Regular Staffed Hours by the Club Manager will include:

- Monday 10:00-19:00
- Tuesday 10:00-19:00
- Wednesday 10:00-19:00
- Thursday 10:00-19:00
- Friday 10:00-19:00
- Saturday 9:00-14:00

Parking:

Three exclusive car parking spaces have been allocated for the use of Snap Fitness.

The proposal is seeking unrestricted operating hours. A Plan of Management supporting 24/7 operations is provided.

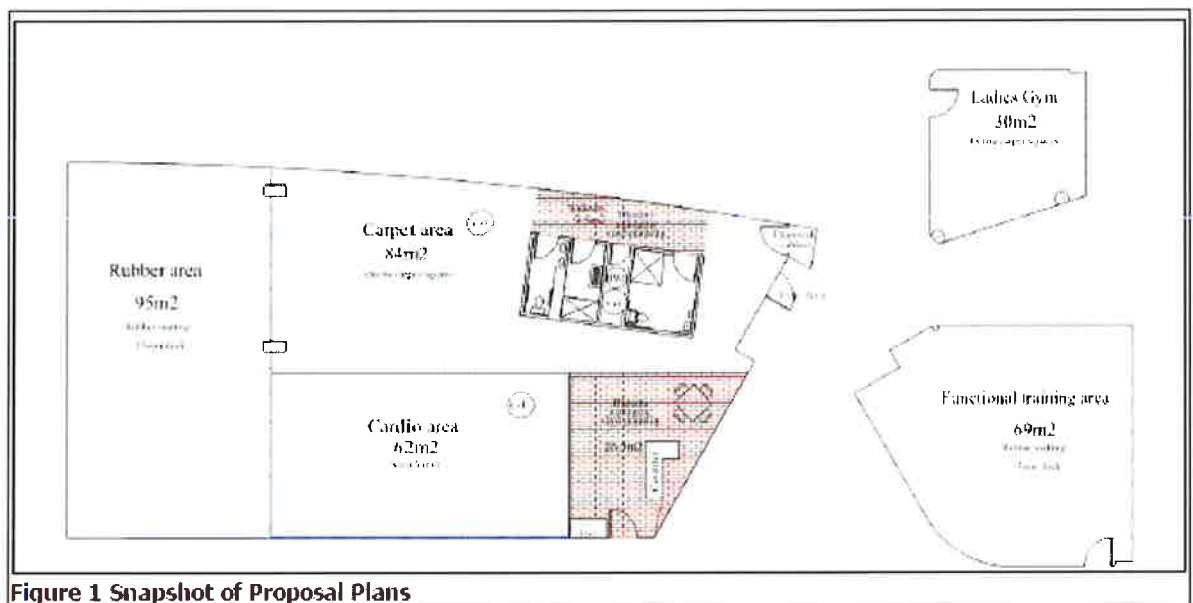


Figure 1 Snapshot of Proposal Plans

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 1.

| Clause | Response | Compliance x/✓/N/A |
|--|---|-----------------------|
| (9) Zone B4 Mixed Use | <p>The proposed use of the subject site for a gym/fitness centre is defined as 'Recreation Facilities (indoor)'. Under the Standard Instrument, Recreation Facilities (indoor) is defined as:</p> <p><i>building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i></p> <p>Recreational Facilities (indoor) are permissible with consent in the B4 Mixed Use zone, as it is not specified in subclause (2) or (4).</p> <p>The objects of the zone are satisfied.</p> | ✓ |
| (16) Consent required for a gym | The proposed development is for a gym and is permissible with consent. | ✓ |
| (23) Public infrastructure | Public infrastructure requirements have been addressed in the Master Plan 2030. This application is for a gym, and does not require additional public infrastructure to that already approved. | ✓ |
| (24) Major event capability | The proposed development is for a gym only and as such does not impact on major events. | ✓ |
| (25) Transport | The proposed development is for a gym only and as such does 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 a gym is generally consistent with MP 2030 objectives & controls. | ✓ |
| (29) Development in conservation area | The subject site is not located within a conservation area. | ✓ |
| (30) Design excellence | N/A | 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 1 SEPP State Significant Precincts – Planning Provisions

4.1.2 Development Control Plans

Sydney Olympic Park Master Plan 2030 (MP 2030) was approved by the Minister for Planning & Infrastructure in accordance with Section 18(4) of the *Sydney Olympic Park Authority Act 2001* and came into effect on the 10 March 2010.

MP 2030 is a deemed DCP and is considered here for the purposes of Section 79C(1)(c).

The proposed development is considered to be consistent with the general controls and guidelines of MP 2030 as they apply to the Central Precinct.

Master Plan 2030 (Review 2016)

Master Plan 2030 and the related planning controls are reviewed every five years to ensure the Park's planning framework remains current and relevant as Sydney grows and changes.

SOPA has specific aspirations for the Town Centre to develop further into an active and vibrant mixed use hub.

Since the adoption of Master Plan 2030 a significant amount of development has occurred at Sydney Olympic Park, with 32% of the total planned capacity identified in Master Plan 2030 either complete or committed for development.

The Master Plan (Review 2016) revisits and updates the strategies set out in the existing planning documents to ensure Sydney Olympic Park's continued growth and prosperity. The Review was placed on public exhibition between 15 October and 15 November 2016.

The Master Plan (Review 2016) does not affect the subject site as it has already been redeveloped in accordance with the current version of Master Plan 2030. The subject proposal is consistent with the approved nature of the mixed use multi-storey development.

4.1.3 Draft Environmental Planning Instruments

There are no draft EPIs that are applicable to Sydney Olympic Park.

4.2 Planning Agreements

There are no planning agreements that are applicable to this application.

4.3 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.

4.4 Impact of the development

Noise

An Acoustic Assessment was not submitted with the application to consider / assess noise levels generated by the gym and its impacts on neighbours & residents.

Therefore a condition is recommended requiring an Acoustic Assessment to be prepared prior to the issue of a Construction Certificate. The development shall carry out all recommendations in the report to ensure that the noise emissions from the site will satisfy the relevant acoustic requirements to minimise impacts on neighbours & residents.

A Plan of Management was submitted with the application outlining various management measures including complaints procedure, security/access, code of conduct etc. Monitored swipe card access to the centre will also allow management to determine which members may be responsible for any noise complaints. The gym can further minimise noise pollution

by posting appropriate signage throughout the gym and near the gym's entry/exit reminding members to be mindful of nearby residents within the locality when attending the gym outside of regular business hours. A condition to this effect will be included in the consent.

Notwithstanding the above, the gym's standard operating hours will be restricted to only between 7am - 10pm, and a reviewable condition (in accordance with Section 80A(10B) of the EP&A Act) for extended hours from 10pm – 7am (the next day) will be 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.

Parking

The applicant indicated that 3 basement parking spaces will be allocated to the gym, which is consistent with MP 2030's maximum car parking provision. A condition is recommended requiring a minimum of 3 on-site parking spaces to be provided and appropriately signposted for the sole use of the gym.

Having regard to the above, it is considered that this development (for a gym and physical works is limited to only the internal areas) will unlikely have any negative impacts to the natural environment or local community, subject to compliance with the relevant conditions of consent.

Furthermore it is considered that the proposed development will have a number of positive social and economic impacts including:

- expanding the range and diversity of uses within the SOP Town Centre;
- provide increased and ongoing employment opportunities which will further stimulate demand for the range of current and planned uses in the Central Precinct and across the wider Sydney Olympic Park.

4.5 The suitability of the site for the development

The proposed development is of a form and nature that is in keeping with the overall objectives and functions of the site and the approved mixed use (retail / residential) redevelopment of the site.

Furthermore, the proposal is consistent with the objectives and land use provisions of *SEPP State Significant Precincts 2005*.

4.6 Notification, advertising and submissions received

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

4.7 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 a gym 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 External referrals

6.1.1 NSW Police (Flemington LAC)

The application was referred to the NSW Police (Flemington LAC) for comment(s) on 2 November 2016. The Police responded on the same day (2 November 2016) and raised a few concerns relating to hours (restricting the operating hours to midnight), staffing, CCTV & noise. The applicant was asked to liaise directly with the Police in providing an adequate response to the issues raised.

On 6 December 2016, the Police advised that after reviewing the updated plans/information provided by the applicant, they no longer have any objections.

Notwithstanding the gym's standard operating hours will be restricted to only between 7am - 10pm, and a reviewable condition (in accordance with Section 80A(10B) of the EP&A Act) for extended hours from 10pm – 7am (the next day) will be 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.

6.2 Internal referrals

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 1 November 2016:

| INTERNAL DEPARTMENT | RESPONSE |
|---------------------|------------------------------------|
| PROPERTY | No comments |
| COMMERCIAL SERVICES | No comments |
| BUILDING SERVICES | No objections, conditions provided |
| MAJOR PROJECTS | No comments |
| TRAFFIC | No comments |
| OPERATIONS | No comments |

Conditions provided by the relevant Units have been incorporated into the recommended Conditions of Consent.

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 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.

8 Conclusion and Recommendations

8.1 Conclusions

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:

- the in-force provisions and controls of the principal environmental planning instrument applying to the land contained with *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- 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**.

8.2 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 80(A) of the EP&A Act, having considered the relevant matters in accordance with (A) above;

Prepared & Reviewed by



Dat Tran
Planner

Date: 20/12/2016

Endorsed by



Charles Moore
Chief Executive Officer

Date: 21/12/2016