

## Development Application Assessment Report

<b>Application No:</b>	DA 18-11-2016
<b>Application Site:</b>	Lot 56 DP 773763, 2 Herb Elliott Avenue, Sydney Olympic Park
<b>Proposal:</b>	Change of use of existing in-house auditorium to a Function Centre & existing in-house staff kitchen/cafeteria to a Café with outdoor dining. Associated works include expansion of existing waste area & installation of 2 urinals on ground floor.
<b>Background/History:</b>	<ul style="list-style-type: none"> <li>The existing building on the site was previously used for light industry/warehouse and ancillary office space.</li> <li>DA 06-04-2015 approved a change of use to utilise the entire building for commercial office space.</li> <li>DA 08-06-2015 approved further internal and external alterations and additions to the commercial premises.</li> <li>DA 08-06-2015 MOD 1 approved modifications to the alterations and additions to the commercial premises.</li> <li>DA 08-06-2015 MOD 2 approved minor alterations &amp; additions to existing commercial premises which are predominately changes to the façade and overall aesthetic of the building.</li> </ul>
<b>Applicant:</b>	Mr Yue Wang
<b>Determining Agency:</b>	Sydney Olympic Park Authority (SOPA)
<b>Recommendation:</b>	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 18-11-2016 which seeks approval for the change of use of existing in-house auditorium to a Function Centre & existing in-house staff kitchen/cafeteria to a Café with outdoor dining. It is recommended that the development application be **granted consent**.

### 2 Site and Location

2 Herb Elliott Avenue is located on the southern side of Herb Elliott Avenue, near the corner of Australia Avenue and is legally described as Lot 56 DP 773763.

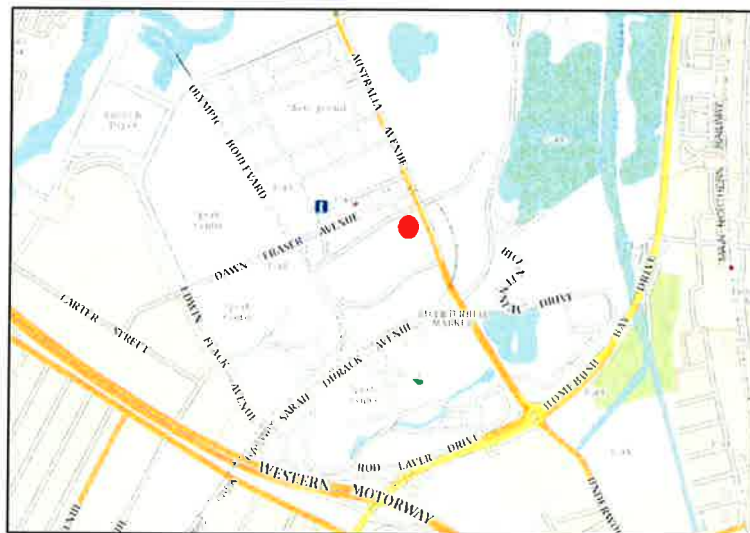


Figure 1 – Location Plan

An aerial photograph showing a proposed development site outlined in blue. The site is situated between Elliott Avenue and Murray Avenue. To the north of the site are several large commercial buildings and parking lots. To the south, there are more industrial-style buildings and a curved road. The word "SITE" is written in blue capital letters over the central part of the outlined area. Other labels visible on the map include "Murray Avenue", "Dawn", "Foster", "Avenue", "Elliott", "Park View", and "Herb".

### 3 The Proposed Development

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1. Convert existing in-house staff kitchen and staff cafeteria area to a Café with an outdoor dining area. The café will be open to the public for breakfast and lunch.
2. Convert existing in-house auditorium to a Function Centre.  
The Function Centre will be made available for third-party bookings, with associated use of the existing in-house staff kitchen area (proposed to be Café) for the preparation of food and drinks (including alcohol) to service events. The Function Centre will operate as licensed premises subject to application and approval by NSW Office of Liquor, Gaming and Racing and relevant consent authorities.

### 3.2 Function Centre

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The Function Centre is primarily intended for PIA events / business operations of PIA. These include conferences, product launches, business dinners, cocktail reception and exhibitions. However, it will also be made available to the public to provide the opportunity to host social functions that include community gatherings, special occasions and engagement or weddings through a booking system. The booking system will allow PIA to assess the type of event and expected number of people that will utilise the Function Centre for event and management purposes.

### 3.3 Cafe

The space proposed to be converted into a Café, is currently an existing internal staff kitchen and café that already operates for PIA employees on the ground floor of the building. The Café is proposed to have a total area of 272m<sup>2</sup>, intended to accommodate up to 140 patrons at any one time. This includes 45 seats within the proposed outdoor dining area and 95 seats within the indoor dining area.

### 3.4 Hours of Operation

Proposed Use	Proposed Hours of Operation
Function Centre (Available for bookings)	Monday – Friday 6:30pm to 12:00 am
	Saturday 6:30pm to 12:00 am
	Sunday 9:00am to 10:00pm
Café	Monday – Saturday 8:00am to 6:00pm
	Sunday 8:00am to 3:00pm

### 3.5 Waste Management

The building is required to expand the existing waste area by 24m<sup>2</sup> and provide 11 x 660L bins. As a result, 2 parking spaces located at Herb Elliot Avenue parking area of the site is required to be set aside to accommodate for the expansion of the waste area. A comprehensive Waste Management Plan was prepared by Elephants Foot Recycling Solutions, (Revision B, dated 10/10/2016) as part of the development application documentation.

### 3.6 Parking & Transport

There is no additional parking proposed. As a result of the need to expand the existing waste area by 24m<sup>2</sup> and provide 11 x 660L bins, the total number of parking spaces for the site will be reduced by 2 spaces.

### 3.7 Employee Numbers

PIA will employ the appropriate number of staff for its operations of the Function Centre and the Café in line with standard industry practice. This includes:

#### 3.7.1 Function Centre

Function Centre staff are anticipated to be as follows:

- 1 Duty Manager at all times, 5 kitchen staff and up to 15 floor staff at most times. Generally, PIA will employ 15 floor staff for events of up to 450 patrons with dining and without dining. This will increase by 5 for additional support when required. These staff members will be responsible for attending to guests on arrival and will remain for the duration of the events, as required. Staff numbers will increase for both kitchen and floor staff according to the demand and the event.

#### 3.7.2 Café

Café staff are anticipated to be as follows:

- 5 kitchen staff at most times.
- 4 Full time and 1 part time. This includes a duty manager.

### 3.8 Signage

No signage is proposed.

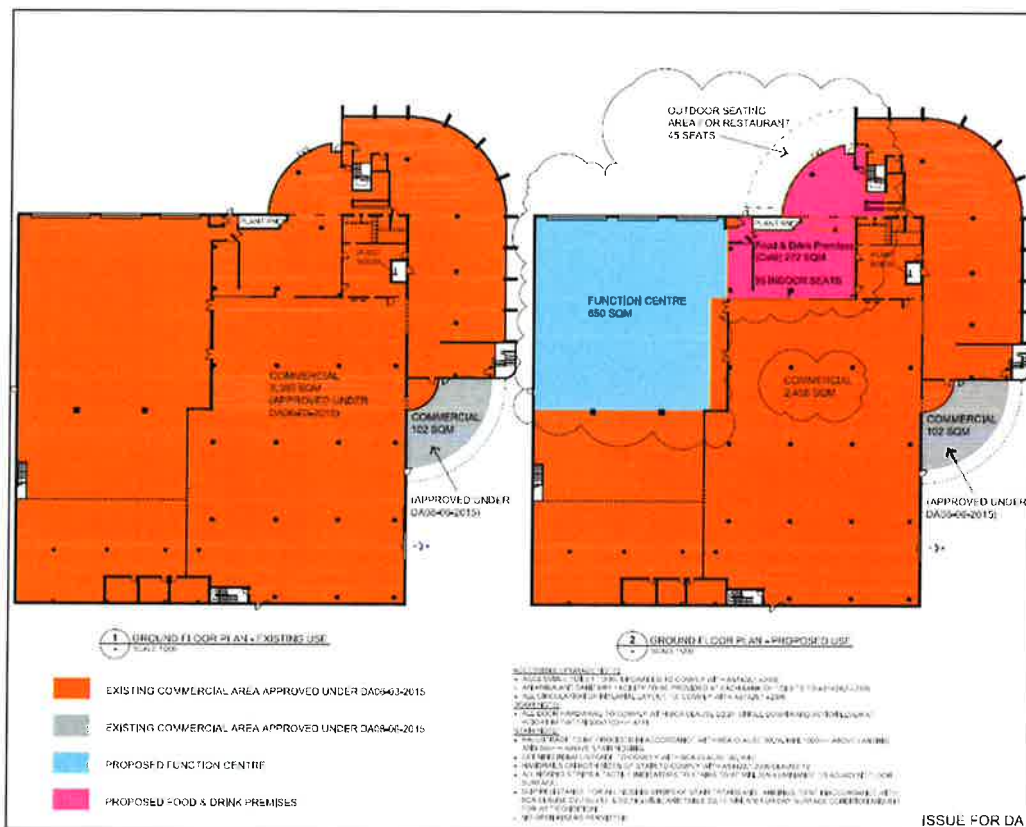


Figure 3 – Plan of Existing & Proposed Use



## 4 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 96 of the *Environmental Planning and Assessment Act 1979 (the Act)*, effective from 10 November 2014. 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.

## 5 Assessment

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

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

#### 5.1.1 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 **Error! Reference source not found.**

Clause	Response	Compliance x/✓/N/A
<b>(9) Zone B4 Mixed Use</b>	The proposal is permissible with consent and is consistent with the zone objectives.	✓
<b>(23) Public Utility Infrastructure</b>	The proposed development does not require additional public utility infrastructure.	✓
<b>(24) Major event capability</b>	The proposed development is not expected to have any substantive impact on major events, subject to compliance with relevant conditions of consent.	✓
<b>(25) Transport</b>	<p>A Traffic Impact Statement was prepared by Traffix, Job No. 15.024 dated August 2016 as part of the development application documentation. Letters dated 18 August 2016 &amp; 7 December 2016 provided additional information in response to issues raised during the assessment of the DA.</p> <p>The application was also referred to the Roads and Maritime Services (RMS) had no objections the proposal.</p>	✓

Clause	Response	Compliance x/✓/N/A
	The proposal is unlikely to result in any adverse transport/parking impacts, subject to the imposition of, and compliance with relevant conditions of consent.	
<b>(26) Master Plan</b> (Note: MP 2030 is a deemed DCP and is also considered here for the purposes of S79C(1)(a)(iii)).	MP 2030 applies to the subject site and has been considered in the assessment and the proposed development has been found to be acceptable in the context of the Master Plan principles and controls.	✓
<b>(29) Development within an environmental conservation area</b>	The subject site is not located in a conservation area.	N/A
<b>(31) Heritage Conservation</b>	The subject site is not a heritage item.	N/A

#### 4.1.3 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 subject proposal is considered to be an interim use and it is reasonable to assume that the site will ultimately be redeveloped to a mixed use multi-storey development (it's highest & best use) in accordance with the revised Master Plan (once it is adopted by the Minister for Planning).

#### 4.1.4 Draft Environmental Planning Instruments

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

#### 4.1.5 Planning Agreements

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

## **5.2 Prescribed Matters EPA Regulation 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.

## **5.3 Impacts of the Development**

Relevant reports & assessments have been provided i.e. BCA, Acoustic, Plan of Management, Traffic/Parking in support of the proposal and to address/ manage any impacts. The proposal is for a change of use of part of the existing commercial premises and as a consequence, is unlikely to result in any adverse physical impacts, subject to the imposition of, and compliance with appropriate conditions of consent.

Furthermore it is considered that the proposed change of use 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. Greater numbers of staff will contribute to the critical mass for retail, services and hospitality activities.

## **5.4 The suitability of the site for the development**

The proposed change of use of part of the existing commercial premises is in keeping with the overall objectives and functions of the Central Precinct and the range of permissible land uses in the B4 Mixed Use Zone.

## **5.5 Notification, advertising and submissions received**

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

## **5.6 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 principal environmental planning instrument applying to the land contained with *State Environmental Planning Policy (State Significant Precincts) 2005*; and
- is consistent with the *Sydney Olympic Park Master Plan 2030*;
- unlikely to result in any substantive adverse environmental impacts in terms of traffic, access or parking, subject to compliance with appropriate conditions of consent; and
- will have a number of positive social and economic impacts.

# **6 Sydney Olympic Park Authority Act 2001**

## **6.1 Clause 22(2) – Consistency with Environmental Guidelines**

The proposed development is relatively minor and is located within the SOP Town Centre and will not result in a significant impact on any critical habitat, threatened species, population or endangered ecological community or their habitats, and is generally consistent with the *Environmental Guidelines*.

## 7 Consultation

### 7.1 External referrals

#### 7.1.1 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 no objections and have recommended some advisory notes regarding prominent business identification/numbering to assist emergency services in locating the premise in an emergency, CCTV, and duress alarm & internal alarm system. These advisory notes have been added to the consent.

The Police also recommended restricting the operating hours to midnight, which aligns with the applicant's requested operating hours.

Notwithstanding the function Centre will be approved until 10pm as standard hours and a reviewable condition (in accordance with Section 80A(10B) of the EP&A Act) for extended hours until 12 midnight 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.

### 7.2 Roads and Maritime Services (RMS)

The application was referred to the Roads and Maritime Services (RMS) for comment(s) on 1 November 2016 having regard to the proximity of the site to the signalised intersection of Herb Elliott Avenue / Australia Avenue and the nature of the proposed use.

RMS provided a response on 25 November 2016 which indicated that it has no objections to the proposal.

### 7.3 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
BUILDING SERVICES	No objections, standard conditions provided ✓
TRAFFIC & PARKING	Comments provided. Issues raised are considered to be satisfactorily addressed. ✓
DEVELOPMENT CONTRACTS	No comments / objections
COMMERCIAL	No comments / objections
PRECINCT OPERATIONS	No comments / objections
MAJOR PROJECTS	No comments / objections
ENVIRONMENT & ECOLOGY	No comments / objections
ENVIRONMENTAL INFRASTRUCTURE	No comments / objections

All conditions recommended by the relevant Units have been incorporated into the recommended Conditions of Consent where appropriate and necessary.



## 8 Conclusion and recommendations

### 8.1 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 the principal environmental planning instrument applying to the land contained with *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**.

### 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;

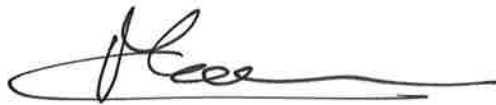
Prepared & Reviewed by

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Date: 19/12/2016



Charles Moore  
Chief Executive Officer

Date: 21/12/2016