

## Planning Assessment Report

<b>Application No:</b>	DA 20-11-2016
<b>Application Site:</b>	Lot 100 DP 1193985 - Shop 14, No. 1 Burroway Road, Wentworth Point
<b>Proposal:</b>	Fitout and operation of the premise as a 52-place Child Care Centre
<b>Applicant:</b>	Payce Communities Wentworth Point & SH FWT Development Pty Ltd
<b>Determining Agency:</b>	Sydney Olympic Park Authority
<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 20-11-2016 which seeks approval for the fitout and operation of the premise as a 52-place Child Care Centre. It is recommended that the development application be **granted consent**.

### 2 Site and surrounds

The site is located at the northern end of a new residential and mixed use suburb known as Wentworth Point. The site is located on the northern side of Burroway Road at the junction of Hill Road and is immediately adjacent to the Sydney Olympic Park Ferry Wharf, approximately 2.8 kilometres from Sydney Olympic Park train station to the south, and approximately 3.7 kilometres from the M4 motorway also to the south. A shared pedestrian path and cycleway along the Parramatta River adjacent to the west of the site provides access to the Millennium Parklands and also the Armory Wharf Cafe.

Wentworth Point is bounded by the Parramatta River along its eastern and northern boundaries, Sydney Olympic Park to the south and Millennium Parklands to the west across Hill Road. The Millennium Parklands contain the 'Millennium Marker' which is located to the south-east of the subject site.

The site comprises Lot 100 in DP 1193985 and is known as 1 Burroway Road, Wentworth Point, has an area of 10,430m<sup>2</sup> and is currently occupied by a construction site for an approved mixed use development.

### 3 Background

#### 3.1 State Significant Development Application SSD 6387

On 1 December 2014, the Secretary of the Department of Planning and Environment granted approval for State Significant Development Application 6387 for the construction of three 8-storey residential buildings above ground floor retail/commercial podiums and a three level basement structure and associated public domain works at 1 Burroway Road, Wentworth Point.

The development specifically involves the erection of a two ground level commercial podiums, above three common basement levels, which are separated by a central open air plaza. The larger western podium contains a small supermarket and speciality retail stores, above which are two residential buildings. The smaller eastern podium also contains speciality retail stores as well as a cafe, above which is located one residential building.

The two lower basement levels provide parking for residents, whilst the upper basement level provides parking for retail customers. The three residential buildings which rise above the podium level are crafted as three thin blades along a north-south axis. As each building rises it begins to step back from the northern boundary which provides relief when viewed from the River and generates a high level of modulation and articulation to the buildings which take on a sculptural form.

The development also involves the construction of the public domain surrounding the site comprising a new road parallel to the Parramatta River between the proposed development and the existing ferry wharf, and also a new service street along the south-eastern boundary of the site.

The proposal has been subsequently amended several times for a range of minor amendments to the development and apartment layouts.

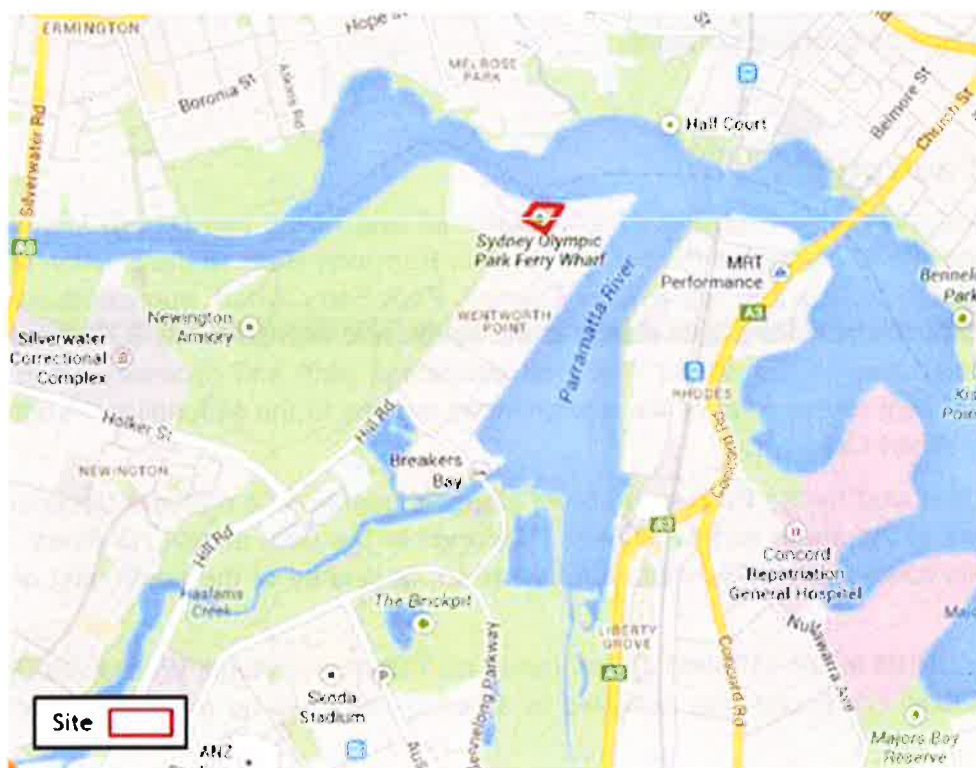


Figure 1 – Site Location

## 4 The Proposed Development

The subject development application seeks consent for the fitout and use of Shop 14 for the purposes of a child care centre for 52 children. The fitout generally comprises the following:

- Nursery (0-2 years) with nappy rooms, bottle prep room and cot rooms attached - 12 children
- Playroom 1 (2-3 years) with nappy room/kids WC and bed store attached – 20 children
- Playroom 2 (3-5 years) with kids WC and bed store attached – 20 children

- Outdoor play area - 365 square metres
- Staff room
- Staff kitchen
- Office
- WC
- Store rooms
- Laundry

The Centre will employ 10 full time qualified staff in accordance with the relevant staffing ratios required by the *Education and Care Services National Regulations*, together with support staff of 2; total of 12 staff.

The centre will have a total floor area of approximately 487m<sup>2</sup> with associated outdoor play spaces of 365m<sup>2</sup>.

The proposed hours of operation of the Centre are 6.00am – 7.00pm Monday to Friday.

11 basement parking spaces will be allocated to the Child Care Centre along with approximately 20 on-street spaces around the site for pick-up/drop-off.



**Figure 3** Layout of the Child Care Centre

## 5 Delegated Authority

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)* 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; ✓
- SOPA is not the applicant; and ✓
- SOPA will not derive a commercial benefit in excess of \$250,000 per year from the development. ✓

Note: SOPA will retain ownership of the property and will derive a commercial benefit estimated to be in the order of \$200,000 annually, which is less than the \$250,000 threshold. ✓

## 6 Statutory Framework

### 6.1 Environmental Planning and Assessment Act 1979

The proposal is local development to which Part 4 of the *Environmental Planning and Assessment Act 1979 (the Act)* applies. Decisions made under the Act must have regard to the objects of the Act, as set out in Section 5 of the EP&A Act. The proposal complies with the objects as it represents the orderly and economic use of land and promotes pedestrian and cycle access between the Town Centre at Sydney Olympic Park and a range of recreation and transport facilities.

Part 9 of this report provides an assessment of the application against the heads of consideration set out under Section 79C of the Act.

### 6.2 Sydney Olympic Park Authority Act 2001

Clause 22(2) of the SOPA Act requires consideration of the Environmental Guidelines. It is considered that the proposed development is generally consistent with the Guidelines.

### 6.3 State Environmental Planning Policy (State Significant Sites) 2005

The aims of the SSS SEPP are to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State, and to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.

Sydney Olympic Park is identified as a State Significant Site under the SSS SEPP, and Part 23 of Schedule 3 of the SSS SEPP identifies a number of provisions relating to the carrying out of development within Sydney Olympic Park, as set out below.



Clause	Response	Compliance
(9) Zone B1 Neighbourhood Centre	<p>The proposed development is for the fitout and use of Shop 14 for the purposes of a child care centre for 52 children which is permissible with consent.</p> <p>The proposed development is for a child care centre which is a business and community use intended to serve the daily needs of people who live and work in the surrounding neighbourhood. For this reason the proposal is considered to be consistent with the objectives of the B1 Neighbourhood Centre zone.</p>	✓
(23) Public utility infrastructure	Public infrastructure requirements to support the mixed use development have been addressed in the approval issued in respect of SSD 6387. The proposed Child Care Centre does not require additional public infrastructure to that already approved.	✓
(24) Major events capability	<p>The proposed development is relatively minor and as such is not expected to have any substantive impact on major events.</p> <p>Furthermore, it is located well away from the Town Centre and is physically removed from the major event venues and parking areas and on this basis; it is not likely to have an adverse impact in this regard.</p>	✓
(25) Transport	<p>11 parking spaces are provided in the basement car park for exclusive use of the Child Care Centre, supplemented by up to +20 short-term spaces on the public street.</p> <p>This infrastructure is considered to adequately address the parking demands of the development.</p>	✓
(26) Master Plan (Note: Master Plan 2030 is a deemed DCP and is also considered here for the purpose of S79C(1)(a)(iii)).	Master Plan 2030 applies to the subject site and has been considered in the assessment and the proposed development is generally consistent with the Master Plan principles and controls.	✓
(29) Development in environmental conservation area	The subject site is not located in, or in the vicinity of an environmental conservation area.	✓
(30) Design excellence	The design excellence requirements have been addressed in the base building approval (SSD 6387).	✓
(31) Heritage Conservation	The subject site is not within the vicinity of a heritage item and the proposed development will not impact on heritage conservation.	✓

#### 6.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Harbour REP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations. Although the Harbour REP applies to the whole of the Sydney Catchment Area, including the subject site, it primarily provides planning provisions relating to the foreshore and waterway areas.

The approved mixed use development for the site was considered to be consistent with the general aims for sites within the Sydney Harbour Catchment and the proposed fitout and use does not alter this conclusion.

## 7 Consultation

The application was referred for review and comment on 16 December 2016. Responses were received as follows:

INTERNAL DEPARTMENT	RESPONSE
Building Services	No objections. Conditions provided ✓
Development Contracts	No objections / comments ✓

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

## 8 Assessment

### 8.1 Education and Care Services National Regulation

Prior to lodgement of the development application, SOPA engaged an appropriately qualified Child Care Centre consultant to review the design of the proposed facility. It is understood that the consultant has confirmed that the facility is capable of meeting the requirements of the Education and Care Services National Regulation.

A condition is recommended for inclusion in any consent issued in respect of this application which requires compliance with the Regulation, evidence of which to be provided in the documentation for a Construction Certificate application and to be implemented prior to occupation of the premises.

### 8.2 Prescribed Matters EPAR 2000

The proposed development is able to comply with prescribed matters of the *Environmental Planning and Assessment Regulation 2000* subject to fulfilment of conditions of consent.

### 8.3 Impact of the development

The proposed development is for the fit-out of the premises as a Child Care Centre. The main potential amenity impacts are from higher than average noise levels during operation and traffic/parking.

#### 8.3.1 Noise

The application is accompanied by a Child Care Centre Acoustic Assessment prepared by Acoustic Logic (Project No. 20161276.1, dated 25/8/2016) which considers noise levels generated by the Child Care Centre and its impacts on surrounding land use.

The report concludes that provided acoustic treatments outlined in the report are carried out the noise emissions from the site will satisfy the acoustic requirements of the NSW Industrial Noise Policy (INP) & the Association of Australian Acoustical Consultants – Technical Guideline Child Care Centre Noise Assessment.

### 8.3.2 Traffic & Parking

The applicant indicated that 11 basement parking spaces will be allocated to the Child Care Centre, which is consistent with MP 2030's maximum car parking provision. A condition is recommended requiring a minimum of eleven (11) on-site parking spaces to be provided and appropriately signposted for the sole use of the Child Care Centre.

A condition is also recommended requiring a Traffic & Parking Management Plan detailing management of traffic & parking matters e.g. short-term parking spaces, signposting / signage, drop-off & pick-up areas etc. shall be prepared in consultation with, and to the satisfaction of, the Sydney Olympic Park Authority prior to the issue of an Occupation Certificate.

Having regard to the above, it is considered unlikely that this development will have any negative impacts to the natural environment or local community, subject to compliance with the relevant conditions of consent.

### 8.4 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) development of the Ferry Wharf Site by SSD 6387.

Furthermore, the proposal is consistent with the objectives and function of the site and zoning provisions of *SEPP State Significant Precincts 2005*.

### 8.5 Notification, advertising and submissions received

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

### 8.6 The public interest

The proposal is considered to be in the wider public interest as it:

- is consistent with the relevant statutory controls, including Master Plan 2030;
- would not result in any substantive adverse environmental affects (subject to conditions); and
- as a new community facility, the child care centre will support the continued growth of the resident and worker population at Sydney Olympic Park.

## 9 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**.

## 10 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: 19/12/2016

Endorsed by



Charles Moore  
Chief Executive Officer

Date: 21 / 12 / 2016