



Planning Assessment Report

Development Application No. 411-9-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number No.411-9-2003.

The application seeks consent for the fitout and use of part of existing ground floor as a café/delicatessen and building identification signage at Unit 105-108 "Santorini" 4 The Piazza, Homebush Bay (Lot 6, DP 270320).

The Minister for Infrastructure Planning and Natural Resources is consent authority under the provisions of Sydney Regional Environmental Plan No.24 – Homebush Bay Area (SREP No.24).

It is recommended that the development application be granted **consent**.

2 BACKGROUND

2.1 Site Context

The site is located at Unit 105-108, "Santorini" 4 The Piazza, Homebush Bay in the Auburn local Government area.

The development application was lodged with the Department on 2 September 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The subject site is located in an approved mixed use commercial/residential development within the Homebush Bay West area. The first stage of the development is complete.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for the fitout and use of Unit 105-108 as a café/delicatessen with a total area of 433m². The space is to be used for:

- Café/delicatessen (and catering as required);
- Convenience/general store;
- Sale of fruit, vegetables and flowers;
- Bottle shop and associated activities.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

SREP No.24 does not prohibit development such as proposed. The proposal meets the heads of consideration specified in clause 13 of SREP No.24. The proposal is also consistent with the aims and objectives of SREP No.24. The proposal is occupation of approved commercial floorspace and is considered to be appropriate development for

the site. SEPP No.56 also applies to the site and the proposal is consistent with the aims and guiding principles of the Policy.

5 CONSULTATION

5.1 Public consultation

The application was advertised and notified, in accordance with the Regulations from 17 September 2003 until 1 October 2003 and as a result one submission was received from Sydney Olympic Park Authority which raised no objection to the proposal subject to the proposal being consistent with the draft Development Control Plan and the draft Public Domain Manual for Homebush Bay West. The documents have been reviewed and the proposal, being the occupation of an approved space, is generally consistent with the documents.

5.2 Referrals

5.2.1 Council

The application was referred to the Auburn Council on 12 September 2003 in accordance with clause 14 of SREP No.24. Council has not responded and given the relatively minor nature of the proposal, this is not considered to be of a major concern.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act, 1979

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act. The subject site is considered suitable for the proposed development.

The submission received has been considered and raises no objection to the proposal. On balance, the proposed development is considered to be in the public interest and will provide valuable local character retail opportunities.

6.2 Issues

The accompanying BCA Report to the SEE outlines a number of necessary works for the tenancy to comply with the BCA. It is recommended that the 3 listed requirements be included as conditions of development consent. The accompanying Traffic and Parking Assessment Report to the SEE outlines that 6 spaces have been allocated to the subject tenancy and 18 kerbside spaces are available in the vicinity of the tenancy. This is considered acceptable and the conclusion of the report that the use of the space as a café/delicatessen will not have any unacceptable parking implications is concurred with.

7 CONCLUSION

The Minister for Infrastructure Planning and Natural Resources is the consent authority.

The application has been considered with regard to the matters raised in s79C of the Act and it is considered that the proposal is suitable development for the site.

The application has been notified in accordance with the Regulations. The submission received in the period prescribed by the Regulations has been considered.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 7 November 2003. The applicant responded on 7 November 2003 and suggested the deletion of the reflectivity condition as the glass is approved and in place, and this is agreed with. A further condition was also suggested regarding the submission of a signage strategy which is also agreed with.

9 DELEGATION

Under the instrument of delegation dated 8 August 2002, the Minister has delegated to Team Leaders and officers holding a higher position his functions under s.80(A) of the Act relating to determining development consents, except where they relate to designated development or development that is declared to be State Significant development (other than under SEPP56).

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Team Leader.

10 RECOMMENDATION

That the development application be approved pursuant to Section 80 (1) and 80A of the EP&A Act 1979 and Clause 10 (1) of SREP No.24

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