

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S04/00536 Pt 1
Application Number:	DA 51-3-2004
Date of lodgement:	3 March 2004
On land comprising:	Lot 3 DP 861843 and Lot 1764 in DP 821362, Driver Avenue, Moore Park
Application made by:	SingTel Optus Pty Ltd Locked Bag 26, Chatswood NSW 2057
Application made to:	Minister for Infrastructure and Planning
Local government area:	City of Sydney
State electorate:	Bligh, Clover Moore The views of the Member are not known.
Public Exhibition:	Not advertised
Notified:	City of Sydney Council, Centennial Park and Moore Park Trust, NSW Heritage Office
For the carrying out of:	Installation of underground conduit and associated telecommunications infrastructure into the Playbill offices of the Hordern Pavilion, under Gate B
Estimated cost of works:	\$140
Type of development:	Local Development
Integrated approval bodies:	Not Integrated
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Acting Team Leader, as delegate of the Minister for Infrastructure, Planning and Natural Resources pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground:

- (A) waive compliance with clause 14 of SEPP 47 requiring advertising of development applications, pursuant to clause 14(4) of SEPP 47;
- (B) grant **consent** to the application subject to conditions (**Tagged 'A'**) by signing and dating the Notice of Determination for DA 51-3-2004 at **tag 'B'**, and
- (C) authorise the Department to carry out post-determination notification.

Izlem Boylu

A/Team Leader

Urban Assessments

Determined as Delegate for the

Minister for Infrastructure and Planning

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

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Development Application: Supplementary Information

Proposed Development in detail

The proposed development seeks consent for:

- installation of 1300mm of 50mm diameter conduit from a proposed Optus pit on Driver Avenue to an existing customer owned pit located under the metal fencing of Gate B to the Hordern Pavilion.

Summary of Main Issues

There are no significant issues associated with the proposal.



Planning Assessment Report Development Application DA 51-3-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 51-3-2004.

The application seeks consent for installation of a 1300mm of 50mm diameter conduit from a proposed Optus pit on Driver Avenue to an existing customer owned pit located under the metal fencing of Gate B to the Hordern Pavilion within the Moore Park Showground area. The site is located at Lot 3 DP 861843 and Lot 1764 DP 821362 Driver Avenue, Moore Park in the City of Sydney local Government area.

The Minister for Infrastructure and Planning is consent authority under clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground (SEPP 47). The proposal is generally consistent with the range of environmental planning instruments applying in this area.

Under the instrument of delegation dated 4 August 2003 and having regard to the Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Team Leader, Urban Assessments.

It is recommended that the development application be granted consent subject to conditions (**tagged 'A'**).

2 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- installation of 1300mm of 50mm diameter conduit from a proposed Optus pit on Driver Avenue to an existing customer owned pit located under the metal fencing of Gate B to the Moore Park Showground area. From there, cabling will be installed in an existing customer owned conduit into the Playbill premises, and cabling and switching equipment will be installed in the level one plant room of the Hordern Pavilion.
- The proposed installation will connect with the remaining portion of the facility to be installed along Driver Avenue, Lang Road and Robertson Road. This portion lies outside of the area to which SEPP 47 applies and is therefore outside of the scope of this development application.

A site plan showing the location of the works is **tagged 'C'**. Design plans of the proposed conduit are **tagged 'D'**.

3 STATUTORY FRAMEWORK

The proposed development is permissible with consent pursuant to clause 11 of SEPP 47. Clause 11 of SEPP 47 provides for development for the purpose of public utilities.

4 CONSULTATION / PUBLIC EXHIBITION

The Minister may waive compliance with the requirement to advertise DAs within the Moore Park Showground if the Minister is of the opinion that the DA is for a minor matter, pursuant to clause 14(4) of SEPP 47. It is recommended in this report that the advertising requirement be waived in this instance, as it is considered that the proposed works are of a minor nature.

The application was referred to the former South Sydney Council (now City of Sydney Council), the Centennial Park and Moore Park Trust (CPMPT) and the NSW Heritage Office on 16 March 2004 for a period of 14 days. Council advised that given that the work is being undertaken outside of the building, no comments were necessary to be provided in relation to the Building Code of Australia.

The CPMPT responded on 29 March 2004 advising that it was satisfied that all issues have been resolved satisfactorily (see section 5, below). The Trust's submission is **tagged 'E'**.

Issues raised by the NSW Heritage Office are discussed in Section 5 of this report. The NSW Heritage Office's submissions are **tagged 'F1'** and **'F2'**.

5 CONSIDERATION

The matters raised in Section 79C(1) of the Environmental Planning and Assessment Act, 1979 have been considered. Consideration is also given to relevant provisions of SEPP 47. It is considered that the proposed development complies with the statutory controls and the relevant aims and objectives. Relevant issues requiring further consideration are addressed below.

▪ CPMPT

Following consultation with CPMPT, the applicant amended the proposed route for the service installation on Lang Road, which lies outside of the scope of the subject DA. The Trust's early comments on this proposal, forwarded directly to the applicant, are **tagged 'G'**. The Trust responded to the Department's referral of the DA, satisfied that the applicant has addressed the issues raised previously (refer to **tag 'E'**).

▪ NSW Heritage Office

In its submission the NSW Heritage Office requested that the Department ask the applicant to investigate the level of disturbance to the site in the past, to ascertain whether the subject site has any archaeological potential. Furthermore, the applicant was requested to check the 1995 Godden Mackay Logan *Conservation Strategy* for any appropriate recommended actions, and the archaeology assessment undertaken by Casey & Lowe Associates, *Post Contact Non Indigenous Archaeology Report*.

The applicant submitted supplementary information (**tagged 'H'**) regarding the level of prior site disturbance and archaeological potential in consultation with the abovementioned documents. The report concluded that the area subject to the DA is not noted in the studies as having a significant archaeological risk related to known sites or an increased potential owing to past known development. In addition, the subsurface area relevant to the DA site has previously been altered by the installation of numerous utilities and car barriers.

The applicant's supplementary information was forwarded to the NSW Heritage Office for comment on 20 May 2004. A response was received on 26 May 2004 requesting that the applicant's Environmental Management Plan (EMP) include reference to the requirements of Section 146 of the Heritage Act 1977, which requires that if 'relics' are found, the Heritage Council be notified. (NB. the applicant's Statement of Environmental Effects, **tagged 'I'**, stated that Optus will ensure that contract companies undertaking the works submit an EMP to Optus prior to the works commencing).

Appropriate conditions of consent shall be imposed requiring the applicant to prepare an EMP as described above and that work shall cease should any items of significant archaeological potential be located during the construction phase. The applicant shall be required to make contact with the NSW Heritage Office and/or the Department of Environment and Conservation.

6 CONCLUSION

The assessment concludes that the proposal complies with the statutory controls and consistent with the principles outlined in SEPP 47.

The proposed development is of a relatively minor nature. Based on the assessment above, it is considered that there are no significant planning impacts or issues arising from the proposal. It is recommended that the proposal be granted development consent, subject to conditions.

7 RECOMMENDATION

It is recommended that the Acting Team Leader, Urban Assessments, as delegate of the Minister for Infrastructure and Planning, pursuant to section 80 (1) and 80A of the Environmental Planning and Assessment Act, 1979 (as amended) and clause 8 of State Environmental Planning Policy No. 47 – Moore Park Showground:

- (A) waive compliance with clause 14 of SEPP 47 requiring advertising of development applications, pursuant to clause 14(4) of SEPP 47;
- (B) grant consent to the application subject to conditions (**Tagged 'A'**) by signing and dating the Notice of Determination for DA 51-3-2004 at **tag 'B'**, and
- (C) authorise the Department to carry out post-determination notification.

Prepared by

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Izlem Boylu
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Determined as Delegate of the Minister for
Infrastructure and Planning