



**MODIFICATION REQUEST:
Yulang Pub
Cr Olympic Boulevard and The Yulang
(MP08_0174 MOD 1)**

- Expansion to the range of uses of the premises to include a 'function centre'.



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

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EXECUTIVE SUMMARY

This report is an assessment of a Modification Application (MOD 1) prepared by Helen Mulcahy Urban Planning on behalf of the Sydney Olympic Park Authority (the proponent) requesting modification to the Major Project MP08_0174 approval, to allow for the introduction of a 'function centre' use, in addition to the intended use as a pub / restaurant, within the approved building.

The Environmental Assessment (EA) for the proposed modification was made public available on the department's website, and consultation was undertaken with adjoining land owners/occupiers, Auburn City Council and Sydney Olympic Park Authority.

The department has assessed the merits of the proposed modification and is satisfied that any resultant environmental impacts can be adequately mitigated and managed.

The department considers that the proposed modification application be approved subject to the recommended condition amendments.

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1. BACKGROUND

On 2 September 2009, the then Minister for Planning approved the project application, MP08_0174, for the construction of the Yulang Pub at the south western corner of the Overflow Park, Sydney Olympic Park. The approval consisted of:

- construction of a 2 storey building, plus basement level;
- construction of a canopy, extending across the full extend of the southern façade and encroaching into The Yulang;
- landscape treatment; and
- utility service connection.

No works associated with the approved development have commenced. A development application for the fit out and operation would be lodged separately. Refer to Figure 2 for the approved project layout.

Figure 1: Project Location

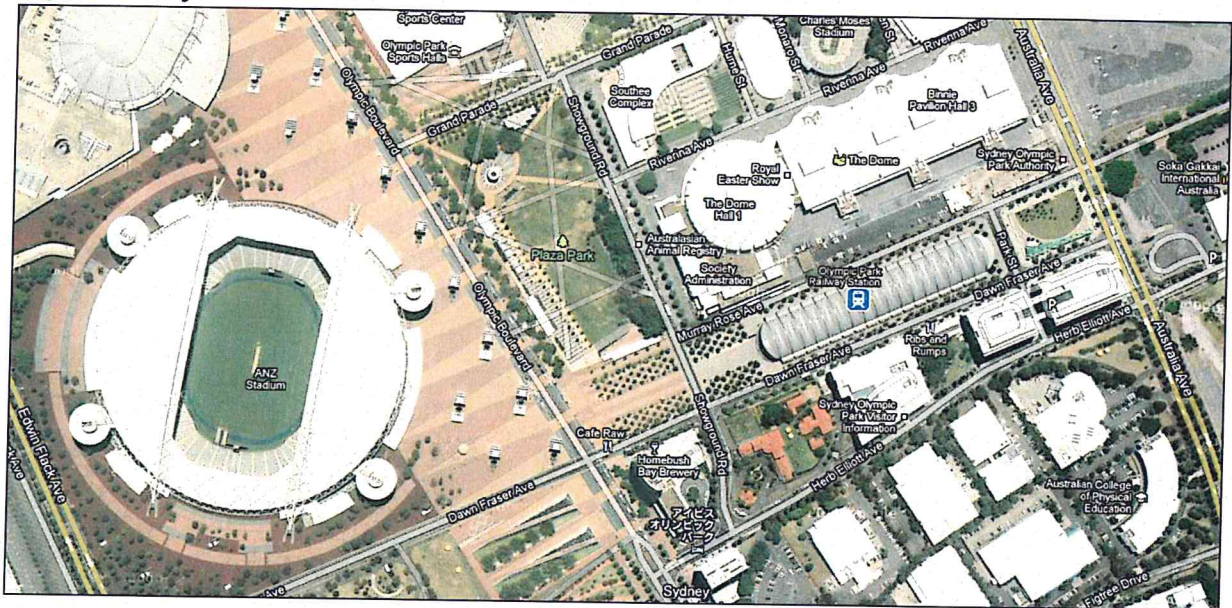
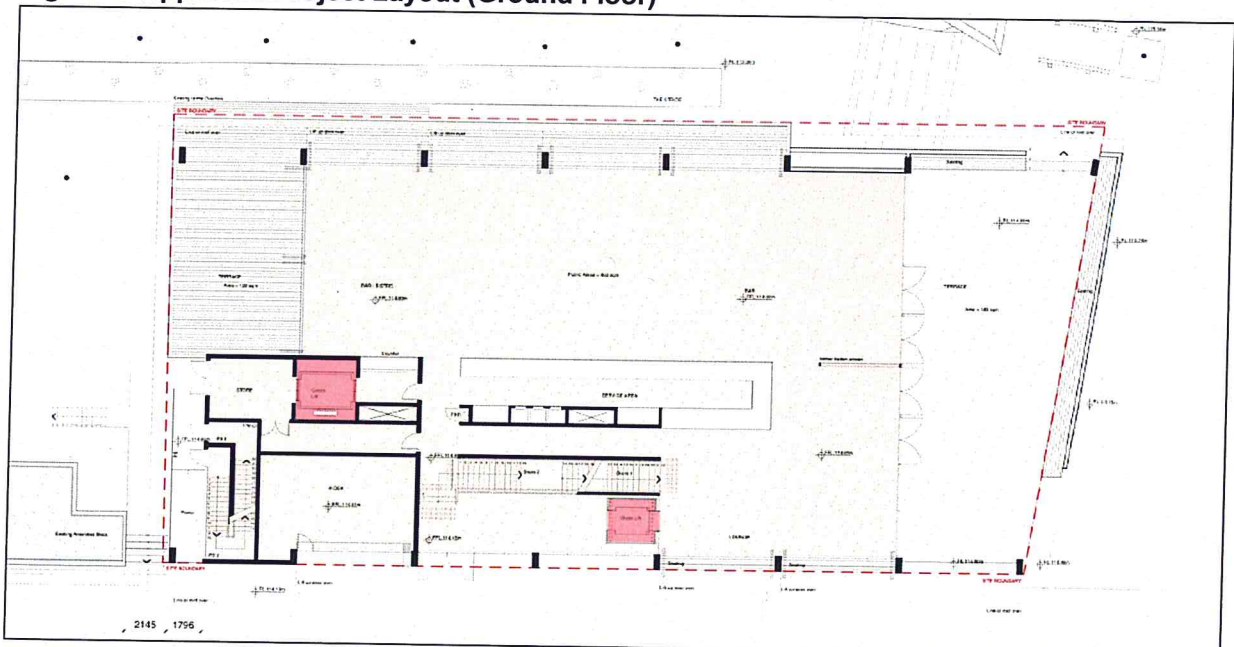


Figure 2: Approved Project Layout (Ground Floor)



The modification is necessary to enable the introduction of a function centre as a permitted use within the development, having been granted approval for restaurant and pub uses. Accordingly, the proposed modification seeks to optimise the commercial viability of the development, particularly given the current economic climate, by seeking approval to permit the Yulang Pub to be used as a 'function centre'.

2. PROPOSED MODIFICATION

2.1 Modification Description

The proposed modification seeks approval to expand the range of permitted uses within the Yulang Pub. Approval is sought to allow the use of the premise for the purposes of a 'function centre' in addition to its approved intended use as a pub and restaurant. No building modifications or amendments to the approved design are sought.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval.

As the proposed modification seeks to amend conditions and is not consistent with the approved project as described in Schedule 1 of the Instrument of Approval, the modification will require the Minister's (or his delegate's) approval.

3.2 Environmental Assessment Requirements

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this modification as the proponent has addressed the key issues in the modification request.

3.3 State Environmental Planning Policy (Major Development) 2005

Clause 9, Part 23 of the SEPP identifies that the subject site is zoned B4 Mixed Use. The approved uses, restaurant and pub, and the proposed function centre use are not identified as being prohibited on land zoned B4 Mixed Use. Accordingly, the proposed introduction of a function centre use is permissible with consent.

Clause 24, Part 23 of the SEPP requires the consent authority give consideration to ensuring that the capability of major events are protected and promoted. An Operational Provisions plan for the Yulang Pub has been prepared by SOPA

outlining the constraints within which the venue is to operate that will be further enforced through any future lease agreements for the operation of the premise. SOPA have confirmed that the introduction of a function centre use would be satisfactorily covered by the existing Operational Provisions plan for the site.

Clause 25, Part 23 of the SEPP requires the consent authority to be satisfied that suitable measures to promote public transport and alternative transport modes are included within the development. The proposed modification does not result in the changes to the approved building or potential patron capacity of the premises. It is therefore considered that the original traffic and transport assessment provided by the proponent for the original proposal is satisfactory and applicable to the proposed new function centre use. In this regard, suitable on-site parking within SOP would be necessary for staff, particularly during evening shifts. However, the proximity of the site to existing public transport will ensure that public transport use is encouraged to reduce the necessity of on-site parking.

In accordance with clause 26, Part 23 of the SEPP, consideration SOP Master Plan 2030 has been given. In this regard, the subject site is identified for entertainment purposes. A function centre is development that is allowed within areas identified for entertainment purposes. No further changes to the existing approved development are proposed. The development is therefore considered consistent with the master plan.

3.4 Delegated Authority

The original major project approval was granted by the then Minister for Planning, on 2 September 2009. Accordingly, the Minister for Planning and Infrastructure is the consent authority for the subject modification proposal.

The Minister has delegated his functions to determine under section 75W to the Directors in the Major Projects Assessment division where:

- the local council has not made an objection, and
- a political disclosure statement has not been made in relation to the application, and
- there are less than 10 public submissions objecting to the proposal.

There have been no submissions received from the public and council has not made an objection to the proposal. There has also been no political disclosure statement made for this modification application or for any previous related applications, and no disclosures made by any persons who have lodged an objection to this application.

Accordingly, the Director, Metropolitan and Regional Projects North, may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The department made the modification request publicly available on the department's website from 13 September 2011 for a minimum of 14 days and notified relevant State and local government authorities in writing, including Auburn City Council and Sydney Olympic Park Authority. The

department also notified a previous submitter and adjacent tenants of similar land uses.

The department received only 1 submission during the exhibition of the modification request from a public authority, Sydney Olympic Park Authority (SOPA).

4.2 Public Authority Submissions

SOPA raised no objection to the proposed modification subject to recommended condition modifications being included within any final approval.

The department has considered the issues raised in submissions in its assessment of the proposed modification.

5. ASSESSMENT

The department considers the key issue for the proposed modification to be operational and parking and traffic impacts.

5.1 Operational Impacts

5.1.1 Function Centre Use

The major project approval granted consent to the construction of the premises and for its intended use as a pub/restaurant. Separate approval is required for the fit out and subsequent operation of the premises for those intended uses.

The major project was assessed as having an estimated non-event midweek capacity of 100 patrons and up to 300 patrons on Friday evenings and weekends. During event mode, the capacity for the premise was previously assessed as being some 1950 patrons, with the majority of patrons already being present within Sydney Olympic Park for an event. This provides an event mode patron density within the premises of approximately 0.48m²/person, providing standing room only.

As conditioned within the original approval, the proponent is required to prepare an operational management plan and pedestrian management plan prior to the issue of an occupation certificate for the approved development. This will ensure that measures are implemented to appropriately manage the premises during major and special events and the potential ongoing operational impacts on surrounding sensitive receivers are minimised.

The proponent has advised that the modifications sought will not modify the building design of the premises and that the patron capacity will remain the same. In this respect, the department raises no objection to introduction of the function centre use as its operational characteristics would be similar to that when the restaurant and pub are under operation and would a similar patronage.

5.1.2 Operational Noise

Noise emissions from the premises are proposed to be managed through the implementation of a noise management plan. The plan, as committed to by the proponent, is to be prepared prior to the issue of a construction certificate for the development. In addition, conditions previously imposed on the Instrument of Approval for the development also limit noise generated by the premises and restrict

the playing of amplified music or entertainment activities from occurring at any time on any external terrace or deck areas.

Further, the design of the Yulang Pub, including windows and doors, is to include sound insulating properties and would ensure that noise sources generated by the use of the premises as a pub, restaurant and function centre do not exceed the recommended noise levels.

Having regard to the fact that the capacity potential for the premises will remain unchanged by the introduction a function centre use, the department considers that the existing conditions imposed and the proponent's statement of commitments will satisfactorily mitigate any potential impacts on sensitive receivers when operational.

5.2 Parking and Traffic

The proposed introduction of a function centre use to the premises is not considered to generate additional demand for parking or result in additional traffic impacts. As noted above, the proponent states that the capacity of the premises will not increase and that the existing considerations provided within the original Traffic and Transport Assessment are applicable to this modification proposal.

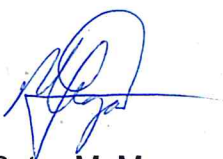
In this respect, sufficient on-site parking and public transport options are provided to support the development, in both event and non event mode. Conditions imposed on the original major project approval require the proponent to prepare an operational management plan that will provide management details for major and special events and to prepare a work place Travel Management Plan. The department is satisfied that the introduction of a function centre use to the approved premises will not generate any additional impacts associated with the operation of the premises.

6. CONCLUSION AND RECOMMENDATIONS

The department has considered the requested modification to the Project Approval MP08_0174 and considered the key issues associated with the proposed introduction of a function centre use. The proposed modification is considered to be minor and will not result in a significant change to the approved development.

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **sign** the attached instrument of modification approval (**Tag A**).


Peter McManus
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13/10/11


Cameron Sargent
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14/10/11