

Planning Assessment Report

Development Application 20-11-2013

Adaptive re-use of Building 8 & 139 within Newington Armory as an Indoor Recreation Facility

1 Introduction

1.1 Location and Context

Sydney Olympic Park (SOP) is located approximately 14 km west of the Sydney CBD, and 8 km to the east of the Parramatta CBD.

SOP includes 430 hectares of parklands comprising open space, recreation areas, wetlands and waterways. The parklands contain protected remnant woodlands, rare saltmarshes, water bird refuges and mangroves stand alongside places of heritage significance to create a unique parkland setting. Figure 1 below illustrates the context of the Newington Armory Precinct (the site) within the wider Parklands at SOP and surrounding development.

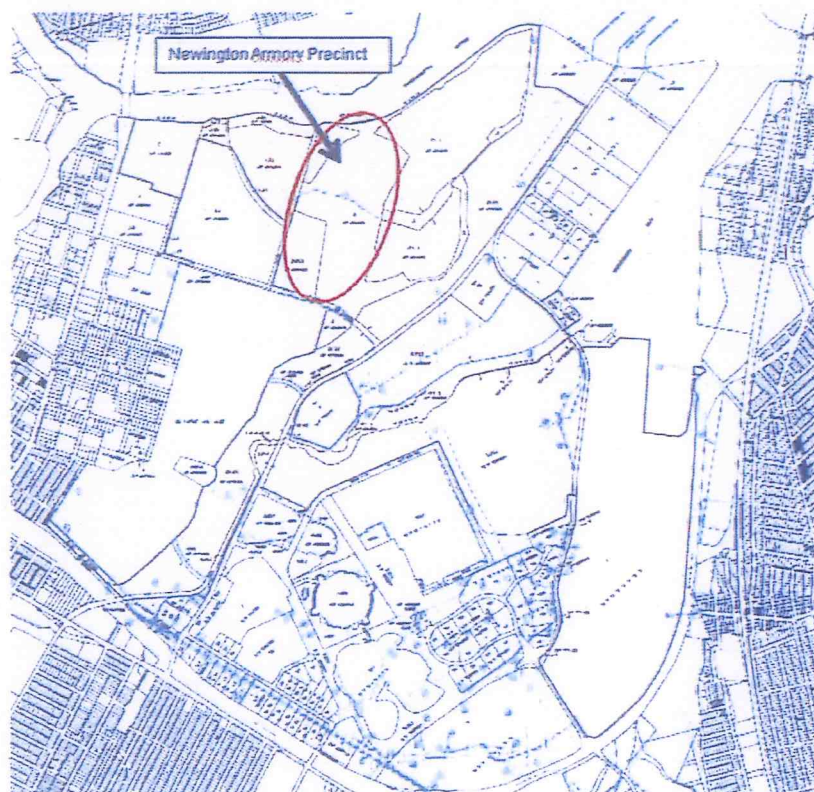


Figure 1 – General location of Newington Armory Precinct (whole of SOP Parklands in pink)

The site continues to evolve as part of the developing Parklands and attracts visitors from local and regional communities, enjoying a diversity of leisure activities, educational and interpretation programs.

2 Site History

The site is part of the former Royal Australian Navy Armament Depot (RANAD), which operated at the site until December 1999. The site of the former Newington Armament Depot occupies approximately 100 hectares. The southern part of the original Depot was developed as the athletes' village for the 2000 Olympic Games and is now the suburb of Newington.

The remainder of the Armory formed part of the concept for the Millennium Parklands, associated with the development and remediation of the Olympic site. The Silverwater Nature Reserve, subsequently known as the Newington Nature Reserve, was dedicated in 2000. The Sydney Olympic Park Authority (SOPA) was established on 1 July 2001 to manage the public assets of the 640 hectare Sydney Olympic Park, which included the Newington Armament Depot and Nature Reserve.

Buildings 8 and 139 are located within the "Original Establishment Precinct", in the northwest corner of the site facing Parramatta River, which contains the earliest military buildings and evidence of its occupation as an Armament Depot from 1897. It contains the wharf with two cranes, reclaimed land and part of the light rail system as well as a series of Federation face brick buildings which were purpose-built to store and distribute armaments. These buildings are protected by earth mounding and concrete separation blast walls to shield explosive materials in event of accidents.

A group of administration buildings and residences are located at the top of the precinct on a hill at the end of a cobblestone driveway flanked by two rows of trees ending in two sandstone gate posts. These buildings are a mixture of Federation brick buildings constructed in the first phase of development on the site and other buildings built during the 1920's, 1930's and 1940's. The later buildings are a mix of materials including timber and fibro with asbestos roofing. The cranes on the Wharf are dated as circa 1973.

Building 8 was constructed in 1940 and is a former Explosives Store, and Building 139 is a former dwelling dating from 1897. The site is listed in the State Heritage Register as the Newington Armament Depot & Nature Reserve (Item No. 5054828).

3 The proposed development

3.1 General Description

This application seeks approval for the adaptive re-use of Building 8 at Newington Armory to accommodate a martial arts facility and potentially other compatible uses such as dance or gymnastics. The scope of works includes:

- internal fitout of Building 8; and
- internal fitout of Building 139 to provide change room facilities and secure storage facilities associated with the martial arts facility.

The scope of works for which consent is sought as part of this development application incorporates a range of minor modifications to and fitout of the buildings, as follows:

Building 8

- use Building 8 as a training hall for martial arts;
- temporary reversible sports flooring to be laid over training area;

- moveable judo mats 2m x 1m will be laid across the floor to create an appropriate training surface;
- temporary (removable) wall pads to 1500mm height to be affixed to the wall (using Velcro or similar), to protect both the wall surface and participants from any extraordinary impact;
- temporary free-standing seating will be positioned in the hall for parents and spectators;
- addition of temporary lighting to existing beams; and
- external signage, to be installed as per SOPA's wayfinding strategy.

Building 139

- use of Building 139 as change room and equipment storage facilities;
- temporary (removable) sports flooring to be laid;
- removable seating and clothes hooks are proposed to be located within the male / female change areas. These rooms will be locked / unlocked according to usage periods;
- painting of internal/external areas as per original paint scheme; and
- the larger room (on the eastern side of Building 139) will be used to store basic training equipment including pads, floor mats, chairs, etc. Access to the store will be limited.

Equipment associated with the proposed use is minimal and temporary in nature in line with the non-exclusive use and heritage sensitivities associated with the buildings.

3.2 Operational Details

Key aspects of this proposal include:

1. Building 8 is proposed to be used as recreation facility, primarily catering for martial arts groups. The proposed hirer is NSW Judo operating under a "priority of use" agreement however Building 8 could potentially be made available for similar uses such as gymnastics or dance.
2. NSW Judo proposes to utilise this facility as a training venue for participants year round.
3. Training is envisaged to occur daily (4.00pm to 10.00pm Monday – Friday and on weekends 8.00am – 6.00pm) and in school holiday periods. Occasional periods outside of these specified hours may occur pending a range of variables. NSW Judo has expressed a willingness to work with partners such as SOPA, YMCA and others in offering training and participation activities for the wider community. NSW Judo has been offered Sydney Olympic Park Sports Centre as a venue for competition events.
4. In terms of access to the facility, it is envisaged that participants will:
 - park in the adjacent Blaxland Riverside car park;
 - access the Armory through the main gatehouse;
 - utilise the existing amenities located adjacent to the gatehouse;
 - utilise Building 139 to access separate change facilities (no ablutions);
 - use the existing pathway to Building 8 to attend scheduled and supervised Judo training sessions; and
 - depart the site via the aforementioned pathway and gatehouse;

The Armory Wharf café will be available for refreshments. An existing bubbler / drinking fountain is located near the building entry of Building 8.

Participant numbers will vary throughout the day depending on age, ability, coaching and program structure. Minimum class sizes range from 8-10 people. The maximum capacity of Building 8 (utilising both halls within the building) is approximately 60 people. Classes are fully supervised.

Temporary organisational signage will be used to manage internally while external signage will be consistent with SOPA way-finding strategy where provided.

Sydney Olympic Park Venues (SOPV) will implement an Operational Management Plan which clarifies:

- the terms and conditions of hire. Any hirer who breaches these conditions may risk cessation of hire opportunities. Regular site inspections by SOPV staff will be undertaken to ensure compliance with the terms of the Operational Management Plan;
- the hirer's obligations in relation to site sensitivities (heritage, noise, ecology etc);
- restrictions on any building access and use (hours of operation, access etc);
- emergency management plans; and
- other relevant information for safe use of the buildings.

4 Delegated Authority

The Minister is the consent authority pursuant to Schedule 6, Part 1, Clause 3 of the *SEPP Major Development 2005* and Clause 22 of the *Sydney Olympic Park Authority Act 2001*.

On 14 September 2011, the Minister delegated his powers and functions under Section 80 of the *Environmental Planning and Assessment Act 1979 (the Act)*, effective from 1 October 2011, 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 Executive Manager, Urban Planning and Design, and the Chief Executive Officer of Sydney Olympic Park Authority.

The proposed development is however inconsistent with these delegations as SOPA is the applicant. Therefore the application is to be referred to the Department of Planning and Infrastructure for review and determination.

5 Statutory framework

5.1 Environmental Planning and Assessment Act 1979

The proposal is local development to which Part 4 of *the Act* applies.

Buildings 8 and 139 are not located in an identified area of primary habitat for the Green and Golden Bell Frog (GGBF). Building 8 is estimated to be approximately 20 metres from the nearest confirmed habitat (Pond BC2) from which it is separated by the original earth and mown grassed mounding around the former bunker structure. Building 139 is located approximately 50 metres to the south east of Pond BC1, separated by a swathe of regularly mown grass.

Having regard to:

- the nature of the proposed use of each building and the fact that no external building works or excavation is proposed;
- the context of Buildings 8 and 139;
- the relationship of each building to the nearest primary habitat and the physical condition of the land between each of the buildings and the Ponds (ie. closely mown grass);

it is considered unlikely that the use of Buildings 8 and 139 within the Newington Armory Precinct will have any substantive impact on a threatened species, population or ecological community or their habitats (the GGBF).

On this basis it is considered that the proposed development is unlikely to have a significant effect on the GGBF or its habitat. As such, a referral to the Commonwealth (under the *Environment Protection and Biodiversity Conservation Act 1999*) is not necessary.

5.2 Sydney Olympic Park Authority Act 2001

5.2.1 Clause 22(2) – Consistency with Environmental Guidelines

The submitted Statement of Environmental Effects (SEE) provides a detailed assessment of the development against relevant provisions of the *Environmental Guidelines*. Having regard to the SEE, it is considered that the proposed development is generally consistent with the *Guidelines*.

5.3 Threatened Species Conservation Act 1995

As discussed above, both Buildings 8 and 139 are physically separated from any primary habitat and the condition of the terrain (closely mown grass) between the buildings and Ponds BC1 and BC2 is not likely to provide frog habitat. On this basis, it is considered that the proposed use of Buildings 8 and 139 will not have any significant effect on the GGBF and accordingly a Species Impact Statement is not required.

5.4 Environmental Planning Instruments

5.4.1 State Environmental Planning Policy (Major Development) 2005

Part 23 of *State Environmental Planning Policy (Major Development) 2005* set out the zoning and development controls for Sydney Olympic Park.

The land which is the subject of this application is zoned RE1 Public Recreation under the provisions of the SEPP, as illustrated in below.



Figure 2 – Zoning plan with location of Building 8 & 139 overlayed

Clause 11 sets out the objectives and permissible uses for the zone as follows (emphasis added):

- 1) *The objectives of Zone RE1 Public Recreation are as follows:*
 - (a) *to enable land to be used for public open space or recreational purposes,*
 - (b) *to provide for a range of recreational settings and activities and compatible land uses,*
 - (c) *to protect and enhance the natural environment for recreational purposes,*
 - (d) *to support the Sydney Olympic Park site as a premium destination for major events.*
- (2) *Development for any of the following purposes is permitted without consent on land within Zone RE1 Public Recreation:*
environmental protection works; roads.
- (3) *Development for any of the following purposes is permitted only with consent on land within Zone RE1 Public Recreation:*
boat sheds; car parks; caravan parks; community facilities; depots; entertainment facilities; environmental facilities; filming; food and drink premises; heliports; major events; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); research stations; signage; water recreation structures.
- (4) *Except as otherwise provided by this Part, development for any of the following purposes is prohibited on land within Zone RE1 Public Recreation:*
pubs; restaurants; any other development not specified in subclause (2) or (3).

As indicated above, the proposed use of Building 8 for the purposes of a martial arts facility falls within the definition of “recreation facilities (indoor)”, defined as follows:

“... a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club”.

On this basis it is concluded that the proposed adaptive re-use of Buildings 8 and 139 is permissible with consent. The use of Building 139 as a change room facility and secure storage is integral and ancillary to the martial arts use of Building 8.

5.4.2 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

There is no known contamination of the land within the Newington Armory Precinct. Notwithstanding, the proposed development does not entail any excavation or other disturbance of soil.

5.4.3 Sydney Regional Environmental Plan – Sydney Harbour Catchment 2005

The *Sydney Regional Environmental Plan (SREP)* contains provisions relating to biodiversity, ecology and environmental protection as well as provisions concerning the maintenance, protection and enhancement of views. The proposed development is not inconsistent with these provisions.

5.5 Metropolitan Plan for Sydney 2036

The *2005 Metropolitan Strategy* identified Sydney Olympic Park and Rhodes as a single Specialised Centre due to their geographic proximity and potentially complementary role. However, in the intervening period each has developed as a distinct centre, generating employment bases of more than 8,000 jobs. This has been recognized in the recently released *Metropolitan Plan 2036* and they are now identified as separate Specialised Centres.

5.6 Draft Inner West Subregional Strategy

The proposed development is not inconsistent with any of the objectives or policies contained within the subregional strategy.

5.7 Draft Metropolitan Strategy

The proposed development is not inconsistent with the draft *Metropolitan Strategy*.

5.8 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).

5.8.1 Sydney Olympic Park Master Plan 2030

Whilst the site falls within the land covered by the *MP 2030*, the primary controls for development within the Parklands are embodied in the Parklands Plan of Management, which are adopted for the purposes of the Master Plan. A comprehensive assessment of the proposal against the provisions of the Parklands Plan of Management (PoM) has been prepared as a precursor to the DA documentation and has been approved by SOPA's Executive Manager, Place Management.

5.9 Draft Environmental Planning Instruments

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

5.10 Planning Agreements

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

5.11 SOPA Guidelines, Controls and Management Principles

5.11.1 Parklands Plan of Management

Helen Mulcahy Urban Planning prepared an assessment of the works against the relevant objectives and provisions of the PoM as they relate to the Newington Armory Precinct and the broader Parklands at Sydney Olympic Park. The proposal has been found to be consistent with the objectives and provisions of the PoM, in particular the Public Access and Use Regime and Scheme of Operations.

5.11.2 Sydney Olympic Park Biodiversity Management Plan (SOPBMP)

Buildings 8 and 139 are located in the area described as The Visitation Zone in SOPA's *Biodiversity Management Plan (BMP)*, the primary function of which is for general public use and visitation through involvement in planned events and Program or Program-related activities. It has secondary functions as a Parklands research centre, a venue for public events and activities, a Parklands administration centre, the home of the Program of the Institute, as a parkland area that provides valuable habitat and as a transition area to the Buffer Zone and to adjoining natural areas.

Specific management measures are identified in the *BMP* and must be recognised as part of the proposed development. These have been considered and assessed in the Statement of Environmental Effects and the responses are considered to be satisfactory.

5.11.3 Environmental Sustainability Guidelines (2008)

The proposed development has been assessed against the Guidelines, at Section 4.11 of the submitted SEE, and it is considered that the proposed development supports the principles of the *Guidelines* and therefore is satisfactory.

5.11.4 Prescribed matters EP&A Regulations 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.

6 Consultation

6.1 Public notification

The proposal did not require public advertising or notification.

6.2 Internal referrals within SOPA

The application was referred to the following internal Sydney Olympic Park Authority units for review and comment on 27 November 2013:

Internal department	response
Building Services	No objections subject to conditions.
Parklands & Assets	No objections.
Precinct Coordination	No objections.
Major Projects	No objections.
Environment and Ecology	No objections subject to conditions.
Environmental Infrastructure	No objections.
Commercial and Property	No objections.

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

6.3 External agency referral

Heritage Council of NSW

The site is listed on the State Heritage Register and accordingly the application was referred to the Heritage Council on 27 November 2013 seeking the Standard Exemption approval from the Council under s.57 (2) of the Heritage Act. The Council provided approval, subject to general conditions, by letter dated 17 December 2013.

7 Assessment

The application has been assessed against the relevant heads of consideration set out under Section 79C (1) of the Act.

7.1 Impact of the development

The SEE provides a assessment of the potential impacts of the development. It outlines the areas of risk / potential impact as follows:

- heritage impact; and
- physical impact;

Further comment on the above impacts are discussed below, however having regard to the SEE, it is considered that the proposed development is unlikely to adversely affect the natural, social or economic environment, subject to the imposition of appropriate conditions of consent.

7.1.1 Heritage Impact

The site is listed in the State Heritage Register, and a Heritage Impact Statement (HIS) was submitted with the development application. The HIS assesses the heritage impact of the proposed use of Buildings 8 and 139, having regard to the guidelines established by the Heritage Office and the policies and guidelines set out in the *Newington Armament Depot and Nature Reserve Conservation Management Plan (Newington Armory CMP)* prepared by Tanner Architects and endorsed by the Heritage Office in September 2013.

The site is in the vicinity of the Silverwater Prison Complex Conservation Area, which is also listed on the State Heritage Register. The heritage curtilages of these sites have been determined to protect their respective significance and to retain views to and from the structures on each property.

The HIS states that none of the internal fit-out works associated with the use of Buildings 8 and 139 as a martial arts facility and change rooms / storage respectively will affect the external or internal fabric, nor will they detrimentally impact upon views to or from the subject buildings. Furthermore, the HIS indicated that the proposed use is a positive outcome given the buildings have been disused for some time and the new use will improve amenity for broader community uses.

The HIS concludes that *"given the proposed use of Buildings 8 and 139 will not have a detrimental impact upon the fabric of the subject buildings, or upon the integrity of the broader Newington Armory site or the nearby Silverwater Prison Complex Conservation Area, the development application is considered to be acceptable in heritage terms."*

As mentioned above, the application was referred to the Heritage Council under s.57 (2) of the Heritage Act. The Council provided approval, subject to general conditions, by letter dated 17 December 2013.

7.1.2 Physical Impacts

Water Quality

As the proposal does not involve any excavation, construction or other building works, it is not expected that there will be any impact on the water quality of wetlands and watercourses within the parklands.

As pedestrian access to the buildings will be largely achieved via existing pathways, any erosion associated with increased human activity in and around the buildings is expected to be minimal.

On balance, it is not anticipated that the proposed use of Buildings 8 or 139 will have any substantive impact on water quality or quantity.

Patronage

Building 8 is approximately 530sqm and under the Building Code of Australia (BCA), gymnasium type uses require 3sqm per person. Therefore the maximum capacity of Building 8 under the BCA is 175 persons. The application has stated that the maximum patronage of the martial arts facility will be approximately 60 people, which is well within the BCA limit.

Traffic & Parking

Patrons of the martial arts facility will utilize the existing public car park adjacent to the site which has a capacity of 155 spaces. In addition, limited parking is available in the existing parking area adjacent to the YMCA Lodge building within the Newington Armory Precinct.

Having regard to the above, it is considered that there is adequate parking available within the immediate vicinity of Buildings 8 and 139 to accommodate the demand associated with the proposed use.

7.1.3 Social & Economic Impacts

The proposed use of Buildings 8 and 139 is integral to the realisation of SOPA's vision for the Parklands at Sydney Olympic Park and will make a positive contribution to the range of facilities and activities available within this area of regional public open space and the recreational and leisure opportunities for the wider metropolitan area.

On this basis, it is concluded that the proposed development will have a positive social and economic impact.

7.2 Suitability of the site for the development

Having regard to the characteristics of the site and its location, the proposed use of Buildings 8 and 139 is considered to be appropriate in that:

- the land is zoned to permit the proposed use;
- the nature and form of the proposed development is consistent with the guidelines and policies set out in the *Newington Armory CMP* and it has been determined that the proposal will not result in any impact on the heritage significance of the Newington Armory or the nearby Silverwater Prison Conservation Area;
- the proposed use will activate currently vacant buildings and improve casual surveillance; and
- the buildings have access to electricity, while the demand for potable water will be satisfied through a drinking fountain (potable water) adjacent to Building 8 and the existing amenities block adjacent to the gatehouse.

The proposal will not result in any adverse environmental impacts and it is therefore considered that the site is suitable to accommodate the proposed development.

7.3 The public interest

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

- is consistent with the provisions and controls of the principle environmental planning instrument applying to the land contained with *State Environmental Planning Policy (Major Development) 2005*;
- is consistent with the *Sydney Olympic Park Master Plan 2030*; and
- would not result in any adverse environmental and/or heritage impacts, subject to compliance with appropriate conditions of consent.

8 Conclusion and recommendations

8.1 Conclusion

The application has been considered with regard to the matters raised in section 79C of the EP&A Act. Following this detailed consideration, SOPA considers that the proposal will not result in any adverse environmental impacts and is in the public interest, and therefore it is appropriate for the Director to proceed to make a determination on the proposal.

8.2 Recommendation

It is recommended that the Director:

- consider all relevant matters prescribed under Section 79C of the EP&A Act, as contained in the findings and recommendations of this report;
- approve the development application subject to conditions by signing the attached instrument of consent (Tag C) and
- authorise Sydney Olympic Park Authority to carry out post-determination notification pursuant to Section 81 of the EP&A Act.

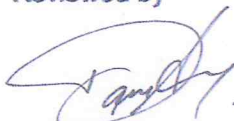
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