

proposed SEPP amendment regarding permissible uses in SOPA parklands: submissions response report



Mark Shanahan Planning Pty Ltd
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Cover image:

Newington Armory Wharf & Blaxland Riverside Park
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1. INTRODUCTION

The Sydney Olympic Park Authority (SOPA) is responsible for managing and developing the 640 hectares that comprise the Sydney Olympic Park area and maintaining it as a lasting legacy for the people of New South Wales.

425 ha of the area managed by SOPA consists of open space referred to in this report as the Parklands. These include bushland and wetland areas of high natural conservation value and more structured areas used by the community for active and passive recreational activities and associated supporting uses such as car parking.

State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) is the overarching environmental planning instrument that controls development at Sydney Olympic Park. Approximately 30% of the Parklands are within the Public Recreation RE1 zone under the Major Development SEPP - including Bicentennial Park, Haslams Field, Wentworth Common, the Archery Centre, Newington Armament Depot (the Armory), Blaxland Riverside Park and Wilson Park.

In 2014, the Authority requested that the NSW Department of Planning and Environment (DPE) amend the range of permissible uses in the RE1 zone to promote a greater range of active uses in the public recreation areas and bring permissible uses generally in line with adjacent council controls.

During February 2015, DPE publicly exhibited a Statement of Intended Effects and associated maps describing the proposed amendments. A total of 15 submissions were received (from NSW Office of Environment & Heritage, the Heritage Council of NSW, Auburn City Council and 12 public submissions).

This report has been prepared on behalf of SOPA at the request of the DPE to inform the determination and finalisation of the proposed SEPP amendment by the Minister for Planning. The report:

- details the proposed SEPP amendment and its rationale;
- describes the consultation process and its main outcomes;
- outlines the unique regulatory framework that controls development in the Parklands;
- summarises and reviews each of the points raised in submissions;
- provides recommendations for modification of the amendment in response to the submissions.

In summary, consideration of the matters raised in submissions has led to recommendations of this report that:

- some of the additional uses be permitted throughout the RE1 zoned Parklands as proposed;
- some uses be permitted only in the RE1 zoned area of Newington Armory, and
- some uses not be permitted in the Parklands at all.

It is further recommended that:

- two additional complementary uses be made permissible in the RE1 zone, and
- two additional zone objectives be included to strengthen the framework for assessing and determining development proposals in the RE1 zone.

2. PROPOSED AMENDMENT

2.1 Existing situation

Sydney Olympic Park is identified in the Major Development SEPP as a State Significant Site. Detailed planning controls for this and other State significant sites are listed in Schedule 3 of the Major Development SEPP. Controls specific to Sydney Olympic Park are contained in Part 23 of the schedule.

The structure and content of Part 23 is similar to Local Environmental Plans prepared in the contemporary standard format. It includes zones with the standard format names and adopts the same standard land use definitions.

The proposed amendment relates to land in zone RE1 – Public Recreation, as identified in **Annexure 1 – Existing Zoning Map**.

Under subclause (2), development for any of the following purposes is permitted without consent in the RE1 zone:¹

environmental protection works; minor events; roads.

Under subclause (3), development for the following purposes is permitted with consent:

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.

Under subclause (4), development for the following purposes is prohibited in the RE1 zone:

pubs; restaurants; any other development not specified in subclause (2) or (3).

2.2 Proposed changes – As Exhibited

The proposal (as exhibited) is to add the following to the range of purposes permissible in the RE1 zone under subclause (3):

- Child care centres
- Function centres
- Information and education facilities
- Markets
- Places of public worship
- Public administration buildings
- Respite day care centres

Additionally, it is proposed to amend subclause (4) by omitting “restaurants” from the list of prohibited uses. “Restaurant or cafe” is a form of “food and drink premises” which is already included in subclause (3) as a permissible use. Removing the prohibition on restaurants will therefore have the effect of making “restaurant or cafe” permissible in the RE1 zone.

The proposal also seeks to further expand the available land use options for the Armory, provided they are consistent with the Newington Armament Depot and Nature Reserve Conservation Management Plan 2013.

The Armory comprises some 25 ha of land zoned RE1 Public Recreation. It contains over 80 buildings which housed navy armaments until 1998 and forms part of the State heritage listed Newington Armament Depot and Nature Reserve.

It is proposed that tourist and visitor accommodation will be permissible in the Armory, as indicated by shading that will be added to the zoning map. The shading

¹ Relevant land use definitions are provided at Annexure 2.

is shown in **Annexure 3 – Proposed Zoning Map**. It is important to note that no changes to the boundaries of the land use zones are proposed. The only change to the zoning map is inclusion of the shaded area to identify where it is intended to permit tourist and visitor accommodation.

3. CONSULTATION SUMMARY

3.1 Consultation process

The proposed SEPP amendment was publicly exhibited from 20/01/2015 to 27/02/2015 at the DPE's office in Bridge St, Sydney, at SOPA's office in Sydney Olympic Park at Auburn City Council's office in Auburn.

The exhibition material was also displayed on DPE's website and Facebook page and was notified by newspaper and the NSW Government Noticeboard.

3.2 Summary of submissions

A total of 15 submissions were received, three from agencies (NSW Office of Environment & Heritage, the Heritage Council of NSW and Auburn City Council) and 12 public submissions.

Each point raised in the submissions is noted and discussed in **Annexure 4 – Agency Submissions** and **Annexure 5 – Public Submissions**.

The key points raised in agency submissions can be summarised as follows:

- NSW Office of Environment & Heritage:
 - No significant concerns but additional uses could place pressure on the limited open space areas within SOP (detailed below);
 - Need to recognise that SOP has relatively extensive open space areas catering for broader (regional) range of uses compared to parks in surrounding areas;
 - Some proposed additional uses (those typically involving new buildings) may reduce open space available for active recreational uses and have adverse environmental impacts;
 - Potential impact on ecological value of environmental conservation areas;
 - Development in RE1 must consider zone objectives. Additional zone objectives could be included to protect environmental values;
 - RE1 zoned land within conservation area acts as buffer around Newington Nature Reserve. SEPP development control should ensure consideration of impacts on adjoining environment zoned land;
 - RE1 land around Newington Nature Reserve may be required for landward migration of wetland due to sea level rise.
- Heritage Council of NSW:
 - New uses and development of Newington Armament Depot must be compatible with Conservation Management Plan for the site;
 - New uses of Newington Armament Depot must offer potential for enhancement and understanding of the site's cultural significance and ensure conservation of buildings and landscape features
- Auburn City Council:
 - Proposal could result in commercial use of public recreation areas;
 - Rationale based on zoning consistency with neighbouring LGAs is misleading;
 - Assessment required of whether proposed new uses are consistent with Newington Armory CMP;
 - No background studies of the type required for an LEP amendment are provided, so it is not possible to understand how proposal affects public recreation, traffic and parking;
 - Many of the proposed additional uses could reduce area available for outdoor recreational opportunities by regional and local users;
 - Consider need for smaller scale recreation facilities and spaces to cater for local population as well as large spaces for regional needs;
 - Many of the proposed additional uses are inconsistent with zone

objectives;

- Study of capacity of RE1 zone to cater for regional and local open space recreational and event needs is required to evaluate proposed uses ;
- Consider alternative of using an exception clause to permit particular uses in specific precincts rather than making all uses permissible throughout RE1;
- Some of the proposed additional uses may attract traffic beyond capacity of existing road system;
- Traffic and parking will be significant issues for any additional uses at Newington Armament Depot and Nature Reserve, and potentially inconsistent with CMP.

The key issues raised in public submissions were:

- Alienation of outdoor recreation space;
- Consistency with broader public interest;
- Impact on natural environment;
- Adequacy of parking, roads & transport;
- Impact on heritage values;
- Suitability of specific uses, particularly those likely to involve new buildings.

4. REGULATORY FRAMEWORK

The framework regulating land use in the Parklands is unique and more complex than that typically applying to parks administered by local councils.

In evaluating the range of uses which should be permissible in the Parklands, it is important to understand this framework which includes procedures and safeguards not generally available elsewhere and derives from a unique context and philosophy associated with the original planning of the Parklands in conjunction with the Sydney 2000 Olympics and the advent of the new Millennium.

4.1 Original Parklands development concept

The original concepts underpinning the design and proposed use of the Parklands can be seen reflected in the provisions of the various elements of the regulatory framework which were subsequently put in place.

The broad vision and philosophy behind the Parklands (then referred to as the Millennium Parklands) was outlined in the *Millennium Parklands Concept Plan Report* prepared by Hassell for the Olympic Co-ordination Authority (OCA) in 1997.

A development application for the Parklands was submitted to the Minister for Urban Affairs & Planning in 1998, accompanied by a Statement of Environmental Effects (SEE) prepared in January 1998 by Perram & Partners. The DA was subsequently approved by the Minister.

Chapter 3 of the SEE summarised the broad vision and design principles for the Parklands embodied in the Concept Plan. It noted that the design philosophy for the Parklands aimed at creating flexible settings based on Australian themes, with recreation secondary to conservation in areas of conservation significance, but nonetheless a place of fun and enjoyment (SEE, pgS.1).

The guiding philosophy was "...to create for the community a place which provides opportunities for recreation, inspiration and education...from interaction with a diversity of distinctly Australian natural and cultural settings" (SEE pg3.2).

The SEE (at pg3.5) noted 15 key principles of recreation planning that were applied to the Parklands, including:

- Recreation opportunities should range widely from built commercial settings to semi-wilderness;
- No section of the Parkland which does not need to be fixed in its use should have fixed uses imposed on it.

The DA sought approval for a range of uses for the Parklands, including minor ancillary commercial and administrative uses. The proposed development works included landscape works and minor buildings supporting localised recreation, sometimes incorporating amenities, commercial uses and an interpretive component. (SEE, pg1.3).

In-principle consent was also sought for adapting existing heritage-listed structures for re-use in interpretation, education and residential roles associated with the Parklands (SEE, pg1.2).

The design for the Parklands comprised three main physical elements (SEE, pg3.2):

- Conservation of the lowlands;
- A linear system of woodlands defining spaces connected by paths and cycleways which provide diverse settings and facilities;
- Constructed hill markers for orientation and views.

The SEE identified a range of social benefits intended to be achieved, including the health and well being benefits of recreation and the benefits obtained from providing educational, interactive and experiential opportunities in a diversity of settings so that they could be realised by all sectors of the community. It was intended that the Parklands would not only provide a facility for greater Sydney, but also meet local needs for new residential areas of Olympic Village (now the suburb of Newington),

Homebush Bay Peninsular and Concord West (SEE, pg6.21).

In terms of the economic environment, the Parklands would include retail and hire services to return an income to assist in funding of programmes. The aim was to achieve at least a balanced budget (SEE, pg6.21).

“Flexibility of use” was identified as a core element of the Parklands vision (SEE pg3.9). The concept was to provide a rich diversity of settings but with a unifying theme. The Parklands were not intended to be a fixed facility, but an evolution enhanced progressively over future years (SEE Appendix: Guiding Philosophy).

The regional character of the Parklands is therefore demonstrated not just by their geographic scale, but in their capacity to provide a diverse range of settings and facilities in smaller, interconnected spaces so that anyone from the region could find interest and enjoyment.

The Parklands were designed to have not only regional extent but also regional-wide appeal in their diversity of settings and facilities.

4.2 State Environmental Planning Policy (Major Development) 2005

As previously noted, the Major Development SEPP is the principal means by which development in Sydney Olympic Park (SOP) is regulated. The structure and content of the SEPP is generally comparable to that of the contemporary standard format Local Environmental Plans by which local councils regulate development in most other parts of the State (but with some notable differences).

The SEPP divides SOP into the following standard instrument zones:

- B1 Neighbourhood Centre,
- B4 Mixed Use,
- SP2 Infrastructure,
- RE1 Public Recreation,
- E1 National Parks and Nature Reserves,
- E2 Environmental Conservation,
- E3 Environmental Management.

The Parklands are generally within the RE1 zone and the E1, E2 and E3 zones. The proposed SEPP amendment relates only to uses permitted in the RE1 zone and not to uses in the significant conservation areas of the Parklands included in the E1, E2 and E3 zones.

Under Clause 11(1), the objectives of the RE1 zone are:

- (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.*

Clause 7 requires that the consent authority must have regard to the objectives of a zone when determining a development application in that zone. The above objectives therefore provide a principal benchmark against which the suitability of uses proposed in the SEPP amendment can be evaluated.

Clause 17 provides that the Major Development SEPP does not restrict development permissible under SEPP (infrastructure) 2007, nor the use of existing buildings of the Crown by the Crown. SOPA is an agency of the Crown and would have the benefit of this provision. Reference is made to relevant provisions of the Infrastructure SEPP in the evaluation of the proposed uses in Section 5 of this report.

Building height and floor space ratio are regulated by Clauses 18 and 19 but no height or floor space ratio standards are specified in the RE1 zoned areas.

Clause 23 requires that the consent authority be satisfied that adequate utility services are available for a proposed development.

Under Clause 25 – Transport, the consent authority must be satisfied that a proposed development includes measures to promote public transport use, cycling and walking.

Clause 29 provides that for any development within an “environmental conservation area”, the consent authority must consider the impacts of the development on that area and must not approve the development if it would have an adverse impact. The environmental conservation area is identified in a map and includes all E1, E2 and E3 zoned land plus a surrounding buffer area extending generally 30m into adjacent RE1 zoned land. Importantly, this clause will apply to any development in the RE1 zone that is also within the environmental conservation area.

For any development involving the erection of a new building or external alterations to an existing building, Clause 30 requires the consent authority to consider whether the proposed development exhibits design excellence and sets out criteria for its evaluation.

Heritage conservation is addressed in Clause 31. It requires development consent for any development involving a heritage item or in a heritage conservation area. A heritage impact statement must be prepared for the proposal which assesses its impact on the heritage item, conservation area or heritage item in the vicinity.

The Newington Armament Depot and Nature Reserve is identified as a heritage conservation area and therefore any development in that precinct is subject to Clause 31.

4.3 Newington Armament Depot and Nature Reserve Conservation Management Plan

The Newington Armament Depot was operated by the Navy from 1897 until 1996 and progressively vacated by 1999. The Armament Depot and adjoining Newington Nature Reserve were transferred to the NSW Government in 2000 and were listed on the State Heritage Register on 14 January 2011 (SHR No. 01850).

In accordance with the Heritage Act 1997, a detailed *Conservation Management Plan - Newington Armament Depot and Nature Reserve* was prepared for SOPA by Tanner Architects in September 2013. The CMP provides comprehensive guidance for all aspects of conservation, management and development of the site.

The CMP notes that the spacious character of the site was the result of its particular use and is critical to the interpretation of the place. But it has an increasingly important role as a local and regional destination for leisure, recreation and education and demonstrates the changing cultural role that purpose-designed facilities must undergo to enable effective conservation and public appreciation (CMP, pg ii & iii).

The CMP notes that the Parklands Plan of Management (discussed above) includes a priority to incrementally transform the Armory into a place accessible to the public while conserving and interpreting its heritage and cultural values and features.

In a discussion of opportunities and constraints, the CMP notes that the Major Development SEPP offers a limited number of permissible uses and suggests that SOPA may need to approach DPE (which is the purpose of the current SEPP amendment proposal). The CMP states that buildings can be adapted to new uses, provided that significance and intactness is acknowledged; care is taken not to obscure or damage spaces, elements and fabric; intrusive elements are removed and pedestrian and cycle access is preferred to private cars. (CMP, pg128)

The CMP provides a comprehensive analysis of the heritage significance of each element of the site. It specifies 10 primary conservation management policies

(pg135) and 20 operational conservation management policies (pg137) to guide the ongoing management, conservation and development of the site.

It then sets out detailed policies and guidelines for every precinct of the site and every aspect of development. Amongst these are New Buildings Guidelines which state a general preference to use existing buildings wherever possible; the need to restrict the scale, form, architectural expression and location of any new buildings to respect the character and natural and cultural heritage values, and the nomination of potential locations where new buildings meeting these criteria could be located. (CMP, pg141-147)

Works which are exempt from the general requirement for approval under the Heritage Act are detailed in the CMP, including Standard Exemptions for repair, maintenance etc and specific exemptions for nominated schedules of works to particular building types. (CMP, pg165-180). These provide certainty regarding approval requirements for the works which might be involved in adapting existing buildings to new uses.

4.4 Sydney Olympic Park Authority Act 2001

The SOPA Act established Sydney Olympic Park Authority (SOPA) and sets out its roles and obligations for overseeing the development and management of Sydney Olympic Park (of which the Parklands are a significant part).

Key provisions of the SOPA Act relevant to the proposed SEPP amendment include:

- S3: Objects of the Act:
 - (a) *ensure that Sydney Olympic Park becomes an active and vibrant centre within metropolitan Sydney, and*
 - (b) *ensure that Sydney Olympic Park becomes a premium destination for cultural, entertainment, recreation and sporting events, and*
 - (c) *ensure that any new development carried out under or in accordance with this Act accords with best practice accessibility standards and environmental and town planning standards, and*
 - (d) *ensure the protection and enhancement of the natural heritage of the Millennium Parklands.*
- S15: SOPA must take into account principles of ESD.
- S20: SOPA must consider in undertaking development whether it is consistent with the Environmental Guidelines 2008.
- S22: Minister for Planning is consent authority and must consider Environmental Guidelines 2008.
- S28 Objects for the Parklands relevantly include:
 - (a) *to maintain and improve the Millennium Parklands,*
 - (b) *to encourage the use and enjoyment of the Millennium Parklands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of the Millennium Parklands,*
 - (c) *to maintain, in accordance with any relevant plan of management referred to in this Part and the regulations, the public's right to the use of the Millennium Parklands,*
 - (d) *to ensure the protection of the environment within the Millennium Parklands,*
 - (e) *in relation to the Newington Nature Reserve, to ensure the achievement of the purposes for which the nature reserve is deemed to be dedicated under section 49 (3) of the National Parks and Wildlife Act 1974,*
- S29 The Authority's functions in relation to the Parklands relevantly include to give effect to the Plan of Management.
- S31 SOPA cannot sell Parkland.
- S32 SOPA can grant leases, easements & licenses not exceeding 25 years.
- S34 SOPA can prepare Plan of Management. Certain provisions of Local

Government Act relating to community land apply to making of the Plan of Management.

- S37 Parklands must be used and managed in accordance with the Plan of Management.

4.5 SOPA Parklands Plan of Management 2010

The *Parklands Plan of Management 2010* (PoM) is the current plan of management in force under the SOPA Act 2001.

It divides the Parklands into 5 categories (Plan 2, pg13) which are adaptations of the categories of community land available under the Local Government Act 1993:

- Leisure & play
- Sport & Recreation
- Conservation
- Wetlands & Waterways
- Nature Reserve

The areas zoned RE1 – Public Recreation to which this SEPP amendment relates are within the Leisure & Play category except for Wilson Park and Archery Park which are in the Sport & Recreation category, and Parkland Junction which is in Sport & Recreation – Parking for major events.

Leisure & Play category land is primarily intended for informal activities and uses typically passive in nature, focussed on social interaction, health, wellbeing, rest, relaxation or entertainment (PoM, pg15).

The PoM puts in place a permit system for regulating usage of the various categories of Parkland.

Approved Public Uses are the informal activities normally carried out by members of the public in parks such as exercise, picnics, cycling, kite flying etc which can be conducted without a permit.

Restricted Public Uses are more intensive and structured activities with more significant potential impacts and therefore require a Parklands Approval Permit from SOPA. Examples include selling any article; providing, or offering to provide, any services for fee, gain or reward; erecting temporary structures; corporate functions; site hire; organised formal team-sport competitions & training; athletic carnivals; community and public events; weddings; religious or political gatherings; musical or theatrical performances; advertising or promotions; concerts; festivals; shows; circuses & exhibitions.

Prohibited Public Uses are generally those with unacceptable risks and impacts and cannot be carried out.

The PoM recognises that buffer zones are in place around the Newington Nature Reserve which under s30(5) of the SOPA Act, must be managed in sympathy with the nature reserve thereby increasing the area and type of habitat available for species occupying the Reserve (PoM, pg27).

The PoM also notes that all development in the Parklands requires development consent under SEPP (Major Development) 2011. The PoM provides that, in addition to any development consent requirements, development must also be consistent with the objects and functions of SOPA concerning the Parklands set out in Sections 28 and 29 of the SOPA Act 2001.

In addition, any development in the Parklands must be either explicitly authorised by the PoM or assessed as being consistent with all relevant provisions of the Public Use Regime and Scheme of Operations for that category of land. (PoM, pg27).

Detailed Management Principles and Guidelines for all aspects of the Parkland's development, use and management are set out in the PoM to guide the permit assessment process. These relevantly include Land Occupation Management Principles and Buildings & Infrastructure Management Principles. The guidelines for

the latter include (PoM, pg45):

- Preference given to adaptive re-use of existing buildings in preference to construction of new buildings and to multi-use of new buildings;
- Consider option of temporary/mobile structures rather than permanent buildings.

Management Priorities are set out in the PoM for specific areas within each of the 5 categories of Parkland. In the Leisure & Play category, these most relevantly include:

- *Further 'open', interpret and adaptively re-use Newington Armory to better provide for public use and enjoyment of the place in the context of its heritage status. (PoM, pg47).*
- *Incrementally transform Newington Armory from its former role as an operational defence facility into a place accessible to the public for a suitable range of new and contemporary uses - while conserving and interpreting its heritage and cultural values and features. (PoM, pg48).*

In addition to the Management Principles & Guidelines and the Management Priorities discussed above, Appendix 4 of the PoM provides a detailed description of each precinct in the Parklands, including its Key Values - effectively a benchmark against which permit applications can be assessed.

To help navigate this detailed system of guidance, the PoM includes a Parkland Uses Compliance Test – a comprehensive assessment procedure which applies to all Restricted Public Use or other uses or activities requiring approval by SOPA (PoM, Appendix 4.2). The Compliance Test requires consideration of:

- A. Provisions of the SOPA Act including consistency with the objectives for the Parklands;*
- B. Provisions of other New South Wales and Commonwealth legislation including licences, permits and consents issued to the Authority;*
- C. Consistency with any existing easements, leases or licences over the land;*
- D. Provisions of the Parklands Plan of Management, in particular the Public Access and Use Regime and Scheme of Operations;*
- E. Consistency with the Environmental Guidelines for Sydney Olympic Park;*
- F. Consistency with SOPA Policies as approved by the Authority from time to time;*
- G. The extent and nature of positive or negative impacts upon precinct values as identified in the Parklands Plan of Management;*
- H. Physical and environmental impacts including to soil quality, hydrology and flooding, remediated lands, air, water, noise, vibration, pollution;*
- I. Ecological impacts including habitat removal or fragmentation, disturbance to fauna, impacts to threatened species or communities, exacerbation of threats to biodiversity;*
- J. Heritage impacts including to buildings, landscape, fabric, and interpretation values;*
- K. Visitation and community impacts including to public access, programmed and non-programmed visitation, aesthetical values, neighbours, safety and security, traffic and parking;*
- L. Park assets impacts including the resilience of spaces, facilities and systems; contractual and resource implications for on-going management; and the effect on asset life-cycle depreciation and serviceability; and*
- M. Consideration of alternative location, method, scale, time, and conditions.*

4.6 Neighbouring Local Environmental Plans

The proposal seeks to bring permissible uses generally in line with adjacent council controls. The RE1 zoned areas of the Parklands adjoin land in Auburn, Canada Bay and Strathfield local government areas (LGAs). The uses permissible in the RE1 zone under the Major Development SEPP are compared below to the uses permissible in neighbouring LGAs. The uses proposed to be permissible in the RE1 zone of the Parklands are shown bold.

Use permissible in RE1 zone	Auburn	Canada Bay	Strathfield	SEPP-MD
Biosolids treatment facilities		✓		
Boat sheds		✓		✓
Business identification signs		✓		
Car parks		✓		✓
Caravan parks				✓
Child care centres	✓	✓	✓	
Community facilities	✓	✓	✓	✓
Depots	✓			✓
Entertainment facilities				✓
Environmental facilities	✓	✓		✓
Environmental protection works	✓			
Filming				✓
Food and drink premises				✓
Function centres	✓			
Heliports				✓
Information & education facilities	✓	✓	✓	
Kiosks	✓	✓	✓	
Major events				✓
Marinas		✓		
Markets	✓	✓		
Mooring pens		✓		
Places of public worship	✓			
Public administration buildings	✓			
Recreation areas	✓	✓	✓	✓
Recreation facilities (indoor)	✓	✓	✓	✓
Recreation facilities (major)	✓			
Recreation facilities (outdoor)	✓	✓	✓	✓
Research stations				✓
Residential care facilities			✓	
Respite day care centres	✓	✓	✓	
Restaurants or cafes	✓	✓		
Roads	✓	✓	✓	
Take away food and drink premises		✓		
Tourist & visitor accommodation				
Water recreation structures	✓			✓
Water recycling facilities		✓	✓	

5. RECOMMENDED CHANGES

5.1 Proposed additional uses

This section of the report considers the appropriateness of each of the proposed additional uses having regard to the analysis of submissions in Annexures 4 & 5 and the principles, guidelines and priorities for the Parklands expressed in the regulatory framework.

DPE has issued guidance and directions to local councils for the preparation of LEPs in the standard instrument format. Although this guidance is not binding on a SEPP amendment, the Major Development SEPP uses standard instrument zones, definitions and some standard provisions. The guiding principles for LEPs are therefore considered in the following analysis, where relevant.

In relation to the RE1 Public Recreation zone, Practice Note PN11-002 *Preparing LEPs using the Standard Instrument: Standard Zones* provides that

This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include 'recreation facilities,' 'community facilities' such as lifesaving clubs, 'environmental facilities,' 'environmental protection works' and other uses compatible with the primary use of the land.

As its name suggests, a key element of the zone is public access and this is reflected in the first zone objective "to enable land to be used for public open space or recreational purposes".

It is also reflected in the object in Section 28 of the SOPA Act:

(b) to encourage the use and enjoyment of the Millennium Parklands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of the Millennium Parklands,

Objectives and permitted uses for Leisure and Play areas under the Parklands Plan of Management 2010 similarly reflect this public use objective and it is an important consideration in evaluating the suitability of permissible uses in the Parklands.

Child care centres

Child care centres are permissible in the RE1 zone of each neighbouring LGA. Their permissibility in these areas may reflect that child care centres have often been provided by local councils and historically may have been established on recreation-zoned land owned by the council.

Child care centres are most appropriately located where they are readily accessible to both residences and workplaces so that children can be dropped off and picked up on the way to and from work. In local government areas, RE1 zoned land is typically dispersed amongst residential and business areas, enabling this to be readily achieved.

Child care centres generally involve a purpose-built structure as well as outdoor play areas with shelter. To ensure the safety of children and security of equipment, the general public is excluded from the facility when it is operating and after hours.

In the SOPA Parklands, much of the RE1 zoned land is not readily accessible to residences and workplaces. The construction of a purpose-built structure is also inconsistent with the underlying concepts of Parkland not being fixed for an exclusive use or group and for encouraging the multi-use of facilities.

Child care centres were not supported in a number of the agency and public submissions. It is considered that there is not a strong case for child care centres throughout the RE1 zone, but it may be an appropriate use in Newington Armory where they could contribute to the objectives of the Plan of Management and the CMP to expand active use of the precinct. There are a number of buildings that might be suitable for adaptive re-use for this purpose. The Major Development SEPP, Parklands Plan of Management 2010 and CMP 2013 contain sufficient controls

to ensure that a child care centre could be established without adversely impacting the heritage, environmental or cultural values of the Armory.

Function centres

Function centres are only permissible in the RE1 zone of Auburn LGA. It is not uncommon for function centres to be located in recreation-zoned land and the amenity provided by a parkland setting is of clear commercial benefit.

Function centres involve a substantial building to be able to cater for a range of functions. In high amenity locations such as the Parklands, there is also strong demand for outdoor dining and event space. Parking requirements and vehicle movements with larger functions can be significant and may coincide with the peak time of general parkland use.

There is currently one function centre in the Parklands, the Waterview in Bicentennial Park. The operation of Waterview attracted adverse comment in a number of submissions in terms of alienation of public open space and traffic and parking conflicts.

On the other hand, there are locations within the Parklands where a function centre would be commercially attractive and could potentially operate without significant impact. And function centres are attended by a broad spectrum of the community, often on celebratory occasions, and therefore have potential to contribute to the public's positive experience of the Parklands consistent with the original intent for the Parklands to be a place of fun and enjoyment.

Comments in submissions regarding the Waterview indicates that very careful consideration would be required at the development application stage to issues of parking and traffic, bulk and scale and alienation of public open space to ensure impacts are mitigated to an acceptable degree. SOPA maintains detailed data regarding levels and characteristics of Parkland use which should also be used to evaluate adverse cumulative impacts of a proposed function centre and restrictions on operation to avoid conflict with general recreational use.

The regulatory framework applying to the Parklands is sufficiently robust to ensure that with good design, thorough assessment and appropriate conditions, a function centre could be established and operated without adverse impact on recreational, heritage, cultural or environmental values.

Information and education facility

Information and education facility is a permissible use in the RE1 zone of each neighbouring LGA. As demonstrated by SOPA's existing Education Centre in the north-eastern corner of Bicentennial Park, it is a use that has significant potential to enhance the community's understanding and appreciation of the Parklands and is consistent with the zone objective to facilitate compatible uses.

Increased community understanding of the ecology of the natural areas of the Parklands also supports the conservation objectives of the environmental zones adjoining the RE1 zones. Making these permissible in the RE1 zone enables them to be established in less sensitive locations close to but not within the environmental zone.

This use is typically open to the general public throughout operating hours and is capable of accommodating multiple activities appealing to a broad spectrum of the community.

Information and education facility was generally supported in the submissions. To some extent this type of use is already catered for by the permissibility of *community facility* in the RE1 zone. However it is considered that there is a strong case to include *information and education facility* to ensure that this beneficial purpose can be established with certainty in appropriate locations throughout the RE1 zone.

Markets

Markets are permissible in RE1 zones in Auburn and Canada Bay but not Strathfield.

By definition, markets utilise an open-air area or an existing building on an intermittent or occasional basis. The concerns raised in some submissions regarding the alienation of open space therefore are misdirected.

Parks are commonly used for a wide variety of markets such as car boot sales, antiques and bric-a-brac, grower's markets, food and wine district promotions and alternative lifestyle expos. They are typically open to the general public and are consistent with the original concept of the Parklands as a place of fun and enjoyment.

It is arguable that small scale markets can already be undertaken in the RE1 zone without consent as a *minor event*. Large scale markets could potentially be approved where they are consistent with the permissible use *major event*. However if a market is proposed to be held regularly, it may be preferable that there is capacity to require development consent by making this a use permissible with consent. Extensive controls are in place within the Parklands Plan of Management 2010 and the associated permit system to ensure that potential impacts such as protection and restoration of ground cover, waste disposal and litter, safety, stability of temporary structures, crowd control, noise and traffic are appropriately managed.

Places of public worship

Places of public worship are permissible in the RE1 zone in Auburn but not Canada Bay or Strathfield.

By their nature, places of public worship tend to be substantial structures capable of accommodating a significant number of people at one time. They are typically provided for members of a specific congregation and although the general public might physically have access, social convention discourages access by people not within the congregation. Places of public worship are normally closed when services are not being held.

Most of the submissions raised concerns reflecting the above characteristics and the consequent alienation of public land. Having regard to the objectives of the zone and the original concept of the Parklands, these concerns are considered well founded and no compelling grounds to permit this use throughout the RE1 zone have been identified.

There may already be scope for existing buildings in the Armory to be utilised for public worship to some degree. If conducted in conjunction with other community uses, this might be permissible in a *community facility* which is already a permissible use. But if services become the dominant use, the building may become a place of public worship which is expressly excluded from the definition of *community facility*. Regular services may also generate a sense of tenure and an expectation of continuity amongst the congregation that is inconsistent with the objectives of the Parklands being accessible to the general public.

Public administration buildings

Public administration buildings are permissible in the RE1 zone in Auburn but not Canada Bay or Strathfield.

Examples of this use include courthouses and police stations. While there are examples of these located within parklands, this is generally by accident of history rather than deliberate design. In general terms, this type of use involves regular access by staff and clients and like other offices and business premises, is most appropriately located within centres served by public transport.

An exception is offices involved in administration of the Parklands which require direct access to the parklands and do not involve regular access by clients. The existing buildings in the Parklands used by SOPA for this purpose are able to continue by virtue of the Major Development SEPP which includes the standard provision that development controls do not restrict or prohibit, or enable the

restriction or prohibition of, the use of existing buildings of the Crown by the Crown (Clause 17(2) of Part 23 of Schedule 3). New parkland administration facilities used by SOPA or a Parklands trust body could be approved as "ancillary buildings" which are permissible under the definition of *recreation area*.

It is therefore considered that *public administration buildings* should be confined to the Armory to assist in activation of the precinct.

Restaurant or cafe

Restaurant or cafe is a permissible use in RE1 zones in Auburn and Canada Bay but not Strathfield.

Existing *restaurant or cafe* uses in the Parklands are the Waterview Cafe in Bicentennial Park and the Armory Wharf Cafe. Both are well patronised and contribute to the vitality and range of experiences available in their precincts, indicating that this use has become part of contemporary community expectations for a modern parkland. It is therefore considered to be consistent with the objectives of the zone and the original concept for the Parklands as constantly evolving but always a place of fun and enjoyment.

Submissions did not raise specific objection to this use. Restaurants or cafes permit access by the general public and can be of varying scale. General concerns in submissions regarding alienation of public land, traffic and parking can be dealt with through the DA and permit assessment processes.

As well as casual dining by individuals and small groups, restaurants or cafes cater for intermittent, small scale functions such as family celebrations, corporate team gatherings, reunions and the like. This capability should be considered in the assessment of any future function centre proposal.

Respite day care centres

Respite day care centres are permissible in the RE1 zone of each neighbouring LGA. Like *child care centres*, they generally involve a purpose-built facility from which the general public is excluded.

DPE Practice Note PN11-001 *Preparing LEPs using the Standard Instrument: standard clauses* includes a direction that *respite day centres* must be permitted wherever a *child care centre* is permitted in the Land Use Table of an LEP. As *child care centres* are permitted in the RE1 zone of each neighbouring LGA, this may explain why *respite day care centres* are also permissible.

As with *child care centres*, *respite day care centres* were not supported in most submissions, principally on the basis of unnecessary alienation of public space. This concern is reasonable and it is considered that there is not a strong case to permit *respite day care centres* throughout the RE1 zone. However there are buildings within the Armory which may be suitable for adaptation to this use, thereby assisting in the activation of the precinct without alienating additional public open space.

The regulatory framework applying to the Armory is sufficiently robust to enable this use to be established and to operate with adequate measures to manage any impacts.

Tourist and visitor accommodation

Tourist and visitor accommodation is proposed in RE1 zoned areas of the Armory. It is not permitted in the RE1 zone of any neighbouring LGA. *Caravan parks*, a type of *tourist and visitor accommodation*, are already permitted throughout the RE1 zone of SOP. This enables the annual parking of caravans occupied by staff of the Royal Easter Show.

It is not uncommon for *tourist and visitor accommodation* to be provided in recreation zones in popular tourist destinations. In the Armory, several existing buildings have been utilised as *tourist and visitor accommodation* operated by YMCA as an "urban camp" called The Lodge. Accommodation is provided for up to 110 people and is popular with sporting groups and regional school groups due to its

proximity to both Olympic sporting facilities and the significant natural areas of the Parklands.

The successful operation of The Lodge confirms that *tourist and visitor accommodation* can play a valuable role in achieving the objectives of the Plan of Management and the CMP to activate the Armory without adverse impact on the heritage and cultural values of the place.

5.2 Other uses

Camping grounds

SOPA has suggested there may be opportunity for *camping grounds* at the Armory similar to those at Cockatoo Island. This would need to be expressly permitted, as *camping grounds* are excluded from the definition of *tourist and visitor accommodation*.

Camping grounds could be another suitable use for activating the Armory precinct consistent with the objectives of the Plan of Management and CMP and their principles, guidelines and controls.

It is considered that the additional use of *camping grounds* could be included in the permissible uses at the Armory without re-exhibition of the SEPP amendment, as this use is broadly consistent with the exhibited proposal to allow *tourist and visitor accommodation*.

Eco-tourist facility

Eco-tourist facility is a use that could also be well suited to the Armory, being similar to tourist and visitor accommodation but with a specific relationship to places of ecological or cultural significance. Like *camping grounds*, this use would need to be expressly permitted as it is excluded from the definition of *tourist and visitor accommodation*.

It is considered that the additional use of *eco-tourist facility* could also be included in the permissible uses at the Armory without re-exhibition of the SEPP amendment, as it is also broadly consistent with the exhibited proposal to allow *tourist and visitor accommodation*.

Kiosks

Kiosk is a mandatory permissible use in the RE1 zone for standard instrument LEPs and therefore is permitted in each of the neighbouring LGAs.

The standard instrument also includes a provision regulating the maximum size of a kiosk to that nominated in the LEP. The maximum size of kiosk permitted in the neighbouring LGAs is 10m² in Auburn, 30m² in Canada Bay and 12m² in Strathfield.

While *kiosks* are considered an appropriate use throughout the RE1 zone of the Parklands, they are expressly excluded from the definition of *food and drink premises* and therefore currently not permitted. Given that it is proposed that *restaurants and cafes* be permitted, it would be incongruous if *kiosk* was not also permitted.

A specific kiosk size limitation is considered appropriate, otherwise a large kiosk could effectively function as a shop which is a prohibited use. The 30m² standard applying in Canada Bay would be appropriate.

It is considered that the additional use of *kiosk* could also be included in the permissible uses without re-exhibition of the SEPP amendment, as it is broadly consistent with the current permissibility of *food and drink premises* and the exhibited proposal to allow *restaurants and cafes*.

5.3 Zone objectives

The objectives of the RE1 zone under the Major Development SEPP are:

- (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.*

The submission from the Office of Environment and Heritage suggested that development in the RE1 zone must consider the zone objectives, and that additional zone objectives could be included to protect environmental values.

The zone objectives have been considered in the above evaluation of the suitability of each of the proposed uses and were in part the reason for several of the proposed additional uses not being supported throughout the RE1 zone.

However most of the proposed uses have been supported in the Armory given the specific objectives of the Plan of Management and the CMP to expand the ranges of uses permitted to encourage public appreciation and use of the precinct. These objectives were reflected in the Statement of Intended Effect.

If the proposed amendment were to proceed with the changes recommended in this report, the range of uses permissible in the RE1 zone of the Armory would be considerably more extensive than elsewhere throughout the RE1 zone. It is considered appropriate that this be reflected in an additional zone objective reflecting the management priorities for the Armory cited earlier in this report:

- *Further 'open', interpret and adaptively re-use Newington Armory to better provide for public use and enjoyment of the place in the context of its heritage status. (PoM, pg47).*
- *Incrementally transform Newington Armory from its former role as an operational defence facility into a place accessible to the public for a suitable range of new and contemporary uses - while conserving and interpreting its heritage and cultural values and features. (PoM, pg48).*

This would also assist in refocusing development pressure away from the Parklands at large and towards the Armory to support achievement of those objectives.

The suggestion by the Office of Environment and Heritage that additional zone objectives be included to protect environmental values is considered to have merit.

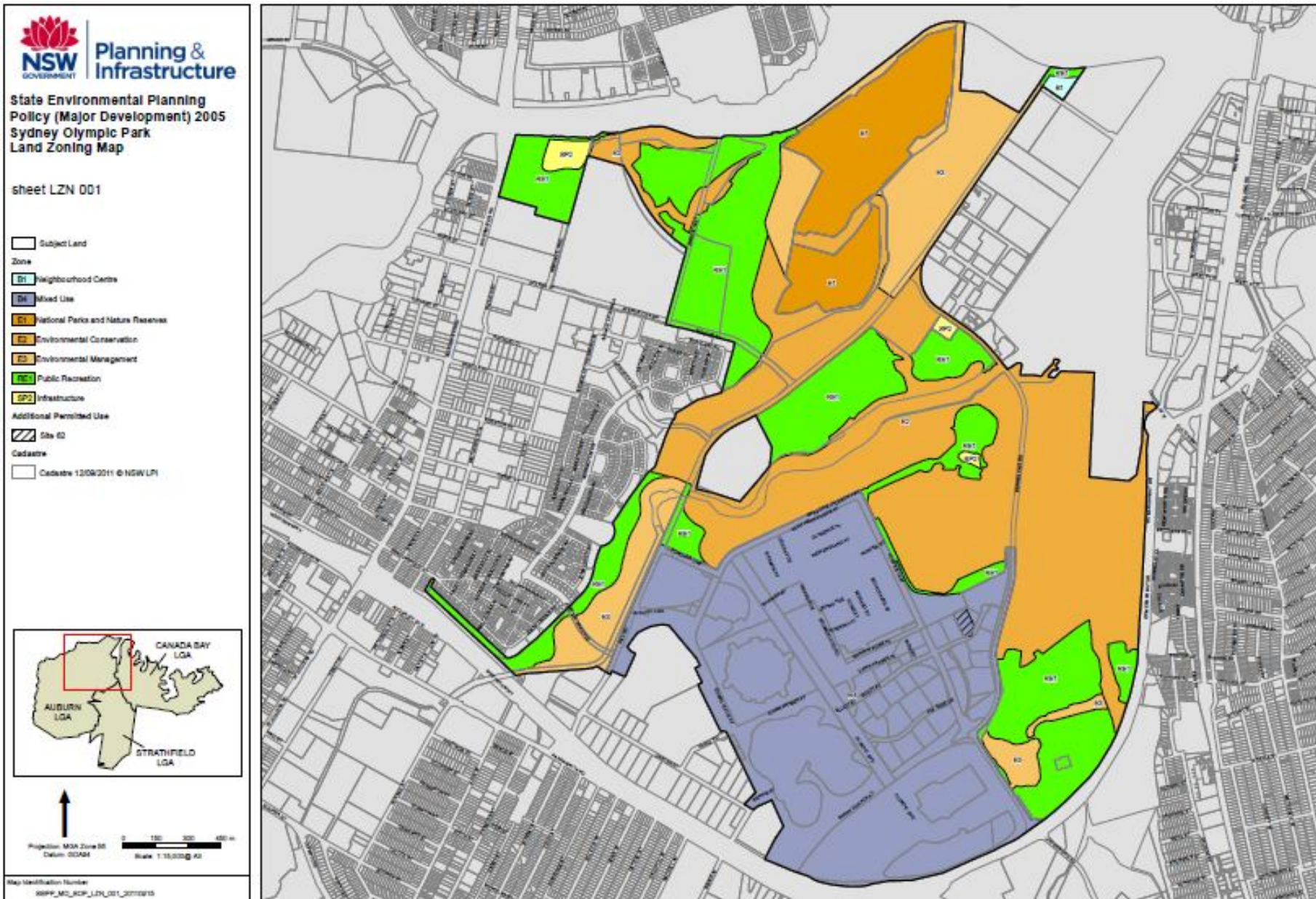
Inclusion of such an objective would support Clause 29 of the Major Development SEPP which requires consideration of the impacts of development in the RE1 zone which is within a buffer area (generally within 30m of the adjoining E1, E2 or E3 boundary). It provides that such development must not be approved if it would have an adverse impact on the environmental conservation area.

An additional environmental protection objective would respond to concerns in several submissions regarding the potential impacts of additional permitted uses on the adjoining natural areas.

The suggestion by the Office of Environment and Heritage gains considerable weight from similar concerns expressed by the Cumberland Bird Observers Club which has developed detailed knowledge of Parkland natural habitats through liaising with SOPA ecology staff and assisting SOPA with annual bird surveys over many years.

5.4 Summary of recommended changes

Uses proposed in exhibited amendment	Recommendation
Child care centres	Include in permissible uses but restrict to Armory
Function centres	Permit throughout RE1 zone, subject to particular attention at DA stage to potential impacts relating to parking and traffic, bulk and scale, alienation of public open space and cumulative impacts.
Information & education facilities	Permit throughout RE1 zone
Markets	Permit throughout RE1 zone
Places of public worship	Do not include
Public administration buildings	Include in permissible uses but restrict to Armory
Respite day care centres	Include in permissible uses but restrict to Armory
Restaurants or cafes	Permit throughout RE1 zone
Tourist & visitor accommodation	Include in permissible uses but restrict to Armory
Additional complementary uses	Recommendation
Camping grounds	Include in permissible uses but restrict to Armory
Eco-tourist facilities	Include in permissible uses but restrict to Armory
Kiosks (up to 30m ²)	Permit throughout RE1 zone
Zone objectives	Recommendation
Facilitation of a broader range of uses at Newington Armory	Include an additional objective
Protection of environmental values	Include an additional objective



1. Uses currently permitted in Parklands RE1 zone

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

major event means a business-oriented occasion or a cultural, social or sporting related occasion (such as an exhibition, a festival, a show or other like happening) occurring on one or more days and:

- (a) designed for more than 10,000 patrons or participants per day at a single major event venue, or
- (b) designed for more than 20,000 patrons or participants per day at two or more major event venues, or
- (c) involving a total floor area of temporary tents or marquees of more than 1,000 square metres each day, or
- (d) involving a temporary floor area of a temporary stage or platform of more than 3,000 square metres each day,

but does not include the use of a major event venue that is consistent with any existing development consent applying to the major event venue.

minor event means a business-oriented occasion or a cultural, social or sporting-related occasion (such as an exhibition, a festival, a show or other like happening) occurring on one or more days, at any place or venue (including a major event venue), but does not include an occasion that is a major event.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) a public park, reserve or garden or the like,
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means 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.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

2. Additional uses proposed to be permitted by the SEPP amendment

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Note: *Tourist and visitor accommodation* is proposed to be permitted in RE1 zoned land in the Armory only and not throughout the Parklands.

3. Other Uses

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.



State Environmental Planning Policy (Major Development) 2005
Sydney Olympic Park
Land Zoning Map

sheet LZN 001

Subject Land

Zone

- B1 Neighbourhood Centre
- B4 Mixed Use
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- IN2 Public Recreation
- SP2 Infrastructure

Additional Permitted Use

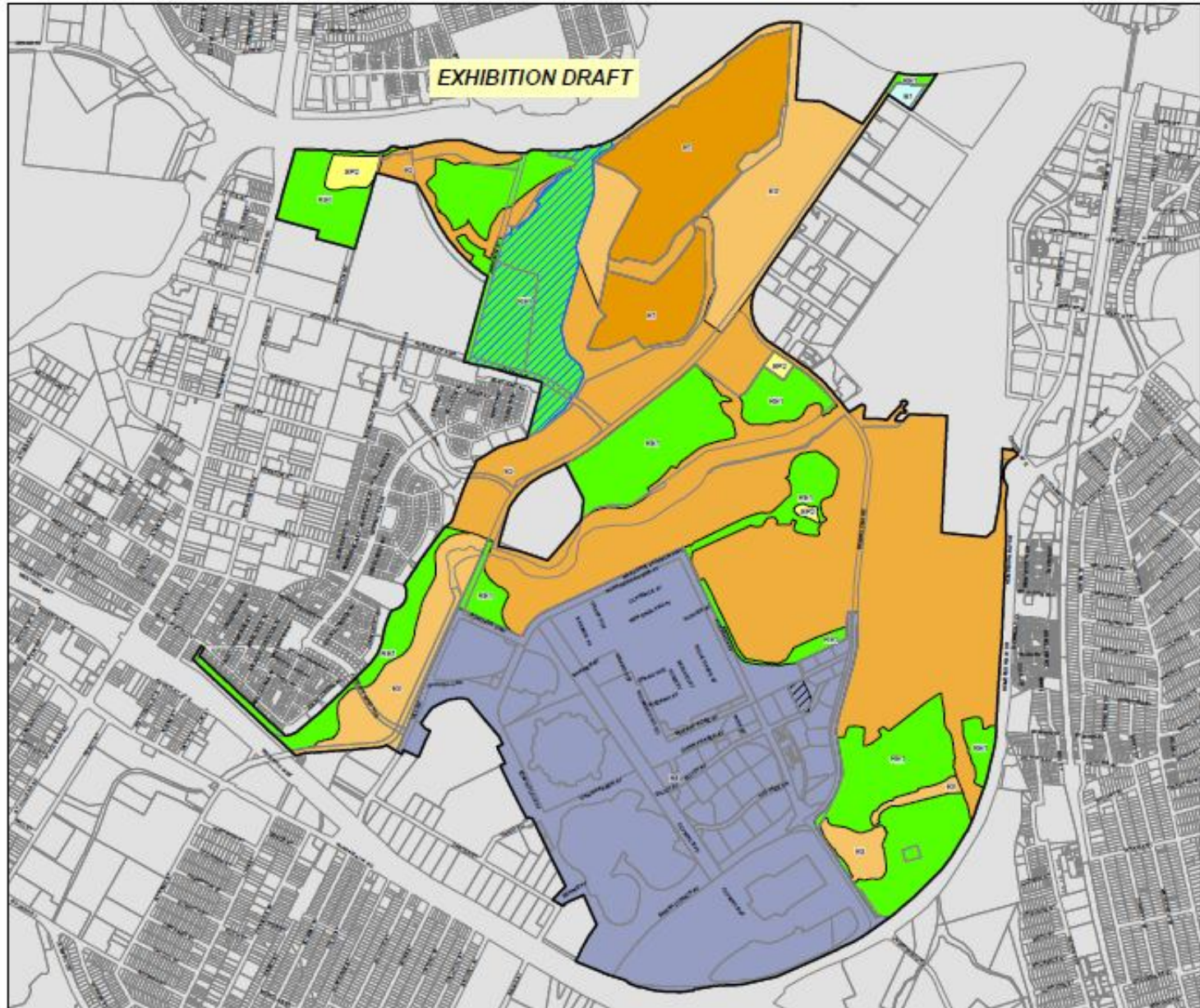
- Site 62
- Healington Army

Cadastral

- Cadastral 09/01/2015 © NSW LPI



Map Identification Number
Revised: RCP_LZN_001_20150115



Ref #	Issue	Discussion
1. NSW Office of Environment & Heritage		
1.1	No significant concerns regarding proposed SEPP amendment however additional uses could place pressure on the limited open space areas within SOP (as detailed below)	SOP open spaces are diverse in scale and use. Not all of the proposed additional uses will be appropriate in each of these spaces, just as some of the uses currently permissible may not be appropriate in certain areas. The objectives of the RE1 zone include the provision of land for public open space and recreational purposes, and providing for a range of recreational settings, activities and compatible land uses. Each development proposal must be carefully evaluated to ensure an appropriate balance between these objectives.
1.2	Intention of amendment to promote greater range of active uses and consistency with uses permitted in Auburn and Canada Bay LGAs should recognise that SOP has relatively extensive open space areas catering also for broader (regional) range of uses.	SOP open spaces are utilised for both local and regional active uses and this pattern of use is dynamic as transport links and surrounding residential areas evolve. This is recognised in the zone objective to provide for a range of recreational settings, activities and compatible land uses. Each development proposal must be evaluated against this objective to ensure local and regional needs continue to be met.
1.3	Some proposed additional uses such as child care centres, function centres, places of public worship, public administration buildings and respite day care centres may reduce open space available for active recreational uses that is already in high demand, increase built area, impact water quality, reduce natural infiltration and reduce native vegetation and grassland area.	A detailed assessment of the suitability of each additional proposed use is provided in this report. Having regard to these and other potential impacts, it is agreed that these uses may not be appropriate throughout the Parklands but may be appropriate within the Armory to facilitate the objectives to promote greater use of that precinct.
1.4	Potential impact on ecological value of environmental conservation areas. Some RE1 areas such as Wilson Park may have environmental values that are not protected.	Areas with ecological value are generally included in E1, E2 and E3 zones. No changes to permissible uses in these zones are proposed in this amendment. SEPP-MD prescribes an Environmental Conservation Area which includes all E1, E2 and E3 zoned land and a buffer area extending into adjacent RE1 zoned land. The SEPP provides that development must not be approved in the Environmental Conservation Area if it would significantly reduce the ecological value of that area. This provides a mechanism to ensure impact on ecological value is appropriately evaluated.
1.5	Development in RE1 must consider zone objectives. Additional zone objectives could be included to protect environmental values.	SEPP-MD requires that all development must consider zone objectives. The zone objectives have been considered in evaluating the suitability of the proposed additional uses. The suggestion for an additional zone objective is supported.
1.6	RE1 zoned land within conservation area acts as buffer around Newington Nature Reserve. SEPP development control should ensure consideration of impacts on adjoining environment zoned land.	See 1.4 above re Clause 29 of the SEPP-MD which already requires this consideration.
1.7	RE1 land around Newington Nature Reserve may be required for landward migration of wetland due to sea level rise.	The possible extent and implications of sea level rise are detailed in Section 7.7 of the Newington CMP. These can be considered in determining the suitability of any proposed development in that area.

Ref #	Issue	Discussion
2. Heritage Council of NSW		
2.1	New uses and development of Newington Armament Depot must be compatible with Conservation Management Plan for the site.	Newington Armament Depot is listed in the State Heritage Register. Consideration of the CMP is required by the Heritage Act: s62(c1).
2.2	New uses of Newington Armament Depot must offer potential for enhancement and understanding of the site's cultural significance and ensure conservation of buildings and landscape features. This needs to be addressed as part of any future development application.	This is required by the CMP which must be considered in the determination of any DA.
3. Auburn City Council		
3.1	Acknowledge need to incorporate a range of uses to provide for flexibility within land use zones and provide additional uses to permit adaptive reuse of buildings within Amory.	Noted
3.2	Proposal could result in commercial use of public recreation areas. No process equivalent to reclassification/public hearing process that councils must undergo, therefore crucial to adequately consider this at this strategic planning stage.	The Parklands PoM in force under SOPA Act categorises the various parts of the Parklands into land use categories which are adapted from those available under the Local Government Act. The SOPA Act adopts specific provisions of the Local Government Act applying to reclassification of public land by local councils which require exhibition of the PoM and consideration of public submissions. The PoM sets out principles, guidelines and priorities for managing the various categories of Parkland. These procedures provide a rigorous, transparent and accountable structure for evaluating proposed uses of the Parklands.
3.3	Unclear why consistency with neighbouring RE1 zones is presented as sole rationale for proposed amendment. Given scale and metropolitan location of the RE1 lands, rationale should be made clear.	The statement of intended effect also referred to the aim to promote a greater range of active uses in public recreation areas and expand available uses in Newington Amory.
3.4	Rationale based on zoning consistency with neighbouring LGAs is misleading, as some proposed uses are not permissible in RE1 zones of adjoining LGAs (illustrated by table comparing permissible uses in adjoining LGAs).	The proposal does not seek exact equivalence in permissible uses in the RE1 zones in SOP, Auburn, Canada Bay and Strathfield. There will remain uses permitted in SOP which are not permitted in one or more of the adjoining LGAs and vice versa. All 6 proposed additional uses are permissible in Auburn, 4 are permissible in Canada Bay and 3 in Strathfield. The proposal therefore seeks to make the range of uses permissible in SOP more consistent with adjoining LGAs but recognising that they will still not be identical.
3.5	Auburn LEP 2010 incorporates RE1 uses that were rolled over from previous instrument. Greater weight should be given to the later LEPs in the other three adjoining areas which permit a more restricted range of uses in RE1.	The proposed uses have been evaluated on their appropriateness for the Parklands having regard to a range of criteria, not only their permissibility in neighbouring LGAs.
3.6	Assessment required of whether proposed new uses are consistent with Newington Armory CMP.	It is agreed that consistency with the CMP is an important issue and has been considered in this report.
3.7	No background studies of the type required for an LEP amendment are provided, so it is not possible to understand how proposal affects public recreation, traffic and parking (as detailed below).	The PoM provides detailed background information regarding all aspects of the Parklands and SOP undertakes continual monitoring and reporting on their usage. Further background studies are therefore considered unnecessary.

Ref #	Issue	Discussion
3.8	Many of the proposed additional uses could reduce area available for outdoor recreational opportunities by regional and local users.	The potential alienation of public open space is an important consideration and is one of the reasons why it is recommended that some proposed uses not be permitted in the Parklands and others be confined to the Armoury where there is scope to utilise existing buildings to help activate the precinct without alienating additional public open space.
3.9	Consider need for smaller scale recreation facilities and spaces to cater for local population as well as large spaces for regional needs.	This is integral to the original planning of the Parklands, as is the concept of permitting a wide range of uses to cater for the broad spectrum of community need experienced at a regional level.
3.10	Many of the proposed additional uses are inconsistent with zone objectives.	It is agreed that consistency with zone objectives is important and has been considered in evaluating the proposed uses, but is not the sole criteria for evaluation. Consistency with the SOPA Act and PoM is also required and is addressed in this report.
3.11	Study of capacity of RE1 zone to cater for regional and local open space recreational and event needs is required to evaluate proposed uses such as function centres, public administration buildings, places of public worship, child care centres and respite day care centres.	The PoM provides detailed background information regarding all aspects of the Parklands and SOP undertakes continual monitoring and reporting on their usage. Further background studies are therefore considered unnecessary.
3.12	Consider alternative of using an exception clause to permit particular uses in specific precincts rather than making all uses permissible throughout RE1.	As do the adjoining LGAs, the Parklands provide a diversity of spaces and some are better suited to particular uses than others. This was integral to the original concept of the Parklands to provide a range of spaces and flexibility of uses to respond to the broad spectrum of community need experienced at a regional level. The PoM reflects this in the categorisation of parkland areas and it is required to be considered in the determination of a DA for any specific use. In general, the specification of uses suitable in each precinct is therefore considered unnecessary but has been considered at a broad level, resulting in some uses being recommended for the Armoury but not elsewhere in the Parklands.
3.13	Some of the proposed additional uses may attract traffic beyond capacity of existing road system, especially areas remote from rail station (Newington Armoury, Wilson Park & Blaxland Riverside Park) and the uses of function centres, public administration buildings and places of public worship.	The demand on the road system depends on the scale and operating characteristics of the use and can be addressed at DA stage.
3.14	Parking often overflows to grassed areas, eg Bicentennial Park.	The demand on parking depends on the scale and operating characteristics of the use and can be addressed at DA stage.
3.15	Traffic and parking will be significant issues for any additional uses at Newington Armament Depot and Nature Reserve, and potentially inconsistent with CMP. Especially function centre, public administration buildings and places of public worship.	For a number of reasons, it is recommended that public administration buildings and places of public worship not be permitted in the Parklands and that function centres be confined to the Armoury. Consistency of any function centre proposal with the CMP is one of the matters required to be considered at DA stage.
3.16	Study of the heritage, traffic and parking impacts should be undertaken.	Heritage is principally an issue for the Armoury which is the subject of a CMP that prescribes detailed guidelines for uses and development based on extensive research. Traffic and parking impacts depend on the scale and operating characteristics of the specific development proposal and can be considered at DA stage.

Ref #	Issue	Raised by	Discussion
Alienation of outdoor recreation space			
P1	Parks should be for unstructured recreational use by community, not businesses seeking to trade on their amenity.	L	Use of the Parklands for structured and unstructured recreational activities and compatible supportive uses (which may operate on a commercial basis) was integral to the early planning of the Parklands and is recognised in the zone objectives and the PoM.
P2	Business use will dominate park availability at expense of public use – eg Bicentennial Function Centre overflow parking.	L	
P3	Existing shortage of parkland because new residential development at Wentworth Point, Rhodes and SOP relies on already over-utilised open space at SOP rather than providing sizeable new parks themselves.	L	
Consistency with broader public interest			
P4	Proposal is consistent with metropolitan planning directions and priorities.	A	The consideration of additional uses is an opportunity to ensure that the Parklands provide a range of uses responsive to both regional and local recreation needs.
P5	Proposal will create investment opportunities in SOP and benefit the wider community.	A	The proposal may create investment opportunities of benefit to the community however the proposal has primarily been evaluated against the objectives of the zone, SOPA Act and PoM.
P6	Proposal increases activation in community areas of SOP which is essential to future growth of the Park and other priority precincts as well as providing a major destination for surrounding communities.	A	The potential for activation must be carefully balanced against the role of quiet, passive use having regard to the objectives of the zone, SOPA Act and PoM.
Impact on natural environment			
P7	Wildlife diversity in environmental areas is increasing due to effective management by SOPA. This should be allowed to continue without threats from commercial or other disruptive development.	B	Agreed. As noted above re item 1.4, the SEPP provides that development must not be approved if it would significantly reduce the ecological value of the Environmental Conservation Area. This provides a mechanism to ensure impact on ecological values is appropriately evaluated.
P8	Public recreation and wildlife habitats are co-existing successfully. Modest intensification of use of recreation areas should not create problems if well planned and kept away from environmentally sensitive areas.	B	
P9	Important to provide adequate buffers between any new structures in RE1 land and natural areas.	B	
P10	The statement that heritage and environments will be protected is inconsistent with increased population.	F	Not agreed. It was noted above in P13 that wildlife diversity has been increasing and usage of the Parklands has been increasing in this period. The two are not inherently incompatible. Increased use can promote greater public

Ref #	Issue	Raised by	Discussion
			awareness of the Parklands and public support for conservation initiatives.
Parking, roads & transport			
P11	Existing shortage of parking indicates that use of parks and their facilities is already at or beyond capacity.	L	Parking is an issue at particular locations and times and can be considered at DA stage having regard to the scale and operational characteristics of the proposed use. Opportunities to more effectively utilise the available parking should be considered.
P12	Insufficient parking to support more accommodation at Armory.	G	There may be opportunities to provide additional parking at Armory consistent with the CMP should this be required for a particular development.
P13	Supports additional space for businesses especially those of community benefit and outdoor oriented, but should be planned in conjunction with road network upgrading having regard to surrounding development, West Connex and review of circuitous bus routes to reduce high level of car use.	H	The proposal seeks to enable a wider range of uses. This does not necessarily infer a higher overall demand on transport and parking. The transport network is continually evolving. The capacity of parking and the transport network to accommodate the demand generated by a particular development needs to be addressed at the time a development is proposed having regard to the transport demand characteristics of the development.
P14	Current road and public infrastructure is totally inadequate. Existing shortfall should be addressed before planning any new development.	C, H	
P15	Review of public transport is required to support increased business activity and avoid need for more parking and traffic. Suggests options to improve management of trains to increase capacity.	J	
P16	Increasing public access would require more carparking, taking up more green space.	F	
P17	Proposal supports idea for western Sydney light rail to SOP which may enable review of use of existing carparks within RE1 areas.	A	
Impact on heritage values			
P18	Newington Armory is unique. Vast open space is the essence of munitions storage sites. New structures, roads and infrastructure would destroy the meaning of this heritage site.	D	The open space character of Armory is acknowledged in the CMP and PoM. The CMP provides detailed New Building Guidelines. These include the principle that existing buildings be used in preference to erecting new buildings. This principle is also stated in the Buildings & Infrastructure Management Principles of the PoM. Both the CMP and PoM must be considered in determining any DA in Armory.
P19	Statement that heritage and environments will be protected is inconsistent with increased population.	F	Not agreed. The requirement to submit a Heritage Impact Statement with any DA in the Armory and for SOPA to consider the CMP and PoM in determining the DA provide strong protection for heritage values.
P20	Additional businesses at Newington Armory without a	L	

Ref #	Issue	Raised by	Discussion
	considered and heritage-sensitive plan will incrementally reduce recreational and heritage values.		
Suitability of specific uses			
P21	Oppose child care centres, places of public worship, public administration buildings, markets (if permanent), commercial function centres and day care centres. These imply sizeable new structures and alienation of open space from recreational users and wildlife.	B, F	Potential alienation of open space is one of the matters considered and why it is recommended that some of these uses be confined to the Armory where there are many existing buildings that could potentially be adaptively used to help activate the precinct without alienating additional public land.
P22	A child care centre could work but needs to be safe from anti-social behaviour by some patrons of mass events.	G	The requirement for child care centres to have restricted access is one of the reasons why it is recommended that this use only be permitted in the Armory.
P23	Markets like Paddy's or Parklea would lower the quality of the area.	G	The definition of markets is confined to use of open space or existing buildings. There are no buildings of a scale comparable to Paddy's or Parklea in the Parklands.
P24	Additional funding should go to existing educational centre rather than new centres.	G	The question of land use permissibility is distinct from the funding process for facilities and programs.
P25	Need for places of public worship is questionable.	G, K	For a number of reasons discussed in this report, it is recommended that places of public worship not be permitted in the Parklands.
P26	Opposed to places of public worship. Already catered for in surrounding areas.	K	
P27	Questions whether places of public worship will be non-discriminatory.	I	This is regulated by anti-discrimination legislation and is not relevant to land use permissibility.
P28	Supports more cafes, restaurants, tourism opportunities, day care, educational centres and markets.	K	It is recommended that these uses be permitted, but with respite day care centres restricted to the Armory.
P29	Parking, playgrounds and BBQs at Newington Armory and Blaxland Riverside Park are already over-utilised and already have cafe, restaurant and visitor accommodation. No need or capacity for more.	L	The Plan of Management and CMP support additional uses at the Armory to help activate the precinct. Restaurants, cafes and additional tourist and visitor accommodation can play a valuable role in this process. SOPA maintains detailed data on Parkland utilisation and this can be considered in determining the suitability of a restaurant or cafe proposal in the more intensively utilised areas of the Parklands.
P30	Child care centre, respite care centre, function centre or hotel would alienate more open space and increase pressure on parking and remaining open space. These uses should be in urban areas.	L	It is agreed that potential alienation of public land is an important consideration and is one of the reasons why it is recommended that these uses be confined to the Armory where there are many existing buildings which could potentially be utilised without alienating further public land and where there is scope to address parking and access.
P31	Permissible uses in adjoining LGAs should be reduced to match SOP rather than SOP being expanded to match them.	L	The range of uses permissible in adjoining LGAs is outside the scope of this proposal.

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