

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION TO NETBALL NSW HEADQUARTERS, OLYMPIC BOULEVARD, SYDNEY OLYMPIC PARK (SSD 5207 MOD 1)

PURPOSE

To determine a Section 96(1A) modification request (SSD 5207 MOD 1) to modify the bicycle parking requirements in condition B10 of the development consent for Netball NSW Headquarters.

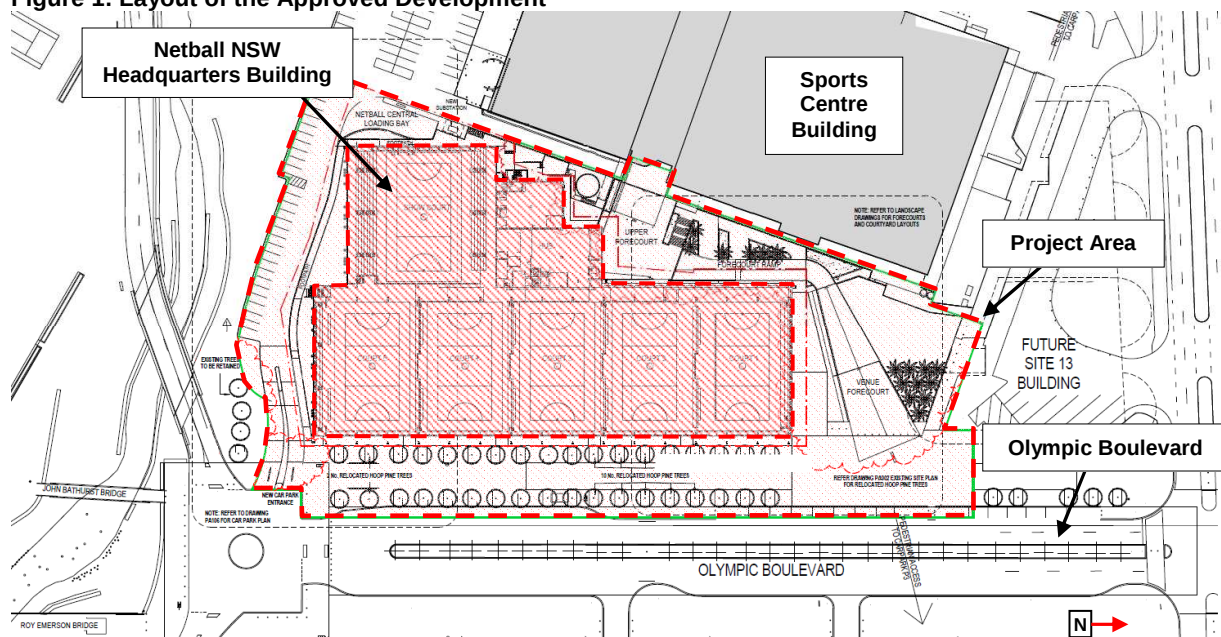
BACKGROUND

On 9 January 2013, the (then) A/Deputy Director-General, Development Assessment and Systems Performance, as delegate of the Minister for Planning and Infrastructure, approved a State significant development application for the construction and use of a sporting facility containing Netball NSW Headquarters, including:

- construction and use of a new Netball NSW Headquarters Building, comprising:
 - o five indoor netball courts of international standard, plus one show court with seating for some 800 spectators;
 - o amenities for players, officials and the public;
 - o medical facilities, including first aid, physiotherapy, massage etc;
 - o ancillary storage facilities and equipment areas; and
 - o office / administration areas.
- bulk earthworks and excavation;
- remediation of minor sub-soil contamination;
- tree removal and landscaping;
- ancillary minor events, including business, cultural, social or sporting related occasions occurring one or more days throughout the year;
- utility service connections and relocation;
- associated civil works, including the relocation of the entry / exit to the P7 car park; and
- land subdivision.

The layout of the approved development is shown below in **Figure 1**.

Figure 1: Layout of the Approved Development



The development is currently under construction.

PROPOSED MODIFICATION

This modification application seeks approval to amend condition B10 of the development consent to remove the requirement to provide a Class 2 bicycle parking facility for staff bicycle riders.

The requirements for a Class 2 bicycle parking facilities are identified in Australian Standard 2890.3 – Bicycle Parking Facilities. A Class 2 bicycle parking facility comprises a bicycle rack within a lockable enclosure with communal access using duplicate keys.

The proposed modified condition B10 is shown below:

“Number of Bicycle Spaces

B10.

- a) *A minimum of eight bicycle parking spaces for staff and 15 bicycle parking spaces for visitors are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.*
- b) *The layout, design and security of bicycle facilities either on-street or off street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:*
 - i) *all bicycle parking for staff must ~~be Class 2 bicycle facilities~~ **provide an appropriate level of security**, and*
 - ii) *all bicycle parking for visitors must be Class 3 bicycle rails.”*

MODIFICATION OF THE MINISTER'S APPROVAL

The modification application has been lodged with the department under section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent.

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

Matter	Consideration
<i>Whether the development to which the consent as modified relates is of minimal environmental impact.</i>	The modification application relates only to the provision of bicycle parking facilities, and there is no proposed change to the general positioning, layout, form, scale or use of the development. Accordingly, the development, as modified, is of minimal environmental impact.
<i>Whether the development to which the consent as modified relates is substantially the same development.</i>	The modification application relates only to the provision of bicycle parking facilities, and there is no proposed change to the general positioning, layout, form, scale or use of the development. Accordingly, the development, as modified, is substantially the same development.
<i>Whether the application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 and the relevant DCP.</i>	There are no specific notification requirements applicable to the modification application under the Environmental Planning and Assessment Regulation 2000. Additionally, the Sydney Olympic Masterplan 2030 (SOP Masterplan) (which retains the status of a DCP) does not provide notification requirements. There are no other DCP's applicable to the site.

<i>Whether submissions have been considered in the assessment of the modification application.</i>	The department received one submission from Sydney Olympic Park Authority, which raised no objection to the modification application
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Section 96(3) of the EP&A Act requires the matters referred to in section 79C(1) of the EP&A Act to be assessed in respect of all applications which seek modifications to approvals.

The department's consideration of the relevant matters under section 79C of the EP&A Act is provided where relevant in this briefing.

The department's consideration of environmental planning instruments (EPI's) and Development Control Plans (DCP's) under section 79C(a)(i) of the EP&A Act is provided below.

ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

The following EPI's and DCP's apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Sydney Olympic Masterplan 2030 (which retains the status of a DCP)

The department undertook a comprehensive assessment of the original proposal against the relevant provisions of the abovementioned EPI's and DCP's as part of the original assessment. Whilst the original proposal included some minor departures to the provisions in State Environmental Planning Policy (Major Development) 2005 and Sydney Olympic Masterplan 2030, the department's assessment concluded that detailed justification of the departures were documented and were accepted, and that the original proposal substantially complied with the relevant provisions of the abovementioned EPI's and DCP's.

Given the proposed modification relates only to the provision of bicycle parking facilities, the proposed modified development would not alter compliance with the abovementioned EPI's and DCP's when compared to the original proposal.

Accordingly, the department is satisfied that the proposed modified development substantially complies with the relevant provisions of the abovementioned EPI's and DCP's.

SUITABILITY OF THE SITE

The department undertook an assessment of the suitability of the site as part of the assessment of the original proposal. The department's assessment identified that the site is located in the Southern Sports Precinct of Sydney Olympic Park, which is home to a number of elite sporting venues including the Sports Centre, the Tennis Centre and the Aquatic Centre. The proposed development would complement the existing established sporting facilities in the locality, and that the building footprint and height is appropriate in the context of surrounding development. The site is also well serviced by public transport services and is in proximity to major access roads including the M4 Motorway and Homebush Bay Drive. Accordingly, in accordance with section 79C(1)(c) of the EP&A Act, the department considered the site suitable for the proposed development.

CONSULTATION

The modification application is not required to be advertised or notified, however, the department made the application available on the department's website during the assessment, and also notified Auburn City Council and Sydney Olympic Park Authority.

The department received one submission from Sydney Olympic Park Authority, which raised no objection to the proposed modification.

DELEGATED AUTHORITY

On 14 September 2011, the Minister delegated his powers and functions under Section 96 of the EP&A Act to Directors in the Major Projects Assessment Division, where:

- (a) the relevant council has not made an objection; and
- (b) a political donations disclosure statement not has been made; and
- (c) there are less than 10 public submissions in the nature of objections.

Auburn City Council has not made an objection to the proposed modification, a political donations disclosure statement has not been made, and there were no public submissions received. Accordingly, the Director, Industry, Social Projects and Key Sites can determine the modification under delegated authority.

KEY ISSUES

The department considers the key issues for the modification application to be the provision of bicycle parking facilities and the public interest.

Bicycle Parking

Sydney Olympic Park Master Plan 2030 (SOP Masterplan) requires bicycle parking to be provided at a rate of 1 space per 150 sqm of office floor space for staff members, and 1 space per 75 sqm of office floor space for visitors. The SOP Masterplan identifies that bicycle parking facilities are to comply with Australian Standard 2890.3 – Bicycle Parking Facilities.

The approved development included an office component which comprised an area of 1,130 sqm, therefore the SOP Masterplan required the provision of eight bicycle parking spaces for staff, and 15 bicycle parking spaces for visitors.

The existing condition B10 of the approval requires the provision of:

- eight bicycle parking spaces for staff, which are to be contained in a Class 2 bicycle parking facility (a bicycle rack within a lockable enclosure with communal access using duplicate keys); and
- 15 bicycle parking spaces for visitors, which are to be provided on Class 3 bicycle rails (a bicycle rack which a bicycle frame and wheels can be locked).

The requirement to provide a Class 2 bicycle parking facility for staff bicycle riders is drawn from the document Planning Guidelines for Walking and Cycling, 2004, and the department's draft sets of standard and model conditions for urban developments.

The modification application seeks to remove the requirement to provide the staff bicycle parking within a Class 2 bicycle parking facility, and instead provide the bicycle parking spaces on a bicycle rack located externally on the western side of the building, in an area which would be covered by CCTV for security.

The modification application identified that none of the Netball NSW staff presently cycle to work and therefore the provision of a caged facility is unnecessary. Additionally, the modification application identified that in the event that staff wish to cycle to work and require more secure bicycle storage, there is sufficient space within the building to accommodate such a request.

SOPA's submission raised no objection to the proposed modification.

The department has considered the modification application and notes that Class 2 bicycle parking facilities for staff would typically be located in a secure basement car park area of a

building, away from public access and pedestrian areas. Given that the building does not contain a basement car park area, the staff bicycle parking is required to be located outside the building. There are limited discrete locations surrounding the building to provide a caged facility that would not visually detract from the design quality of the development or obstruct pedestrian circulation. The department therefore considers that the proposed staff bike rack on the western side of the building is acceptable given the constraints of the facility and the surrounding public domain. Additionally, the provision of a caged facility is considered to be unnecessary given that none of the Netball NSW staff presently cycle to work.

The department also notes that the modification application does not propose any change to the numerical provision of bicycle parking (eight spaces for staff and 15 spaces for visitors) and therefore the proposed modified development would continue to satisfy the numerical requirements for bicycle parking in the SOP Masterplan.

The department considers the proposed modified bicycle parking requirements for staff to be acceptable.

Public Interest

The modification application relates only to the provision of bicycle parking facilities, and the proposed modification would not give rise to any additional environmental impacts, therefore the department considers the proposed modified development to be in the public interest.

CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items. Accordingly, the department recommends that the modification application be approved, and the conditions of the approval amended accordingly.

RECOMMENDATION

It is recommended that the Director, Industry, Social Projects and Key Sites:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval; and
- sign the attached modifying instrument (**TAG A**).

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16/7/13

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APPENDIX A MODIFICATION REQUEST

See disk attached and the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6015

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
