



Planning &
Environment

**MODIFICATION REQUEST:
Netball NSW Headquarters
Olympic Boulevard
Sydney Olympic Park
(SSD 5207 MOD 2)**

***Modification to condition F2 regarding timing
for obtaining a subdivision certificate***

Secretary's Environmental Assessment Report
Section 96 of the *Environmental Planning and
Assessment Act 1979*

November 2014

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*NSW Government
Department of Planning and Environment*

1. BACKGROUND

On 9 January 2013, the Deputy Director-General, Development Assessment and Systems Performance, as delegate of the then Minister for Planning and Infrastructure approved a State significant development application (SSD 5207) for the construction and use of a sporting facility at Sydney Olympic Park for Netball NSW. The approved development included:

- construction and use of a new Netball NSW Headquarters Building, comprising:
 - five indoor netball courts of international standard, plus one show court with seating for some 800 spectators;
 - amenities for players, officials and the public;
 - medical facilities, including first aid, physiotherapy, massage etc;
 - ancillary storage facilities and equipment areas; and
 - 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**.

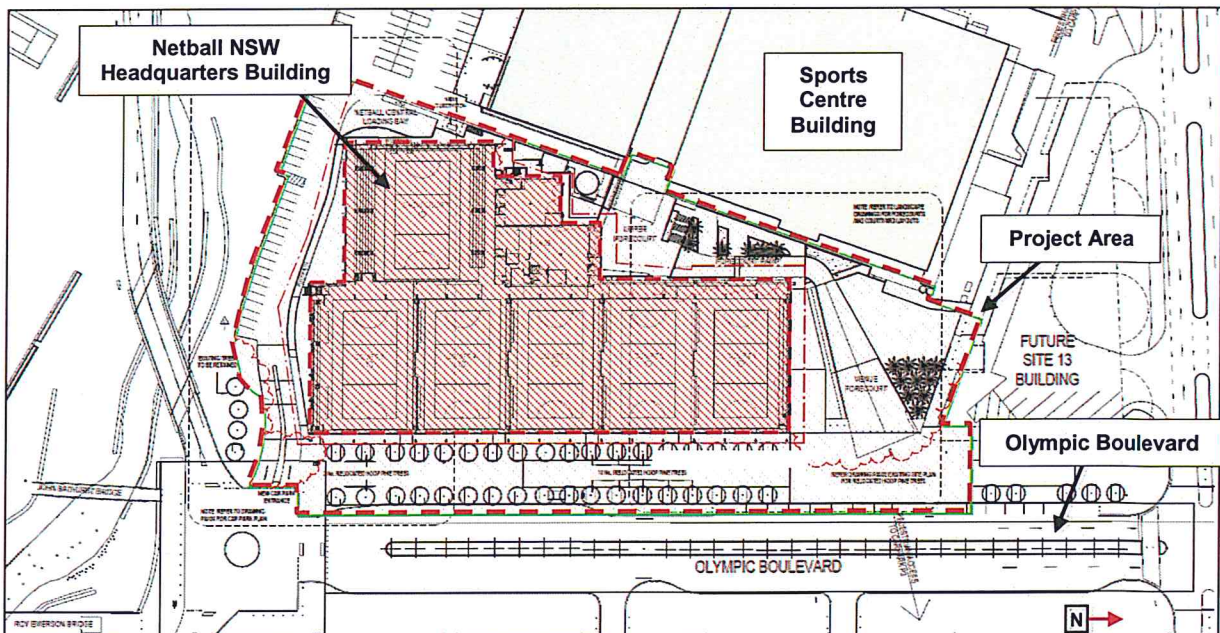


Figure 1: Layout of the Approved Development

On 17 July 2013, the Director, Industry, Key Sites and Social Projects, under delegation from the then Minister for Planning and Infrastructure approved a modification application (SSD 5207 MOD 1) to amend condition B10 of the development consent to remove the requirement to provide Class 2 bicycle parking facilities (lockable enclosure) for staff bicycle riders and provide secure facilities instead.

The development is currently under construction and completion of the building works is anticipated for December 2014.

2. PROPOSED MODIFICATION

The applicant is seeking to modify condition F2, which requires a subdivision certificate to be obtained prior to any occupation certificate for the building. As building works are nearing completion, the applicant seeks to modify the condition to facilitate interim occupation whilst the subdivision details are finalised, as follows:

- F2. The Applicant shall obtain a subdivision certificate prior to the issue of **any the final** Occupation Certificate.*

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the Department of Planning and Environment (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.

3.2 Environmental Assessment Requirements

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:

Table 1: Matters to be considered under section 96(1A) of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification seeks to vary the timing for finalising the subdivision certificate and does not alter the general positioning, layout, form, scale or use of the development. Accordingly, the proposed amendments would result in minimal environmental impacts.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification does not seek to significantly amend development and only seeks to vary the timing for finalising the subdivision certificate. The approved development, as proposed to be modified, will remain substantially the same.
Whether notification has occurred and any submissions have been considered	In accordance with the EP&A Act and the EP&A Regulations, the modification request does not need to be notified. The application was made publicly available on the Department's website and referred to Council and the Sydney Olympic Park Authority (SOPA), who raised no objections to the modification.
Any relevant provisions of section 79C(1) of the EP&A Act	The relevant provisions of section 79C(1) of the EP&A Act are considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.

3.2 Delegated Authority

Under the Minister's Delegation dated 10 November 2014, the Director, Industry and Key Sites, can determine the modification application as: Council has not objected to the proposed modification; a political disclosure statement has not been made for the application; and no public submissions were received objecting to the proposed change.

4. CONSULTATION AND SUBMISSIONS

The application was notified in accordance with the Environmental Planning and Assessment Regulation 2000. The application was made publicly available on the Department's website.

Auburn City Council (Council) and the Sydney Olympic Park Authority (SOPA) were also notified of the proposed modification and raised no objection.

5. ASSESSMENT

The key assessment issue for the proposed modification is ensuring the finalisation of the subdivision of the site in a timely manner whilst not unnecessarily delaying occupation of the use of an important sporting venue.

The applicant has scheduled completion of the building works and occupation of the building for December 2014 and is on target to meet this timeframe. The timing is critical to allow for relocation and use of the facilities for training prior to the 2015 Netball Championships, which was one of the key drivers of the project. The applicant has advised that SOPA, the landowner, is reviewing the final subdivision design and has revised the boundary alignment to wrap around the building footprint to allow SOPA to retain control of the adjoining public domain. This will require an amendment to the approved draft subdivision plan and therefore a subdivision certificate cannot be obtained until the revised subdivision design is finalised and approved. These processes will not be completed prior to Netball NSW's scheduled relocation and commencement of use for training in the facility for the 2015 Netball Championships.

The Department has consulted with SOPA who raise no objection to the proposed modification and deferment of finalisation of the subdivision process. The proposed change would allow the applicant to obtain an interim occupation certificate whilst the subdivision design is being finalised. The condition will still require the applicant to obtain a subdivision certificate prior to issue of the final occupation certificate. The Department considers that the deferment of obtaining the subdivision certificate acceptable as SOPA is the landowner and raises no issue with the request. Furthermore, given the key driver for the development was to facilitate the hosting of a major international sporting event, it would be in the State's interest to ensure that the delivery of facility is not unnecessarily delayed. As the landowner is a public authority that is also facilitating the subdivision process, the Department considers the subdivision certificate can still be finalised in a timely manner and the delay ensures the public domain areas are retained by SOPA, which would also be in the public interest.

6. CONCLUSION

The Department has reviewed the modification request and consulted with Council and SOPA. All the relevant environmental issues associated with the modifications have been assessed.

The proposed modification to vary the timing for obtaining the subdivision certificate will allow a major international sporting event to proceed on schedule. The modifications would have negligible environmental impact as it does not waive the requirement but defers the timing for completion of the subdivision process.

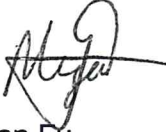
The Department is of the opinion that the modification of the proposal is in the public interest as it would not give rise to adverse built form or environmental impacts. Consequently, the Department recommends that the modification be approved.

7. RECOMMENDATION

It is recommended that the A/Director, Industry and Key Sites:

- note the information provided in this report;
- approve the modification request; and
- sign the attached modifying instrument (**Appendix B**).

Prepared by:



Megan Fu
Senior Planner, Key Sites

Endorsed by:



David Gibson
Team Leader, Key Sites

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6794.](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6794)

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
