
URBNSURF Sydney, Pod B P5 Carpark, Hill Road

Statement of Support for
Section 4.55(2) Modification Application



December 2022

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REF: #7869B

Ver	Description	Date	Prepared By	Checked By
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Executive Summary

This Statement of Support (SoS) has been prepared in support of a Section 4.55(2) Modification Application, made to the Department of Planning and Environment (“DPE”) under Part 4 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

This Section 4.55(2) Application seeks consent to modify the existing approved consent SSD 7942, for the construction and operation of an open water surf sports lagoon facility (‘surf park’) at Pod B P5 Carpark, Hill Road, Sydney Olympic Park (‘the site’).

The proposed modifications include:

- Updates to the approved Remediation Action Plan (RAP) including the retention of additional fill on site;
- Alterations to levels across parts of the site arising from additional fill retention;
- Alterations to landscaping to accommodate level changes and provide additional seating and recreation opportunities;
- Relocation of the retaining wall separating the events lawn and the maintenance parking area, extending the events lawn;
- Reconfiguration of storage sheds, services and other parts of the site as a result of level changes;
- Extension of the standard construction hours; and
- Amendments to the conditions of consent to reflect the proposed modifications.

The carrying out of approved bulk earthworks on the site has resulted in an excess of 6,000m³ of spoil materials. This S4.55(2) Modification Application is proposed to allow for these materials to be retained onsite by reducing capping thicknesses, and by raising the level of some of the perimeter landscape areas. Additional landscaping and site layout modifications are proposed to accommodate the change in levels that have arisen as a result of design development. Additionally, modifications to the standard approved construction hours are proposed in order to facilitate the timely construction of URBNSURF Sydney, which has been significantly impacted by extended periods of heavy rain over the last 12 months.

The s4.55(2) and this SoS have been prepared in accordance with the *Environmental Planning and Assessment (EP&A) Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.

This SoS addresses the relevant heads of consideration listed under Section 4.15(1) of the *EP&A Act 1979* and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal.

As the site is located within the Sydney Olympic Park (SOP) site area under the State Environmental Planning Policy (Precincts—Central River City) 2021 (the ‘Precincts SEPP’), the provisions of the Precincts SEPP apply.

It is noted that the original application and previous modification were assessed under the State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP SSP), which was repealed and

consolidated into the Precincts SEPP on 1 March 2022. Despite the consolidation, the provisions within the Precincts SEPP remain unchanged from the provisions of SEPP SSP with regard to the SOP site.

The development as proposed to be modified remains permissible with consent in the RE1 Public Recreation zone and is consistent with the broad objectives of the zone.

The modifications proposed result in a development that is substantially the same as the approved development and will not have adverse environmental or amenity impacts on the streetscape or surrounding areas. The development as proposed to be modified will continue to generate positive social impacts by ensuring the delivery of a world class sport, recreation, leisure, tourism and event facility that will provide a significant recreational, social and economic benefit to the Parramatta LGA, SOP and Western Sydney.

Based on the assessment undertaken, approval of the section 4.55(2) Modification Application is sought.

1. Introduction

1.1 Overview

This SoS has been prepared in support of a s4.55(2) Modification Application to undertake modifications to approved development consent SSD-7942.

Development Consent SSD-7942 was issued on 20 December 2017 for the '*construction and operation of an open water surf sports lagoon facility*'.

This application seeks Council's approval for a modification under the provisions of s4.55(2) of the *EP&A Act 1979* for:

- Updates to the approved Remediation Action Plan (RAP) including the retention of additional fill on site;
- Alterations to levels across parts of the site arising from additional fill retention;
- Alterations to landscaping to accommodate level changes and provide additional seating and recreation opportunities;
- Relocation of the retaining wall separating the events lawn and the maintenance parking area, extending the events lawn;
- Reconfiguration of storage sheds, services and other parts of the site as a result of level changes;
- Extension of the standard construction hours; and
- Amendments to the conditions of consent to reflect the proposed modifications.

The above modifications are proposed in order to facilitate the timely construction of URBNSURF Sydney, which has been constrained by a large amount of heavy rain. The proposed modifications to landscaping and the layout of site facilities have arisen as a result of the need to accommodate a larger than anticipated amount of excavated spoil on the site and as a consequence of larger than expected quantities of spoil present at the conclusion of the main bulk earthworks activities across the site.

1.2 Scope and Format of the Statement of Support

This Statement has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021 and provides an assessment consistent with the heads of consideration under Section 4.15 of the *EP&A Act 1979*, which are relevant to the consent authority's assessment of the application.

Accordingly, the SoS is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SoS;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed modifications;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;

- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This statement has been prepared with input from a number of technical and design documents which have been prepared to accompany this s4.55(2) Modification Application. These documents are included as Attachments to this statement and are identified in Table 1 below.

Document name	Prepared by
Architectural Plan	Clarke Hopkins Clarke
Landscape Plan	Oculus
Supplementary Remediation Action Plan	PRM
Civil and Stormwater Statement	Northrop
Construction Hours Amendments Supporting Statement	URBNSURF (Developments) Sydney Pty Ltd
Owner's Consent	Sydney Olympic Park Authority (SOPA)

Table 1: Plans and documents prepared to accompany this statement

1.4 Cost of Works

The cost of works for the purpose of determining the DA fee for the proposed development has been calculated in accordance with Clause 251(1) of the EP&A Regulation 2021. The cost of works remains unchanged from the approved DA.

and Pod C P5 carpark to the east (see Figure 2). These parking areas are generally underutilised and are only used when major events are underway within the SOP precinct such as The Royal Easter Show.

As the site was formerly used as a carpark, it is generally a hardstand area with minimal landscaping.

The site is within close proximity to bus routes, pedestrian and bicycle routes, as well as the future Olympic Park Metro Station and future Parramatta Light Rail.

2.2 Context and Locality

The site is located on the western edge of SOP and was one (1) of three (3) carparking areas that were generally only used during major events within the SOP precinct.

The land surrounding the site is either zoned RE1 – Public Recreation, or E2 – Environmental Conservation, which acknowledges the parklands and natural environments of the Narawang Wetlands and Haslams Creek that exist within this part of SOP.

The location of the site in this context is shown in Figure 2.

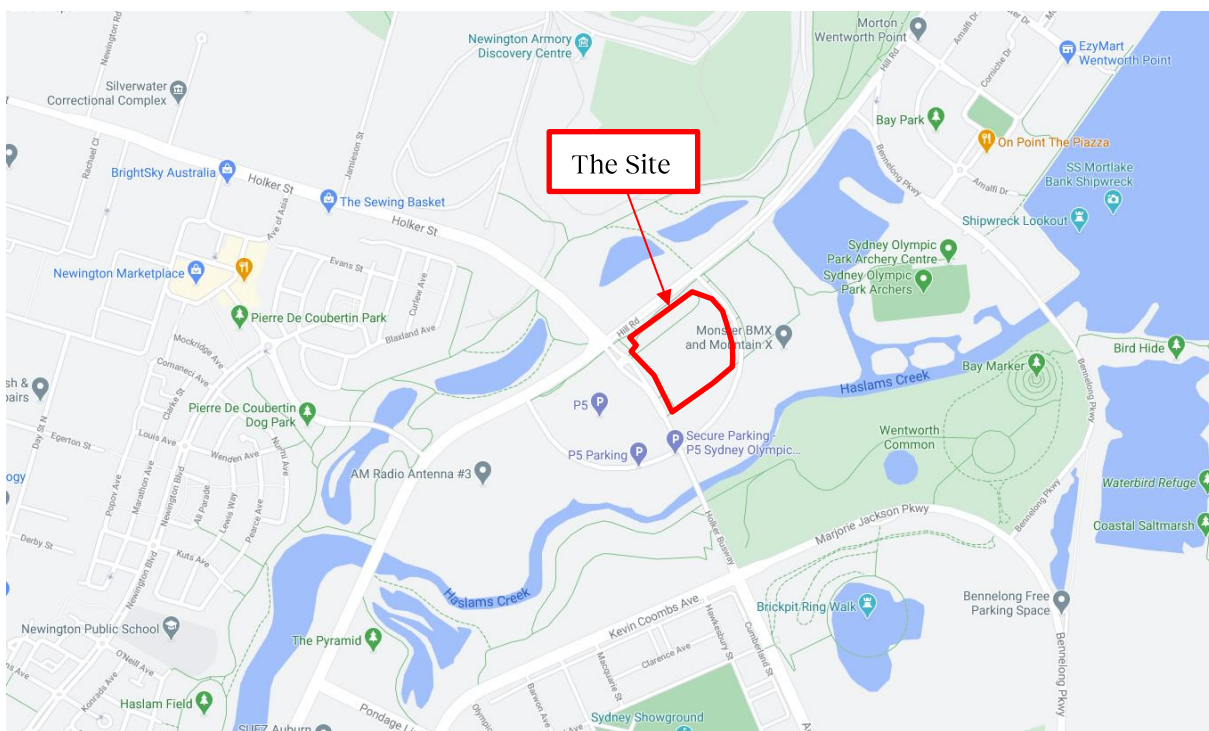


Figure 2: Location plan (Source: Google Maps)

SOP is located 14km west of Sydney CBD, and 8km east of the Parramatta CBD. SOP is a 640ha site that includes a 210ha Town Centre (in the south) and 430ha of parklands. SOP is a “Strategic Centre” under the Central City District Plan 2018, an area that is anticipated to experience significant change into the future.

2.3 Surrounding Development and Land Uses

The site is located on the western edge of SOP and is one (1) of three (3) carparking areas that are generally only used when major events are underway within the SOP precinct. The land is within the Millennium Parklands and is adjacent to the natural environments of the Narawang Wetlands and Haslams Creek.

A description of the environment immediately surrounding the site is outlined as follows.

North

The Narawang Wetlands are located north of the site on the opposite side of Hill Road where it intersects Holker Street.

South

To the south beyond the service road for the carparks is Haslams Creek.

East

To the east is Pod C P5 Carpark which is partly being used as a compound for the storage of shipping containers. On the opposite side of the service road that provides access to the carparks, is a BMX/mountain bike track.

West

To the west is Pod A P5 Carpark and beyond Hill Road is The Narawang Wetlands.

2.4 Development Approval History

State Significant Development Application SSD-7942 was approved on 20 December 2017 for:

“construction and operation of an open water surf sports lagoon facility.”

and involved the following:

- Clearing of site and decommission of existing site facilities;
- Construction of Lagoon Wave Pool with ancillary plant and machinery;
- Erection of commercial and services building with food and beverage, retail facilities, equipment rentals and a surf academy;
- Erection of ancillary recreational structures, play spaces and an events area;
- Extensive landscaping works; and
- Construction of a carpark.

The need to modify SSD-7942 was identified following design development and the opening of URBNSURF Tullamarine Melbourne in 2019, which provided a greater understanding of the functions and operational requirements of a surf park.

Accordingly, Mod 1 to the approved surf park was lodged on 13 May 2021 and sought approval for the following:

- Modifications to the lagoon and adjacent facilities;
- Modification to the building with regard to building envelope, footprint and layout;
- Modifications to landscaping;
- Modifications to parking layout;
- Modifications to signage;
- Modifications to the approved hours of operation; and
- Amendments to the conditions of consent to reflect the proposed modifications.

SSD-7942-MOD-1 was approved on 15 February 2022.

3. Proposed Modifications

3.1 Description of Modification

The carrying out of approved bulk earthworks on the site has resulted in an excess of 6,000m³ of spoil materials. This S4.55(2) Modification Application is proposed to allow for these materials to be retained onsite by reducing capping thicknesses, and by raising the level of some of the perimeter landscape areas. Additional landscaping and site layout modifications are proposed to accommodate the change in levels that have arisen as a result of design development. Additionally, modifications to the standard approved construction hours are proposed in order to facilitate the timely construction of URBNSURF Sydney, which has been significantly impacted by extended periods of heavy rain over the last 12 months.

Excerpts from the Architectural Drawings Package prepared by Clarke Hopkins Clarke and the Landscape Plans prepared by Oculus depicting the key changes proposed are shown at Figures 3 and 4, and a more detailed description of the proposal is provided below.

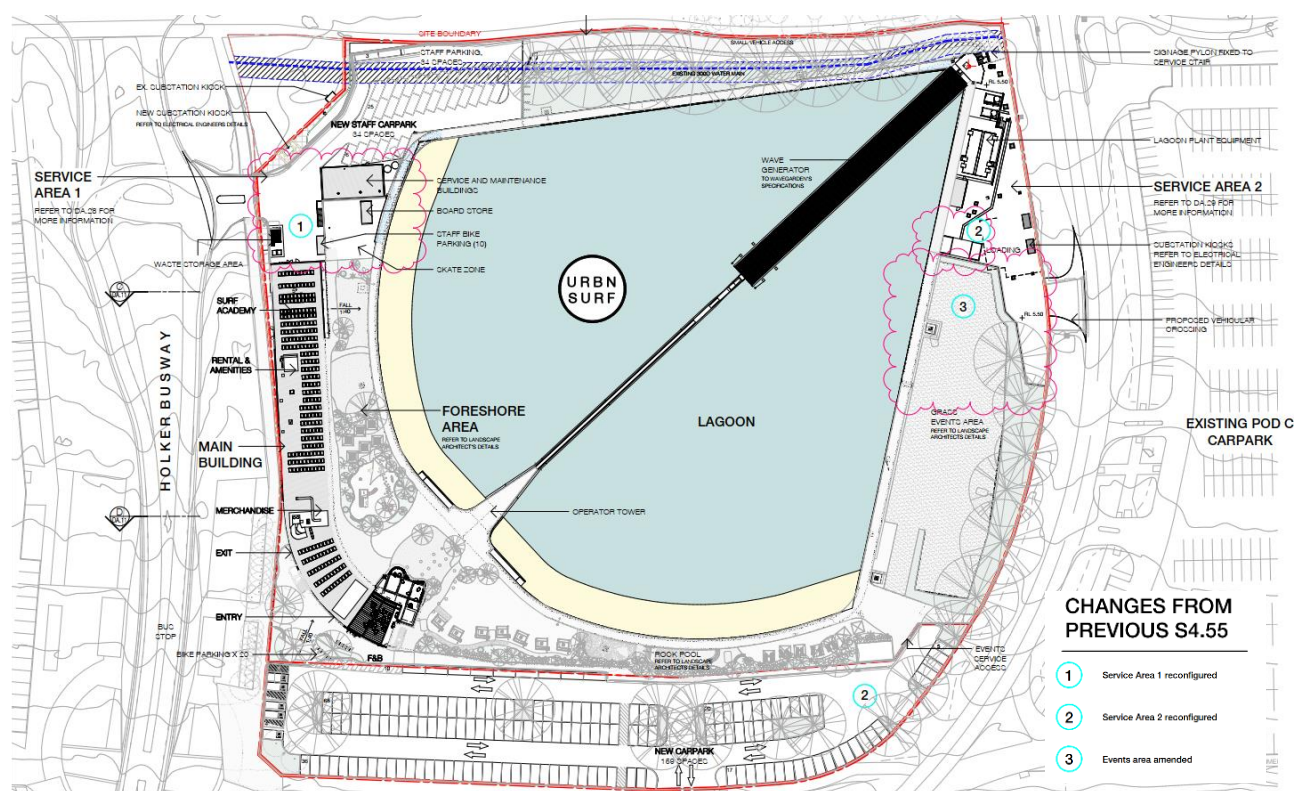


Figure 3: Excerpt from CHC Architectural Drawings Package Proposed Site Plan

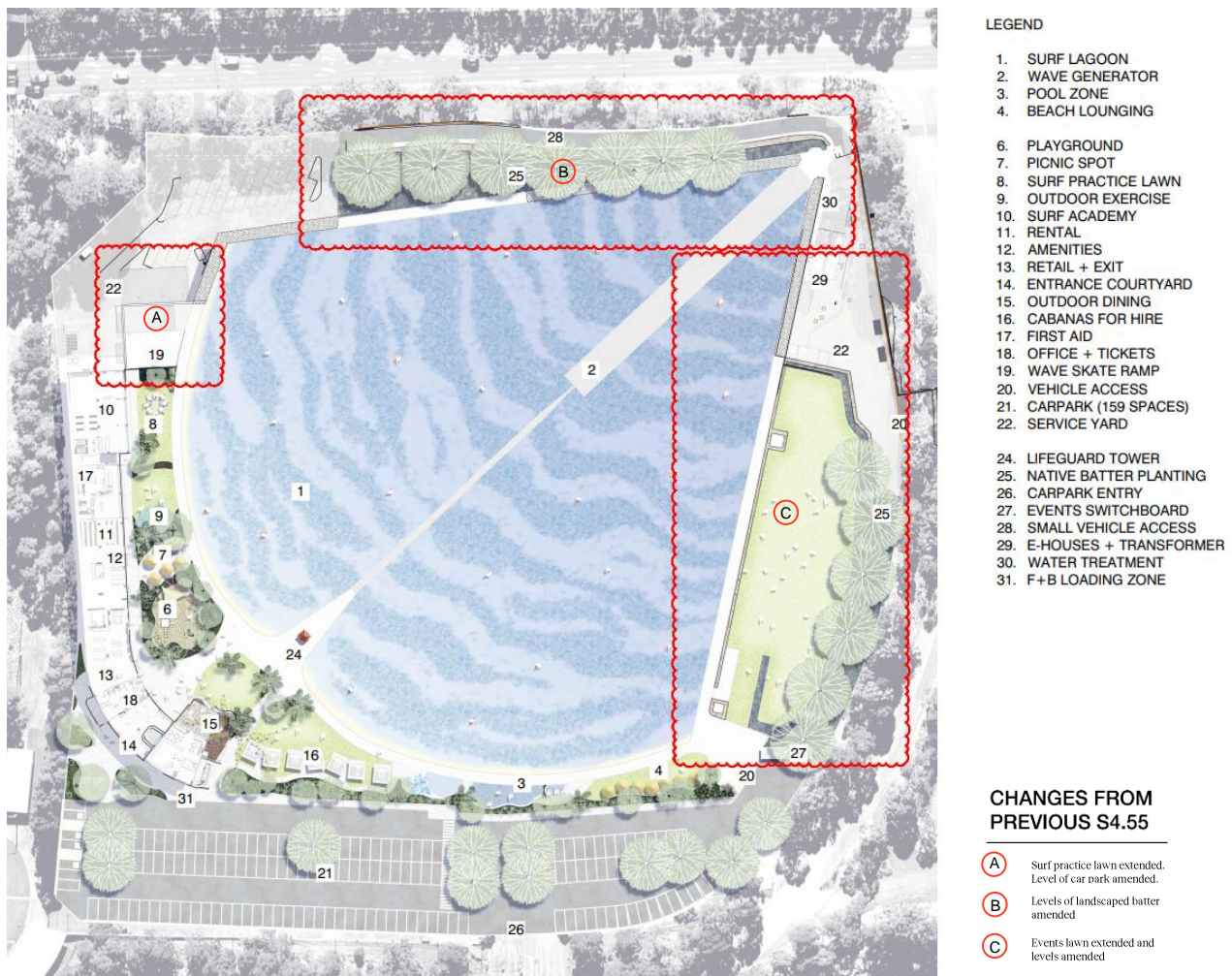


Figure 4: Excerpt from Oculus Landscape Plan Illustrative Masterplan.

3.1.1 Modifications to the Remediation Action Plan

The proposal seeks consent for the modification of the approved Remediation Action Plan (RAP) in consideration of the need to accommodate additional fill on site. Updates to the approved RAP, prepared by WSP and dated 13 October 2017 include the following:

- Provide a revised capping strategy;
 - Change the classification of the ‘topsoil zone’ to ‘clean cap’;
 - Reduce the capping thickness of the landscaped portions of the site;
 - Address the raising of the proposed finish levels of perimeter portions of the site;
 - Assess proposed piling works; and
 - Introduce the requirement for an Imported Materials Sampling Protocol to be prepared to provide certainty that the certified capping materials proposed to be used in the alternative capping strategy are suitable and do not pose a risk to human health or the environment.

3.1.2 *Modifications to Layout*

The proposal seeks consent for the minor modification of the surf park, as detailed in the Architectural Drawings Package and summarised below:

- Alterations to levels across parts of the site arising from the revised capping strategy and associated fill retention;
 - Raising the level of a portion Service Area 1 from RL6.15 to the level of the surf practice lawn between RL9.25 and RL9.35;
 - Raising the level of the northern portion of the staff carpark by up to 500mm to a maximum of RL6.45 adjacent to the lagoon in the eastern corner of the car park grading to RL5.95 at the western corner;
 - Raising the level of the landscaped batter between Hill Road and the north-western lagoon edge by a minimum of 0.5m up to a maximum of 2m, to a maximum batter height of RL7.30;
 - Raising the level of a portion of Service Area 2 from RL5.45 to the level of the events lawn between a minimum of RL9.95 and maximum of RL10.00;
 - Raising the level of the events lawn by up to 0.7m to a minimum of RL9.95 and maximum of RL10.00 along the eastern edge of the lawn, grading down to RL9.75 adjacent to the lagoon pathway;
- Relocation of the retaining wall separating the events lawn and the maintenance parking area, extending the events lawn;
- Relocation of the retaining wall separating the surf practice lawn and the staff parking area and the addition of a new access stair;
- Alterations to landscaping to accommodate level changes and provide additional seating and recreation opportunities;
 - Installing a batter constructed from sandstone blocks along the Hill Road boundary of the site;
 - The addition of a single-block sandstone retaining wall to accommodate the raised level of the events lawn and provide means of informal seating between the lawn and the north-eastern edge of the lagoon;
 - Deletion of the 'grassy knoll' and 'potential volleyball court' from the events lawn and the relocation of the skate zone from the events lawn to the new elevated extension north of the surf practice lawn;
 - Minor ancillary changes to soft landscaping along the north-western (Hill Road) and north-eastern (carpark ring road) boundaries;
- Reconfiguration of storage sheds, services and other parts of the site as a result of level changes;
 - Relocation of the Service Area 1 maintenance shed;
 - Relocation of the bin storage area;
 - Relocation of the staff bicycle parking spaces;
 - Relocation of the Service Area 2 chlorine tanks; and
 - Modifications to the security fencing between the events lawn and Service Area 2.

The proposed modifications do not seek to amend the number of car or bicycle spaces on the site. Parking arrangements will continue to comply with the Consolidated Development Consent for SSD 7942-MOD 1.

The proposed amendments to in levels will enable tiered seating, which will enhance the visibility of the lagoon for spectators and improve the amenity of the space.

The events lawn will continue to be accessible for persons in a wheelchair and with limited mobility.

It is noted that there are no internal or external changes associated with the main building that form part of this modification application. It is also noted that the level of Service Area 1 where it meets the Lower Ground Floor Level of the Main Building will remain unchanged at RL6.15.

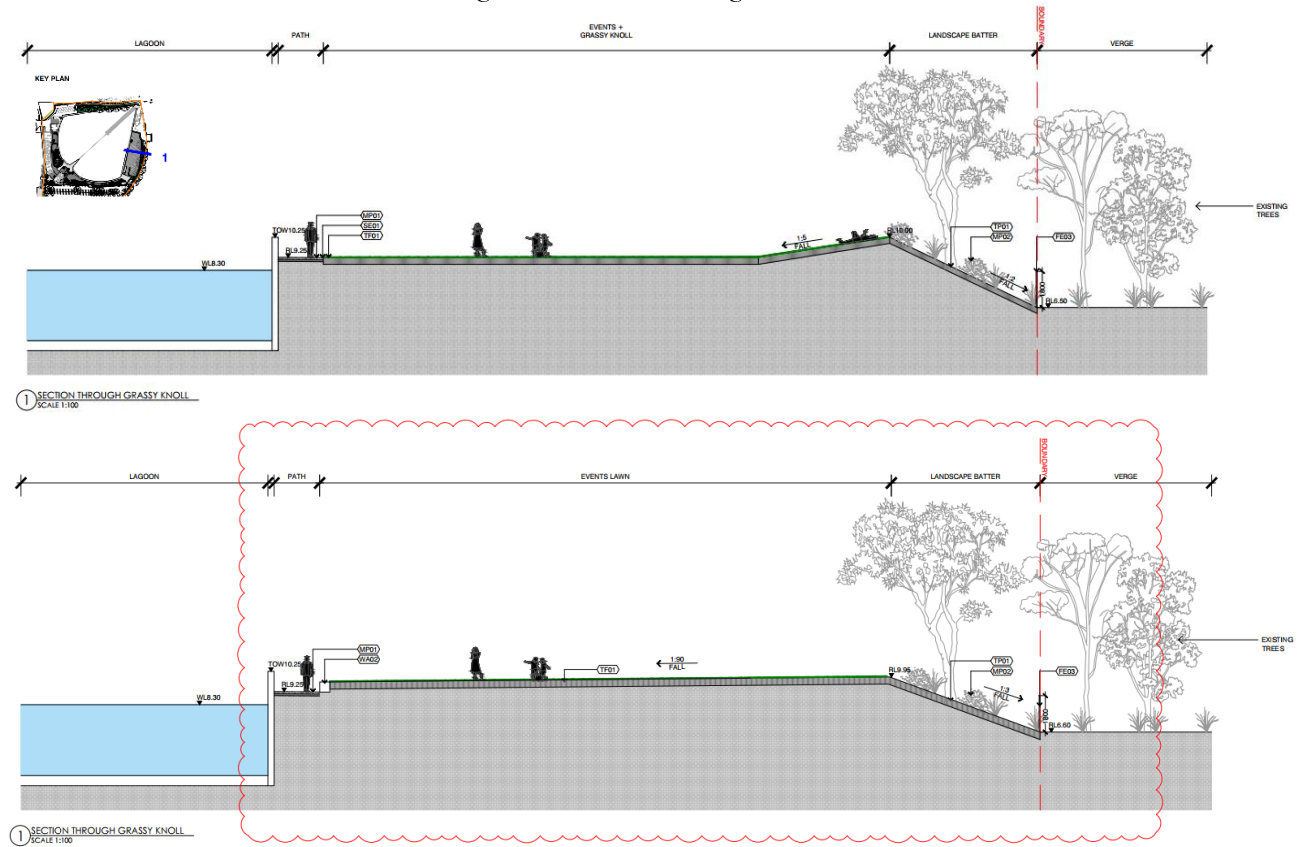


Figure 5: Comparison of the events lawn as approved and as proposed to be modified.

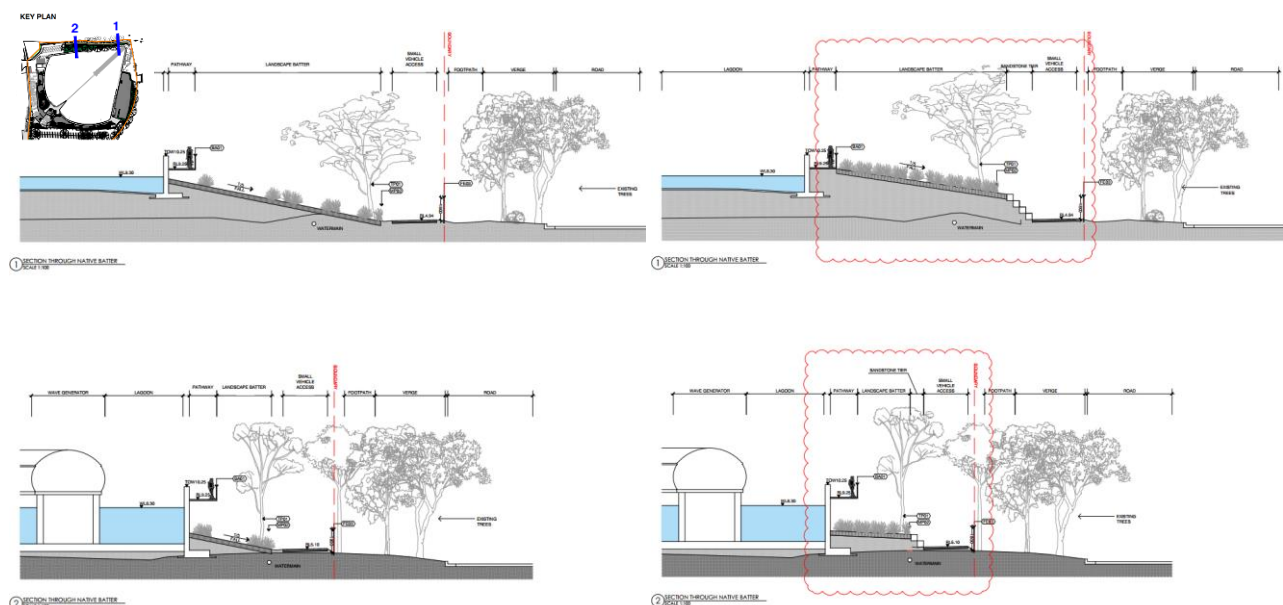


Figure 6: Comparison of the landscaped batter adjoining Hill Road as approved and as proposed to be modified.

3.1.3 *Extension to Construction Hours*

Following a year of extreme and unprecedented rainfall events, the construction of URBNSURF Sydney is severely delayed. Accordingly, modifications to the standard approved construction hours are proposed in order to facilitate the timely construction of the surf park.

Specifically, the construction hours are proposed to be amended to allow work on Sunday and public holidays between 7am and 5pm across the entire site and extended nightworks between 5pm and 7am Monday to Sunday for internal works to the building only.

The location of the site within a large, public recreation conservation area means that the proposed extended construction hours will not affect the amenity of residents of the area, given that the site is not in close proximity to any residential premises. Further, the extended night works are only to be undertaken internally in the main building to minimise acoustic and light-spill impacts.

Construction works will continue to comply with the approved Construction and Environmental Management Plan (CEMP), prepared by Lippmann and PRM in accordance with the Departments Guideline for the Preparation of Environmental Management Plans 2004. The CEMP contains appropriate and comprehensive measures to minimise the impacts of construction on surrounding sensitive natural environments.

3.2 *Modification of the Determination*

3.2.1 *Modifications to Description of the Development*

The description of the development does not require modification.

3.2.2 *Modifications to the Conditions of Consent*

Amendments to the conditions of consent are proposed in order to reflect the proposed modifications to the approved development and increase the construction hours to allow for Sunday, public holiday and night works.

Condition A2- Terms of Consent

The modification requests amendments to Condition A2 to amend the approved plans to reflect the proposed works detailed above and in the accompanying documentation. The proposed amendments to Condition A2 are set out in Schedule 1.

Condition D2- Hours of Work

The modification requests amendments to Condition D2 to amend the available construction hours and recover construction time lost as a result of unprecedented rainfall. Condition D2 is proposed to be amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (a) *between 7 am and 5 pm, Monday to Saturday;*
- (b) ~~no work on Sundays and public holidays~~ **between 7am and 5pm;**
- (c) **nightworks between 5pm and 7am Monday to Sunday (internal only);**

- (d) **works undertaken on Sundays, Public Holidays or overnight shall be subject to notification and approval by SOPA and be undertaken in accordance with the approved CEMP (refer Condition C2):**
- (e) **night** works may be undertaken outside these hours where:
- (i) the delivery of materials is required outside these hours by the Police or other authorities; or
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

SOPA shall be advised in advance of any access for construction/delivery vehicles during major event periods.

Condition D3 – Remediation

The modification requests amendments to Condition D3 to reflect proposed changes to the approved RAP. Condition D3 is proposed to be amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

*All remediation works are to be undertaken under the supervision of a suitably qualified and experienced expert (or experts) in accordance with the **Supplementary** Remedial Action Plan (dated ~~October 2017~~**December 2022**) in Attachment 3 of the RTS.*

4. Section 4.55 Assessment

4.1 Section 4.55(2) of the EP&A Act 1979 – Modifications

Section 4.55(2) of the *Environmental Planning and Assessment Act (EP&A Act) 1979* states:

- “(2) Other modifications 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 if –
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with –
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”

The proposed modification is a minor alteration to the approved development and is of minor environmental impact. The proposed changes have arisen in response to constraints encountered during construction, particularly with respect to the quantity of spoil remaining on site at the completion of bulk earthworks activities.

The proposal does not change the categorisation of the approved development and therefore, the proposed modification will result in development that is substantially the same as the development originally approved by SSD 7942.

Accordingly, the proposed modifications satisfy Section 4.55(2) of the *EP&A Act 1979* as they result in a development that is substantially the same as the development originally approved by Council, being for the construction and operation of an open water surf sports lagoon facility.

In relation to subclauses (c) and (d), Clause 106 of the EP&A Regulation 2021 sets out requirements relating to the exhibition and notification of modification applications to State Significant Developments. The consent authority is required to consider any submissions made in accordance with that notification.

It is demonstrated above and illustrated in the architectural drawings as modified, that the proposed modified development is substantially the same as the approved development and, subject to the procedures provided by subclauses (c) and (d), may be considered by the consent authority under Section 4.55(2) of the *EP&A Act 1979*.

4.2 Section 4.55(3)

In accordance with Section 4.55(3) of the *EP&A Act 1979*, when determining an application to modify a consent, *“the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”*

An assessment of the proposed modifications with regard to relevant matters referred to in Section 4.15 is outlined in Section 5 of this document.

5. Statutory Assessment

5.1 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

- “(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.”

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 6 of this SoS.

5.2 Overview of Statutory and Policy Controls

The Environmental Planning Instruments and other statutory planning documents and policies which were relevant to the approved development pursuant to S4.15(1)(a) are identified below:

- Sydney Olympic Park Authority (SOPA) Act 2001
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning State Environmental Planning Policy No. 55 - Site Remediation
- State Environmental Planning Policy No. 64 - Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- NSW State Infrastructure Strategy 2018-2038

- A Metropolis of Three Cities – the Greater Sydney Region Plan
- Central City District Plan
- Parklands Plan of Management
- Miscellaneous SOPA Policies

5.2.1 Repealed Policies

As of 1 March 2022, a number of SEPPs that applied to the approved development were repealed and replaced with a suite of consolidated SEPPs. Notwithstanding, the provisions of the former SEPPs as they applied to the site have not changed.

The location of the former SEPP provisions which were relevant to the approved development and their location in the consolidated instruments is set out below.

- The State Environmental Planning Policy (State Significant Precincts) 2005 is now located in the State Environmental Planning Policy (Precincts—Central River City) 2021, with provisions relating to development within Sydney Olympic Park site included at Appendix 4, Part 2.
- The State Environmental Planning Policy (2007) Infrastructure is now located at Chapter 2 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The State Environmental Planning Policy No. 55 – Site Remediation is now located at Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy No. 64 – Advertising and Signage is now located at Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021.
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) (SREP (Sydney Harbour) 2005 is now located at Chapter 10 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

As the subject application shall be lodged after 1 March 2022, the provisions of the new consolidated SEPPs will apply.

5.3 Sydney Olympic Park Authority (SOPA) Act 2001 No 57

The SOPA Act 2001 established the SOPA as the statutory body representing the Crown, and responsible for the promotion, co-ordination and management of development and facilities within SOP and the Millennium Parklands.

URBNSURF (Sydney) have undertaken appropriate consultation with SOPA throughout the duration of the project and this modification has been lodged with the consent of SOPA.

Any development within the Parklands, in addition to any development consent requirements under the relevant environmental planning instrument, must also be consistent with the objects and functions of the Authority concerning the Parklands as set out in Sections 28 and 29 of the *SOPA Act 2001*.

The proposal as modified remains consistent with the Act.

5.4 Biodiversity Conservation Act 2016 No 63

The *Biodiversity Conservation Act 2016* aims to reinforce the principles of ecologically sustainable development and maintain healthy, productive, diverse and resilient ecosystems across New South Wales.

The approved development as modified has been assessed as acceptable in terms of its impact upon the biodiversity value of its surrounding environment.

The proposed modification seeks to make minor alterations to the form and layout of the site as approved and, in this regard, will continue to have an acceptable impact upon the biodiversity values of the surrounding environment.

Despite the extended construction hours, the proposed modification will continue to comply with the approved CEMP, which contains appropriate and comprehensive measures to minimise the impacts of construction on surrounding sensitive natural environments. The limiting of extended night works to internal building works only in combination with the measures adopted in the CEMP will ensure that the proposed works will not give rise to unacceptable light spill or acoustic impacts and will not impact on any threatened species. Additionally, it is noted that the proposed modification does not seek to amend the hours or operational aspects of the approved development. As such, the development as proposed to be modified will continue to be consistent with the *Biodiversity Conservation Act 2016*.

5.5 State Environmental Planning Policy (Precincts—Central River City) 2021

5.5.1 State Significant Precincts

Chapter 2 of the State Environmental Planning Policy (Precincts – Central River City) 2021 (the ‘Central River City SEPP’) applies to State Significant Precincts within the Central River City. The aims of the SEPP with regard to State Significant Precincts are as follows:

- (a) *to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State,*
- (b) *to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes.*

SOP is identified as a State Significant Precinct in accordance with Part 2.7 of the Central River City SEPP, and the provisions contained in Appendix 4 ‘Sydney Olympic Park site’ apply. Relevant provisions of the Central River City SEPP are addressed below.

Zoning and Permissibility (Clause 11)

The subject site is zoned RE1 'Public Recreation', as illustrated in Figure 7 below.

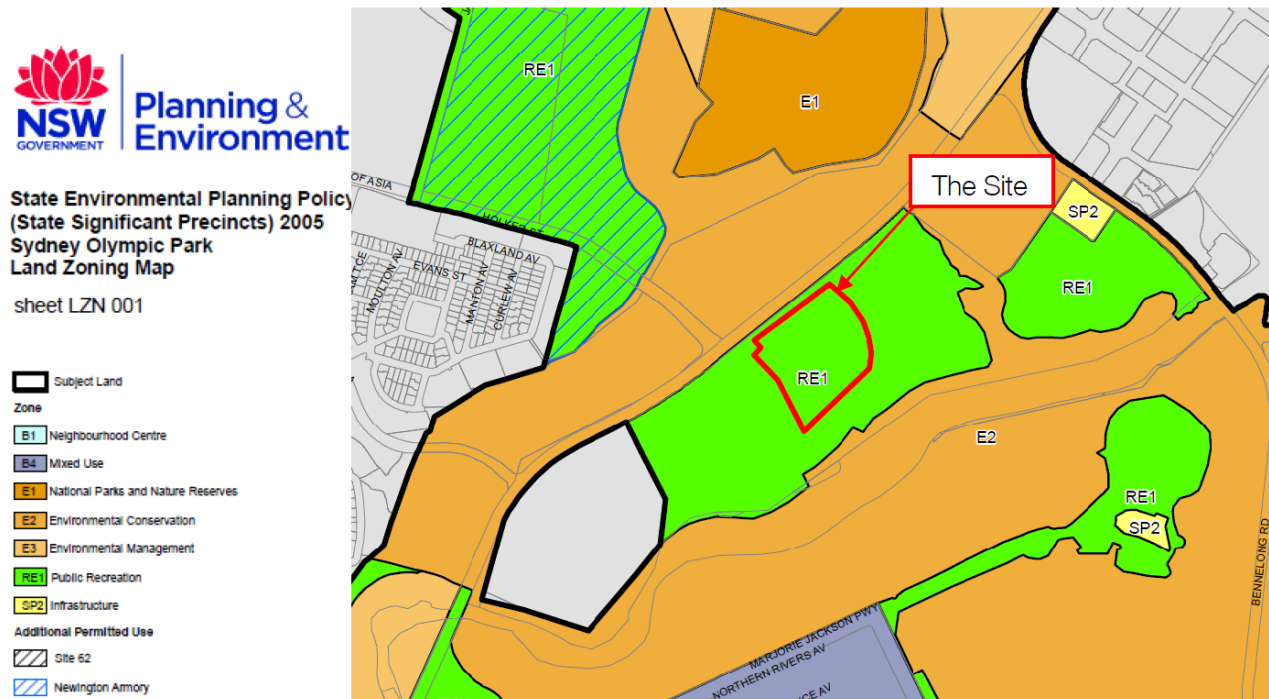


Figure 7: Extract from Central River City SEPP Land Zoning Map depicting the site

There is no proposed change to the description of the development and the development as modified will not alter the permissibility of the approved development. The development as modified will therefore remain consistent with the definition of a “recreation facilities (outdoor)” which is permissible with consent.

Transport (Clause 25)

Clause 25 requires the consent authority is “satisfied that the development includes measures to promote public transport use, cycling and walking”.

The proposed modifications will not result any changes to the number of patron, staff or bicycle parking spaces as approved. Accordingly, the development will continue to promote cycling, walking and public transport use through the utilisation of connections to the Holker Busway and Olympic Park Railway Station, the retention of an existing shared path and the provision of additional bicycle parking spaces for staff and patron use in an accessible location that integrates with the extensive cycle and pedestrian pathways located throughout SOP. In addition, the future Stage 2 Parramatta Light Rail will directly service the site, further improving the accessibility of the site via public transport.

The development as proposed to be modified will remain consistent with Clause 25.

Miscellaneous Provisions

The proposed modifications will not alter the approved development in respect of satisfaction of the following provisions of the Central River City SEPP:

- Demolition requires consent (Clause 16A)
- Height of Buildings (Clause 18)

- Floor Space Ratio (Clause 19)
- Public utility infrastructure (Clause 23)
- Major events capability (Clause 24)
- Masterplan (Clause 26)
- Development within an environmental conservation area (Clause 29)
- Design excellence (Clause 30)
- Heritage conservation (Clause 31)

5.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

5.6.1 Infrastructure

The provisions of the repealed State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been transferred to Chapter 2 of the Transport and Infrastructure SEPP. The transferred Chapter 2 aims to facilitate the effective delivery of infrastructure across the State by identifying matters to be considered in the assessment of development adjacent to types of infrastructure development and providing for consultation with relevant public authorities.

The approved development was deemed consistent with the relevant provisions of ISEPP. The proposed modification does not alter the approved development in any respect of relevance to the repealed ISEPP or current Transport and Infrastructure SEPP.

5.7 State Environmental Planning Policy (Resilience and Hazards) 2021

5.7.1 Remediation of Land

The provisions of the repealed State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) have been transferred to Chapter 4 of the Resilience and Hazards SEPP. The transferred provisions within Chapter 4 of the Resilience and Hazards SEPP prescribe a statutory process associated with the development of land that is contaminated and needs remediation.

The site was deemed suitable for development by the granting of development consent to SSD 7942, subject to compliance with the approved Remediation Action Plan (RAP) prepared by WSP.

PRM have undertaken a review of the RAP within the context of the proposed modifications and have made the following conclusions:

“Appropriate contingencies and controls have been made to accommodate data gaps and unexpected finds during the remediation phase.

...

The RAP includes suitable capping design and strategy for long term management of residual contamination to reduce the risk of exposure to future site users. The proposed remediation is considered appropriate to render the site suitable for the proposed development and ongoing recreational land use.”

In this regard, the proposal is consistent with Chapter 4 of the Resilience and Hazards SEPP.

5.8 State Environmental Planning Policy (Industry and Employment) 2021

5.8.1 Advertising and Signage

The provisions of the repealed State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) have been transferred to Chapter 10 of the Industry and Employment SEPP.

The proposed modification does not involve any changes to the approved signage strategy and will have no impact on the approved development in respect of compliance with the repealed SEPP 64 or current Industry and Employment SEPP.

5.9 State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.9.1 Sydney Harbour Catchment

The provisions of the repealed Sydney Regional Environmental Plan (SREP) (Sydney Harbour Catchment) 2005 have been transferred to Chapter 10 of the Biodiversity and Conservation SEPP.

SOP falls within the Sydney Harbour Catchment area and is therefore subject to planning principles for land within the Sydney Harbour Catchment established under Part 10.2 of the Biodiversity and Conservation SEPP. Planning principles for land within the Sydney Harbour Catchment, of relevance to the proposed development of the site, include:

- Development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water.
- Development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour.
- Decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment.

The approved facility was deemed to be consistent with the relevant Planning Principles of SREP Sydney Harbour, having incorporated the necessary stormwater quality and construction management measures.

The proposed modification will continue to comply with the planning principles set out under the repealed SREP or current Biodiversity and Conservation SEPP, having incorporated the necessary stormwater quality and construction management measures. Additionally, compliance with conditions of consent during construction works and the implementation of the CEMP will effectively mitigate impacts on water quality.

5.10 Strategic Policies

5.10.1 NSW State Infrastructure Strategy 2018-2038

The NSW State Infrastructure Strategy provides a broad strategic overview for infrastructure investment and land-use planning in the transport, energy, water, health, education, justice, and culture, sport and tourism sectors across the state.

The surf park will support the provision of sports infrastructure and will assist in strengthening the culture, sport and tourism sectors in SOP. It is therefore consistent with the Strategy.

5.10.2 A Metropolis of Three Cities – the Greater Sydney Region Plan

Greater Sydney Region Plan (GSRP) was implemented after the original DA was approved. The GSRP supports a 40 year vision for a metropolis of three cities that will rebalance growth and deliver benefits more equally and equitably across Greater Sydney. It aims to align land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities with optimised liveability, productivity and sustainability.

The proposed modification is consistent with the GSRP as it will continue to ensure the delivery of a major recreation facility and support the ongoing renewal of SOP as a strategic centre and key 'lifestyle precinct' within the Greater Parramatta to Olympic Park Peninsula Economic Corridor.

5.10.3 Central City District Plan

The site is located within the Central City District and is therefore subject to the strategic directions under the Central City District Plan.

The proposed modification is consistent with the Plan's vision for the Central City area as it provides for the refinement of the approved development to facilitate greater efficiency in the management and operation of the surf park.

5.11 Sydney Olympic Park Policies

5.12 Parklands Plan of Management

The Parklands Plan of Management applies to the 430ha of public land located within SOP.

The main function of the SOPA is to maintain the Parklands and permit the use of the whole or any part of the Parklands for activities of a recreational, historical, scientific, educational or cultural nature having regard to the provision of this Plan.

The proposed modifications do not alter the approved development with respect to satisfaction of the principles of the Parklands Plan of Management including:

- Categorisation of Parkland Areas (Clause 1.11)
- Restricted Public Uses (Clause 2.3)
- Purposes of Sport & Recreation Parks (Clause 2.9)
- Objectives for Sports & Recreation Parks (Clause 2.10)
- Objectives for the Parklands (Clause 3.1)
- Development in the Parklands (Clause 3.6)
- Constraints & Obligations (Clause 3.9)
- Parkland Management Principles and Guidelines (Clause 3.24)
- Management Priorities (Clause 3.25)

5.13 Miscellaneous SOPA Policies

The development as modified remains consistent and will operate in accordance with the following SOPA Policies:

- Sydney Olympic Park Master Plan (2030)
- Commercial Signage Policy
- Sydney Olympic Park Access Guidelines 2015
- Sydney Olympic Park Major Event Impact Assessment Guidelines
- Sydney Olympic Park Urban Elements Design Manual
- Sydney Olympic Park Environmental Guidelines 2008
- Sydney Olympic Park Stormwater and Water Sensitive Urban Design Policy

6. Impacts of the Development

This section of the SoS identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under s4.15(1)(b) to (e) of the *EP&A Act 1979*.

6.1 Remediation

The subject modification is proposed to allow for an excess of 6,000m³ of site-derived fill to be retained onsite, requiring amendments to the approved site remediation strategy. As aforementioned in Section 5.7.1, PRM have undertaken a review of the RAP within the context of the proposed modifications and have concluded that:

“The RAP includes suitable capping design and strategy for long term management of residual confirmation to reduce the risk of exposure to future site users. The proposed remediation is considered appropriate to render the site suitable for the proposed development and ongoing recreational land use.”

Subject to the implementation of both the recommendations of the RAP and the CEMP, there will be no adverse impacts arising from the modified remediation strategy. The proposed modification has appropriately considered and will continue to effectively manage contamination to protect the health and safety of its future patrons.

6.2 Civil and Stormwater Concerns

The proposed modification is accompanied by a Civil and Stormwater Statement prepared by Northrop demonstrating that the proposed works will continue to suitably and effectively manage the collection and dispersion of stormwater on the site. In that regard, Northrop conclude that:

“We confirm the proposed amendments ... likely have a negligible impact (if any) on site stormwater runoff quantity and/or quality (when compared with the approved scheme).”

Accordingly, the proposed modification will have an acceptable impact with regard to stormwater runoff and water quality.

6.3 Potential Impacts on the Natural Environment

The approved development as modified has been assessed as acceptable in terms of its impact upon the biodiversity value of its surrounding environment. When considered in the context of the scale of the approved development as a whole, the proposed modifications are extremely minor and, in this regard, will continue to have an acceptable impact upon the biodiversity values of the surrounding environment.

Despite the extended construction hours, the proposed modification will continue to comply with the both the Consolidated Conditions of Consent under SSD 7942 MOD-1 and the approved CEMP, which contains appropriate and comprehensive measures to minimise the impacts of construction on surrounding sensitive natural environments. The measures adopted in the CEMP ensure that the proposed works will not give rise to unacceptable light spill or acoustic impacts and will not impact on any threatened species.

Limiting extended night works hours to internal building works only will also minimise acoustic and light-spill impacts on wildlife in the surrounding wetland areas. Additionally, it is noted that the proposed modification does not seek to amend the hours or operational aspects of the approved development.

Further, the proposed modifications shall not remove or otherwise affect the quality of any design measure or treatment which has been put in place to prevent or minimise impacts on the natural environment as a result of the construction or future operation of the proposed development.

Having regard to the above, the proposed modification is considered acceptable with regard to impacts upon the natural environment and ecological value of SOP.

6.4 The Suitability of the Site for the Development

The site has been assessed as suitable for the proposed development by the granting of development consent to SSD-7942 and the subsequent SSD 7942 MOD-1. The assessment of the impacts in the preceding sections of this document demonstrate that the development as modified continues to be suitable for the site.

6.5 The Public Interest

The proposed modifications presented by this application will continue to result in a development which is in the public interest as it is consistent with statutory and policy controls and will assist in the delivery of an accessible, useable and sustainable facility to activate the SOP Precinct. Additionally, compliance with the CEMP and conditions of consent will ensure the extended construction hours are not contrary to the public interest.

6.6 Sustainability

The proposed modifications to the surf park do not affect the ability of the surf park to continue to comply with sustainability objectives and targets. Furthermore, it is noted that URBNSURF are strongly committed to achieving a high degree of sustainability in both the construction and future operations of the surf park.

6.7 Accessibility

Despite the increase in levels, the site will continue to provide an appropriate level of accessibility for persons in a wheelchair and with limited mobility.

6.8 Parking and Traffic

The proposed modification does not seek to change the car parking provision or associated traffic generation of the development from that which was approved under SSD 7942 MOD-1. The proposed extension of the events lawn will not affect the ability for trucks to safely manoeuvre in and out of Service Area 2 as appropriate turning circles will be retained.

6.9 Noise

The proposed modification seeks to extend the standard approved construction hours to allow work on Sunday and public holidays between 7am and 5pm across the entire site and extended nightworks between 5pm and 7am Monday to Sunday for internal works to the building only.

The location of the site within a large, public recreation conservation area means that the proposed extended construction hours will not affect the amenity of residents of the area, given that the site is not in close proximity to any residential premises. Further, the extended night works are only to be undertaken

internally in the main building to minimise acoustic and light-spill impacts on surrounding wildlife and other surrounding uses.

6.10 Social Impacts and Economic Impacts

The surf park facility will act as a celebration of surf culture and will be a social, sports and entertainment hub, generating further activation of the SOP Precinct. Hence, the proposal will be of positive social and economic impact.

7. Conclusion

The application seeks to modify the existing consent SSD 7942, for the construction and operation of a surf park at Pod B P5 Carpark, Hill Road, Sydney Olympic Park.

The carrying out of approved bulk earthworks on the site has resulted in an excess of 6,000m³ of spoil materials. This S4.55(2) Modification Application is proposed to allow for these materials to be retained onsite by reducing capping thicknesses, and by raising the level of some of the perimeter landscape areas. Additional landscaping and site layout modifications are proposed to accommodate the change in levels that have arisen as a result of larger than expected quantities of spoil material following the conclusion of bulk earthworks activities. Additionally, modifications to the standard approved construction hours are proposed in order to facilitate the timely construction of URBNSURF Sydney, which has been significantly impacted by extended periods of heavy rain over the last 12 months.

Accordingly, this application seeks Council's approval for a modification under the provisions of s4.55(2) of the *EP&A Act 1979* for:

- Updates to the approved Remediation Action Plan (RAP) including the retention of additional fill on site;
- Alterations to levels across parts of the site arising from additional fill retention;
- Alterations to landscaping to accommodate level changes and provide additional seating and recreation opportunities;
- Relocation of the retaining wall separating the events lawn and the maintenance parking area, extending the events lawn;
- Reconfiguration of storage sheds, services and other parts of the site as a result of level changes;
- Extension of the standard construction hours; and
- Amendments to the conditions of consent to reflect the proposed modifications.

The proposed modification to the approved development is substantially the same development as that for which consent was originally granted. The modifications will not result in any adverse impacts to existing surrounding development or the public domain and the proposal as modified continues to achieve design excellence by incorporating best practice architectural and urban design, as well as sustainable building principles.

Accordingly, the proposal satisfies Section 4.55(2) of the *EP&A Act 1979*.

Based on the assessment undertaken, Council's approval of the modification is sought.

Schedule 1: Amendments to Condition A2

Condition A2 is proposed to be amended by the deletion of ~~struck out words~~ and the insertion of **bold and underlined** words as follows:

The Applicant, in acting on this consent, must carry out the development:

- (a) *in compliance with the conditions of this consent;*
- (b) *in accordance with all written directions of the Secretary;*
- (c) *generally in accordance with the State Significant Development Application SSD 7942 and EIS;*
- (d) *generally in accordance with the RTS;*
- (e) *in accordance with the modification application titled 'Statement of Support for Section 4.55(2) Modification Application to SSD- 7942', RTS and RRTS;*
- (f) *the following drawings:*

Architectural (or Design) Drawings prepared by Clarke Hopkins Clarke

<i>Drawing No. Revision Name of Plan Date</i>	<i>Drawing No. Revision Name of Plan Date</i>	<i>Drawing No. Revision Name of Plan Date</i>	<i>Drawing No. Revision Name of Plan Date</i>
DA.00	C	Cover Sheet	27.10.2021
DA.01	C	Location Plan	27.10.2021
DA.02	C	Existing Site Topography and Existing Conditions	27.10.2021
DA.03	C	Existing Services	27.10.2021
DA.04	C	Demolition Plan	27.10.2021
DA.05	C	Proposed Subdivision Plan and Dimension Plan	27.10.2021
DA.06	€ D	Aerial View - Proposed Site Plan	27.10.2021 <u>09.12.2022</u>
DA.07	€ F	Proposed Site Plan	27.10.2021 <u>09.12.2022</u>
DA.08	€ D	Proposed Basement Site Plan	27.10.2021 <u>09.12.2022</u>
DA.09	€ D	Proposed Ground Floor Site Plan	27.10.2021 <u>09.12.2022</u>
DA.10	€ D	Proposed Level 1 Site Plan	27.10.2021 <u>09.12.2022</u>

DA.11	€ <u>D</u>	Proposed Site Sections	27.10.2021 <u>09.12.2022</u>
DA.12	€ <u>D</u>	Shadow Diagrams	27.10.2021 <u>09.12.2022</u>
DA.13	€ <u>D</u>	Proposed Secure Perimeter Plan	27.10.2021 <u>09.12.2022</u>
DA.14	Đ <u>E</u>	Proposed GA Basement Plan	27.10.2021 <u>09.12.2022</u>
DA.15	Đ <u>E</u>	Proposed Basement Floor (Part 1)	27.10.2021 <u>09.12.2022</u>
DA.16	Đ <u>E</u>	Proposed GA Ground Plan	27.10.2021 <u>09.12.2022</u>
DA.17	Đ <u>E</u>	Proposed Ground Floor (Part 1)	27.10.2021 <u>09.12.2022</u>
DA.18	<i>D</i>	Proposed Ground Floor (Part 2)	27.10.2021
DA.19	Đ <u>E</u>	Proposed GA First Floor Plan	27.10.2021 <u>09.12.2022</u>
DA.20	<i>D</i>	Proposed First Floor (Part 1)	27.10.2021
DA.21	<i>D</i>	Proposed First Floor (Part 2)	27.10.2021
DA.22	Đ <u>E</u>	Proposed GA Roof Plan	27.10.2021 <u>09.12.2022</u>
DA.23	Đ <u>E</u>	Proposed Roof Plan (Part 1)	27.10.2021 <u>09.12.2022</u>
DA.24	<i>D</i>	Proposed Roof Plan (Part 2)	27.10.2021
DA.25	£ <u>F</u>	Proposed GA Elevations	27.10.2021 <u>09.12.2022</u>
DA.26	£ <u>F</u>	Proposed GA Elevations	27.10.2021 <u>09.12.2022</u>
DA.27	<i>D</i>	Proposed Building Sections	27.10.2021
DA.28	A <u>B</u>	Service Area 1 - Maintenance Shed	15.04.2021 <u>09.12.2022</u>
DA.29	B <u>C</u>	Service Area 2 Plan	25.10.2021 <u>09.12.2022</u>
<u>DA.29.1</u>	<u>A</u>	<u>Service Area 2 Elevations & Sections</u>	<u>09.12.2022</u>

DA.30	E	External Materials Schedule	27.10.2021
DA.31	D <u>E</u>	3D Concept Imagery – Overall Site	27.10.2021 <u>09.12.2022</u>
DA.32	D	3D Concept Imagery – Entrance	27.10.2021
DA.33	D	3D Concept Imagery – Food and Beverage	27.10.2021
DA.34	E <u>D</u>	3D Concept Imagery – Surf Academy	27.10.2021 <u>09.12.2022</u>
Landscape (or Design) Drawings prepared by Oculus			
Drawing No. Revision Name of Plan Date	Drawing No. Revision Name of Plan Date	Drawing No. Revision Name of Plan Date	Drawing No. Revision Name of Plan Date
L000	B <u>C</u>	Cover Sheet	29.10.2021 <u>09.12.2022</u>
L001	B <u>C</u>	Legend and Materials Schedule	29.10.2021 <u>09.12.2022</u>
L002	B	Plant Schedule	29.10.2021
L003	A	Tree Retention and Removal Plan	10.03.2021
L004	E <u>D</u>	Illustrative Masterplan	29.10.2021 <u>09.12.2022</u>
L200	E <u>D</u>	Site Plan	29.10.2021 <u>09.12.2022</u>
L201	C	Surface Finishes and Materials	29.10.2021
L202	E <u>D</u>	Surface Finishes and Materials	29.10.2021 <u>09.12.2022</u>
L203	E <u>D</u>	Surface Finishes and Materials	29.10.2021 <u>09.12.2022</u>
L204	E <u>D</u>	Surface Finishes and Materials	29.10.2021 <u>09.12.2022</u>
L600	B	Sections and Elevations Section Location Plan	29.10.2021
L601	B	Sections and Elevations A and B	29.10.2021

<i>L602</i>	<i>B <u>C</u></i>	<i>Sections and Elevations C and D</i>	<i>29.10.2021</i> <u><i>09.12.2022</i></u>
<i>L603</i>	<i>B <u>C</u></i>	<i>Sections and Elevations E and F</i>	<i>29.10.2021</i> <u><i>09.12.2022</i></u>
<i>L604</i>	<i>B</i>	<i>Sections and Elevations K and L</i>	<i>29.10.2021</i>
<i>L700</i>	<i>C</i>	<i>Sections and Elevations K and L</i>	<i>29.10.2021</i>
<i>L701</i>	<i>B</i>	<i>Sections and Elevations G, H, I and J</i>	<i>29.10.2021</i>
<i>L703</i>	<i>A</i>	<i>Cabana Perspectives</i>	<i>10.03.2021</i>
<i>L704</i>	<i>A</i>	<i>Playground Elevations</i>	<i>10.03.2021</i>