

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-9249-Mod-2 Modification 2 for removal of ground slabs, top of existing piles and diversion of stormwater infrastructure
Applicant	Infrastructure New South Wales
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Infrastructure Assessments, under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12241>.

A copy of the Department of Planning, Industry & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/12241>.

Date of decision

5/8/19.

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent and is consistent with NSW Government policies.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 30 May 2019 until 13 June 2019 inclusive (15 days) and received two submissions in the form of objections, one from Council and one from an individual member of the community.

Following lodgement of the Response to Submissions by the Applicant, Council withdrew its objection to the modification application.

The key issues raised by the community and Council considered in the Department’s Assessment Report and by the decision maker. Other issues are addressed in detail in the Department’s Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<ul style="list-style-type: none"> • Inadequate noise assessment 	<ul style="list-style-type: none"> • The construction noise and vibration were assessed as satisfactory in SSD-9249 subject to the submission of a Construction Noise and Vibration Management Plan. This Plan would satisfactorily cater for the additional works.
<ul style="list-style-type: none"> • Additional soil and water management measures 	<ul style="list-style-type: none"> • The Department has recommended additional measures for monitoring and testing water quality prior to discharging on to the Driver Avenue stormwater infrastructure.
<ul style="list-style-type: none"> • Loss of Trees 	<ul style="list-style-type: none"> • The Department notes that additional tree loss does not form part of the scope of works of the modification application.
<ul style="list-style-type: none"> • Demolition of the stadium is not supported by a satisfactory business case. 	<ul style="list-style-type: none"> • The Department notes that the stadium has been demolished pursuant to the approval of SSD-9249 and nd does not form part of the scope of works of the modification application.
<ul style="list-style-type: none"> • Construction works are undertaken outside the standard hours 	<ul style="list-style-type: none"> • The Applicant does not propose to undertake the works outside the standard construction hours.