

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-9726 Adaptive reuse of the Royal Hall of Industries
<b>Applicant</b>	SYDNEY SWANS LIMITED
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive Director, Industry Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions

A copy of the Department of Planning, Industry and Environment's Assessment Report, development consent and conditions are available [here](#).

### Date of decision

4 June 2020

### 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 objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report; 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. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including reinforcing the role of Moore Park as a local, national and international sporting and recreation destination, a total Capital investment value of 46,850,000, 30 operational and 130 construction jobs and \$544,844.48 of developer contributions;
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan and the Eastern City District Plan;
- 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, these include heritage impacts, tree planting, traffic and construction impacts;
- 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. In particular, the number of trees to be removed has been reduced and the number of replacement trees has been increased. Conditions are recommended to relocate mature tree planting away from the heritage façade, and secure oversight of the detailed design and construction by a specialist heritage architect.
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 11 July 2019 until 7 August 2019 (28 days) and received 11 submissions, including three objections, six comments and two letters in support of the project.

The Department also undertook two site visits.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include, heritage impacts, the loss of the RHI as an events venue, public access, removal of trees, overdevelopment, traffic, permissibility and compatibility with surrounding land uses. These are addressed in detail in the Department's Assessment Report and summarised in the table below.

<i>Issue</i>	<i>Consideration</i>
<ul style="list-style-type: none"> <li>Loss of venue for large events and public accessibility</li> </ul>	<ul style="list-style-type: none"> <li>The Department has carefully considered the concerns raised about the loss of capacity of the RHI to hold large events. However, the Department considers that the proposal offers a number of key benefits compared to the current and recent use of the RHI and supports the proposal for the following reasons               <ul style="list-style-type: none"> <li>the building is currently underutilised and outside of a small number of specific events, is inaccessible to the public</li> <li>the adaptive reuse of the RHI has been designed in a in a flexible manner to accommodate a range of uses and events</li> <li>the combined café/foyer area will be available to hire on evenings and weekends for use by schools, local clubs, charities and community groups for events of up to 200 patrons</li> <li>out of season the central multipurpose space can be hired for larger scale special events of up to 1000 people.</li> <li>the netball court will be available to local netback clubs for training</li> <li>while the capacity and availability of the building to host large scale events will be reduced, the proposal will result in increased public accessibility whilst still retaining capacity for larger scale events within the building</li> <li>alternative larger capacity venues are available within the central Sydney area including the International Convention Centre in Darling Harbour.</li> </ul> </li> </ul> <p><i>Recommend conditions</i></p> <ul style="list-style-type: none"> <li>Events and Operational Management Plan</li> </ul>
<ul style="list-style-type: none"> <li>Heritage impacts</li> </ul>	<p>The Department has carefully considered the potential heritage implications of the proposal and is satisfied that the proposed adaptive reuse and associated works will not result in adverse heritage impacts.</p> <ul style="list-style-type: none"> <li>The works to the RHI are loose fit and structurally independent of original fabric and retain the volume of the central vault.</li> <li>External works are restricted to within existing window and door openings or in the case of the roof lights and plant, contained within the existing roof valley and screened from public view.</li> <li>The proposed new building is located in an historically back of</li> </ul>

	<p>house area of the site and would read as a sensitive modern infill, which would not have an overbearing impact on, or affect the appreciation of the RHI</p> <ul style="list-style-type: none"> <li>All works are reversible.</li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>heritage interpretation</li> <li>details of all new window and doors, demonstrating heritage interventions into the heritage fabric of the building is minimised</li> <li>details of all fixings of structures to original fabric including the waste storage unit and proposed railings</li> <li>photographic archival recording of all heritage fabric</li> <li>storage of all removed heritage fabric on site.</li> </ul>
<ul style="list-style-type: none"> <li>Trees</li> </ul>	<ul style="list-style-type: none"> <li>The proposal results in the removal of four Spotted Gums on Errol Flynn Boulevard to accommodate the new vehicle crossover, however results in the planting of 26 new trees on site</li> <li>The Department considers the removal of the proposed trees is acceptable as the proposed new crossover will improve servicing and access to the site. In addition, the proposed additional 26 trees will significantly increase canopy cover, habitat and visual amenity on site compared to the existing situation.</li> <li>The applicant confirmed that all trees to be retained would be protected during the demolition and construction stages of the development.</li> </ul> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> <li>Tree protection measures and management during excavation and construction.</li> </ul>
<ul style="list-style-type: none"> <li>Permissibility</li> </ul>	<ul style="list-style-type: none"> <li>The site is adjacent to land zoned RE1 in the Sydney LEP 2012, which permits Recreation Facility (Indoor) use with consent.</li> <li>A site compatibility certificate for the development was granted by the Secretary on 19 March 2020.</li> <li>The proposal is therefore permitted with consent on site by virtue of clause 18(3) of the ISEPP.</li> <li>The event, office and medical facility uses are either permissible without consent or prohibited however are considered to form important components of the high-performance sports training and administrative facility and are able to be approved as part of the SSD application.</li> </ul>
<ul style="list-style-type: none"> <li>Traffic impacts</li> </ul>	<ul style="list-style-type: none"> <li>The proposal includes nine car parking including one accessible parking space. The Department concludes the proposed parking provision is appropriate noting the site is well served by public transport and the sufficient spare parking capacity within the adjacent EQ Car park.</li> <li>The Applicant will prepare and implement a GTP to encourage sustainable travel choices for staff, players and visitors to the site.</li> <li>The proposal results in only a minor increase in vehicle movements during peak periods and has a minimal impact on the surrounding road network and performance of intersections.</li> </ul> <p><i>Recommended conditions:</i></p> <ul style="list-style-type: none"> <li>Restrict the car parking to nine spaces</li> </ul>

	<ul style="list-style-type: none"> <li>• Preparation and implementation of a GTP.</li> </ul>
<ul style="list-style-type: none"> <li>• Compatibility with surrounding land uses</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers that the proposed office use component of the development is compatible with surrounding land uses as: <ul style="list-style-type: none"> <li>○ the office component comprises only 36% of the proposed floorspace and is located mainly at first floor level, with main frontages and entrances of both the RHI and new building incorporating active uses which engage with the public realm.</li> <li>○ the RHI proposal includes a café and foyer area to the main northern entrance of the RHI increasing activation of this frontage and public accessibility within the building compared to the existing situation</li> <li>○ the new building includes a publicly accessible foyer and netball court fronting Errol Flynn boulevard with offices located to the rear of the site and at first floor level.</li> <li>○ the proposed office floors space will not result in any adverse impacts in terms of traffic, parking or access</li> </ul> </li> <li>• the proposal will not have the general characteristic of an office building and provide active frontages which engage with the public realm and increase public access of the building and site, compared to the existing situation.</li> </ul>
<ul style="list-style-type: none"> <li>• Precinct strategy</li> </ul>	<ul style="list-style-type: none"> <li>• The Department notes that no works are proposed to the public domain outside the site and considers that the development of a precinct strategy is outside the scope of an application of this type and scale.</li> <li>• The Department considers that the Applicant has adequately demonstrated that the proposed site landscaping design aligns with the proposed works to the plaza and Hordern Pavilion to the north.</li> </ul> <p><i>Recommended Conditions:</i></p> <ul style="list-style-type: none"> <li>• Submission of plans confirming that the proposed site landscaping, including furniture, paving, levels and drainage integrates with the works to the plaza, prior to the issue of the Construction Certificate.</li> </ul>
<ul style="list-style-type: none"> <li>• Property values</li> </ul>	<ul style="list-style-type: none"> <li>• Matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application.</li> <li>• Notwithstanding, the Department has assessed the merits of the application and concludes, subject to conditions, the proposal has acceptable impacts, and thereby there is no evidence to suggest that it would adversely impact on property values</li> </ul>
<ul style="list-style-type: none"> <li>• Lease value</li> </ul>	<ul style="list-style-type: none"> <li>• The Department notes that matters relating to private contracts are not planning matters for consideration and therefore objections based on lease value are not able to inform the assessment of the application.</li> <li>• The Department has assessed the merits of the application and concludes that the proposed uses within the RHI are appropriate.</li> </ul>