



Open Water Surf Facility Modification 1

State Significant Development Modification Assessment
(SSD 7942 MOD 1)

February 2022



NSW Department of Planning and Environment | dpie.nsw.gov.au

Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Open Water Surf Facility

Subtitle: Modification 1

Cover image: Concept image of the overall site (Source: Modification Report)

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale, modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
BIS	Biodiversity Impact Statement
Council	City of Parramatta Council
Department	Department of Planning and Environment
DRP	Design Review Panel
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GFA	Gross Floor Area
Planning Secretary	Secretary of the Department of Planning and Environment
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SOP	Sydney Olympic Park
SOPA	Sydney Olympic Park Authority
SSD	State Significant Development
SSP SEPP	State Environmental Planning Policy (State significant Precincts) 2005
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a section 4.55(2) application seeking to modify the State significant development (SSD) approval (SSD 7942) for the construction and operation of an open water surf sports lagoon facility at Sydney Olympic Park (SOP).

The modification application seeks approval for alterations to the built form, building layout, lagoon and adjacent facilities, landscaping, car parking layout, hours of operation, materiality, and signage.

The Department publicly exhibited the application for 14 days from Thursday 13 May 2021 to Wednesday 26 May 2021. The Department received 16 submissions, comprising seven submissions from government agencies, a submission from City of Parramatta Council, and eight public submissions of which four objected to the proposal.

Key issues raised in public submissions related to the extension to the hours of operation, traffic and parking.

The Department has carefully considered the proposed modification and the issues raised in submissions. The Department considers the proposed modification is acceptable as:

- the proposal maintains design excellence through its integration of built form with the lagoon, varied use of materials, façade treatments, engagement with the public domain and use of materials fitting to the Parklands context of the site
- internal changes to the building layout will improve the functionality of the development
- there would be no adverse amenity impacts from the proposed extension to the operating hours as:
 - noise emission levels would reduce in comparison to the approved development
 - existing conditions will continue to manage and mitigate noise impacts and a new condition will be imposed requiring noise monitoring to ensure compliance with noise limits
 - there would be no adverse lighting impacts from light spill as the nearest residences are 350 m from the site
 - the lighting design complies with the Australian Standard and existing conditions require lighting be fitted with cut-off fixtures and back shields and pointed downwards to limit light spill
 - new conditions will be imposed requiring light monitoring, a lighting compliance assessment report and restricting lighting levels to limit light spill to the Narawang Wetlands
 - a precautionary approach will be adopted, with a new condition imposed requiring a 24-month trial period for the extension to the morning and evening operating hours. Following the 24-month trial period, the Applicant will be required to lodge a further application to continue the extended hours of operation. This review will be undertaken by the Department, which would consider the performance of the operator in relation to compliance with the development consent, any substantiated complaints received, any potential noise impacts on residential receivers and lighting impacts on native fauna, and any views expressed by SOPA, EESG and the EPA.

- there would be no adverse traffic and parking impacts, as peak patronage levels remain consistent with the approved development
- building identification signage will be appropriately sized and located and integrated into the revised design of the building.

The Department is satisfied the development is substantially the same development for which the consent was originally granted and is in the public interest. The Department's assessment therefore concludes the modification should be approved, subject to the recommended modified conditions of consent.

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	2
2	Proposed modification	3
3	Statutory context	11
3.1	Scope of modifications	11
3.2	Consent authority	11
3.3	Mandatory matters for consideration.....	11
4	Engagement	12
4.1	Department’s engagement.....	12
4.2	Summary of submissions	12
4.3	Key issues – Government Agencies	12
4.4	Key issues – Council and Community.....	13
4.5	Response to Submissions.....	14
4.6	Revised Response to Submissions.....	14
5	Assessment	16
5.1	Built form	16
5.2	Design Excellence.....	18
5.3	Extension of hours.....	20
5.4	Other issues	25
6	Evaluation.....	31
7	Recommendation.....	32
8	Determination.....	33
	Appendices	34
	Appendix A – List of referenced documents	34
	Appendix B – Statutory Considerations	35
	Appendix C – Community Views	40
	Appendix D – Instrument of Modification	42

1 Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 7942) for the construction and operation of an open water surf sports lagoon facility at Sydney Olympic Park (SOP).

The application has been lodged by SJB Planning on behalf of Urbn Surf (Sydney) Pty Ltd (the Applicant) pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The modification application seeks approval for alterations to the built form, building layout, lagoon and adjacent facilities, landscaping, car parking layout, hours of operation, materiality, and signage.

1.1 Background

The site is located within SOP, which is 13 km to the west of the Sydney Central Business District (CBD) and 6 km east of Parramatta, within the City of Parramatta Local Government Area. The SOP contains elite and recreational sports facilities, commercial and residential development, and parklands.

The site (**Figure 1**) is identified as Pod B, P5 Car Park, Hill Road (Lot 71 DP 1191648), and located to the north of SOP Town Centre, away from major sporting venues and facilities. The site is situated on the southern side of Hill Road at the junction of Hill Road and the Holker Busway.

The site has an area of approximately 36,766 m² and is irregular in shape, with a frontage of 202 m to Hill Road and a frontage of 157 m to the Holker Busway. The land falls approximately 5 m from the south to the north-west towards Hill Road.

The site is currently used as a car park (known as the Pod B P5 car park). The site adjoins the Pod A P5 car park to the west and the Pod C P5 car park to the east which together provide overflow parking during major events held at SOP.

A loop/service road runs from Hill Road in the west around the southern circumference of the car park (Pods A, B and C) under the Holker Busway to provide vehicular access to the site from the south. The site can also be accessed by buses from the Holker Busway.

The site is not subject to flooding, as site levels are above the probable maximum flood level and the 1:100-year storm event.

The area surrounding the site (**Figure 1**) is characterised by:

- the Narawang Wetland on the opposite side of Hill Road to the north
- the Nuwi Wetland to the north-east
- Pod C P5 car park to the east beyond the site access road
- the Sydney BMX Track to the south-east beyond the site access road
- Haslams Creek to the south beyond the site access road
- the Pod A P5 car park to the west beyond the Holker Busway.

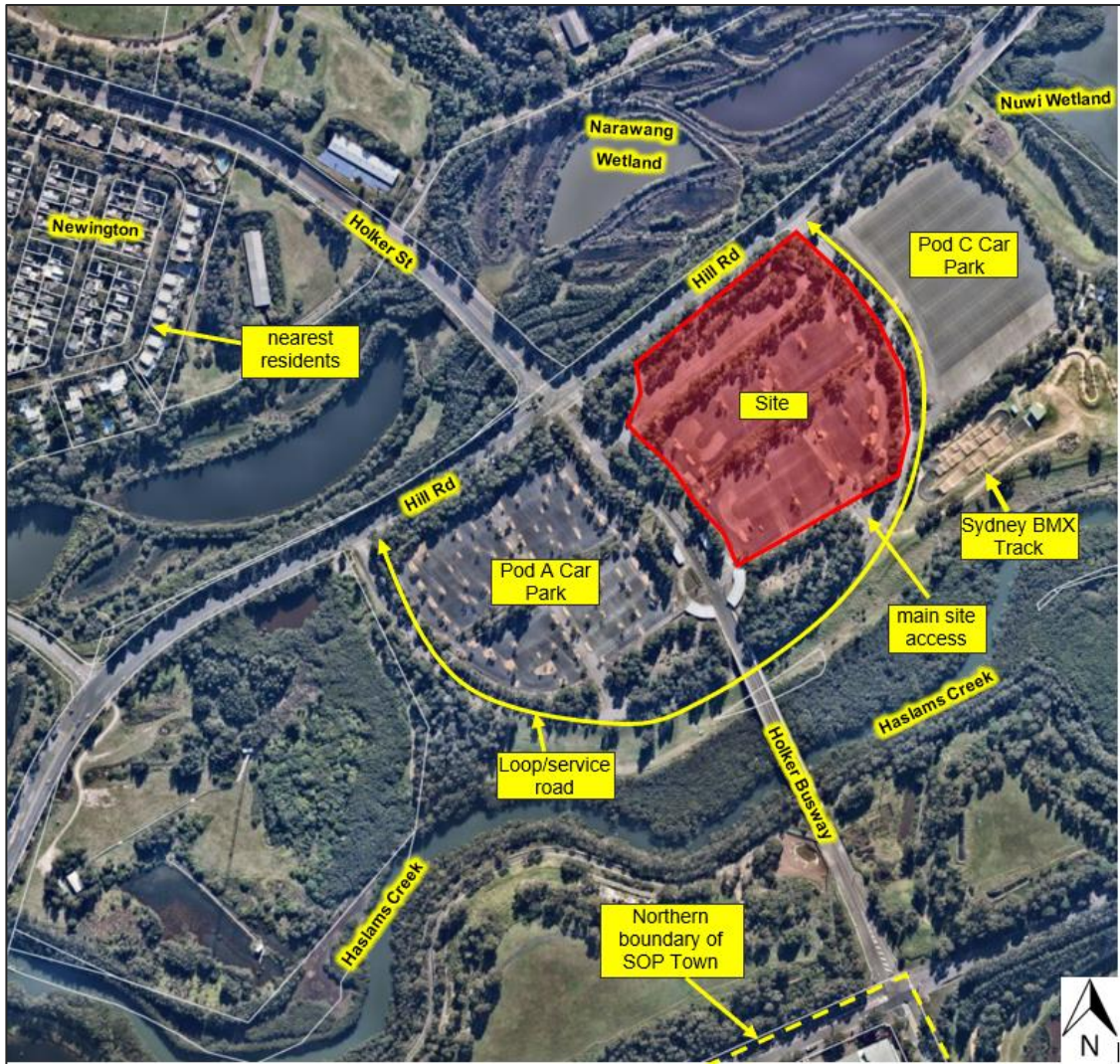


Figure 1 | Site location plan (base source: Near maps)

1.2 Approval history

On 20 December 2017, the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning and Public Spaces, approved an SSD application (SSD 7942) for the construction and operation of an open water surf sports lagoon facility.

The SSD Approval has not been previously modified.

2 Proposed modification

On 13 May 2021, the Applicant lodged modification application SSD 7942 MOD 1 seeking approval under section 4.55(2) of the EP&A Act for amendments to the open water surf sports lagoon facility.

The Applicant notes that the modifications have arisen from a greater understanding of the functions and operational requirements of a surf park following the opening of their open water surf sports lagoon facility in Melbourne in 2019.

Details of the proposed changes are outlined below in **Table 2** and in **Figures 2 to 10**.

Table 2 | Proposed modifications

Element	Elements of proposal as amended
Built form	<ul style="list-style-type: none"> consolidate the building footprint by 260 m², from 1,570 m² to 1,310 m² (Figure 2), by providing a predominately two-storey building with a three-storey element increase GFA by 301 m², from 1,715 m² to 2,016 m² by predominately: <ul style="list-style-type: none"> decreasing GFA on the ground floor by reducing the GFA for the surf academy and amenities, and relocating staff offices and administration areas to the first floor increasing GFA on the first floor, by adding an office and management space with a control room, amenities, meeting rooms and a multi-purpose space for events decrease the maximum building height by 0.5 m (from 12.8 m to 12.3 m) and amend finished floor levels (Figure 3): <ul style="list-style-type: none"> lower ground: from RL 5.00 to RL 6.15 ground floor: from RL 9.00 to RL 9.40 first floor: from RL 12.6 to RL 13.15 ridge: from RL 17.8 to RL 18.65.
Lagoon and adjacent facilities	<p>Modify the layout of the lagoon and adjacent facilities (Figure 4) including:</p> <ul style="list-style-type: none"> add a beach along the entrance to the lagoon extend the foreshore area at the centre of the lagoon and erection of an operator tower remove the central viewing platform add a low-level access pathway along the Hill Road boundary connecting service area 1 and service area 2. relocate workshop/storage area within the basement to a standalone building within service area 1 relocate service equipment/plant room from service area 1 to service area 2 amend the lighting design for the lagoon by providing six, 30 m high lighting towers instead of five, 25 m lighting towers.
Building layout	<p>Modify the layout of the building including:</p> <p><u>Basement/lower level:</u></p> <ul style="list-style-type: none"> reconfigure the service area add a food and beverage storage area relocate lift and stairway <p><u>Ground floor (Figure 5):</u></p> <ul style="list-style-type: none"> reconfigure the surf academy space and relocate the first aid room relocate and reconfigure the rental area and storeroom

- relocate and reconfigure the change/amenity rooms and add a sauna and baby changing area
- relocate and reconfigure the merchandise and photography space
- relocate and reconfigure the offices, ticket area and entry area
- relocate and reconfigure the café and add a covered outdoor dining area

First floor (Figure 6):

- add an office and management space with control room, amenities, meeting rooms and lift access
- add a multi-purpose space for events
- reconfigure the food and beverage area, kitchen, storeroom, bar, amenities, internal dining and alfresco dining
- amend the surf academy space to single storey and add a fitness retreat room
- relocate photovoltaic panels to the roof.

Landscaping and tree removal

- modify the landscape to be consistent with the amended built form and amended shape of the lagoon (Figure 7)
- rearrange/relocate lagoon side features, including toddler splash pool, outdoor fitness equipment, children's playground and cabanas
- remove eight trees within the public parking area.

Materials and finishes

Modify the materials and colours (Figure 8).

Parking

- increase the number of staff car parking spaces within service area 1 from 7 spaces to 34 spaces.
- amend the layout of the customer car parking. The number of customer spaces remains the same as approved.
- increase the number of bicycle spaces from 25 spaces to 30 spaces, comprising:
 - 20 public bicycle spaces in the entry courtyard
 - 10 staff bicycle spaces within service area one.

Operation

- increase the hours of operation by:
 - extending the morning operating hours by one hour from 5 am, instead of 6 am, seven-days-a-week
 - extending the evening hours for the wave park by two hours from 10 pm to 12 midnight for Friday and Saturday, to align with the approved operating hours of the café/restaurant and bar.
- increase the number of staff from 46 to 70.

Signage

- amend business identification signage zones on the external building elevations (north-west, north-east, south-east and south-west elevations)
- add a new business identification pylon sign (height of 7.76 m and diameter of 2.7 m) at the north-eastern corner of the site.

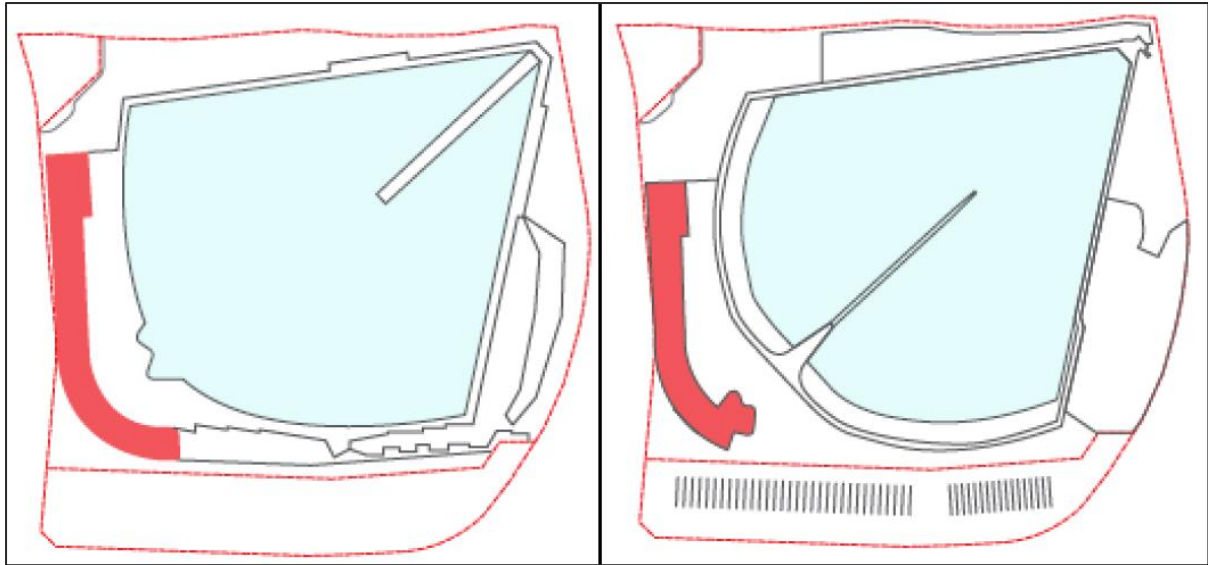


Figure 2 | Comparison of approved building footprint (left) and proposed (right) (base source: Modification Report)

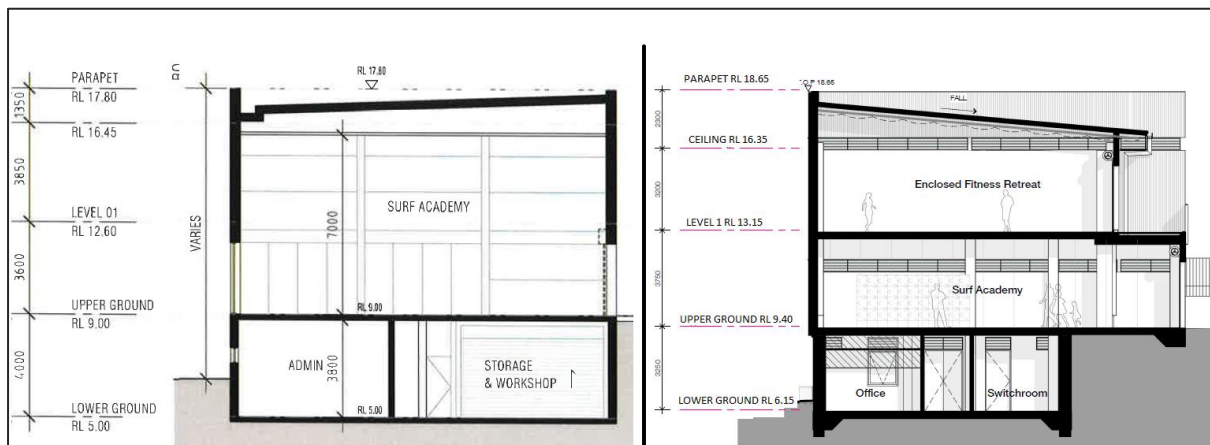


Figure 3 | Comparison of approved building height and finished floor levels (left) and proposed (right) (base source: Modification Report)

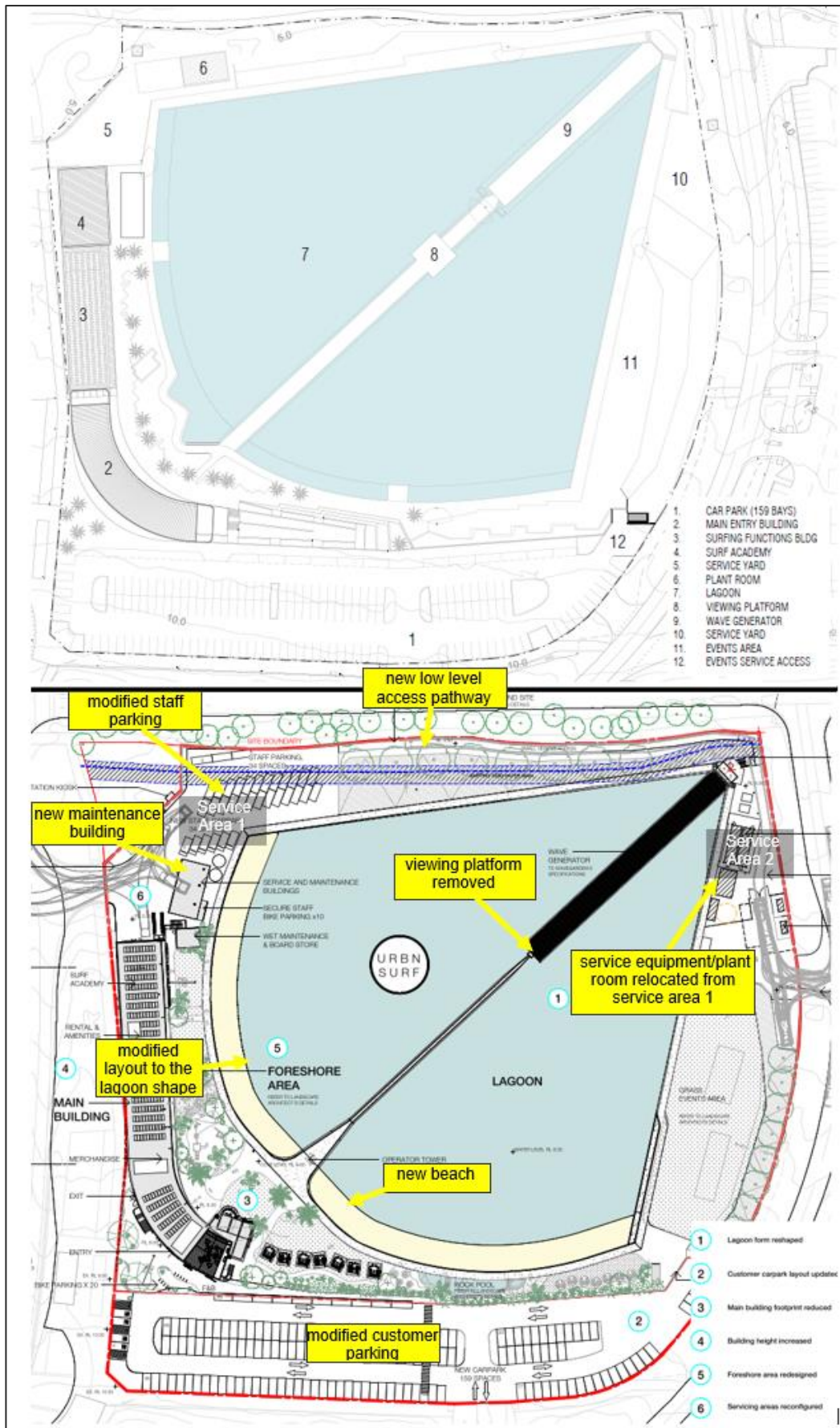


Figure 4 | The approved site layout (top) and proposed (bottom) (base source: Modification Report)

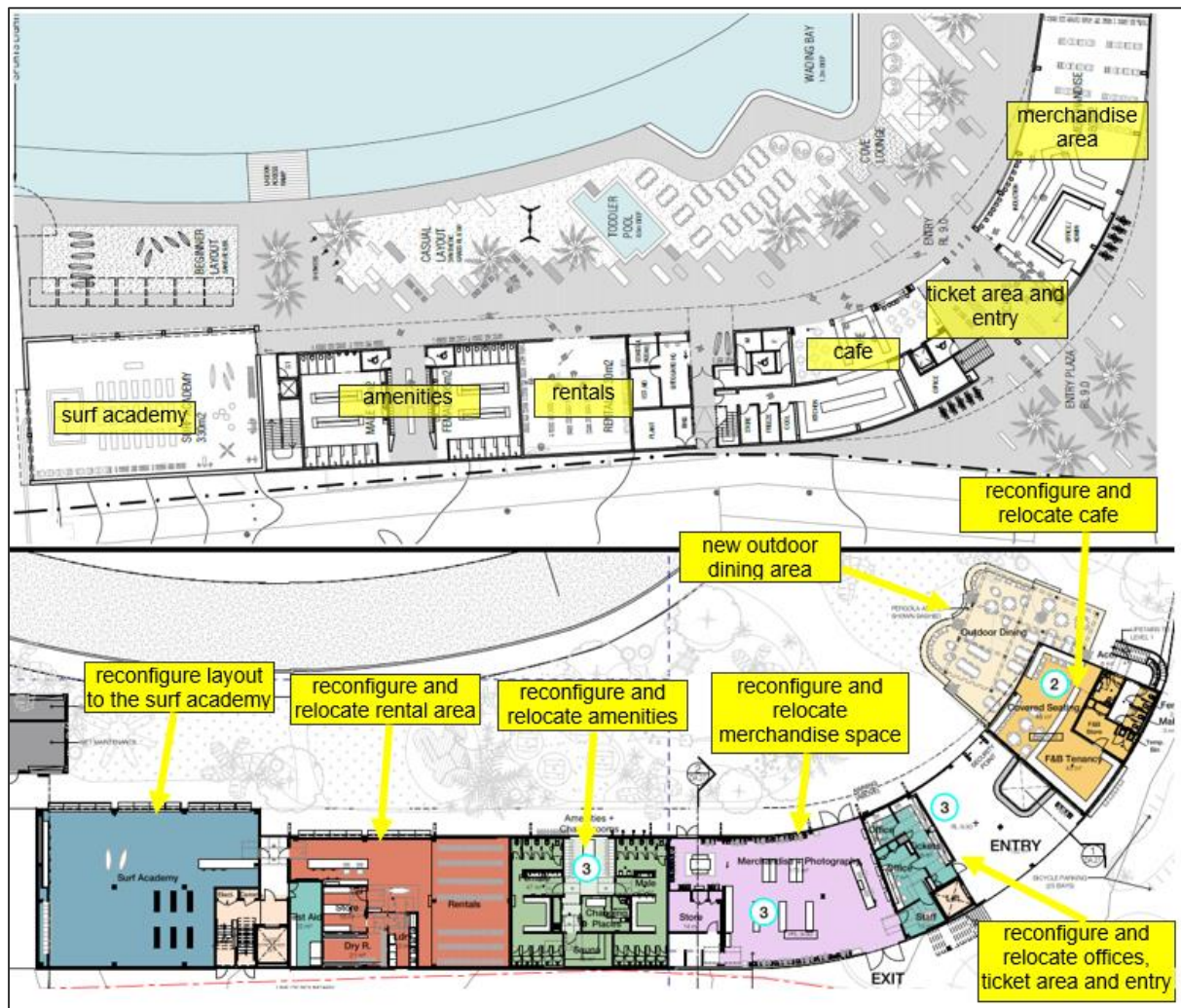


Figure 5 | The approved ground floor plan and (top) and proposed (bottom) (base source: Modification Report)

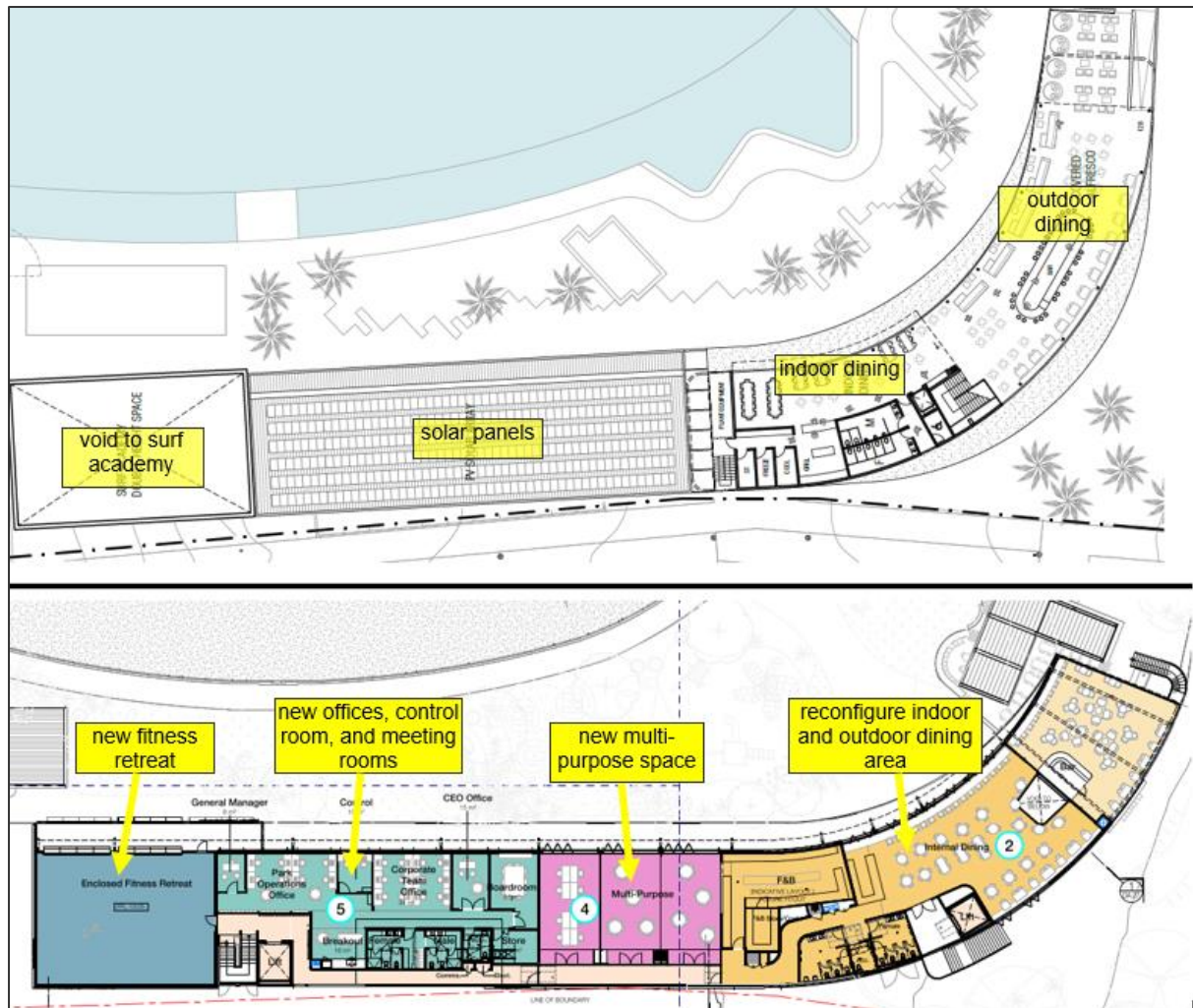


Figure 6 | The approved first floor plan and (top) and proposed (bottom) (base source: Modification Report)

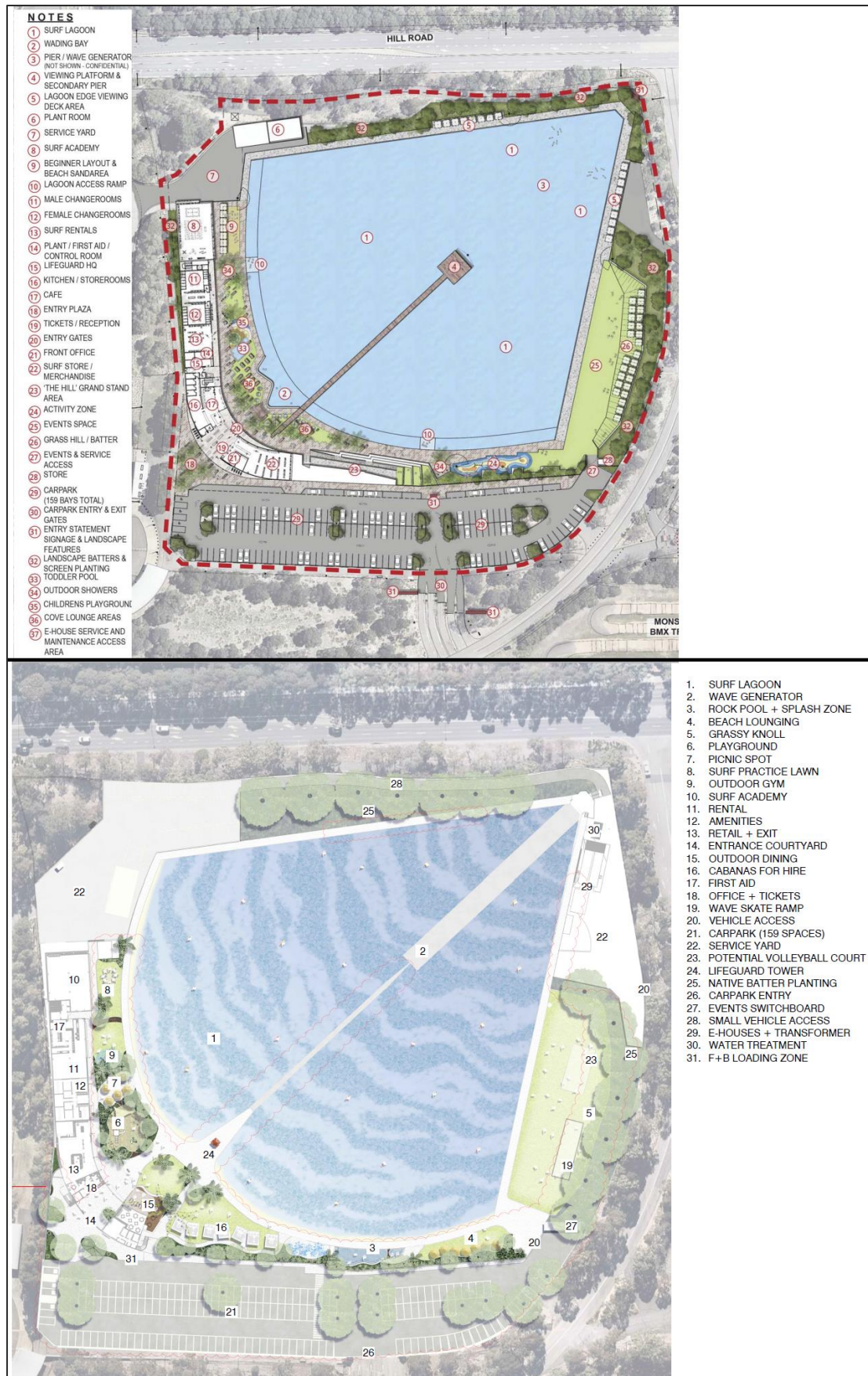


Figure 7 | The approved landscape plan (top) and proposed (bottom) (base source: RTS)



Figure 8 | The approved materials and finishes (top) and proposed (bottom) (base source: RTS)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification that is substantially the same development for which consent was originally granted as it:

- would not adversely increase the environmental impacts of the project as approved, and
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (2) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Director, Key Sites Assessments, may determine the application under delegation as:

- a political disclosure statement has not been made
- there are less than 15 public submissions in the nature of objections
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(2) of the EP&A Act, including environmental planning instruments or proposed instruments
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

4 Engagement

4.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the modification application from Thursday 13 May 2021 to Wednesday 26 May 2021 (14 days). A public exhibition notice was placed on the Department's website. The application also was made publicly available on the Department's website, and the Department notified adjoining landholders, previous objectors, Council and relevant government agencies in writing.

All notification and public participation statutory obligations have been satisfied.

The Department has considered the comments raised in Council, government agencies' and public submissions during the assessment of the application (**Section 5**).

4.2 Summary of submissions

In response to the exhibition of the application, the Department received 16 submissions, comprising:

- seven submissions from government agencies
- one submission from Council
- eight submissions from the public, including one submission from a special interest group.

Of the 16 submissions received, 11 submissions provided comment, one submission was in support and four submissions objected to the proposal.

4.3 Key issues – Government Agencies

The key issues raised by government agencies are summarised in **Table 2**.

Table 1 | Government agency submissions

Environmental Protection Authority (EPA)	
Modification Application	Provided recommendations for conditions relating to contamination and remediation.
Advice on Conditions	Following discussions with the Department on the recommended conditions, the EPA provided updated advice on the relevance and wording on a number of conditions.
NSW Health	
Modification Application	Provided comments regarding water quality design: <ul style="list-style-type: none">• facilities to be maintained in accordance with the <i>Public Health Act 2010</i> and Regulation 2021 requirements for public swimming pools• recommended each pool has its own separate circulation and disinfection system and connection to sewer• rainwater shall not be used for topping up of the pools.
Sydney Olympic Park Authority	
Modification Application	Provided the following comments:

	<ul style="list-style-type: none"> review the car parking layout to maximise tree retention. The removal of any additional trees should be supported by an Arborist Report and where tree retention is unavoidable; replacement tree planting measures should be detailed considered the modified design in relation to materials and colours of the façade unacceptable and the original colours and materials should be revisited. Materiality and colour of the proposed building facade, given the location of the development site within Sydney Olympic Park Parklands, should be more reflective of the site's location and incorporate natural materials and neutral colours does not support the proposed extension of the evening operating hours from 10 pm to 12 midnight due to the potential impact of noise and light spill on residents and nocturnal fauna.
RTS	Advised the RTS addressed previous comments raised on tree removal and facade materiality. However, concerns remain with the proposed extension to the operating hours.
Environment, Energy, and Science Group – Biodiversity and Conservation (EESG)	
Modification Application	Raised no concerns with the proposal.
RTS	Having reviewed the comments made by SOPA on the RTS, EESG supports SOPA's request for the submission of a revised Biodiversity Impact Statement detailing fauna habitats that would be impacted by noise and light spill from the proposed extension to the operating hours.
Transport for NSW (TfNSW)	
Modification Application	Advised the proposed modification would have negligible impact on the surrounding classified road network.
Roads and Maritime Services	
Modification Application	Advised the proposed modification would have negligible impact on the surrounding classified road network.
Sydney Water	
Modification Application	Provided recommended conditions for servicing requirements.

4.4 Key issues – Council and Community

4.4.1 Council Key Issues

Council provided comments as summarised in **Table 3**.

Table 3 | Summary of Council submission

Council	
Modification Application	<p>Council did not object to the proposal and provided the following comments.</p> <p><u>Landscaping</u></p> <ul style="list-style-type: none"> no concerns raised with the additional tree removal within the carpark area, however additional trees shall be planted within the car park in order to reduce heat island effects. <p><u>Noise Impacts</u></p> <ul style="list-style-type: none"> no concerns raised to the extended hours of operation, given the proximity to residential areas, however, consideration should be given to the imposition of appropriate conditions to control and monitor noise impacts.

4.4.2 Community Key Issues

The Department received eight public submissions on the modification application, four objecting to the proposal, one submission in support, and three submissions providing comments. **Table 4** provides a summary of the comments raised by the public.

Table 4 | Summary of key issues raised in public submissions

Issue/concern raised	EIS No. of submissions
Extension to hours of operation: <ul style="list-style-type: none">- noise and lighting impacts on residents and fauna	7
Traffic and parking	2
Supply of water in times of drought	1
Impacts on amenity associated with the use of the facility for events	1

4.5 Response to Submissions

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 17 August 2021, the Applicant lodged a Response to Submissions (RTS) to the issues raised during the exhibition of the EIS. In response to the issues raised, the proposal was amended to include additional tree plantings within the public car park and revised colours and materials of the building.

The RTS included the following documentation:

- amended architectural plans and landscape plans
- addendums to the traffic and parking assessment, biodiversity impact statement and acoustic report
- statements from an environmental consultant and an ecologist.

The Department made the RTS publicly available on its website and forwarded the RTS to relevant government agencies for comment. The Department received a submission from SOPA and EPA making comments (**Table 2**). No public submissions were received on the RTS.

4.6 Revised Response to Submissions

On 1 November 2021, the Applicant lodged a Revised Response to Submissions (RRTS), which provided additional information to address comments raised by SOPA and EPA.

The RRTS included the following documentation:

- amended architectural plans and landscape plans
- updated biodiversity impact statement addressing noise and light spill impacts
- updated lighting assessment.

The Department made the RRTS publicly available on its website. No public submissions were received on the RRTS.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification applications and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- submissions received from Council, government agencies and the public.

The Department has considered each of the proposed amendments separately below.

5.1 Built form

The proposal seeks a number of changes to the overall built form of the proposal. A comparison between the approved and proposed built form is provided in **Table 5** and in **Figure 9**.

Table 5 | Comparison of approved and proposed built form

Element	Approved	Proposal	Difference
Site area	36, 766 m ²	36, 766 m ²	nil
Building Footprint	1,570 m ²	1,310 m ²	- 260 m ²
Site coverage	4%	3.5%	- 0.5%
GFA	1,715 m ² <ul style="list-style-type: none"> • lower ground: 127 m² • ground floor: 1318 m² • first floor: 270 m² 	2,106 m ² <ul style="list-style-type: none"> • lower ground: 63 m² • ground floor: 941 m² • first floor: 1012 m² 	+ 301 m ² <ul style="list-style-type: none"> • lower ground: - 64 m² • ground floor: - 377 m² • first floor: + 742 m²
FSR	0.046:1	0.057:1	+ 0.011:1
Storeys	Part one and part two storey building	Predominately two storey building with a three storey element	+ one storey
Building height	12.8 m <ul style="list-style-type: none"> • lower ground: RL 5.00 • ground floor: RL 9.00 • first floor: RL 12.6 • ridge: RL 17.8 	12.3 m <ul style="list-style-type: none"> • lower ground: RL 6.15 • ground floor: RL 9.40 • first floor: RL 13.15 • ridge: RL 18.65 	- 0.5 m



Figure 9 | Comparison of approved built form (top) and proposed (bottom) (base source: Modification Report)

The key amendment to the built form of the proposal involves reducing the footprint of the building and increasing its height from a part one and part two storey building to a predominantly two-storey building with a minor three storey element. The proposal also seeks approval for a minor 301 m² or 17.5% increase in GFA. The SSP SEPP provides no maximum height or FSR controls for the site.

The Applicant has advised the changes are sought to improve the overall function and operation of the Surf Park following the opening of the Melbourne Surf Park and on-going design development.

Council and SOPA did not raise any concerns in relation to the modified built form.

The Department considers the modified built form of the building to be modest and appropriate noting it would be predominately two storeys high and would cover 3.5% of the total site area compared to 4% for the approved development.

Further, the Department considers the proposed height would not result in any significant visual or amenity impacts noting that:

- the building maintains a predominately two storey built form
- the proposed building would be largely shielded from sight due to the retention of existing mature trees surrounding the site, which will be supplemented with additional plantings
- the site is located on the edge of the SOP precinct, away from the SOP town centre
- the nearest residences are located approximately 350 m north-west of the site
- the proposal would not result in any adverse visual or amenity impacts beyond those already assessed and approved.

5.2 Design Excellence

The SSP SEPP requires the Department to consider whether the proposal exhibits design excellence in terms of:

- architectural design, materials and detailing
- form and external appearance of the building enhancing the public domain
- sustainable design principles
- the results of any design competition required for the site (if required).

The Department's consideration of whether the proposal exhibits design excellence is set out below.

5.2.1 Architectural design and detailing

The Applicant contends the revised proposal maintains the design intent of the approved scheme with a curved building that responds to the shape of the lagoon with landscaping which reinforces integration of the built form and the lagoon. In addition, the building would continue to be of a low-scale and incorporates a high standard of materials and detailing.

SOPA consider the proposal continues to incorporate an acceptable building form and massing appropriate to development within SOP. The Department notes the proposal is also consistent with previous advice from SOPA's Design Review Panel (DRP), by maintaining the orientation of the facility to address the Holker Busway as the primary public arrival point, ensuring the proposal does not result in any adverse visual impacts to the adjacent public domain and maintaining sustainable design principles.

In addition to this, as detailed below, the Department considers the proposal successfully articulates the building form through its use of varied materials and façade treatments and modulation.

The Department concludes the proposal maintains a high standard of architectural design and detailing which remains compatible with the natural qualities of the site and the Parklands.

5.2.2 Materials

The proposal seeks to amend the materials and colours of the façade. The approved development included:

- cedar wall cladding and vertical wall battens (main entry building)
- clear corrugated and white custom sheet wall cladding (surf academy and surfing functions building)
- pre-cast concrete (lagoon permitter)
- zinc roof

- clear and coloured glazing.

The Applicant contends the amendments to materials and colours is a result of design development and the BCA requirement for use of non-combustible material. The natural cedar wall cladding is therefore proposed to be replaced with a combination of non-combustible timber fibre cement cladding, white battens and white bagged brick wall for the main entry building and along the first story of the building. The blockwork includes an indicative wave pattern. The remainder of the building will use a combination of light-coloured face blockwork and sheet wall cladding.

In response to the RTS, SOPA raised no further concerns with the proposed modifications to the materials and façade.

A comparison of the approved materials and proposed materials is provided in **Figure 10**.

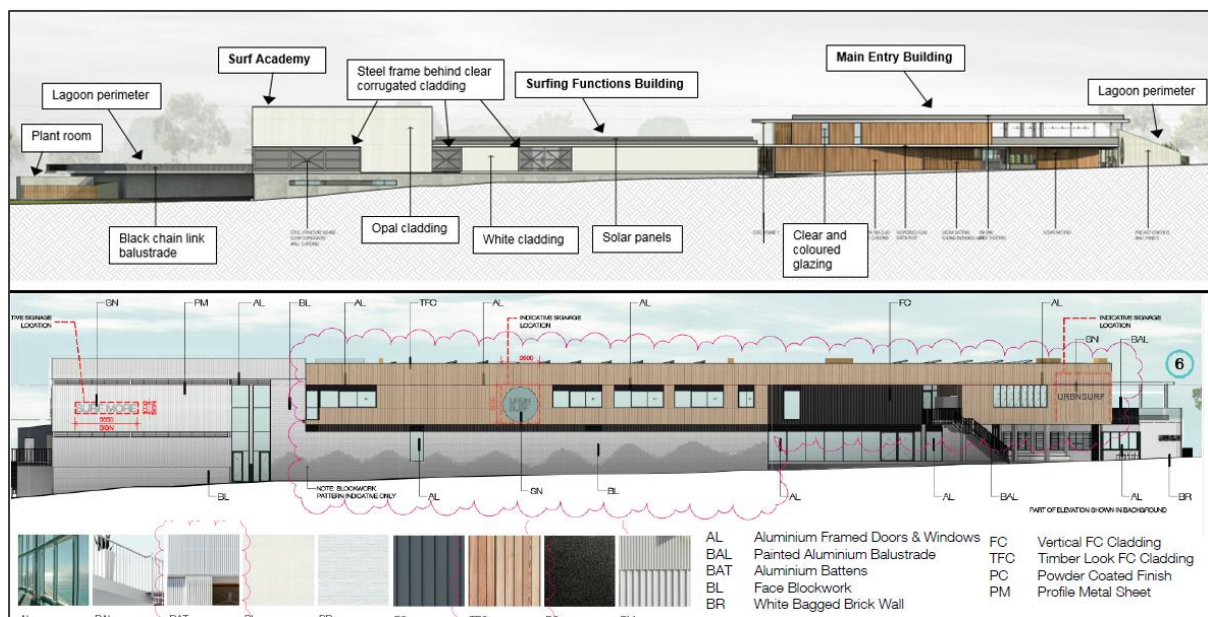


Figure 10 | The approved materials and finishes (top) and proposed (bottom) (base source: Modification Report)

The Department considers the proposed changes to the materials and colours of the façade acceptable as the colours and materials will continue to provide visual interest to the streetscape and is appropriate for the site and its surrounds.

5.2.3 Form and external appearance of the building enhancing the public domain

The Department considers the form and external appearance of the revised proposal will maintain the quality and amenity of the public domain as:

- the main entry incorporates a substantial entry plaza which would suitably activate the public domain
- active ground floor uses include a café and an outdoor dining area, and an open alfresco dining area overlooking the main entry plaza
- the building, car park, service areas and lagoon would be largely shielded from sight within the public domain due to the retention of existing mature vegetation surrounding the site
- the proposal is of a high standard of architectural design, colours, materials and detailing which provides texture and visual interest

- the proposal incorporates suitably sized and positioned business identification signage.

5.2.4 Sustainable design principles

The Department considers the proposal would maintain the approved sustainable design measures, including a primary northern-eastern orientation that provides optimum access to sunlight and rainwater collection from roofs and reuse in on-site. Connection to SOPA's recycled water supply will be used for landscaping irrigation. The building design also maximises thermal performance and includes utilisation of photovoltaic cells and energy efficient lighting.

Further consideration of the sustainability of the development is provided in **Section 5.4**.

5.2.5 Conclusion

The Department considers the proposal maintains design excellence through its integration of built form with the lagoon, varied use of materials, façade treatments, engagement with the public domain and use of materials fitting to the Parklands context of the site. The Department is therefore satisfied the proposal maintains design excellence in accordance with the SSP SEPP.

5.3 Extension of hours

The proposal seeks to amend the operating hours by:

- extending the morning operating hours by one hour from 5 am, instead of 6 am, seven-days-a-week
- extending the evening operating hours of the wave park by two hours from 10 pm to 12 midnight on Friday and Saturday, to align with the approved operating hours of the café/restaurant and bar.

The Applicant notes the extension to the operating hours has arisen out of a need to provide access to the facility for a range of demographics, including tradespeople and shift workers, as well as to allow members of the public with extended commute times access to the facility.

Council raised no objection to the extension of hours given the site's distance from residential areas, subject to recommended conditions.

SOPA raised concerns with potential noise and light spill impacts on residents and nocturnal fauna from the proposed extension to the morning and evening hours. Public submissions raised similar concerns. Noise and lighting impacts are considered in **Section 5.3.1** and **Section 5.3.2** and fauna impacts considered in **Section 5.3.3**.

5.3.1 Noise

A specialist Noise Impact Assessment (NIA) was submitted with the application. The NIA included an assessment of noise associated with operational aspects of the development, including the extension of hours of operation on noise sensitive receivers. The Department notes the nearest noise sensitive receivers are located in the residential area of Newington, approximately 350 m north-west of the site.

The NIA concluded that:

- operational noise would be below the project noise trigger levels with a noise level of 32 dB(A) predicted at the nearest noise sensitive receiver.

- the estimated increase in road traffic noise ranged from 0.0 to 0.3 dB, with increases in noise levels peaking on weekends. This was found to be well within the maximum permissible increase level of 2 dB, complying with the requirements of NSW Road Noise Policy.

The Department notes that the predicted maximum operational noise level of the approved development is 44 dB(A) at the nearest noise sensitive receiver. The proposed modifications to the built form, landscaping, and relocation of the concentration of patron areas from the north-western side to the southern end of the wave park would result in a reduction of 12 dB(A) to the predicted operational noise level at the nearest noise sensitive receiver compared to the approved development.

The Department accepts the proposed extension to the operating hours would occur during the sensitive night-time period between 10 pm and 7 am. However, the Department notes the NIA predicts there would be no sleep disturbance arising from the proposed extension to the operating hours, as the predicted operational noise level of the development (32 dB(A)) would be below the project noise trigger level for the night period (43 dB(A)) at the nearest sensitive receiver.

Council recommended conditions to control and monitor any noise impacts, including a trial period for the proposed extension to the evening hours, post operational noise testing for monitoring purposes.

In response to Council's comments, the Applicant advised a noise management plan will be developed in consultation with SOPA prior to operation and post operational noise monitoring will be undertaken as required to ensure compliance with approved noise levels.

The Department notes Condition E6 requires the Applicant to prepare a Noise Management Plan, including a noise monitoring program to be approved by SOPA. The Department recommends amending Condition E6 to include the recommendations provided by Council. The Department also recommends a new condition requiring noise monitoring during operation and events and submission of a noise compliance assessment report to assess compliance with the approved noise limits, including the predicted noise limits (maximum of 32 dB(A) at the nearest residential receiver and maximum of 46 dB(A) at the nearest active recreational area, Sydney BMX Track) and any management actions taken or noise mitigation measures implemented to address any exceedances of noise limits. A new condition requiring a 24-month trial period for the extended hours would provide a further safeguard to ensure the predicted noise levels are verified and do not have a detrimental impact on the amenity of surrounding residents.

The Department is satisfied the proposal would not result in adverse noise impacts to sensitive receivers as:

- there would be a reduction to the predicted operational noise levels compared to the approved development resulting in less noise impacts overall throughout the hours of operation of the surf facility
- there would be minimal increase in road traffic noise
- noise levels would comply with the NSW Noise Policy for Industry and NSW Road Noise Policy
- existing conditions of consent and recommended conditions, including a 24-month trial period for extended hours, noise monitoring during operation and events and submission of a noise compliance assessment report will ensure any residual noise impacts are effectively mitigated and managed.

5.3.2 Lighting

A specialist Lighting Impact Assessment (LIA) was submitted with the application which included lighting models and spill light calculations. The modified lighting design relates to the basin lighting which includes 6 lighting poles (the consent approved 5), 30 m high lighting poles (the consent approved 25 m) with floodlights, positioned around the lagoon.

The LIA concluded that the proposed lighting would satisfy Australian Standard 4282 and existing conditions of consent:

- Condition B23, which requires compliance with Australian Standard 4282
- Conditions B24 and F26, which provides requirements for the design of lighting, including:
 - prohibiting the use of upwards pointing lights
 - lighting poles and outdoor security and display lighting to be fitted with cut-off fixtures such that all light is directed downwards.

The lighting design and modelling concluded there is no potential measurable impact to the closest residences given the nearest residences are approximately 350 metres north-west of the site and separated by stands of mature trees. The basin lighting is also programmable and dimmable, allowing for specific light settings during event and night-time operation to minimise any light spill impacts.

The Department has reviewed the LIA and consider the illumination impacts of the proposal acceptable on the basis that the lighting design complies with the Australian Standard, lighting will be fitted with cut-off fixtures and back shields to limit light spill and the lighting design complies with conditions of consent. The Department recommends amending Condition B24(a) to reflect the revised lighting plans.

The Department therefore concludes the proposal would not result in any adverse illumination impacts.

5.3.3 Fauna

SOPA raised concerns about the impact of light spill and noise from the proposed extension to the operating hours on nocturnal fauna.

In response, the Applicant provided an updated Biodiversity Impact Statement (BIS) to assess the noise and lighting impacts of the extended operating hours on the biodiversity values of adjacent areas and their ability to provide habitat for native fauna species. The BIS concluded that the proposed extension to operating hours would not result in adverse impacts to fauna and their habitat. Further discussion on lighting and noise impacts is considered below.

Lighting

The location of greatest light spill is to Narawang Wetlands located to the north of the site. The LIA concludes that the proposed additional lighting expected at the boundary to the wetland ranges from 0 to 2.8 lux, while the proposed lighting level past the wetland boundary is 0.25 lux, an average increase of 0.14 lux over the existing scenario (**Figure 11**). The increase in lux levels are not perceivable without the use of sensitive measuring equipment.

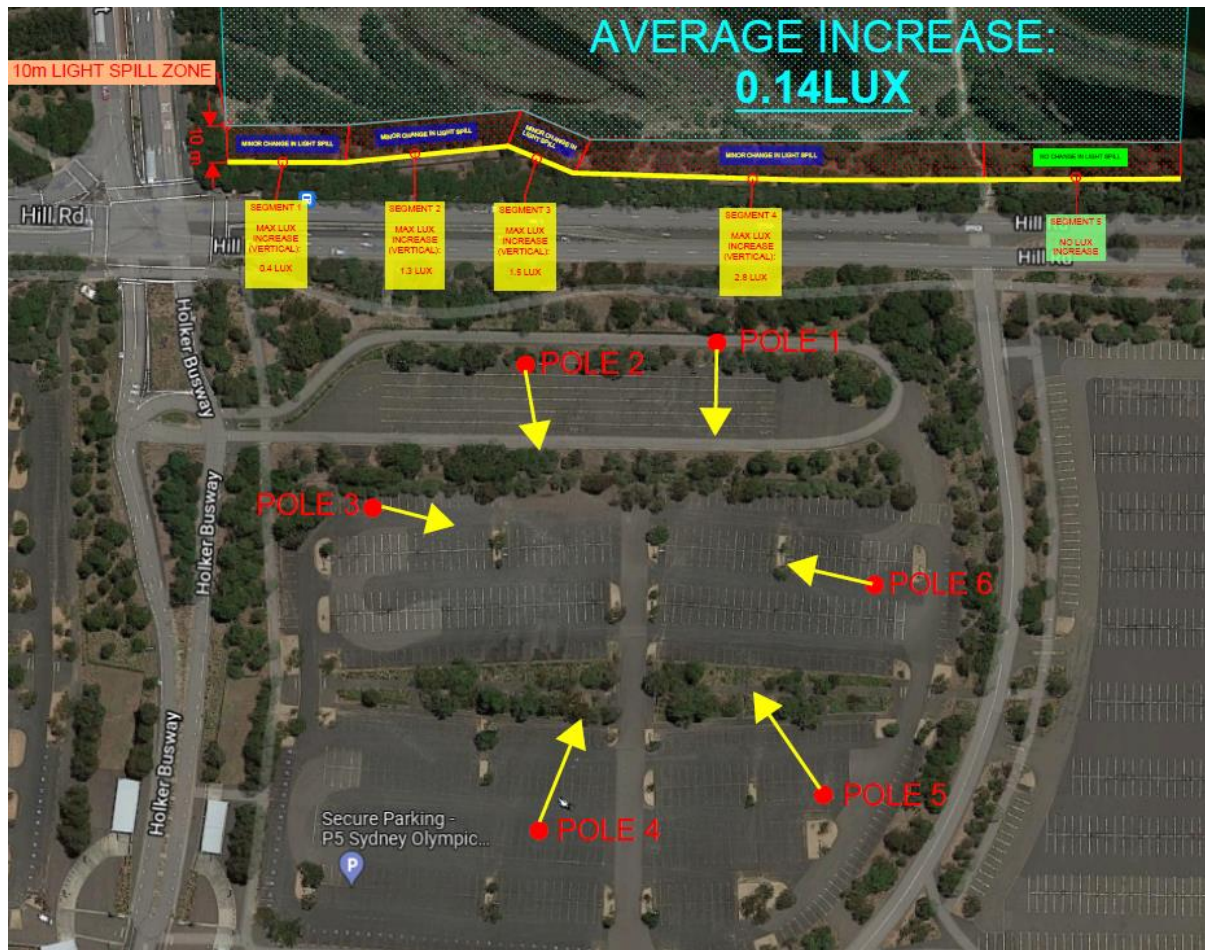


Figure 11 | Light spill on the Narawang wetland (source: LIA)

The proposal would result in up to one-hour potential light spill impact during the morning (of the shortest day in winter), seven-days-a-week, and an additional two hours of potential light spill impact during the evening on Fridays and Saturdays.

In summary, the BIS found:

- in the context of the already relatively high level of existing night light entering the Narrawang Wetlands and Haslams Creek, the additional light is not expected to cause a significant impact to the fauna species that utilise these areas
- the amount of light spill caused by the proposal is an increase from the existing scenario however, the potential light impacts will be for a relatively short time each day and the majority of the night will remain at existing levels of lighting
- species utilising adjacent areas of habitat are already accustomed to significant light spill from street lights, and a minor increase in the length of illumination is not expected to significantly impact these species.

The Department recommends a new condition limiting lighting levels to the boundary of the wetland in accordance with the LIA, undertaking light monitoring during operation and events held on site, and the submission of a lighting compliance assessment report to assess compliance with the lighting limits and any management actions taken or measures implemented to address any exceedances of lighting limits.

The Department has considered the potential light spill impacts as a result of the proposal and considers the proposal would not result in adverse impacts to fauna as:

- light spill impacts will be minimal when compared to the existing scenario
- lighting design complies with Australian Standards
- existing conditions of consent and recommended conditions including lighting limits, light monitoring and submission of a lighting compliance assessment report will ensure any residual lighting impacts are effectively mitigated and managed

Noise

The fauna species and their habitat most likely to be subject to noise impacts are located within Narrawang Wetlands and Haslams Creek. In summary the BIS found that:

- the site and surrounding areas including the Narrawang Wetlands and Haslams Creek are already subject to substantial levels of noise due to traffic and active recreational areas (Sydney BMX Track). As such, the fauna that utilise nearby areas are likely to be habituated to the existing relatively high levels of noise in this location
- being an extension to the noise generated during an already approved 16-hour period means that it is more likely that fauna will adapt to it than they would to a stand-alone, additional noise source
- the proposal results in a reduction of 12 dB(A) compared to the approved development, resulting in less noise impacts overall throughout the hours of operation of the surf facility.

The Department has considered the potential noise impacts as a result of the proposal and considers the proposal would not result in adverse impacts to fauna as:

- noise levels would reduce in intensity in comparison to the approved development
- existing conditions of consent will continue to appropriately manage and mitigate noise impacts.

5.3.4 Conclusion

While the Department considers there would be no adverse amenity impacts from the proposed extension to the operating hours, a precautionary approach should be adopted. The Department therefore recommends a condition of approval, which imposes a 24-month trial period for the extension of the morning and evening operating hours.

This will enable the Department to review any unforeseen amenity impacts during these periods and ensure that real time noise and lighting data are consistent with the modelling provided within the NIA and LIA.

Following the 24-month trial period, the Applicant will be required to lodge a further application to continue the extended hours of operation. This review will be undertaken by the Department, which would consider the performance of the operator in relation to compliance with the development consent conditions including compliance with noise and lighting limits, any substantiated complaints received, any potential noise impacts on residential receivers and lighting impacts on native fauna, and any views expressed by SOPA, EESG and the EPA.

Subject to the recommended 24-month trial period, the Department considers the proposed extension to the operating hours acceptable because:

- the one-hour extension to the opening hours would provide access to users who are unable to attend during regular daytime hours. The opening hours are also consistent with other facilities within SOP, including the aquatic centre
- the extension of the evening hours for the lagoon would be consistent with the operating hours of the café/restaurant and bar, which are approved to operate till 12 midnight, Friday and Saturday
- there would be no likely adverse noise or lighting impacts on sensitive receivers as discussed in **Section 5.3.1** and **Section 5.3.2**
- there would be no likely adverse impacts on fauna as discussed in **Section 5.3.3**.

5.4 Other issues

Other relevant issues for consideration are addressed in **Table 5**.

Table 5 | Summary of other issues raised

Issue	Findings	Recommendations
Signage	<ul style="list-style-type: none"> • The proposal seeks changes to the approved signage zones, including a new business identification pylon sign (height of 7.76 m and diameter of 2.7 m) at the north eastern corner of the site • The Department has undertaken an assessment of the business identification signs against the relevant provisions of SEPP 64 in Appendix B. • The Department notes existing Condition B5, requires the final signage plan to be approved by SOPA. • The Department concludes the building identification signage would be appropriately sized and located and integrated into the revised design of the building and lagoon so it would not adversely impact on the design of the building or adjacent public domain. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> • amending Condition B5 to reference the amended plans • deleting Condition A5(b) as it is no longer applicable • a new condition requiring signage illumination not to exceed the relevant Australian Standards.
Contamination	<ul style="list-style-type: none"> • The site was deemed suitable for an open water surf facility, subject to compliance with the approved remediation action plan (RAP) which documents a remediation strategy including capping, containment, and ongoing management of asbestos in soil. • The Applicant provided a letter from their Environmental Consultants (PRM) confirming that recommendations within the approved RAP remain valid for the proposal and no changes to the RAP is required. • The Applicant also notes bulk earthworks commenced in September 2021 in accordance with the current consent and RAP. • The EPA provided recommendations, including: <ul style="list-style-type: none"> ○ engagement of an EPA accredited site auditor to review the adequacy of contamination reports including investigation and validation reports, and issue associated interim site audit advice documenting the outcome of those reviews ○ submission of a Section A Site Audit Statement and Report on completion of the development to certify suitability of the land for the proposed use. 	<p>The Department recommends:</p> <ul style="list-style-type: none"> • a new condition requiring the engagement of an EPA accredited site auditor within 1 month of the determination of the modification application to review the adequacy of contamination reports including investigation and validation reports, and issue associated interim site audit advice documenting the outcome of those reviews • amending Condition E2 to require the submission of a Section A Site Audit Statement and Report on completion of the development to certify suitability of the land for the proposed use. • a new condition requiring the removal of waste to be undertaken in accordance

	<ul style="list-style-type: none"> o ensuring the development does not result in a chance of risk in relation to any pre-existing contamination on the site so as to result in significant contamination o the removal of waste to be undertaken in accordance with Protection of the Environment Operations (Waste) Regulation 2014 • The Department considers the proposal acceptable as: <ul style="list-style-type: none"> o there would be no variations to the scope of remediation and/or validation works required. o existing and recommended conditions (including those suggested by the EPA) will ensure that the land will be made suitable after remediation for the proposed open water surf facility. 	<ul style="list-style-type: none"> • with Protection of the Environment Operations (Waste) Regulation 2014 • a new advisory condition to ensure the development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination
Traffic	<ul style="list-style-type: none"> • Public submissions raised concerns about increased traffic. • The Applicant submitted an addendum to the Parking and Traffic Assessment to assess the potential traffic impacts associated with the proposal. The assessment concludes: <ul style="list-style-type: none"> o peak traffic generation remains unchanged as the proposal would not result in a change to the peak patronage levels as assessed for the approved development o that staff-based traffic generation occurs outside of the peak customer periods. The additional traffic generation associated with an additional 24 staff (increasing from 46 to 70 staff with a mix of permanent and casual staff) would therefore be minimal and unlikely to have a discernible adverse impact on road network operation. • Council and TfNSW did not raise any concerns about traffic impacts. • The Department is satisfied the proposal would not result in any adverse traffic impacts given: <ul style="list-style-type: none"> o the modifications would not increase peak vehicle movements as the size and use of the facility and peak patronage levels remain consistent with the approved development o existing conditions of consent would continue to appropriately mitigate and manage any traffic impacts, which includes the implementation of a Green Travel Plan. 	<p>No changes to conditions recommended.</p>
Parking	<ul style="list-style-type: none"> • A public submission raised concerns about the use of nearby residential areas for parking to avoid parking fees at SOP. • The proposal does not seek amendments to the number of approved car parking spaces (159 spaces) for use by the general public within the southern portion of the site. • The proposal seeks the following changes in relation to parking: <ul style="list-style-type: none"> o increase staff parking within service area one, from seven spaces to 34 spaces. o increase bicycle parking spaces from 25 to 30. o reconfigure the parking layout in the public car park. • The Addendum to the Parking and Traffic Assessment confirms there would be no change in parking demand arising from the proposal. The Applicant's RTS also highlighted that parking for users would be provided at a 	<p>The Department recommends:</p> <ul style="list-style-type: none"> • amending Condition B16 to reflect the revised number of staff car parking spaces within the service area. • amending Condition B20 to reflect the revised number of bicycle spaces

reduced rate, to discourage parking within residential areas. This is consistent with the approved development.

- The Department is satisfied the proposal would not result in any adverse parking impacts given:
 - the proposal would not result in an increase in car parking demand compared to the demand considered under the existing approval
 - the public car park is controlled by SOPA for public use, however, users of the wave park will be offered parking at a discounted rate
 - bicycle parking is in accordance with the consent, which requires a minimum of 25 spaces.
 - existing conditions of consent require a Green Travel Plan, which aims to increase the use of available public transport and reduce private car usage.

Landscaping and lagoon side features

- The proposal seeks approval for amendments to the landscaping, including lagoon side features. The amendments are a result of the proposed changes to the built form, building layout and lagoon shape.
- SOPA and Council raised no concerns about changes to landscaping.
- The Department notes existing Condition B6 requires a detailed landscaping plan to be prepared in consultation with Council and to the satisfaction of SOPA.
- The Department considers the amendments to the landscaping acceptable as it maintains the intent of the approved landscape plan by:
 - maintaining key lagoon-side features within the overall design, which responds to the recreational needs of Western Sydney's community
 - providing soft landscaping which responds to the site's proximity to environmentally sensitive land at Haslams Creek and the Narrawang Wetlands
 - providing plantings which would complement the native species surrounding the site and that will provide substantial screening of the facility from public vantage points.

The Department recommends amending Condition A2 and Condition B6 to reference the revised landscaping plan.

Tree removal

- The proposal seeks approval for the removal of eight additional trees within the public car park to ensure the reconfiguration of the parking spaces and layout achieves compliance with Australian Standards.
- The Applicant submitted a Statement from an Ecologist in support of the tree removal. The Statement concludes the trees proposed for removal have little ecological value as they were originally planted as part of the car park.
- SOPA and Council raised no concerns with the tree removal but recommended replacement trees be provided to reduce urban heat island effect.
- The Applicant subsequently submitted an amended Landscape Plan which confirmed the retention of four existing trees within the carpark and the planting of 12 additional trees (Eucalyptus Paniculate).
- The Department considers the proposed tree removal acceptable as:
 - the trees proposed for removal do not have any significant ecological value

The Department recommends amending condition B6 to reflect the revised landscaping plan.

- an additional 12 tress will be planted within the car park to offset the loss of the tree removal
- the proposed new trees are capable of reaching a mature height of 30 m and spread of 8 m providing shading to the car parking area.

Internal layout changes

- The proposal seeks approval to amend the internal layout of the building (**Figures 5 to 7**).
- The Applicant advised the changes have primarily arisen from design development and a greater understanding of operational requirements following the opening of the Melbourne Surf Park.
- The Applicant provided a BCA and Access Statement which concluded the revised design was capable of achieving compliance with the requirements of the BCA and relevant requirements for the provision of access for persons with disability.
- The Department is satisfied the proposed modification would not result in any significant environmental impacts and therefore concludes the changes are acceptable.

The Department recommends Condition A2 is updated to reflect the revised design drawings.

Events

- A public submission raised comments regarding the application process for events and potential amenity impacts.
- The Applicant confirmed the proposal does not seek changes to the approved arrangement and application process for ancillary events, which includes:
 - small events (less than 500 patrons)
 - medium events (between 500 to 1000 patrons)
 - large events (over 1000 patrons)
- The Department notes existing conditions of consent require the preparation of an event management plan (EMP) in consultation with SOPA, to ensure any issues (noise, traffic, access, and parking) are addressed and conflicts with major events held in SOP are avoided.
- To further manage and mitigate any amenity impacts, the Department also recommends a new condition requiring noise and light monitoring during events and submission of a noise and lighting compliance assessment report to assess compliance with noise and light limits and any management actions taken or measures implemented to address any exceedances of noise and light limits.
- Subject to the preparation of an EMP and recommended conditions, the Department considers ancillary events can continue to be accommodated on site without adverse impacts to residents.

The Department recommends a new condition requiring noise and light monitoring during events and submission of a noise and lighting compliance assessment report

Sustainability

- The proposal seeks to further refine the sustainability objectives as follows:
 - adjust the timeframe to achieving carbon neutrality in operations from 2025 to 2028.
 - commitment to engage with SOPA water utility service provider to explore, plan and expand the use of recycled water and harvested stormwater to replace reliance on potable water sources
 - commitment to incorporating the design principles of a 4 Star Green Star rating.
- The Applicant advised the adjustment to the timeframe for achieving carbon neutrality is required as a result of delays to the construction of the development. The later timeframe will allow additional time for the completion of construction, operation, undertaking of maintenance

The Department recommends amending Condition B10, E27 and F14 to reflect the refined sustainability objectives contained within the supporting statement prepared by Northrop.

checks and the purchasing of certified green power or other renewable energy power to meet the energy needs of the development.

- The application was accompanied by a supporting statement prepared by Northrop, providing a review of the proposal against the approved sustainability objectives. The statement concludes the proposal aligns with the approved sustainability objectives.
- The Department is satisfied suitable sustainability measures would continue to be incorporated into the detailed design and the refinement to the sustainability objectives will:
 - improve the clarity of the commitments and increases the overall expected performance of the development.
 - improve the integration of sustainability into the building and operational performance of the development at completion.

Water usage

- A public submission raised comments regarding the supply of water during times of drought.
- In response, the Applicant's RTS confirmed:
 - Sydney Water are responsible for the management of the water resources in Sydney and will consider all sensitive water impacts, including operation of the facility during periods of draught
 - the development will be connected to the SOPA recycled water network and will provide onsite rainwater storage tanks to limit reliance on potable water supply for non-essential requirements of the development, including irrigation for landscaping areas and for toilet facilities.
- Sydney Water raised no concerns with the proposal, subject to standard conditions which are already included in the consent.
- The Department is satisfied with the Applicant's approach to water use, noting their commitment to engage with SOPA water utility service provider to explore, plan and expand the use of recycled water and harvested stormwater to replace reliance on potable water sources.

No changes to conditions recommended.

Lagoon water quality

- No changes are proposed to the water quality design of the lagoon.
- In response to the comments raised by NSW Health (**Section 4.3**), the Applicant advised:
 - compliance will be achieved against the relevant public polices and regulations as part of the certification process
 - on-going meetings and liaison will occur with NSW Health prior to project completion and the final handover certificate being issued. These meetings will resolve all maintenance and water quality requirements to ensure all compliance conditions are met.
 - rainwater collected on site will not be used for the lagoon and pools
- The Department recommends a new condition requiring the facility to be designed and maintained in accordance with *Public Health Act 2010* and Regulation 2012 requirements for public swimming pools.

The Department recommends a new condition requiring, in consultation with NSW Health, the facility be designed and maintained in accordance with *Public Health Act 2010* and Regulation 2012 requirements for public swimming pools.

- Subject to the imposition of the new condition, the Department is satisfied with the Applicant's approach to water quality design.
-

6 Evaluation

The Department has assessed the merits of the proposal, taking into consideration comments from Council and government agencies and public submissions.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, and is satisfied that the development, as proposed to be modified, is substantially the same development as that originally approved.

The Department's assessment concludes that the proposed modification is appropriate and acceptable on the basis that:

- the proposal maintains design excellence through its integration of built form with the lagoon, varied use of materials, façade treatments, engagement with the public domain and use of materials fitting to the Parklands context of the site
- the internal changes to the building layout will improve the functionality of the development
- there would be no adverse amenity impacts from the proposed extension to the operating hours, subject to existing and recommended conditions including, a 24-month trial period, a requirement for noise and light monitoring during operation and events held on site, noise and light limits and submission of noise and lighting compliance reports
- there would be no adverse traffic and parking impacts, as peak patronage levels remain consistent with the approved development
- the building identification signage will be appropriately sized and located and integrated into the revised design of the building.

The Department considers the modifications are in the public interest and should be approved, subject to the recommended modified conditions of consent

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7942 MOD 1 falls within the scope of section 4.55(2) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 7942
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



Rodger Roppolo

Senior Planner

Key Sites Assessments

Recommended by:



Cameron Sargent

Team Leader

Key Sites Assessments

8 Determination

The recommendation is **adopted** / ~~not adopted~~ by:

 15/2/2022

Anthony Witherdin

Director

Key Sites Assessments

(as delegate of the Minister for Planning)

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/41671>

Submissions on Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/41671>

Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/41671>

Appendix B – Statutory Considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(2) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(2) of the EP&A Act is included in **Table 1**.

Table 1 | Consideration of section 4.55(2) of the EP&A Act

Section 4.55(2)	Department's consideration
(a) 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.	The development, as proposed to be modified, is substantially the same development as the originally approved as it: <ul style="list-style-type: none">would facilitate improved functioning and operation of the water surf facilitywould not result in any significant change to the size or appearance of the approved buildingwould not result in any adverse environmental impacts that cannot be appropriately managed or mitigated.
(b) It has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent	The Department has consulted the relevant government agencies, previous submitters and Council in relation to the modification application, as addressed in Section 4 of this report.
(c) The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates the modification application followed the consultation requirements as outlined in the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
(d) Any submission made concerning the proposed modification has been considered.	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The proposed modifications are consistent with the relevant Environmental Planning Instruments (EPIs) as addressed in this report.
(a)(ii) any proposed instrument	The proposed modifications are consistent with relevant draft EPIs.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.

(a)(iv) the regulations	The application satisfactorily meet the relevant requirements of the Environmental Planning and Assessment Regulation 2000, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) as addressed in Section 4 .
(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,	The Department considers the likely impacts of the proposed modifications acceptable and have been appropriately addressed in Section 5 .
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	The Department has considered submissions made, as addressed in Section 4 and Section 5 of this report.
(e) the public interest	The Department considers the modified proposal to be in the public interest as it would facilitate the orderly and efficient development of the site.

Environmental Planning Instruments

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- Draft State Environmental Planning Policy for the Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy

The Department undertook a comprehensive assessment of the proposal against the relevant EPIs in its original assessment and is satisfied the modification application remains consistent with the EPIs.

Consideration of the modification application against State Environmental Planning Policy No. 64 – Advertising and Signage.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The proposal includes business identification signage zones on the external building elevations (north-west, north-east, south-east and south-west elevations) and a new a new business identification pylon sign (height of 7.76 m and diameter of 2.7 m) at the north eastern corner of the site.

The Department considers the proposal to be compatible with the desired amenity and visual character of the area, is of high-quality design and is therefore consistent with the objectives of SEPP 64. The

Department's assessment of SEPP 64 is provided in **Table 3** below and the specific assessment criteria of Schedule 1 of SEPP 64 in **Table 4**.

Table 3 | Consideration of SEPP 64

Assessment criteria	Department's consideration	Compliance
Part 2 Signage generally		
Clause 8 Granting of consent to signage The signage is to be consistent with the objectives of this Policy.	The proposal is compatible with the desired amenity and visual character of the area, provides effective communication and is high quality finish and is therefore consistent with the objectives of SEPP 64.	Yes
The signage is to satisfy the assessment criteria in Schedule 1	The signage is consistent with the criteria in Schedule, as addressed in Table 4 .	Yes

Table 4 | Consideration of Schedule 1 Assessment Criteria, SEPP 64

Assessment criteria	Department's consideration	Compliance
1 Character of the area		
Is the development compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage has been integrated into the design and appearance of the building and is appropriately sized and located so that it responds to the character and scale of the surrounding environment.	Yes
Is the development consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent with the objectives of relevant SOPA Guidelines for outdoor advertising.	Yes
2 Special areas		
Does the development detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage has been integrated into the design and appearance of the building and is appropriately sized and located so that it responds to the character and scale of the surrounding environment. As such, it is considered that the proposed signage would not detract from the amenity or visual quality of the surrounding environment including special areas and heritage items/areas.	Yes
3 Views and vistas		
Does the development: <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	Given the scale of signage and the relatively remote location of the site, the proposed signage would not obscure or compromise important views, would not dominate the skyline and reduce the quality of vistas or affect the viewing rights of other advertisers. .	Yes

4 Streetscape, setting or landscape

Is the scale, proportion and form of the development appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is minor in relation to the scale of the buildings and appropriate for the site setting with SOP.	Yes
Does the development contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage would contribute to the visual interest of the building and streetscape by contributing to the identification and recognition of the site.	Yes
Does the development reduce clutter by simplifying existing advertising?	The site does not contain any existing advertising.	N/A
Does the development screen unsightliness?	The signage does not screen unsightliness.	N/A
Does the development protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude beyond the building and lagoon.	Yes
Does the development require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management.	N/A

5 Site and building

Is the development compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and form of the proposed signage is minor in relation to the scale of the building and lagoon and appropriate for the site setting within SOP.	Yes
Does the development respect important features of the site or building, or both?	The scale of the proposed signage is minor in relation to the building and therefore does not compete with any important features of the building, the site or surrounds.	Yes
Does the development show innovation and imagination in its relationship to the site or building, or both?	The proposed building identification signage has been fully integrated with the building.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The Applicant's logo is included as an integral part of the display of signage.	Yes
---	---	-----

7 Illumination

Would illumination: <ul style="list-style-type: none">• result in unacceptable glare?• affect safety for pedestrians, vehicles or aircraft?• detract from the amenity of any residence or other form of accommodation.	Existing conditions imposed will ensure the proposed signage does not result in unacceptable glare, or affect safety for pedestrians, vehicles or aircraft. This includes the requirement for signage to comply with the requirements of the SOPA guidelines and the relevant Australian Standards for illumination.	Yes
--	--	-----

- Can the intensity of the illumination be adjusted?
- Is the illumination subject to a curfew?

8 Safety

Would the development reduce safety for:	The location of the signage would not obscure sightlines to or from public areas or reduce safety for any public road.	Yes
<ul style="list-style-type: none"> • pedestrians, particularly children, by obscuring sightlines from public areas? • for any public road? • pedestrians or bicyclists? 		

Objects under the act

The Minister or delegate must consider the objects of the EP&A act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act

Appendix C – Community Views

A summary of the Department's consideration of the issues raised in submissions is provided in **Table 1**.

Table 1 | Department's consideration of key issues raised in submissions

Issue	Consideration
Extension to hours of operation	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the extension to the operating hours acceptable for the following reasons: <ul style="list-style-type: none"> the one-hour extension to the opening hours would provide access to users who are unable to attend during regular daytime hours. The opening hours are also consistent with other facilities within SOP including the aquatic centre the extension of the evening hours for the lagoon would be consistent with the operating hours of café/restaurant and bar, which are approved to operate till 12 midnight, Friday and Saturday there would be no adverse noise or lighting impacts on sensitive receivers as discussed in Section 5.3.1 and Section 5.3.2 there would be no adverse impacts on fauna as discussed in Section 5.3.3 the extended hours would be subject to a trial period to review any unforeseen amenity impacts during these periods. Following the 24-month trial period, the Applicant will be required to lodge a further application to continue the extended hours of operation. This review will be undertaken by the Department, which would consider the performance of the operator in relation to compliance with the development consent, any substantiated complaints received, any potential noise impacts on residential receivers and lighting impacts on native fauna, and any views expressed by SOPA, EESG and the EPA This matter is further discussed in Section 5. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> New condition requiring a 24-month trial period for the extended hours, requirement to undertake noise and lighting monitoring during operation and events, submission of noise and lighting compliance reports, and limits on noise and lighting levels.
Traffic	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers there would be no adverse traffic impacts given: <ul style="list-style-type: none"> the modifications would not increase peak vehicle movements as the size and use of the facility and peak patronage levels remain consistent with the approved development existing conditions of consent would continue to appropriately mitigate and manage any traffic impacts, which includes the implementation of a Green Travel Plan. This matter is further discussed in Section 5. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions recommended.
Parking	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers there would be no adverse parking impacts given: <ul style="list-style-type: none"> the proposal would not result in an increase in car parking demand compared to the demand considered under the approval as peak patronage levels remain consistent with the approved development there is no change in the number of approved public car parking spaces

- existing conditions of consent require a Green Travel Plan, which aims to increase the use of available public transport and reduce private car usage.

- This matter is further discussed in **Section 5**.

Recommended Conditions/Response

- Amend condition B16 to reflect the revised number of staff car parking spaces within the service area.

Supply of water in times of drought

Assessment

- The Department is satisfied with the Applicant's approach to water use, noting their commitment to engage with SOPA water utility service provider to explore, plan and expand the use of recycled water and harvested stormwater to replace reliance on potable water sources.
- This matter is further discussed in **Section 5**.

Recommended Conditions/Response

- No conditions recommended.

Impacts on amenity associated with the use of the facility for events

Assessment

- The proposal does not seek changes to the approved arrangement of ancillary events, which includes:
 - small events (less than 500 patrons)
 - medium events (between 500 to 1000 patrons)
 - large events (over 1000 patrons).
- To manage impacts, existing conditions of consent require the submission of an event management plan in consultation with SOPA to ensure all issues (noise, traffic, access, and parking) are addressed and conflicts with major events held in SOP are avoided. The Department also recommends a new condition requiring noise and light monitoring during events and submission of a noise and lighting compliance assessment report to assess compliance with noise and light limits and any management actions taken or measures implemented to address any exceedances of noise and light limits.
- This matter is further discussed in **Section 5**.

Recommended Conditions/Response

- New condition requiring noise and light monitoring during events and submission of a noise and lighting compliance assessment report.

Appendix D – Instrument of Modification

The Instrument of Modification can be found at the Department of Planning and Environment's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/41671>