

Notice of decision

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

Application type	State significant development modification
Application number and project name	SSD-7942-MOD-1 Sydney Olympic Park - Open Water Surf Facility-Mod-1
Applicant	Urbn Surf (Sydney) Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions and any additional conditions.

A copy of the instrument of modification and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/41671>

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/41671>

Date of decision

15 February 2022

Reasons for decision

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

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

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

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

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

Attachment 1 – Consideration of Community Views

The Department exhibited the modification application from 13 May 2021 to 26 May 2021 (14 days) and received 16 submissions. This comprised of 7 submissions from government agencies, a submission from City of Parramatta Council, and 8 public submissions, comprising of 4 objections, one submission in support and 3 submissions providing comments.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include amenity impacts, traffic and parking. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<i>Extension to hours of operation</i>	<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 the Department's Assessment Report there would be no adverse impacts on fauna as discussed in the Department's Assessment Report the extended hours would be subject to a trial period to review any unforeseen amenity/environmental 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 The Department recommends a 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.
<i>Traffic</i>	<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
<i>Parking</i>	<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. The Department recommends amending Condition B16 to reflect the revised number of staff car parking spaces within the service area.
<i>Supply of water in times of drought</i>	<ul style="list-style-type: none"> 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.
<i>Impacts on amenity associated with the use of the facility for events</i>	<ul style="list-style-type: none"> The proposal does not seek changes to the approved arrangement of ancillary events, which includes: <ul style="list-style-type: none"> 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. The Department recommends a condition requiring noise and light monitoring during events and submission of a noise and lighting compliance assessment report.