

Western Sydney Stadium (Stage 2 Design & Construction)

*State Significant
Development
Modification Assessment
(SSD 8175 MOD 1)
February 2019*

February 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Parramatta
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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1. Introduction

This report is an assessment of an application seeking to modify the State significant development (SSD) consent SSD 8175 for the detailed design, construction and operation of the Western Sydney Stadium (WSS) and associated public domain and landscaping at 11-13 O'Connell Street, Parramatta in the City of Parramatta local government area (LGA).

The application has been lodged by Infrastructure New South Wales (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to modify Condition D14 of the consent to correct a minor error in the wording. Condition D14 requires the Applicant to submit a copy of the Biodiversity Operational Management Plan (BOMP) to the Department and Council prior to the commencement of work. The Applicant proposes to alter the condition to require the BOMP to be submitted prior to the commencement of use of the WSS.

1.1 Background

The WSS project is located at the north-western end of Parramatta CBD, adjacent to the Parramatta River and at the site of the former Parramatta Stadium and former Parramatta and District War Memorial Swimming Pool.

The WSS project involves the establishment of a new sporting, entertainment and urban renewal precinct and is anticipated to be a catalyst for the broader revitalisation of Parramatta. The proposed stadium will be built to an international standard and will be the third largest sporting venue in Sydney by capacity, with the ability to host large high-profile sporting and entertainment events.

1.2 Site description

The site is located at 11-13 O'Connell Street, Parramatta and is legally described as Lots 951-959 and 961-964 in DP 42643 and Crown Land Lot 80-3000 (part).

The site is bound by O'Connell Street to the east, its only street frontage (approximately 330 metres (m) in length), the existing four to five storey Parramatta Leagues Club to the north, Old Kings Oval to the west and Parramatta River beyond that, and an existing Parramatta Park Trust (the Trust) at-grade carpark to the south. The site is depicted in **Figure 1** below.



Figure 1 | Site context map (Source: Nearmap and SSD 8175 Assessment Report)

1.3 Approval history

On 31 August 2017, the Executive Director, Priority Projects Assessments, provided consent to the SSD application (SSD 8175) for the detailed design, construction and operation of Western Sydney Stadium, comprising:

- construction of a 30,000 seat stadium and playing pitch, providing:
 - 27,000 general administration seats.
 - 3,000 corporate box seats, ancillary function centre and associated kitchen facilities.
 - general admission viewing areas, food and beverage outlets, amenities and associated facilities.
 - player and coaching facilities, media and press conference rooms, security and stadium manager's facilities.
- general stadium operations, including major sporting events and music concerts.
- the independent use of the Western Sydney Stadium function centre for functions and events.
- stadium lighting, signage zones, including a curved digital display entry sign, and ancillary stadium elements.
- construction of a new signalized O'Connell Street and southern vehicle access point, closure of the existing vehicles access point at the O'Connell Street and Victoria Road intersection and construction of a new vehicle access point from O'Connell Street.
- construction of an internal ring-road and provision of a maximum of 500 car parking spaces.
- construction of the public domain, including public plazas, entertainment areas and pedestrian access and footpath upgrades.
- associated landscaping, tree removal and infrastructure works.
- reconfiguration and resurfacing of the northern sections of Parramatta Park Trust southern car park.

The development is currently under construction.



2. *Proposed modification*

The modification application (MOD 1) proposes to change Condition D14, relating to the submission of the Biodiversity Operational Management Plan, from:

D14 The Applicant must submit a copy of the BOMP to the Department and Council, prior to commencement of work associated with this consent.

To:

D14 The Applicant must submit a copy of the BOMP to the Department and Council, prior to commencement of use of Western Sydney Stadium.

The Applicant justifies the proposed modification in the following manner:

- Condition D13 details the inclusions required within the BOMP and requires the plan to be prepared and submitted prior to the commencement of use of WSS.
- Both Condition D13 and D14 relate to the preparation and submission of the BOMP, but are contradictory in regards to the timing of submission.
- Since both conditions are contained within Part D 'Prior to the commencement of use', the timing requirement of D13 is considered correct and the drafting of D14 an error.



3. *Strategic Context*

The development, as modified, will be consistent with:

- the priorities in the Greater Sydney Commission's A Metropolis of Three Cities - the Greater Sydney Region Plan and the Central City District Plan, as it would contribute to the growing of a stronger and more competitive Greater Parramatta.
- Future Transport Strategy 2056 as it would provide improved sporting facilities in a highly accessible location.



4. Statutory Context

4.1 Scope of modifications

The Department has reviewed the scope of the proposed modification application and considers that the application can be characterised as a modification involving minor error, misdescription or miscalculation as the proposal relates to the minor incorrect and contradictory wording of a condition.

4.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Other Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.



5. Engagement

5.1 Department's Engagement

Modification applications made under section 4.55(1) of the Act do not require advertising or notification. However, the application was made publicly available on the Department's website.

5.2 Summary of Submissions

Council did not make a submission and no public submissions were received.



6. *Assessment*

The proposed modification to Condition D14 is considered acceptable because:

- the Department considers that the development, as modified, remains acceptable in relation to the applicable environmental planning instruments and regulations.
- the Assessment Report for SSD 8175 notes that the condition requiring the preparation of a BOMP was recommended by OEH. The OEH submission to the Response to Submissions of SSD 8175 advises that a BOMP be prepared prior to the commencement of stadium operations.
- the Department is satisfied that the BOMP should be prepared prior to the commencement of use of the WSS since the included considerations of the plan, as outlined in Condition D13, relate to operational, rather than construction design matters.
- the Department accepts that the phrasing of the condition to require the Applicant to submit the BOMP prior to the commencement of works is in error.
- modifying the condition as proposed will not result in any adverse environmental impacts and is considered to be in the public interest.

Therefore, the proposed amendment is considered acceptable and is recommended for approval.



7. *Evaluation*

The Department has reviewed the proposed modification and assessed the merits of the modified development, and all environmental issues associated with the modification have been thoroughly addressed.

The Department accepts that the proposed modification relates to the correction of a minor error and will not result in any adverse environmental impacts.

The Department concludes the correction of the minor error is acceptable. Consequently, the Department considers the proposed modification is in the public interest and should be approved.



8. Recommendation

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8175 MOD 1 falls within the scope of section 4.55(1) of the EP&A Act.
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values on the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **modifies** the consent SSD 8175.
- **signs** the attached approval (**Appendix C**).

Recommended by:

Alex Hill

Planning Officer

Social and Other Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social and Other Infrastructure Assessments



9. Determination

The recommendation is: **Adopted by:**



Karen Harragon

Director

Social and Other Infrastructure Assessments

28/02/2019



Appendices

Appendix A - List of Documents

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9927

Appendix B – Environmental Assessment

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9927

Appendix C – Instrument of Approval