

22 December 2021

2210490

Mr Michael Cassel
Secretary
NSW Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Attn: Ferdinando Macri – Planning Officer

Dear Mr Macri ,

**RESPONSE TO SUBMISSIONS – SSD-9249 MOD 6
SYDNEY FOOTBALL STADIUM – INCLUSION OF PRECINCT VILLAGE AND CARPARK ENVELOPE**

We write on behalf of Venues NSW in response to your letter dated 30 November 2021, which requested a response to the submissions received during the public exhibition period for Modification 6 to State Significant Development Consent SSD-9249, relating to the Sydney Football Stadium Redevelopment Concept & Stage 1 Works.

This Submissions Report responds to the issues raised during the public exhibition period to satisfy the provisions of Section 4.39(e) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). This letter should be read in conjunction with Modification Application and all supporting documentation dated 15 October 2021.

Further, this letter should also be read in conjunction with the response report prepared for the separate, concurrent modification to State Significant Development Consent SSD-9835, relating to the detailed design, construction, and operation of the Precinct Village and Car Park (SSD 9835 MOD 7). All physical works are encompassed in this Modification Application to the Stage 2 consent.

1.0 Introduction

1.1 Overview

Venues NSW lodged a Modification Application under Section 4.55(1A) of the EP&A Act with the NSW Department of Planning, Industry and Environment (DPIE) to modify State Significant Development (SSD) Consent 9249 relating to the Sydney Football Stadium Redevelopment Concept & Stage 1 Works, at 40-44 Driver Avenue, Moore Park.

The proposed modifications seek to amend the conditions of consent in support of a concurrent modification to Development Consent SSD 9835 for a new Precinct Village and Car Park (SSD 9835 MOD 7). This will include replacing the approved at-grade carpark (known as MP1) with a multi-level carpark and new public domain areas including tennis courts, flexible event spaces, a children's playground, and a single storey retail pavilion.

SSD 9249 MOD 6 was placed on public exhibition between 28 October 2021 and 24 November 2021. The submissions received during the exhibition of the Modification Application are addressed by this Submissions Report.

This response identifies and provides an assessment for each of the matters raised in the submissions received during the public exhibition period. It should be read in conjunction with the Modification Application and all supporting information dated 15 October 2021. This response has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations), as well as the *State Significant Development Guidelines Appendix C: Preparing a Submissions Report Guideline*.

1.2 Purpose of this Report

The purpose of this Submissions Report is to respond to the submissions received from both community and government stakeholders during the exhibition of the Modification Application. This Submissions Report has been prepared to satisfy the provisions of Section 4.39(e) of the EP&A Act and Clause 85A of the EP&A Regulation. Each of the submissions received have been collated, analysed and the relevant issues addressed. No changes are proposed to this Modification Application in accordance with Clause 55A of the EP&A Regulation.

1.3 Consultation activities prior to Public Exhibition

During the preparation of the Modification Application, a number of consultation activities with key stakeholders took place in order to create an open dialogue. These consultation activities are documented in the Section 4.55(1a) Modification Application prepared by Ethos Urban (dated 15 October 2021) and include consultation with agencies including the City of Sydney Council and Greater Sydney Parklands, the SFS Design Integrity Panel, and the Community Consultative Committee.

2.0 Analysis of Submissions

2.1 Overview

A total of fifteen (15) submissions were received in response to the public exhibition of the Modification Application, including submissions made by government authorities and agencies and the public, as set out in the following sections.

It is noted that several submissions were made jointly to SSD 9249 MOD 6 to the Concept Proposal SSDA and to SSD 9835 MOD 7 to the Stage 2 SSDA. Accordingly, while these submissions are identified in this Submissions Report they largely relate to the detailed design, construction and operation of the Precinct Village and Carpark and as such have been addressed in the separate, concurrent Submissions Report prepared for the modification to SSD-9835 MOD 7.

2.2 Government Agency Submissions

The following State government agencies provided a submission either jointly with MOD 7 to SSD-9835, or individually to this Modification Application, during the public exhibition period:

- NSW Department of Planning, Industry and Environment (DPIE)
- DPIE's Environment, Energy and Science Group (EESG)
- Heritage NSW
- Heritage Council
- NSW Environmental Protection Agency (EPA)
- Transport for NSW
- City of Sydney Council
- Randwick City Council
- Sydney Water

2.3 Public Submissions

A total of six (6) public submissions were received from individuals, landowners, organisations and special interest groups. This comprised five (5) submissions received from members of the general community and one (1) submission from the Paddington Society that was drafted to jointly consider this Modification Application with MOD 7 to SSD-9835.

3.0 Actions taken since Exhibition

While design development and refinement has occurred with respect to the detailed design of the Precinct Village and Carpark that is the subject of MOD 7 to SSD-9835, these changes have not impacted the scope of works proposed in this separate, concurrent Modification Application to the Concept Approval including the extent of the proposed envelope or the site boundary.

The actions that have been taken since exhibition to refine the proposed Precinct Village and Carpark are described separately in the Submissions Report prepared for MOD 7 to SSD-9835.

4.0 Response to Submissions

4.1 Response to Agency Submissions

DPIE's letter dated 30 November 2021 requested that a response be provided for the issues raised in those submissions made to the Modification Application.

Accordingly, this section provides an overview of the key issues that have been raised in each submission received from government agencies. It is noted that as this Modification Application does not propose any physical works (including the construction and operation of the Precinct Village and Carpark), the majority of issues that have been raised in these submissions do not relate to this Modification Application and as such have been addressed instead in the separate, concurrent Submissions Report prepared for MOD 7 to SSD-9835.

Table 1 Response to agency submissions

Agency	Summary of Issue	Response or Reference to Further Information
Transport for NSW	<i>TfNSW has reviewed the material and advises that the proposed modification will have a negligible impact on the surrounding state road network and TfNSW infrastructure. As such, TfNSW has no objections regarding the application.</i>	No further action required.
NSW Environmental Protection Agency	<p><i>The NSW Environment Protection Authority (EPA) has advised the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).</i></p> <p><i>As such, the EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act. Furthermore, the proposal is not being undertaken by or on behalf of a NSW Public Authority nor are the activities for which the EPA is the appropriate regulatory authority.</i></p> <p><i>The EPA has no further interest in this proposal and City of Sydney Council should be consulted for future enquiries.</i></p>	No further action required.
Heritage Council	<i>Comments related to the new multilevel carpark below ground level and precinct village have been provided separately under SSD 9835. There are no heritage impacts of the remaining changes therefore there are no comments on the proposed modification.</i>	No further action required.
Heritage NSW	<i>Heritage NSW has reviewed Modification 6 with respect to Aboriginal Cultural Heritage and has no additional comments regarding this proposal.</i>	No further action required.

Agency	Summary of Issue	Response or Reference to Further Information
Randwick City Council	<p>The submission is drafted to jointly address this Modification Application and the separate, concurrent MOD 7 to SSD-9835. The submission comments on:</p> <ul style="list-style-type: none"> • The conditioned Event Management Plan and use of the site under SSD 9835. • The tree removal and replacement being completed under SSD 9835. 	<p>The Event Management Plan is currently under preparation and falls outside the scope of this Modification Application and SSD 9835 MOD 7.</p> <p>The remaining matters raised by Randwick City Council relate to SSD 9835 MOD 7 and as such have been addressed in the separate, concurrent Submissions Report for that Modification Application.</p>
DPIE's Environment, Energy and Science Group (EESG)	<p>The submission is drafted to jointly address this Modification Application and the separate, concurrent MOD 7 to SSD-9835. The submission comments on:</p> <ul style="list-style-type: none"> • Tree removal proposed under MOD 7 to SSD-9835 and whether there is the need for the preparation of a BDAR. • Detailed flood modelling and flood risks and impacts of the Precinct Village and Carpark to be constructed and operated under MOD 7 to SSD-9835. 	<p>The matters raised relate to SSD 9835 MOD 7 and as such have been addressed in the separate, concurrent Submissions Report for that Modification Application.</p>
City of Sydney Council	<p>The submission is drafted to jointly address this Modification Application and the separate, concurrent MOD 7 to SSD-9835. The submission comments on the detailed design, construction and operation of the proposed Precinct Village and Carpark in relation to transport and traffic, heritage, urban design and public domain, tree removal and retention, wind, stormwater, sustainability, noise and vibration, waste management, social impacts and requests clarifications to the submitted plans.</p> <p>Of relevance to this Modification Application is the following:</p> <ul style="list-style-type: none"> • traffic generation concerns with respect to the proposed secondary envelope has been designed to accommodate 1,500 car parking spaces; and • extent of the basement envelope and the location of mechanical services along Driver Avenue, with the aim of minimising tree removal. 	<p>Largely those matters raised relate to SSD 9835 MOD 7 and as such have been addressed in the separate, concurrent Submissions Report for that Modification Application.</p> <p>The following responses are provided for those matters that in-part pertain to this Modification Application:</p> <ul style="list-style-type: none"> • JMT Consulting has prepared a supplementary traffic statement (Appendix E of the MOD 7 Submissions Report) which considers the operation of the road network in the vicinity of the site. This assessment has considered the increase in traffic movements generated by the proposal on a Thursday afternoon and Saturday lunchtime outside of events held in the Moore Park Precinct. The assessment has considered, at the request of Council, a scenario where 50% of the car parking spaces turn over within a single hour. Given the observed movement patterns of the nearby Entertainment Quarter it is unlikely that the carpark will reach close to full occupancy outside of major events held at the SFS or the SCG. The updated modelling confirms, however, even in this conservative scenario that intersections in the vicinity of the site retain an acceptable level of service with no change to current conditions. This verifies the conclusion drawn by TfNSW in their review of the proposal (refer to the MOD 7 submission as well) that the modification will have a negligible impact on the surrounding state road network and TfNSW infrastructure. • It is emphasised that no tree removal is proposed as part of this Modification Application. Notwithstanding this, as detailed in the addendum Arboricultural Impact Assessment at Appendix I of the MOD 7 Submissions Report, alternate options were considered during the post-lodgement design development process for tree retention. It confirms that one (1) tree previously proposed for removal can be retained, while replacement planting will incorporated across the Precinct Village and Carpark in compliance with, and exceeding, the Concept Proposal and Stage 1 DA (SSD-9249) commitments

Agency	Summary of Issue	Response or Reference to Further Information
		to provide 1.5 replacement trees for every tree removed on the site.
Sydney Water	<i>Modifications include amendments of the project boundary. Sydney Water notes that this boundary adjustment is minor and remains within the existing MP1 Carpark area. A secondary building envelope for the Precinct Village and Car Park is also introduced in this modification. All physical works are encompassed within SSD-9835-Mod-7, which Sydney Water has concurrently provided a response to.</i>	Regarding the required boundary adjustment, no further action is required. Matters relating to the physical works are acknowledged to be part of SSD 9835 MOD 7, and as such have been addressed in the separate, concurrent Submissions Report for that Modification Application.

4.2 Response to Organisation and Public Submissions

This section provides a response to the key issues raised in each submission from organisations as well as the general public. Of these submissions, four (4) are objections, one (1) is in support, and one (1) provides comments.

The issues that have been raised in these submissions have been grouped into categories and addressed in the following table. It is noted that as this Modification Application does not propose any physical works (including the construction and operation of the Precinct Village and Carpark), the majority of issues that have been raised in these submissions do not relate to this Modification Application and as such have been addressed instead in the separate, concurrent Submissions Report prepared for MOD 7 to SSD-9835.

Table 2 Response to organisation and public submissions

Category	Summary of Issues	Response or Reference to Further Information
Traffic and parking	<ul style="list-style-type: none"> Construction and operation of the proposal will lead to further illegal parking in residential streets. No need for additional parking given the public transport options that surround the SFS Positive impacts of removing on-grass carparking and increased pedestrian permeability Firm commitment needed for the removal of on-grass carparking 	<p>This Modification Application does not seek consent of the detailed design, construction or operation of the Precinct Village and Carpark which is addressed separately in MOD 7 to SSD-9835.</p> <p>The separate, concurrent Submissions Report for MOD 7 provides further justification for the strategy to remove and offset parking within the Precinct, including a recommended condition of consent dealing with the removal of on-grass carparking through the delivery and operation of the proposal.</p> <p>Further, it is noted that illegal parking is outside of the scope of this application and cannot be controlled by Venues NSW. This matter was addressed as part of the exhibited, and ultimately approved, Environmental Impact Statement prepared for the Stage 2 DA (SSD 9835) which sought consent for the construction of the stadium and surrounding areas.</p>
Trees and vegetation	<ul style="list-style-type: none"> Loss of perimeter tree planting to SFS carpark Underplanting needed to supplement trees Suitable landscape transition is provided to any aboveground components of the carpark Positive impact of replacing the bitumen carpark with landscaped space 	<p>This Modification Application does not seek consent of the detailed design, construction or operation of the Precinct Village and Carpark, including any tree removal or landscaping, which is addressed separately in MOD 7 to SSD-9835.</p> <p>The separate, concurrent Submissions Report for MOD 7 provides further commentary on the proposed tree removal and retention strategy and updated Landscape Plans detailing the construction impacts and proposed landscaped outcome for the site. Trees removed on the site will be replaced at a ratio of 1 (tree lost) to every 1.5 (trees replaced), including along the edges of the site.</p>

Category	Summary of Issues	Response or Reference to Further Information
Built form	<ul style="list-style-type: none"> Encroachment of further structures within public land Need for the building envelope projection above the existing level of Driver Avenue and Moore Park Road The proposed height of 6m seems excessive for a 1-storey facility More toilets requested inside and outside the venue Purpose of the masonry boxes above the pavilion roof 	<ul style="list-style-type: none"> The Precinct Village and Carpark will utilise the at-grade MP1 members carpark which is on Venues NSW land under the <i>Sporting Venues Authorities Amendment (Venues NSW) Bill 2020</i>. The land has been in the care of Venues NSW and its predecessors since 1903. Both the former MP1 carpark and the proposed Precinct Village and Carpark form an essential operational area for the precinct, and as such will continue to be managed in an integrated way as part of this sporting and entertainment precinct. It is emphasised that the Precinct Village and Carpark enables public access and use of the site and is an improved outcome from the existing approval which requires that this land be used as an at-grade carpark only for members. Accordingly, the proposal does not represent an encroachment on public land but rather replaces an existing, restricted at-grade carpark with publicly accessible open space, retail premises, and event spaces that significantly increase public access and use of the site. It is noted that toilets will be provided as part of the approved stadium, retail and recreation spaces that support the stadium, as detailed in SSD-9835. The building envelope has been carefully designed to tie-into the levels of the site and enable providing free-flowing, level pedestrian access to and from the SFS concourse from Driver Avenue and Moore Park Road. The edges of the carpark will be predominantly sleeved with other uses (including the existing ARDC building, the existing NRL building, and the approved stadium concourse) or will be screened by landscaping. The proposed pavilion buildings provide a prominent backdrop and feature to the precinct. The scale is commensurate with their function as a gateway to the site and creates a deliberate transition from the stadium mass to the event plaza and village, while remaining empathetic to adjacent buildings, Driver Avenue and the neighbouring parklands. The tennis pavilion building is also approximately 4.5m high to provide a more intimate and human scale to what is a semi-private facility. The masonry boxes above the pavilion roof are for exhaust. These boxes are designed as monolithic structures that are clad in brick to match the bricks used throughout the precinct village. The bricks have been chosen to visually soften and warm the built form, while celebrating the local contextual material used along Driver Avenue and throughout the sports and entertainment precinct. It is also proposed that the boxes would allow for native scrambling vegetation to grow up the walls to further reduce the visual impact and integrate them within the parkland setting. The boxes are also envisaged to be potential canvases for artwork or commemorative installations.

Category	Summary of Issues	Response or Reference to Further Information
Other issues	<ul style="list-style-type: none"> • Signs and service kiosks on the existing approach to the site are poorly planned • Waste of taxpayer money • Construction noise impacts • Revenue raised by the carpark should contribute to the Greater Sydney Parklands • Community access to the tennis facilities 	<p>This Modification Application does not seek consent of the detailed design, construction or operation of the Precinct Village and Carpark which is addressed separately in MOD 7 to SSD-9835.</p> <p>The separate, concurrent Submissions Report for MOD 7 addresses how the proposal will support wayfinding and mitigate or minimise construction noise impacts.</p> <p>Further matters such as revenue and NSW Government spending are not relevant environmental planning considerations.</p> <p>The tennis courts and associated facilities are proposed to be accessible to the Stadium Fitness facilities members.</p>

5.0 Conclusion and Justification

The project as a whole and modified under this Modification Application is considered to be justified and supportable with regard to the social, economic, and environmental impacts.

The proposed modification does not impact upon the substance of the original State Significant Development Consent (SSD 9249). The proposed modification does not alter the level of compliance with, nor give rise to the need for additional assessment, against the relevant environmental planning instruments and policies noting there is a separate concurrent modification to the Stage 2 SSD DA (9835) which seeks consent for the detailed design, construction, operation of the Precinct Village and Car Park and any associated environmental impacts. No change is proposed to the approved mitigation measures.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Alex Heath
Junior Urbanist



Anna Nowland
Principal

Appendix A. Submissions register

Group	Name	Section where issue addressed
Agencies	<ul style="list-style-type: none"> • TfNSW • NSW EPA • Heritage Council • Heritage NSW • EESG • Sydney Water 	Section 4.1
Councils	<ul style="list-style-type: none"> • Randwick City Council • City of Sydney Council 	Section 4.1
Organisations	<ul style="list-style-type: none"> • Paddington Society 	Section 4.2
Individuals	<ul style="list-style-type: none"> • Steve Broussos • Polly Ryrie • Andrew Andersons • Jocelyn Pixley • Name withheld 	Section 4.2