

1 May 2019

218948

Mr Jim Betts
Secretary
NSW Department of Planning and Industry
320 Pitt Street
Sydney NSW 2000

Attention: David Gainsford

Dear David,

Section 4.55(1A) Modification | State Significant Development Consent SSD 9249 Sydney Football Stadium Redevelopment

This application has been prepared by Ethos Urban on behalf of Infrastructure NSW pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 9249 relating to the Concept Proposal and Stage 1 Demolition of the Sydney Football Stadium at 40-44 Driver Avenue, Moore Park.

The modification relates to an adjustment to the site boundary of the land to which the approved Concept Proposal relates in order to remove land that is required to be retained to support the ongoing operational functions of the adjacent Sydney Cricket Ground (SCG). The land affected is currently occupied by the tennis courts at the south-western corner of the site adjacent to the 'Members' Lawn'.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by amended drawings outlining the revised site boundary (**Attachment A**).

1.0 Consent proposed to be modified

Development Consent 9249 was granted by (then) Minister for Planning on 6 December 2018 for a Concept Proposal for the new stadium and concurrent Stage 1 works involving the demolition of the existing stadium and associated structures. Demolition in accordance with SSD 9249 has now commenced and is being undertaken by the appointed contractor.

2.0 Proposed modifications to the consent

2.1 Modifications to the development

The subject site is described in the development consent as "40-44 Driver Avenue, Moore Park (Part Lot 1528 and Part Lot 1530 DP 752011 and Lot 1 DP 205794)". This is further defined in the approved plans, which illustrate the boundary of the site to which the development consent relates. The purpose of this modification is to exclude a small area from this site boundary, comprising two tennis courts located in the south-western corner of the site adjacent to the SCG's practice wickets. The excise of this land, identified in **Figure 1** and having dimensions of approximately 20 metres x 70 metres in dimension, from the site boundary will allow this portion of the site to be utilised by the Sydney Cricket and Sports Ground Trust to support the operations of the SCG independently from the Sydney Football Stadium redevelopment.



 Indicative area to be removed

Figure 1 Indicative area to be removed from site boundary

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

SCHEDULE 1

Definitions:

Site The land defined in Schedule 1 *and as identified as the “Site Boundary” on the approved drawings identified in Schedule 2 Part A.*

SCHEDULE 2 – PART A

Condition A2 (d):

Drawings provided in the <i>Urban Design Guidelines</i> prepared by <i>SJB Architects</i>			
Dwg No.	Rev	Name of Plan	Date
SK21	04 <i>05</i>	Site Analysis	28 August 2018 <i>23 April 2019</i>
SK22	04 <i>05</i>	Indicative Building Outline Plan	28 August 2018 <i>23 April 2019</i>

Drawings provided in the <i>Urban Design Guidelines</i> prepared by SJB Architects			
Dwg No.	Rev	Name of Plan	Date
SK23	04 05	Access Plan	28 August 2018 23 April 2019
SK24	04 05	Landscape Plan	28 August 2018 23 April 2019
SK25	04 02	Section A1	28 August 2018 23 April 2019
SK26	04 02	Section B1	28 August 2018 23 April 2019
SK27	05 06	Building Envelope Plan	28 August 2018 23 April 2019
SK28	05 06	Demolition Plan	28 August 2018 23 April 2019

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- continues to relate to a Concept Proposal for a new stadium and concurrent Stage 1 Works involving the demolition of the existing stadium and associated structures;
- does not alter the building envelope or building height for the stadium;
- does not alter the scope of approved Stage 1 Works relating to demolition;
- continues to provide for the use of the excluded land as part of the broader Sydney Sports Ground precinct;
- allows the existing SCG to continue to operate throughout the demolition and (future) construction phases by hosting a range of sporting events with minimal disruption;
- continues to provide for an appropriate interface between the existing SCG and the proposed future Sydney Football Stadium;
- continues to provide suitable areas for pedestrian circulation around and between the existing SCG and future SFS; and
- does not give rise to any additional environmental impacts beyond those previously considered in the assessment and determination of the Environmental Impact Statement.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The proposed modification does not give rise to any further impacts or need for assessment against the relevant matters under section 4.15(1) beyond those already addressed in the original Environmental Impact Statement. 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.

The removal of the tennis courts from the site boundary for the SFS redevelopment will not impact upon the Urban Design Principles identified in the approved Concept Proposal for the interface between the future Sydney Football Stadium and the existing SCG. The future detailed Development Application (Stage 2) for the construction of the new football stadium will outline how the new external concourse will integrate with the existing patron circulation zones of the SCG.

The site remains suitable for the proposed development, and the proposed modification is in the public interest as it will allow the excluded land to be utilised to support the ongoing operations of the SCG in the hosting of cricket matches and other sporting events.

4.1 Reasons given for granting consent

The proposed modification does not alter the development insofar as the matters identified by the Minister as the reasons for granting the original development consent.

5.0 Conclusion

The proposed modification is minor and administrative in nature, and does not impact upon the substance of the original State Significant Development Consent (SSD 9249). The proposed modification does not give rise to any environmental impacts and will allow for the efficient ongoing operation and use of the adjacent SCG throughout the demolition and construction phases of the Sydney Football Stadium redevelopment.

In accordance with section 4.55(1A) of the EP&A Act, the Minister may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as development for which the consent was granted.

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

Yours sincerely,



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