

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford
Executive Director
Infrastructure Assessments

Sydney 5th August 2019

SCHEDULE 1

Development consent:	SSD 9249 granted by the Minister for Planning on 6 December 2018
For the following:	Concept development application for the redevelopment of Sydney Football Stadium including: <ul style="list-style-type: none">• A Concept Proposal comprising:<ul style="list-style-type: none">○ a maximum building envelope for the stadium including basement and a roof over all permanent seating;○ maximum stadium capacity of 45,000 seats (55,000 patrons in concert mode);○ member areas, premium box/terrace, function lounge and corporate suite operations;○ flood lighting, stadium video screens and ancillary fittings;○ team, media and administration facilities, food and beverage areas;○ new playing pitch and provision for ancillary uses;○ public domain works and landscaping; and○ identification of the existing Moore Park Carpark 1 (MP1) as the demolition and construction compound.• Concurrent Stage 1 works comprising:<ul style="list-style-type: none">○ demolition of the existing stadium including the existing Sheridan, Roosters, Waratahs, Cricket NSW Administration Building and Indoor Wickets to ground level (existing slab level);○ removal of 26 trees; and○ use of the existing MP1 as the demolition compound.
Applicant:	Infrastructure New South Wales
Consent Authority:	Minister for Planning and Public Spaces
The Land:	40-44 Driver Avenue, Moore Park (Part Lot 1528 and Part Lot 1530 DP 752011 and Lot 1 DP 205794)
Modification:	SSD-9249-Mod-2: Amend the scope of the stage 1 works to include: <ul style="list-style-type: none">• demolition of on-ground slab paving and footings;• removal of top of the piles of the existing stadium; and• diversion of an existing stormwater infrastructure with associated trenching.

SCHEDULE 2

The consent (SSD 9249) is modified as follows:

- a) The “**Definitions**” in the development consent is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follow

Development

The development described in the EIS, Response to Submissions, ~~and~~ supplementary Response to Submissions, **and the Section 4.55(1A) Modification Application dated 21 May 2019** including the works and activities comprising demolition and tree removal as modified by the conditions of this consent.

Demolition

The deconstruction and removal of buildings, sheds and other structures including **the piles and** soft strip on the site, crushing and other associated processing of demolition materials ~~above the existing finished slab / ground level.~~

- b) Schedule 3 (Condition of consent for Stage 1 works) Part A (Administrative conditions) is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Terms of Consent

A2. The development may only be carried out:

- a) in compliance with the conditions of this consent;
- b) in accordance with all written directions of the Planning Secretary;
- c) generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and consolidated mitigation measures provided in **Appendix 2**; ~~and~~
- d) generally in accordance with SSD-9249-Mod-1, **SSD-9249-Mod-2 and SSD-9249-Mod-3**; ~~and~~
- e) in accordance with the approved plans in the table below:

Drawings provided in the Urban Design Guidelines prepared by SJB Architects			
Dwg No.	Rev	Name of Plan	Date
SK21	05	Site Analysis	23 April 2019
SK28	06	Demolition Plan	23 April 2019
Drawings provided in the Arboricultural Impact Assessment – Tree Protection Specification, Sydney Football Stadium, Stage 1 & Early Works prepared by Tree IQ			
SK15	00	Tree Plan	22 May 2018
SK17	00	Tree Plan	22 May 2018
SK18	00	Tree Plan	22 May 2018
SK19	00	Tree Plan	22 May 2018
Drawings provided with the Modification Report prepared by Curio Projects			
-	-	<u>Location of obsolete piles</u>	<u>01 May 2019</u>
Drawings provided with the Modification Report prepared by Aurecon			
<u>DWG00040</u>	<u>B</u>	<u>Sydney Water Diversion Plan</u>	<u>25 April 2019</u>
<u>DWG00041</u>	<u>B</u>	<u>Sydney Water diversion plan and longitudinal section</u>	<u>25 April 2019</u>

- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c), **A2(d)** and A2(~~de~~). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition **A2(d)** and A2(~~de~~) the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A6. The works approved under Stage 1 of this development consent involves demolition of the relevant structures ~~to the slab or the existing ground level only~~ **including slab, paving, footing and the removal of the top of the piles under the existing stadium to a depth of 27.8 metres AHD.**
- A7. ~~No works involving excavation, ground disturbance or changes to the existing ground level or grade are permitted under this development consent.~~

- c) Schedule 3 (Condition of consent for Stage 1 works) Part B (Prior to the commencement of construction) is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Heritage

B6. The following recommendations must be complied with:

- a) Prior to the commencement of demolition works (not including demolition soft-strip) on the site, the Busby's Bore must be protected in accordance with the recommendations of the "Methodology Statement – Working near Busby's Bore" prepared by Infrastructure NSW dated September 2018.
- b) Prior to the commencement of works including removal of slab, paving, footings and the removal of piles under the existing stadium, the "Methodology Statement – Working near Busby's Bore" must be updated to include all additional measures required for below ground works in the near vicinity of Shafts 9, 10 and the Bore itself, in accordance with the Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019 and the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019.
- B13. ~~The Applicant must not commence any works until the CEMP (along with the sub-plans) is approved by the Certifying Authority and a copy submitted to the Planning Secretary and Council.~~
- a) No works must commence on the site until the CEMP (along with the relevant Sub-Plans) is approved by the Certifying Authority and a copy submitted to the Planning Secretary and Council.
- b) No works involving ground disturbance including removal of slab, paving, footing, removal of piles, trenching and diversion of stormwater infrastructure, are to commence until the CEMP and all relevant Sub-Plans required by Schedule 3 Condition B12 are updated:
- (i) to include the amended scope of works as approved by SSD-9249-Mod-2;
- (ii) to be consistent with the 'Addendum to Construction Management Plan for Modification to SSD 9249' prepared by Aver Consulting dated May 2019;
- (iii) to include the recommendations and management measures in the Addendum to Construction Management Plan for Modification to SSD 9249 prepared by Aver dated May 16, 2019;
- (iv) to include procedures for all below ground works in the near vicinity of the section of Busby's Bore (including the Shafts) that runs across the Site including additional management measures required by Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019 and the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019;
- (v) to include the updated Mitigation measures in Appendix 2 (as modified by SSD-9249-Mod-2);
- (vi) for the unexpected finds protocol for contamination and associated communications procedure to include the additional recommendations within the 'Unexpected Contamination Finds Protocol V2.1 (June 2019)' prepared by Lendlease and attached to the Site Auditor's review letter dated 26 June 2019; and
- (vii) for the unexpected finds protocol for Aboriginal and historic heritage (including archaeology) and associated communications procedure, to include the recommendations of the Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019 and the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019.
- c) The updated CEMP and the Sub-Plans, as required by Schedule 3 Condition B13(b) must be approved by the Certifying Authority and a copy submitted to the Planning Secretary.

B16. **The following requirements must be complied with in regard to construction soil and water management:**

- a) The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (i)** be prepared by a suitably qualified expert, in consultation with Council;
 - (ii)** describe the details of all erosion and sediment controls to be implemented during construction;
 - (iii)** provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (iv)** provide a summary of any ground investigations completed to date;
 - (v)** detail all off-Site flows from the Site and ensure that sediment is not mobilised in stormwater flows leaving the site;
 - (vi)** describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;
 - (vii)** detail the proposed stormwater disposal and drainage from the development, designed in accordance with, but not limited to the Australian and Council's Stormwater Management Code as follows:
 - 1.** Australian Rainfall and Runoff – A Guide to Flood Estimation, Volumes 1 and 2 (1987);
 - 2.** SA/NZS 3500.3.2 National Plumbing and Drainage Part 3.2: Stormwater Drainage – Acceptable Solutions;
 - 3.** Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004) – NSW Department of Housing.
 - (viii)** details demonstrating that fine particulates from demolition works would not be entrained in stormwater runoff and adversely impact on Kippax Lake, the underlying groundwater resources and other downstream properties.
- b) **Prior to the commencement of works in relation to removal of slab, paving, footings and the removal of piles under the existing stadium until the CSWMSP is updated to be consistent with 'Addendum to Construction Management Plan for Modification to SSD 9249' prepared by Aver Consulting dated May 2019 and provides details of:**
- (i)** **monitoring techniques to ensure that the quality of water within the detention / settling ponds comply with the applicable standards within the Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004); and**
 - (ii)** **methods for testing of the water quality (suspended solids, turbidity and contaminants) prior to discharging from the site into the stormwater infrastructure on Driver Avenue, to ensure compliance with the applicable standards within the Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004); and**
 - (iii)** **methods of evaluating the water quality testing results by a suitably qualified water quality expert.**

B21. **The following requirements must be complied with, regarding the CTPMP and the updated versions:**

- a) The CTPMP must be endorsed by the Coordinator General, Transport Coordination within TfNSW and a copy submitted to Council, and the Planning Secretary, prior to the commencement of any works on the site;
- b) **The CTPMP must be updated to be consistent with 'Addendum to Construction Management Plan for Modification to SSD 9249' prepared by Aver Consulting dated May 2019; and**
- c) **The updated CTPMP must be endorsed by the Coordinator General, Transport Coordination within TfNSW and a copy submitted to Council, and the Planning Secretary, prior to the commencement of the works on the site, which involve ground disturbance.**

Stormwater Infrastructure reports

B33. Prior to the commencement of works in relation to diverting the Sydney Water stormwater infrastructure, the following reports must be prepared, be submitted to Sydney Water and the necessary approvals of these reports (where required by Sydney Water) obtained from the authority as part of the “Adjustment of a Sydney Water Asset” process:

- a) **A hydraulic capacity feasibility study to demonstrate that the hydraulic capacity and performance of the existing stormwater system will not be impacted due to the proposed stormwater works and that the existing capacity of the stormwater system will be maintained at all times;**
- b) **A report and / or supporting plans / documentation to clearly describe and specify how the disconnection / connection of Sydney Water’s stormwater assets will take place;**
- c) **An interim operating procedure with a commitment that the Applicant will own, operate and maintain temporary stormwater assets until the time that the new permanent stormwater drainage system is constructed to Sydney Water’s requirements;**
- d) **A Risk Management Control Plan and an Emergency Response Plan including details of the key risks, management controls and emergency responses to ensure safety of people and property in the event of asset and / or embankment failing or flooding;**
- e) **The details of a risk workshop that is required to be conducted with relevant design consultants, Water Servicing coordinators and contractors prior to the commencement of the works in relation to stormwater infrastructure; and**
- f) **A plan which provides detailed specifications for any redundant pipes that will be backfilled.**

Note: No works in relation to stormwater trenching are to be commence on the site prior to obtaining necessary approvals from Sydney Water.

B34. A copy of all reports as required by Schedule 3 condition B33 and the relevant Sydney Water approval of the “Adjustment of a Sydney Water Asset” is to be submitted to the Department for information prior to the commencement of the stormwater infrastructure diversion works.

Historic Archaeology

B35. Prior to the commencement of the works which involve ground disturbance, an excavation director must be nominated to direct the archaeological program for the development. The excavation director must have appropriate qualification in accordance with ‘Criteria for Assessment of Excavation Directors’ published by the Heritage Division of the Department of Premier and Cabinet (former Heritage Council).

- d) Schedule 3 (Condition of consent for Stage 1 works) Part C (During construction) is amended by the insertion of the **bold and underlined** words / numbers as follows:

Vibration Criteria

- C26. Vibration during the construction works must comply with the limits specified in Schedule 3 conditions C24 and C25, unless otherwise agreed in the CNVMSP as required by Schedule 3 condition B14 and forming a part of the CEMP. **Ongoing vibration monitoring must be conducted during the excavation works in the vicinity of Shafts 9 and 10 of the Busby's Bore. Vibrations should be limited to a maximum peak particle velocity of 5 mm/second.**

Historic Archaeology

- C58. The archaeological supervision is to be undertaken for all impacted areas of the site, during below ground works, under the supervision of the nominated Excavation Director, in accordance with the recommendations of Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019 and the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019.**

Aboriginal Archaeology

- C59. The monitoring of Aboriginal archaeological test excavation, recording and salvage (if any) must be undertaken for all impacted areas of the site in accordance with the recommendations of Addendum Archaeological Impact Assessment Sydney Football Stadium Redevelopment Stage 1 SSDA 4.55 Modification, prepared by Curio Projects, dated May 2019 and the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019, and in consultation with the Registered Aboriginal Parties that have been identified for this project.**
- C60. Following the completion of the Aboriginal archaeological test excavation, recording and salvage (if any), a post excavation report is to be prepared in consultation with the Registered Aboriginal Parties and the recommendations in the Response to request for Additional information – Archaeological Methodology, prepared by Curio Projects, dated July 2019. A copy of the post excavation report is to be submitted to the Department for information.**

Underground Petroleum Storage System

- C61. The existing Underground Petroleum Storage System is to be fenced off and protected prior to the commencement of any works that may compromise the system.**

Site Auditor

- C62. The nominated Site Auditor be appointed throughout the duration of the construction works to ensure that any required works in relation to soil contamination are appropriately managed. If unexpected contamination is found during site works at levels that may pose a risk to human health or environment, the Site Auditor must provide a Section A Site Audit Statement and accompanying Site Audit Report at the completion of works, to audit any further contamination investigations and remedial works, and to certify suitability of the land for the proposed land use.**

- e) **Appendix 2** of the development consent is amended by the insertion of the **bold and underlined** words / numbers as follows:

S1-CG2

The Construction Environmental Management Plan required by Condition B12 of Schedule 3 is to be updated to include the recommendations of the Detailed Site Investigation prepared by Douglas Partners dated May 2019 and the Interim Auditor's Advice prepared by Mr Jason Clay dated 17 May 2019 prior to the commencement of any works involving ground disturbance.

S1-HER5

Demolition works involving the ground slab and existing piles and any works relating to stormwater diversion must be undertaken in accordance with the Archaeological Mitigations and Recommendations outlined in the Addendum Archaeological Impact Statement prepared by Curio Projects dated May 2019.