



Redevelopment of the Sydney Football Stadium Stage 1 Modification 4

State Significant Development Modification Assessment
(SSD-9249-MOD-4)

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Title: Redevelopment of Sydney Football Stadium Stage 1 (SSD-9249-MOD-4)

Subtitle: Modification to amend the timing of submission of Site Audit Statement

Cover image: Aerial view of the new stadium (Source: DPIE Assessment Report SSD-9835)

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Glossary

Abbreviation	Definition
ARDC	Australian Rugby Development Centre
Council	City of Sydney Council
Consent	Development Consent
Department	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation
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
EPI	Environmental Planning Instrument
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SAS	Site Audit Statement
RAP	Remediation Action Plan
RLCB	Rugby League Central Building
SAS	Site Audit Statement
SCG	Sydney Cricket Ground
SCSGT	Sydney Cricket and Sports Ground Trust
SEPP	State Environmental Planning Policy
SFS	Sydney Football Stadium
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP 55	State Environmental Planning Policy No. 55 (Remediation of Land)
SSD	State Significant Development
UFP	Unexpected Finds Protocol

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	2
2	Proposed modification	5
3	Strategic context.....	6
4	Statutory context	7
4.1	Scope of modifications	7
4.2	Consent authority	7
4.3	Mandatory matters for consideration.....	7
5	Engagement.....	9
5.1	Department's engagement.....	9
6	Assessment	10
6.1	Soil contamination and issue of SAS	10
7	Evaluation.....	12
8	Recommendation.....	13
9	Determination.....	14
	Appendices	15
	Appendix A – List of referenced documents	15
	Appendix B – Environmental Assessment.....	15
	Appendix C – Instrument of Modification	15

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the State significant development (SSD) consent for the redevelopment of Sydney Football Stadium (SFS) (SSD-9249). The application has been lodged by Infrastructure NSW (the Applicant) pursuant to section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It seeks approval to modify condition C62 of Schedule 2 of the development consent so that an interim Site Audit Statement (SAS) in relation to Stage 1 works can be submitted in lieu of the final SAS, upon completion of the works.

The approved concept development application for the redevelopment of the existing SFS comprises:

- the Concept Proposal for maximum building envelope, design and operational parameters for a new rectangular stadium with up to 45,000 seats (55,000 patrons in concert mode).
- concurrent Stage 1 works including the demolition of the existing SFS down to the existing ground level (slab level), associated works and identification of the demolition / construction compound.

1.1 Background

The site comprises the northern half of the property at No. 40 – 44 Driver Avenue, Moore Park and is legally described as part Lots 1528 and 1530 DP 752011 and Lot 1 DP 205794. The site is located approximately 3 kilometres (km) south-east of the Sydney Central Business District (**Figure 1**).

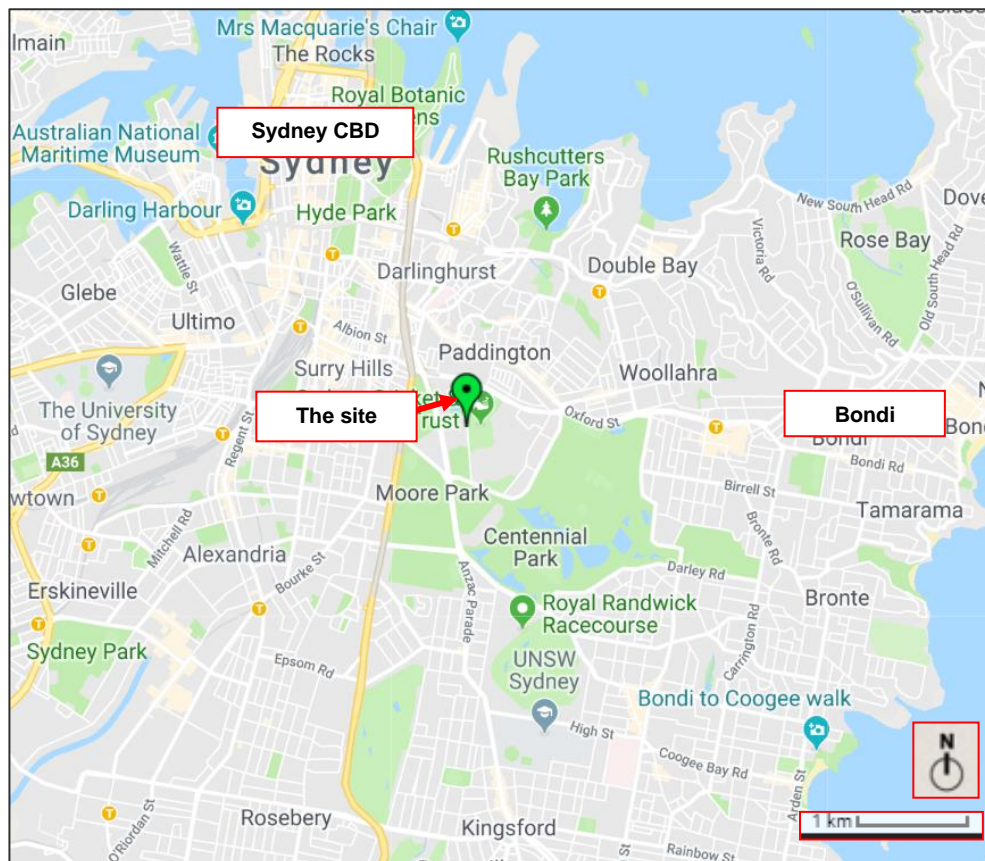


Figure 1 | Site location (Source: Google Maps 2019)

The site has an area of 8.7 hectares (ha) and is Crown land, with the Sydney Cricket and Sports Ground Trust (SCSGST) designated as the sole trustee under the *Sydney Cricket and Sports Ground Act 1978*. The former SFS was located in the northern corner of the site with frontages to Moore Park Road to the north, Paddington Lane to the east and Driver Avenue to the west.

The former SFS has now been demolished pursuant to Stage 1 of SSD-9249.

The land controlled by SCSGST also accommodates the following additional existing buildings, structures and facilities, which do not form a part of the proposal:

- the Australian Rugby Development Centre (ARDC) and the Rugby League Central Building (RLCB), located along the north and south of the Moore Park Carpark 1 (MP1), respectively.
- The Sydney Cricket Ground (SCG), comprising a mix of stands, buildings, paved and landscaped spaces, with a capacity for 48,000 spectators (**Figure 2**).

The property forms part of a larger entertainment and recreation precinct shared with Centennial and Moore Parks, Fox Studios, and the Entertainment Quarter as identified in (**Figure 2**).

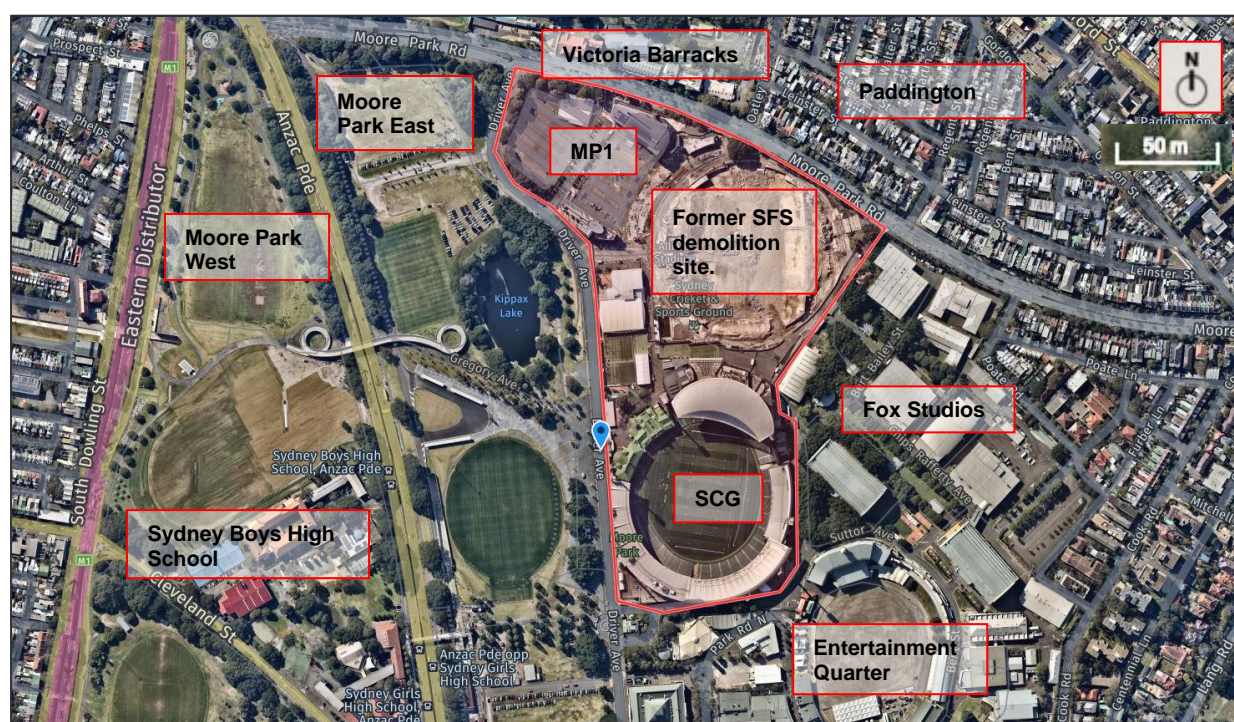


Figure 2 | Aerial view identifying the site features and adjoining buildings and features within an outside the land controlled by SCSGST (Source: Nearmap 2020)

1.2 Approval history

On 6 December 2018, the then Minister for Planning granted consent for the concept development application for the redevelopment of the existing SFS comprising:

- A Concept Proposal comprising:
 - 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.
 - identification of the existing MP1 as the demolition and construction compound.
- Concurrent Stage 1 works comprising:
 - 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.
 - use of the existing MP1 as the demolition compound.

The development consent has been modified on three occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Adjust the site boundary to remove land that was required to be retained to support the ongoing operational functions of the adjacent Sydney Cricket Ground.	Director	4.55(1A)	5 June 2019
MOD 2	Amend the scope of demolition works to permit the removal and disposal of the existing ground slabs, pavements, footings and piles from the former SFS. In association with these works, it was also proposed to divert some existing stormwater infrastructure located within the site.	Executive Director	4.55(1A)	5 August 2019
MOD 3	Amend Condition C8(d) to enable a public domain design to be developed with the most appropriate plant selection and modify the numeric requirements regarding vegetation.	Director	4.55(1A)	28 June 2019

Condition C62 of the development consent states the following and is relevant to this application:

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.

Following the approval of the Concept Proposal and Stage 1 works, the Applicant lodged SSD-9835 with the Department for the Stage 2 of the redevelopment of the SFS comprising the detailed design, construction and operation of a new stadium on the site. The Stage 2 application was approved by the Minister for Planning and Public Spaces on 6 December 2019.

The Stage 1 works, pursuant to SSD 9249, have been completed and the former SFS has been demolished. The Stage 2 works, pursuant to SSD 9835, are yet to be commenced on the site.

2 Proposed modification

The modification application (SSD-9249-Mod-4) seeks to amend condition C62 of Schedule 3 of SSD-9249 (as modified), to allow for compliance with the regulatory framework prescribed by the *Contaminated Land Management Act 1997*.

Currently, the consent requires the submission of the Section A SAS at the completion of works in relation to Stage 1, to certify the suitability of the site for the proposed use.

The proposed modification seeks approval to amend this condition and require the submission of an interim audit advice (or a Section B SAS) instead of a Section A SAS at the completion of the Stage 1 works. The Applicant's Modification Report advises that a Section A SAS can only be prepared following the completion of all works on the site, which, in relation to the redevelopment of the SFS, would occur following completion of Stage 2 works (i.e. the new stadium and public domain areas being constructed).

The modified condition, as proposed by the Applicant is provided below (deleted words are marked in strikethrough font and the added wording in bold and underlined font):

- C62. The nominated Site Auditor be appointed throughout the duration of ~~the construction works~~ ***undertaken in accordance with this consent*** to ensure that any ~~work~~ ***work*** required ~~works~~ in relation to soil ***or groundwater*** contamination ***completed within the demolition footprint identified on the Site Analysis Plan prepared by SJB Architects (SK21, Revision 04)*** is 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.~~ ***If remediation is required to address any unexpected finds identified during the works, a Remedial Action Plan (RAP) must be prepared. The Site Auditor must provide a Section B Site Audit Statement and accompanying Site Audit Report at the completion of works undertaken in accordance with this consent, and prior to the commencement of SSD 9835, certifying that works have been completed satisfactorily, and, if a RAP is necessary, certifying that the site can be made suitable for the proposed land use upon execution of the approved RAP.***

The Modification Report includes a letter from the appointed Site Auditor. The letter confirms the advice provided by the Applicant and recommends that a Section B SAS with a supporting Site Audit Report can be provided at the completion of the Stage 1 works, prior to the commencement of Stage 2 works.

3 Strategic context

The development, as modified, continues to be consistent with the following as amendments to the timing of lodgement of the Site Auditor's Report does not alter the key components or outcomes of the proposal:

- the NSW Stadia Strategy 2012 and 2015 Preliminary Sydney Cricket Ground Master Plan.
- Greater Sydney Commission's (GSC) A Metropolis of Three Cities - The Greater Sydney Plan.
- the vision outlined in the GSC Eastern City District Plan.
- the State Infrastructure Strategy 2018 – 2038 Building the Momentum.
- the City of Sydney's Sustainable Sydney 2030.
- the NSW Future Transport Strategy 2056.
- the TfNSW Sydney's Cycling Future 2013.

The development, as modified, also continues to provide direct investment in the region of approximately \$674 million, which would support 30 jobs for Stage 1 demolition works and up to 300 additional operational jobs upon completion.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 13 March 2020, the Director, Social and 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.

4.3 Mandatory matters for consideration

Section 4.15 of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals, as identified in **Error! Reference source not found.**

Table 2 | Section 4.15(1) Considerations

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification seeks approval to alter the timing of submission of the final SAS to confirm the suitability of the site for the proposed use. It does not propose any physical changes or alter the uses envisaged under the original proposal. Accordingly, the proposed amendments would result in minimal environmental impacts. The Applicant's earlier assessment of soil contamination (as part of the Stage 1 application)

Matter	Consideration
	demonstrated that the proposed works of ground disturbance would not require remediation of the land to mitigate soil contamination. Consequently, the proposed modification would result in minimal environmental impacts.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification does not seek to significantly amend the development. The approved development, as proposed to be modified, would remain substantially the same.
Whether notification has occurred, and any submissions have been considered	<p>In accordance with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the modification application does not need to be notified.</p> <p>City of Sydney Council (Council) and Environmental Protection Authority (EPA) were consulted regarding this modification. The application was made publicly available on the Department's website.</p> <p>The EPA and Council have provided comments, which have been considered in Sections 5 and 6.</p>
Any submission made concerning the proposed modification has been considered.	The Department's consideration of the public authority comments is discussed in Section 5 and 6 of this report.
Any relevant provisions of section 4.15(1) of the EP&A Act	The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and Section 6 of this report. The modification would not alter the development's existing compliance with the relevant environmental planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations in the Department's Assessment Report for SSD-9249 (as modified), including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 28 February 2020 and was referred to Council and EPA for comments.

Council

Council raised no objections to the modification application and recommended the following:

- minor amendments to the wording to ensure that the site audit reports cover both soil and groundwater contamination.
- amendment to ensure that a RAP, if required, is approved by the appointed Site Auditor and the Department prior to commencement of works.
- amendment to address any circumstances where the Site B Audit Statement conditions are not consistent with the consent as modified.

EPA

EPA reviewed the Modification Report and did not raise any objections to the modification as proposed and had no further comments.

The Department has considered the comments from Council and EPA in **Section 6.1**.

6 Assessment

6.1 Soil contamination and issue of SAS

The Department has reviewed the Applicant's Modification Report, the supporting Site Auditor's advice and the submissions from EPA and Council. The Department notes that the Modification Report for the SSD-9249-MOD-2 (approving the below ground works) included a Detailed Site Investigation (DSI) report which was reviewed by an EPA-accredited Site Auditor. The DSI confirmed that the site was suitable for the continued use as a sporting stadium without the need for any remediation, subject to the implementation of an unexpected finds protocol (UFP). A UFP was developed for the Stage 1 works and formed part of the Construction Environmental Management Plan for the Stage 1 works.

The modification application seeks approval to allow the submission of a Section B SAS (interim advice) in lieu of the final SAS, at the completion of the Stage 1 works. The Site Auditor's letter accompanying the Modification Report states that a Section B SAS can determine the following:

- the nature and extent of soil contamination within the site (if any).
- the appropriateness of an investigation, remediation or management plan.
- the appropriateness of a site testing plan in accordance with the Temporary Water Restrictions Order for the Botany Sands Groundwater Source 2017.
- whether the terms of an approved voluntary management proposal or management order have been complied with.
- whether the site can be made suitable for a specified land use (or uses) if the site is remediated or managed in accordance with the implementation of a specified plan.

The issue of an interim advice or Section B SAS does not pre-empt or constrain the final outcomes of the audit or conditions that may be placed by the Site Auditor in the final report.

Council and EPA have reviewed the Site Auditor's advice and raised no concerns regarding the issue of a Section B SAS upon completion of the Stage 1 works, noting that the DSI has confirmed that no site remediation works are needed.

Based on the Applicant's Modification Report, the Site Auditor's letter and comments from public authorities, the Department concludes that the proposed modifications would not alter the previous assessment or the conclusion regarding the suitability of the site.

The Department concurs with the Applicant in that the modification to condition C62 and addition of condition C63 would allow a Site Auditor to supervise all works, beyond the construction, on the site in all phases. The Department has recommended two additional conditions to allow assessment by an accredited Site Auditor and submission of a Section B SAS to occur at the completion of works relating to SSD-9249 and prior to commencement of SSD-9835.

The Department is also satisfied that the modification to condition C62 and addition of condition C63 would allow the construction works to comply with the principles and regulatory framework prescribed by the *Contaminated Land Management Act, 1997*

The proposed amendments to the conditions are detailed below.

- Amendments to condition C62 and addition of condition C63:
- C62. The nominated Site Auditor be appointed throughout the duration of works undertaken in accordance with this consent to ensure that any work required in relation to soil or groundwater contamination completed within the demolition footprint identified on the Site Analysis Plan prepared by SJB Architects (SK21, Revision 04) are appropriately managed.
- C63. If remediation is required to address any unexpected finds identified during the works, a Remedial Action Plan (RAP) must be prepared and approved by the Site Auditor and the Planning Secretary.
- Addition of conditions 'Post Completion of Construction Works' section of the development consent SSD-9249:

Soil Contamination

- D8. At completion of works undertaken in accordance with this consent, and prior to commencement of SSD-9835, the Applicant must submit the following to the Planning Secretary, EPA and Council for information:
- a) a Section B Site Audit Statement and accompanying Site Audit Report signed by a NSW EPA-accredited Site Auditor, certifying works have been completed satisfactorily and that all parts of the site are suitable for the proposed land use.
 - b) if a RAP is necessary, then the Section B Site Audit Statement must certify that the site can be made suitable for the proposed use upon execution of the approved RAP.
- D9. In circumstances where the Section B Site Audit Statement conditions are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Planning Secretary, EPA and, Council.

Based on the comments from EPA, the Site Auditor and Council, the Department is satisfied that the modifications would not result in any adverse impacts on the environment or human health as the site is suitable for the proposed development in its existing state and appropriate conditions and measures are in place to mitigate any unexpected contamination finds during the construction works. The proposed development as modified complies with the provisions of clause 7(1) of SEPP 55 in that it has:

- considered whether the land is contaminated.
- it has provided satisfactory evidence to justify that the land does not require remediation to be made suitable for the purpose for the for which the development is proposed to be carried out.

Given that the application proposes continuation of existing use on the site, the Department is satisfied that no further assessment of the other subclauses in clause 7 are necessary.

The Department considers the amendments would have negligible impacts and recommends that the proposed modification be approved.

7 Evaluation

The Department has reviewed the Applicant's Modification Report and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The approved works would not significantly change due to the proposed modification. The Department's conditions of consent as amended would ensure compliance with the regulatory framework prescribed by the *Contaminated Land Management Act 1997*.

The approved works would not significantly change due to the proposed modification. The proposed modification would not impact on the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.

8 Recommendation

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

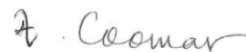
- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-9249-MOD-4 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-9249.
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Kathryne Glover
Planning Officer
Social and Infrastructure Assessments

Recommended by:



Aditi Coomar
Principal Planner
Social and Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a stylized flourish extending to the right.

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

<https://www.planningportal.nsw.gov.au/major-projects/project/5336>

Appendix B – Environmental Assessment

<https://www.planningportal.nsw.gov.au/major-projects/project/5336>

Appendix C – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/5336>