

15 October 2021

218948

Ms Kiersten Fishburn
Secretary
Department of Planning, Industry and Environment
12 Darcy Street,
Parramatta NSW 2124

Attention: David Gibson

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

This application has been prepared by Ethos Urban 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.

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

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 detailing the proposed modification to the building envelope (**Attachment A**).

1.0 Introduction

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 been completed by the appointed contractor.

The Development Consent has been modified on five (5) previous occasions comprising modifications to the conditions of consent and to the project boundary, comprising the following:

- MOD 1 – a section 4.55(1a) application for a reduction to the project boundary, approved on 5 June 2019.
- MOD 2 – a section 4.55(1a) application for to permit the removal and disposal of the existing ground slabs, pavements, footings, and piles and divert stormwater infrastructure located within the site, approved on 5 August 2019.
- MOD 3 – a section 4.55(1a) application to clarify the requirements of Condition C8 in relation to native and endemic plant species, approved on 28 June 2019.
- MOD 4 – a section 4.55(1a) application to amend Condition C62 regarding the timing for issuance of a Site Auditor Statement, to enable the condition to be satisfied in accordance with the principles and framework prescribed by the *Contaminated Land Management Act 1997*, approved on 3 April 2020.
- MOD 5 – a section 4.55(1a) application to increase the site boundary, including land excluded as part of MOD 1, and include a building envelope for the integrated Fitness Facilities, approved on 29 October 2020.

Project vision and background

Venues NSW (VNSW) is proposing to introduce a village community space, event plaza and multi level car park to complement the SFS and adjoining Moore Park and Centennial Parklands. The proposed development will facilitate the permanent closure of the EP2 on-grass parking areas within Moore Park opposite the MP1 car park and enable its use for open space purposes consistent with the Moore Park Master Plan 2040.

The vision for the Precinct Village and Car Park is set out below:

The Precinct Village and Car Park provides a platform and canvas for an exceptional community asset and iconic design, that visually and physically connects to the adjacent Moore Park East and Kippax Lake. It provides patrons with quality café and dining experiences in an idyllic parkland setting and well-being play and relaxation nodes which engage with all ages. An event plaza, connected to the Stadium plaza provides a seamless opportunity for greater patron and community engagement through non-event and event day functions
(Architectural Design Statement, Cox August 2021).

Location

The Precinct Village and Car Park is proposed to be located on the land west of the SFS, currently approved under SSD 9835 as the MP1 Car Park. It will extend to Moore Park and Driver Avenue and will adjoin the existing UTS, Rugby Australia and NRL Central buildings, all of which are to be retained and do not form part of the project site. A Location Plan is provided at **Figure 1** below.

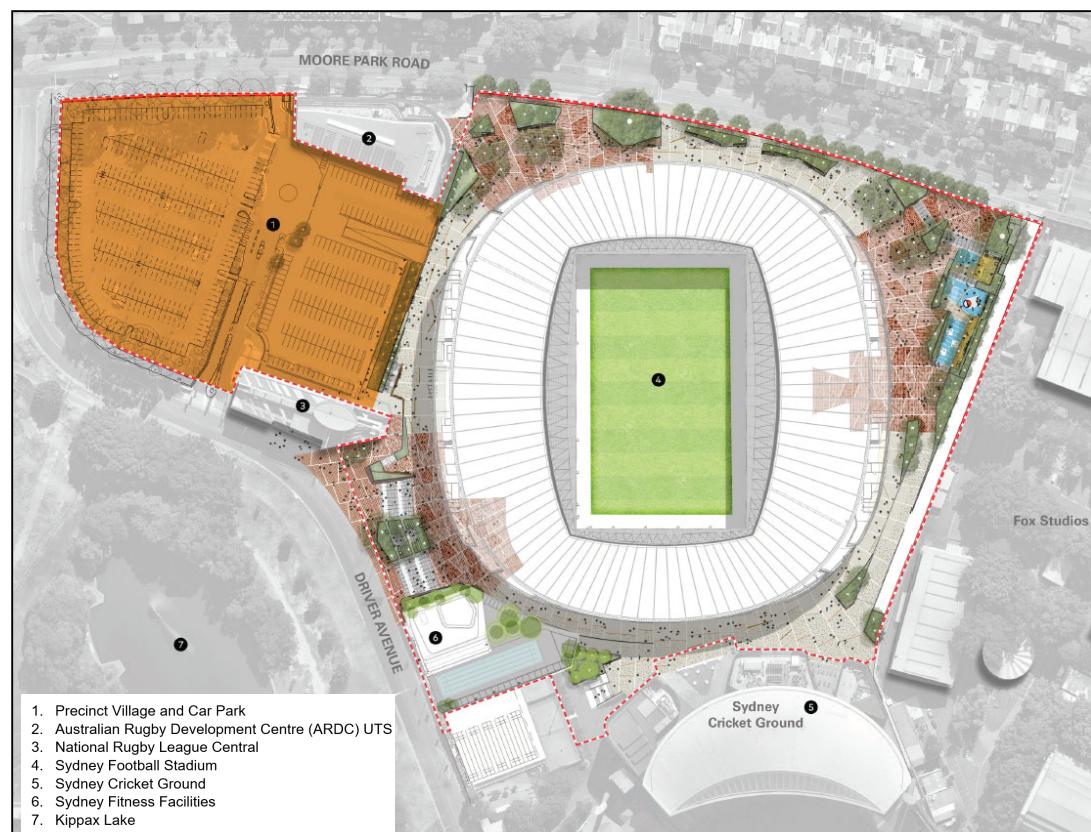


Figure 1 Precinct Village and Car Park Location (highlighted orange)

Source: Cox Architecture

Precinct Village and Car Park development description

The Precinct Village and Car Park will include:

- Up to a maximum of 1,500 space multilevel carpark below ground level with the following access arrangements:
 - 1 x egress point onto Moore Park Road to be used on event days only;
 - 1 x two-lane access point from Driver Ave to be used on event and non-event days; and
 - dedicated area within the car park for operation/servicing vehicles.
- Reconfiguration of the currently approved drop off requirements for the elderly and mobility impaired.
- Free flow level pedestrian access to and from the SFS concourse from Driver Ave and Moore Park Road.
- Electric car charging provision.
- A versatile and community public domain, comprising:
 - provision for 4 x north-south orientated tennis courts on non-event days with the potential to become an event platform on event days;
 - children's playground;
 - 1,500m² cafe / retail / restaurants with associated amenities in a single storey pavilion (6 metre) low level;
 - customer service office and ticket window; and
 - vertical transport provisions.
- Utilities provision augmentation.

Figure 2 below illustrates the proposed Precinct Village and Car Park concept.



2.0 Strategic context

The strategic context of the approved SFS redevelopment has not materially changed since the Minister for Planning and Public Spaces granted consent to the Concept Proposal on 6 December 2018. DPIE considered that the redevelopment of the SFS was appropriate for the site given it was consistent with the relevant strategic plans of the State in determining the DA.

Notwithstanding this, the Modification Application has been made with reference to the Moore Park Master Plan 2040 which is a strategic framework document that outlines the opportunities for improvement and investment in Moore Park. The proposed modifications for the Precinct Village and Car Park support a key outcome of this Master Plan in facilitating the removal of on-grass car parking within Moore Park, and as such is supported by the Greater Sydney Parklands who manage Moore Park as discussed further in **Section 4.0** below.

3.0 Description of modifications

3.1 Modifications to the development

Site boundary

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.

As part of the proposed Modification Application, it is also sought to amend the project boundary to directly interface with the existing Rugby League Central and Australian Rugby Development Centre buildings that adjoin the MP1 carpark. The approved project boundary assumes a minor offset from these buildings, however, the proposed works will be required to occur up to the buildings to ensure an appropriate transition and interface is achieved. This boundary adjustment is minor and remains within the existing MP1 carpark area.

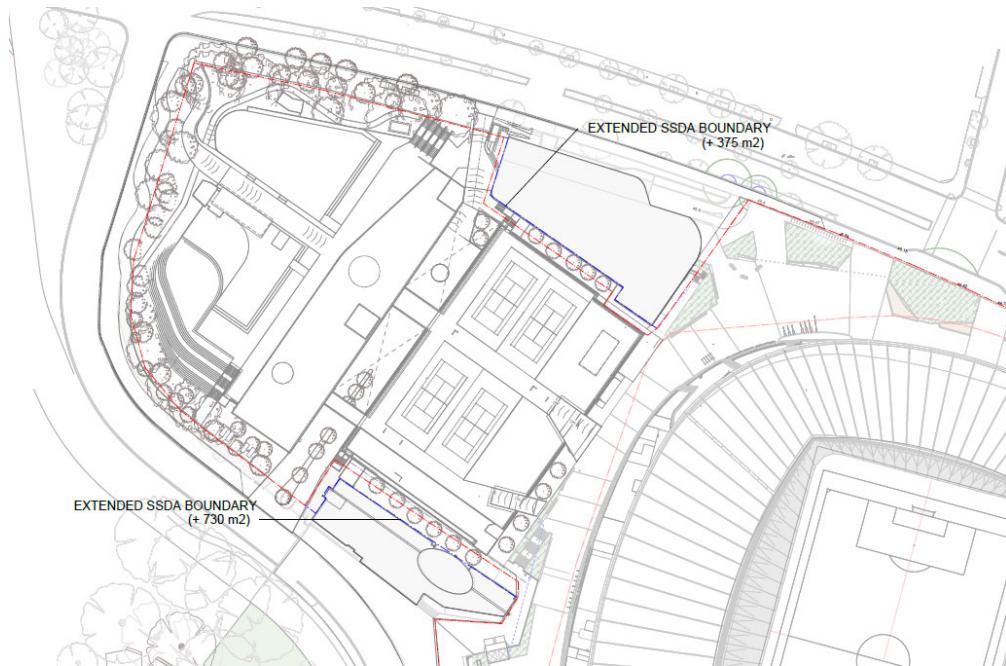


Figure 3 Approved versus proposed site boundary within the MP1 carpark

Source: COX Architecture

Building envelope

While no change is proposed to the approved and enacted building envelope for the stadium, including compliance with Conditions C5 and C6 of the consent, this Modification Application proposes to introduce a new secondary building envelope for the Precinct Village and Car Park akin to that approved for the Stadium Fitness Facilities. A concurrent modification to the Stage 2 SSD DA addresses the detailed design, construction, and operation of the Precinct Village and Car Park and any associated environmental impacts. All physical works are encompassed in the Stage 2 SSD Modification Application.

The footprint and sectional representations of this proposed maximum building envelope in the context of the approved stadium envelope are reproduced in **Figure 5** below, and detailed further at **Attachment A**.

It is noted that the proposed secondary building envelope does not itself require changing the approved project boundary, which has always assumed works occurring across the former MP1 carpark.

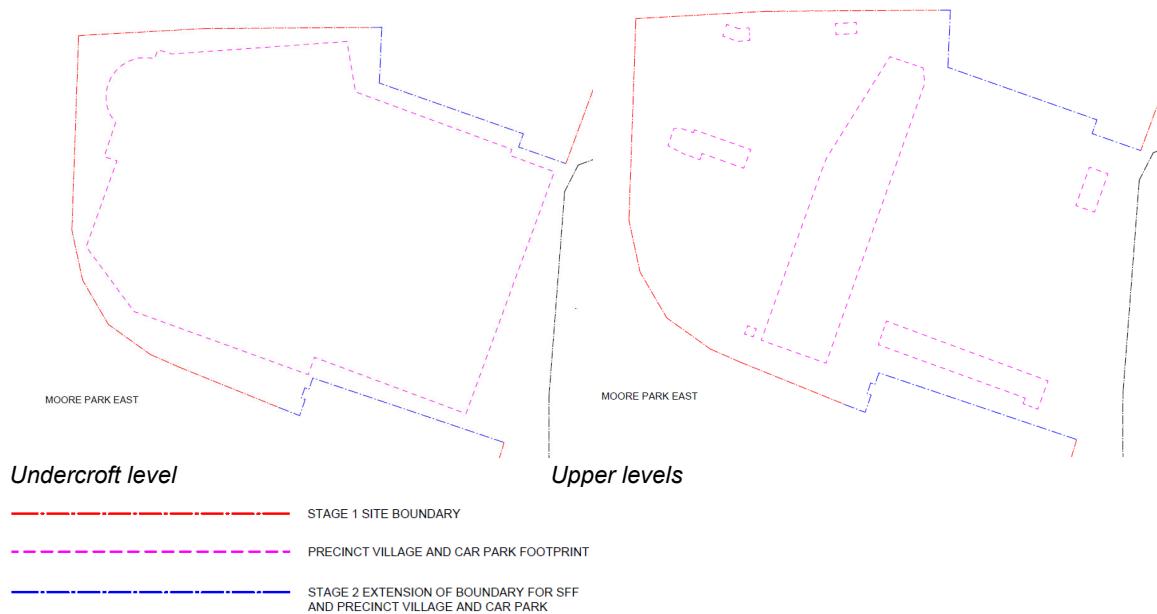


Figure 4 Extract of Building Envelope plans

Source: COX Architecture

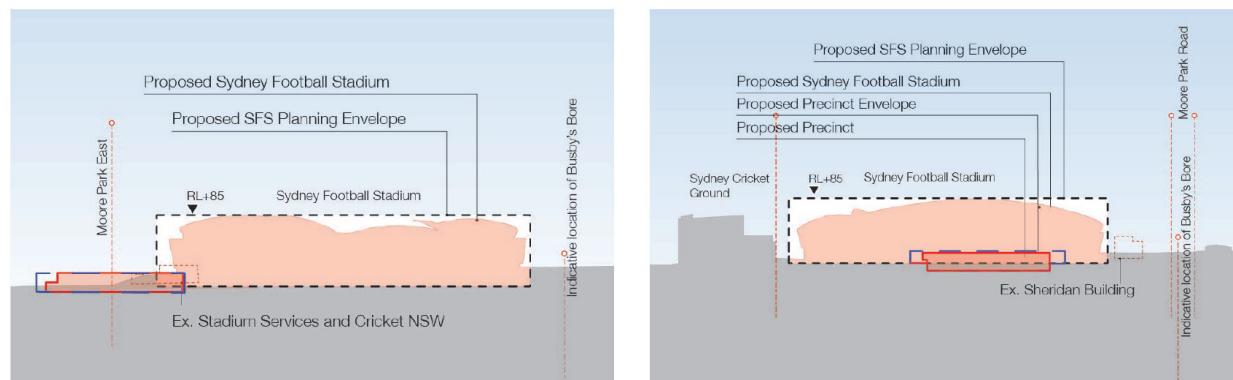


Figure 5 Precinct Village and Car Park building envelope in the context of the approved stadium envelope

Source: COX Architecture

3.2 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

While the proposed minor changes to the site will occur within the existing MP1 carpark, and strictly within the same lot as the approved site boundary, the Lot and DP references for the entire SFS redevelopment site have changed since consent was granted to the Concept Proposal in December 2018. Accordingly, it is proposed to amend the site references in Schedule 1 for completeness. The project address remains the same.

It is also proposed to update the development description to capture this Modification Application.

Application Number:	SSD 9249
Applicant:	Infrastructure NSW
Consent Authority:	Minister for Planning
Site:	40-44 Driver Avenue, Moore Park (Part Lot 1528 and Part Lot 1530 DP 752011 and Lot 1 DP 205794 Lot 11, Part Lot 10 and Part Lot 12 in DP 1255013)
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 <i>and Section 4.55(1A) Modification Application dated 15 September 2021</i> including the works and activities comprising demolition and tree removal as modified by the conditions of this consent.

SCHEDULE 2 – PART A Condition A2

The Urban Design documents listed in Schedule 1 have been enacted for the approved stadium and as such will not be replaced by this Modification Application. Rather, the Precinct Village and Car Park will be subject to the proposed plans to be included in Schedule 2, Part A, Condition A2(e) of the consent as detailed below. An amendment to condition of consent A2(d) is also proposed to confirm the project description in this modification application. The detailed design of the stadium itself has already been approved in compliance with the existing plans contained in Condition A2 and its construction is well progressed, and as such this new condition does not impact such compliance but rather will ensure the design is appropriately integrated with these existing plans.

A2. The development may only be carried out:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- generally in accordance with the EIS, the Response to Submissions, Supplementary Response to Submissions and consolidated mitigation measures provided in Appendix 2; and
- generally in accordance with SSD-9249-Mod-1, SSD-9249-Mod-2, SSD-9249-Mod-3, SSD-9249-Mod-4, ***and SSD-9249-Mod-5, and SSD-9249-Mod-6***; and
- in accordance with the approved plans in the table below:

...

<i>Drawings prepared by COX Architecture</i>			
Dwg No.	Rev	Name of Plan	Date
<i>SK29</i>	<i>B</i>	<i>Project Boundary Plan</i>	<i>1/09/2021</i>
<i>SK31</i>	<i>B</i>	<i>Building Envelope and Foot Print – Undercroft and Ground</i>	<i>1/09/2021</i>

Drawings prepared by COX Architecture			
Dwg No.	Rev	Name of Plan	Date
SK32	B	Building Envelope and Foot Print – Upper Levels	1/09/2021
SK33	A	Precinct Village and Car Park Section	1/09/2021

Condition C39

The proposed Precinct Village and Car Park requires will provide additional parking than the number of car spaces currently available at the MP1 carpark and introduce a new access point. While the total provision of parking across the precinct will not increase, the availability of parking within the MP1 location will change from what was there previously prior to the demolition of the former SFS. Accordingly, it is proposed to delete condition C39.

The justification and associated assessment of environmental impacts associated with the proposed changes to the MP1 carpark is detailed in the concurrent Modification Application to the Stage 2 SSD DA.

C39. The future development application must maintain the number of car spaces currently available at the MP1 car park and maintain the same access point.

4.0 Statutory context

4.1 Section 4.55 of the EP&A Act

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)*”.

Section 4.55 establishes the power to “modify” a consent. As per *Sydney City Council v Illelace Pty Ltd* [1984] 3 NSWLR 414, the concept of modification involves “alteration without radical transformation”. This approach was followed by Mason P in the NSW Court of Appeal in *Transport Action Group Against Motorways Inc v Roads and Traffic Authority* (1999) 104 LGERA 133 in the context of a modification to an activity approval under Part 5 of the EP&A Act.

In *Transport Action Group*, Sheller JA offered an alternative definition of “modify” in the following terms:

I think it is correct to say that what there was meant by "modify" was a change which might add to or subtract from the proposed activity, the substance of which continued, and which was less than its wholesale rejection and replacement.

As such, Section 4.55 provides the power to modify the consent to add additional land, as per *Scrap Realty* and other case law that clarifies the meaning of “modify” in the context of Section 4.55. The question is, therefore, whether the development is “substantially the same development”.

In *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280 (*Moto Projects*) the Court considered a modification application to delete an ingress ramp to a mixed-use development in North Sydney. As highlighted in the Council Assessment Report, Bignold J held at [56] that:

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some

type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).

The decision in Moto Projects makes clear that the comparative task in assessing whether a development is 'substantially the same' cannot be viewed as merely a quantitative assessment of development statistics, but must also include a contextual assessment of the qualitative nature of the approved and modified developments.

In *Ahmad Corp Pty Ltd v Fairfield City Council* [2018] NSWLEC 1526, the Court further held that while an application was quantitatively significant it did not materially change the essence of the development and not so large as to change its essence or render it something other than "substantially the same development". More recently in *Aveo North Shore Retirement Villages Pty Ltd v Northern Beaches Council* [2020] NSWLEC 1035, the Court also held that a range of modifications to a development was "the same as what has been approved in substance and essence" and that the changes were an appropriate response to contemporary requirements (from 1980s villas to 2020 multi-unit residential blocks).

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;
- the minor additional areas to be included in the site boundary are entirely located within the existing MP1 carpark and do not change the project address or lots (noting that while the Lot and DP references have been updated, the boundaries of these lots remain the same those previously referenced in the approval);
- does not alter the scope of approved and enacted Stage 1 Works relating to demolition;
- will continue to provide for a new stadium of the same capacity, within largely the same envelope notwithstanding the low-level additions to that envelope over two small areas where the Fitness Facilities building and new carpark building extend from the original stadium envelope;
- will operate in the same way as the original development, in that the use of the stadium and associated precinct will be the same, with the nature of stadium events, ancillary facilities and traffic and transport arrangements being practically identical to the original approval allowing 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, and an improved interface with Moore Park;
- continues to provide ancillary retail and food and beverage uses to support the stadium use and activate the public domain during and outside of events;
- continues to provide suitable areas for pedestrian circulation around and between the existing SCG and future SFS in-line with the Urban Design Guidelines; and
- does not give rise to any additional environmental impacts beyond those previously considered in the assessment and determination of the Environmental Impact Statement that cannot be mitigated, managed or offset.

Environmental impacts

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) addressing the detailed design, construction, operation of the Precinct Village and Car Park and any associated environmental impacts.

This Modification Application is of minimal environmental impact in accordance with Section 4.55(1a) of the EP&A Act as addressed in **Section 6.0** below.

5.0 Engagement

Consultation was undertaken with key groups prior to the lodgement of this Modification Application in relation to the proposed changes and the concurrent modification to the Stage 2 SSD DA (9835). This comprised:

- Community Consultative Committee (CCC) – the Precinct Village and Car Park proposal was presented to the CCC on 24 August 2021, inviting their feedback. Feedback was largely positive for the project enabling the removal of on-grass carparking, and all remaining feedback relating to detailed design and assessment issues that have been addressed as part of the concurrent modification to the Stage 2 SSD DA.
- City of Sydney Council – the proposal was also presented to and discussed with representatives of Council on 29 July 2021. Key issues discussed during the meeting included the quantum of parking available within the precinct, changes to mode share, consideration of pedestrian connections, and consultation completed with other key stakeholders. The matters raised by Council have been addressed in this Modification Application and the concurrent modification to the Stage 2 SSD DA, including associated technical assessments.
- Department of Planning, Industry and Environment – preliminary discussions have occurred as part of the scoping process, in addition to a pre-lodgement meeting held on 22 July 2020. The items raised in this meeting included the intended planning pathway and timing, the occupancy of the site, technical assessments to accompany the modification applications, and the intended operation of the amended project. These matters have been addressed in this Modification Application and the concurrent modification to the Stage 2 SSD DA, including associated technical assessments.
- Greater Sydney Parklands (formerly Centennial Park and Moore Park Trust) – Venues NSW has continued to engage with the Greater Sydney Parklands throughout the preparation of this modification. The Greater Sydney Parklands has noted their support confirming that the proposal sits entirely within Venues NSW land and its construction would not have any direct impacts on Greater Sydney Parklands in the Moore Park Precinct, whether that be to green space or the Moore Park Entertainment Precinct. Importantly the Greater Sydney Parklands highlights the proposal would support the Moore Park Masterplan 2040 by providing up to 1,500 alternative car parking spaces on event days, which will assist the Greater Sydney Parklands to pursue its objective of progressively removing car parking from the grass at Moore Park and allowing the area to be refurbished for much needed community sports and passive recreation.
- Design Integrity Panel – The Panel considered the detailed design of the Precinct Village and Car Park as part of the preparation of the separate, concurrent Modification Application to the Stage 2 SSD DA. It was confirmed that the proposed modifications are consistent with their review of the competition design in relation to the Sydney LEP 2012, the objectives of Better Placed, and the project-specific Urban Design Guidelines, and that it does not alter the Panel's conclusion that the design demonstrates design excellence.

Further consultation with other key stakeholders including Transport for NSW representatives is detailed in the technical assessments accompanying the concurrent Modification Application to the Stage 2 SSD DA.

6.0 Assessment of impacts

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.

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*”. Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the matters referred to in section 4.15(1) that are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent. The EIS submitted with the original SSD DA addressed the likely impacts of the development, including:

- Built form and urban design;
- Environmental amenity;
- Transport and accessibility;
- Noise and vibration;
- Construction management;
- Non-Indigenous Heritage;
- Aboriginal cultural heritage and archaeology;
- Ecologically sustainable development;
- Waste management;
- Social and economic impact;
- Flooding and stormwater management;
- Biodiversity;
- Environmental risks;
- Ground contamination;
- Groundwater;
- Airspace protection;
- Site suitability; and
- Public interest.

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) addressing the detailed design, construction, operation of the Precinct Village and Car Park and any associated environmental impacts.

6.1 Consideration of reasons for granting of original development consent

Table 1 sets out how the proposed modification is consistent with the reasons given by the (then) Minister for Planning in granting Development Consent SSD 9249.

Table 1 Consideration of consistency of Modification Application with reasons for granting original consent

Reason for granting consent	Consistency of proposed modification
<ul style="list-style-type: none"> • the project would provide a range of benefits for the region and the State as a whole, including providing new state of the art sporting facilities for a seated capacity of 45,000 (55,000 in concert mode), a Tier 1 stadium which will ensure that competitive modern sporting activities can be hosted in addition to providing a range of ancillary services and public spaces, \$674 million capital investment, 30 construction jobs in Stage 1, up to 130 operational jobs on non - event days and up to 1500 operational jobs on event days; 	The proposed modification does not alter the economic benefits provided by the approved Concept Proposal. The Precinct Village and Car Park supports the operation of the new stadium including providing new public spaces for community use and to complement events occurring in the precinct. The modified project will continue to provide a range of benefits. The increase in tenancy floorspace and public domain is expected to support a minor increase in direct operational employment.
<ul style="list-style-type: none"> • the proposed new stadium aims to provide a better experience for patrons, better access and egress in and around the stadium, better facilities for women's sports, improved facilities for a more diverse range of sports and events, and better integration into the neighbouring precincts; 	The proposed modification directly supports the experience of patrons through providing new flexible event and community spaces, improving access and egress through the site, and providing better integration with Centennial and Moore Park through green open space in place of the approved and former at-grade MP1 carpark.
<ul style="list-style-type: none"> • the project is permissible with development consent, and is consistent with NSW Government policies including the: <ul style="list-style-type: none"> - NSW Stadia Strategy; - A Metropolis of Three Cities - The Greater Sydney Plan; - NSW Future Transport Strategy 2056; and - Eastern City District Plan. 	<p>The development as proposed to be modified continues to be permitted with development consent, and the modification would not alter the consistency of the project with the relevant strategic documents.</p> <p>Importantly, the proposed development directly responds to the Moore Park Master Plan 2040 which seeks to remove on-grass carparking within the precinct, and as such is consistent with the strategic plan for the future of the parklands and precinct.</p>
<ul style="list-style-type: none"> • the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report. The consent authority has imposed conditions relating to design excellence and urban design, 	The proposed modification does not result in any additional adverse impact on the community or the environment that cannot be appropriately minimised, managed or offset. While a detailed assessment in relation to the construction and operation of the Precinct Village and Car Park forms part of the concurrent Modification Application to the Stage 2 SSD

Reason for granting consent	Consistency of proposed modification
noise and vibration, contamination, stormwater, waste, traffic, heritage, safety, and biodiversity;	<p>DA, this modification demonstrates that it will not require alterations to the conditions of consent imposed for design excellence and urban design, noise and vibration, contamination, stormwater, waste, traffic, heritage, safety, and biodiversity.</p> <p>The proposed Modification Application also has the potential to further positively impact the community through providing new open and community spaces and enabling the removal of on-grass carparking within Moore Park.</p> <p>The proposed deletion of Condition C39 does not impact the traffic generation as detailed further in the concurrent Modification Application to the Stage 2 SSD DA.</p>
<ul style="list-style-type: none"> the issues raised by the community during consultation and in submissions have been considered and adequately addressed; and weighing all relevant considerations, the project is in the public interest. 	<p>This proposed modification application responds to and addresses a key issue raised during consultation and submissions received in relation to the Concept Proposal DA. Namely, the project will enable the removal of on-grass carparking in Moore Park.</p> <p>The project continues to be in the public interest and received supportive feedback from the CCC.</p>

6.2 Site conditions

The proposed modifications, including the minor changes to the site boundary, pertain to the area occupied by former MP1 carpark. This area was the subject of technical investigations undertaken as part of the original Concept SSD DA including in relation to biodiversity and subsurface conditions. This Modification Application does not alter the findings of the Biodiversity Development Assessment Report (BDAR) prepared by Jacobs, which concluded that there were no threatened ecological communities located in or directly adjacent to the development site, and that the vegetation on site was not a suitable habitat for any threatened or migratory species. The proposal did not require the preparation of an offset strategy for the purchase and retirement of biodiversity credits. This modification does not seek to amend Conditions C8(d) and C56, or compliance with these conditions, that were the outcome of recommendations of the BDAR.

The Concept Proposal was conditioned to prepare site investigations prior to the lodgement of the Stage 2 development application to confirm subsurface conditions and identify appropriate remediation methods as required. The proposal was assessed as satisfactory with regard to contamination, subject to the implementation of conditions of consent requiring these other works. This modification application does not propose to amend these conditions of consent, with further assessment and testing detailed as part of the concurrent Modification Application to the Stage 2 SSD DA.

6.3 Parking

This modification application seeks to delete Condition C39 capping the reinstatement of the MP1 carpark as part of the Stage 2 SSD DA, to enable the increase of on-site carparking within MP1 and in-turn to remove on-grass carparking in Moore Park. As detailed in the Transport Assessment prepared by JMT Consulting accompanying the concurrent modification to the Stage 2 SSD DA, the Modification Application will facilitate the removal of the EP2 (Upper and Lower Kippax) on-grass parking area within Moore Park opposite the MP1 Car Park, and therefore, does not increase the total car parking capacity in the precinct but rather relocates the car parking from EP2 within the development resulting in a minor decrease at the completion of the Precinct Village and Car Park of approximately 1,140 parking spaces during events.

The Moore Park Masterplan 2040 identifies a key strategy of removing parking on the green spaces in the Moore Park sporting precinct (EP2 and EP3), although it acknowledges that the removal of these spaces can only be facilitated through the creation of supplementary spaces elsewhere or successful take up of transport initiatives. The

Modification Application will enable EP3 (Showground) to be progressively removed by Greater Sydney Parklands in consultation with Venues NSW, Transport for NSW and the Moore Park Events Operations Group pending the successful development and implementation of precinct-wide transport plans, with the view of removing all on-grass car parking in Moore Park once the Precinct Village and Car Park is operational to reduce congestion within the precinct. A total of 4,350 event day spaces would be provided in the Precinct once all on-grass car parking is removed.

The delivery of additional car parking on top of the 540 spaces currently approved within the MP1 Car Park will have a positive impact on parking provision within the precinct. It will facilitate the relocation of the EP2 (Upper and Lower Kippax) parking areas, and in doing so will provide parking in closer proximity to the SFS and enable the Moore Park green space to be free for public recreation even during events.

Previous planning applications for the SFS redevelopment have already considered the impacts of traffic movements generated by stadium tenants and members during peak hours, taking into consideration the recently approved Stadium Fitness Facilities project (SSD 9835 Mod 2) in conjunction with a worst-case-scenario of concurrent events at SFS and the SCG. In addition to the traffic modelling undertaken for events, modelling also considered the operation of key intersections around the site during non-event periods. The Precinct Village and Car Park project will not alter the worst-case scenario demands or activity generated by these approved uses, confirming the following:

- Traffic modelling confirms that the project will not significantly impact the operation of the Moore Park Road and Driver Avenue intersection that is forecast to continue to operate at an acceptable level of service. This is the case even in the unlikely scenario that an event is held in the Precinct Village that also coincides with the weekday PM peak hour. Further, the Precinct Village and Car Park will have a secondary exit onto Moore Park Road, rather than being concentrated entirely on the southern approach as is currently the case, enabling a decrease of the volume of traffic moving through the Driver Avenue / Moore Park Road intersection compared to currently approved conditions.
- Although the Precinct Village and Car Park project will increase parking supply in Moore Park outside of event days (noting that the EP2 carpark is only provided during events), parking demand and therefore traffic generation is not expected to significantly change for all other approved uses as a result of the proposed modification. Previous surveys undertaken at the nearby Entertainment Quarter (EQ) car park demonstrates that there is significant parking supply available on a typical non-event day at this car park, with the car park never reaching 43% of total capacity on a weekday.
- The proposal will significantly improve pedestrian access and circulation in and around the Moore Park Precinct, aligning with the objectives of the Moore Park Master Plan 2040. Pedestrian pathways will be provided through the former MP1 car park which will provide connections directly through to the SFS concourse area, Moore Park east and the Moore Park light rail stop.

Table 2 Event day car parking provision

Car park	Car park type	Number of event day parking spaces			
		As per current SFS approval (SSD 9835)	On Stadium Opening	With Precinct Village and Car Park Proposal (Stage 1)	With Precinct Village and Car Park Proposal (Stage 2)
Members Car Park (MP1)	Permanent car park	540	0*	300	1,500
Event Parking 2 (EP2)	Event car parking (grass)	1,000 (Upper & Lower Kippax)	350 (Lower Kippax)	350 (Lower Kippax)	0
Event Parking 3 (EP3)	Event car parking (grass)	1,100	1,100	1,100	0 – 1,100**

Car park	Car park type	Number of event day parking spaces			
		As per current SFS approval (SSD 9835)	On Stadium Opening	With Precinct Village and Car Park Proposal (Stage 1)	With Precinct Village and Car Park Proposal (Stage 2)
Sydney Boys / Girls High School	Event car parking	750	750	750	750
Moore Park Golf Club	Event car parking	100	100	100	100
Entertainment Quarter	Permanent car park	2,000	2,000	2,000	2,000
Total		5,490	4,300	4,600	4,350 – 5,450

Source: JMT Consulting

* Stage 1 of the Precinct Village and Car Park project is intended to open concurrently with the stadium. However, in the event that the Precinct Village and Car Park is delayed due to unforeseen circumstances, the NSW Government will proceed with the opening of the stadium. On this basis, Table 3 considers the 'On Stadium Opening' scenario whereby parking is not available within the MP1 car park site (now the Precinct Village and Car Park site) and parking from EP2 Upper Kippax has been removed.

** It is intended that all car parking in EP3 will be removed by the Greater Sydney Parklands once both stages of the Precinct Village and Car Park are operational and the precinct-wide transport plans have been developed and implemented.

6.4 Site suitability and public interest

The proposed modification does not amend the suitability of the site for the approved SFS redevelopment and is considered to be in the public interest.

- The project will utilise an existing carparking area that supports the operation of the stadium to provide a new carpark that is designed with the same purpose. Enabling the progressive removal of on-grass carparking within Moore Park, that has historically been provided for events at the SFS and SCG, is in the public interest and consistent with the strategic planning goals for this precinct.
- The project will continue to support the historical and long-term purpose of the site to be used for, and in connection with, sporting events. The proposal does not alter the dominate use of the site of a Tier-1 stadium with a rectangular playing field.
- The project will continue to respond to and integrate with Moore Park and surrounding areas, providing enhanced landscaped and open space areas, sporting facilities, and through-site links.
- The proposal reinforces the Eastern City's premiere sporting venues precinct which hosts significant sporting matches and other entertainment in a location at the periphery of the Sydney CBD.
- The project does not impact the continued operation of the Rugby League Central and Australian Rugby Development Centre buildings, which host national-level sporting administration facilities for the codes which are the major users of the approved stadium, and will also not impact the UTS training and research facilities located in the ARDC building.
- The project will not prevent the continued, independent, operation of the SCG and other surrounding areas such as the Entertainment Quarter and Fox Studios.
- The modified development will continue to deliver significant social, cultural and economic benefits to the local, Sydney and NSW community by providing a venue that will provide a high-quality venue for viewing sport, which provides capacity to increase patronage and the attraction of national and international events resulting in direct and indirect benefits in terms of employment and expenditure within the NSW economy.

7.0 Justification for the modified project

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) addressing the detailed design, construction, operation of the Precinct Village and Car Park and any associated environmental impacts.

The Precinct Village and Car Park has addressed community feedback received in relation to the SFS redevelopment and achieves long-term strategic planning outcomes set for the precinct by enabling the removal of on-grass carparking within Moore Park. The project will continue to support the historical and long-term purpose of this precinct, being for the playing and viewing of major sporting events and associated uses.

The project as a whole and as modified is considered to be appropriate and supportable with regard to the social, economic, and environmental impacts.

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,



Anna Nowland
Principal



Michael Oliver
Associate Director