

# **Sydney Football Stadium SSD 9835 Section 4.55(2) Modification Application - MOD 10**

Submitted to the Department of Planning, Housing and Infrastructure,  
December, 2024

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<b>Document Control</b>		
<b>Date</b>	<b>Name</b>	<b>Position</b>
10 December 2024	S. Ballango	National Director - Property Consultancy, Savills (consultant to Venues NSW)

# 1. Introduction

This Modification Report has been prepared by Venues NSW (the Applicant) to accompany a Modification Application pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). It proposes to modify SSD 9835 relating to the Sydney Football Stadium (SFS), located at 40-44 Driver Avenue, Moore Park (the Site).

The Section 4.55 Modification Applications seeks to:

- reconfigure the basement car park structure by increasing the depth of excavation from RL 31.725 to RL 28.925 on the western side and constructing an additional level on the eastern side of the car park, resulting in an increase in the depth of excavation by 3m from existing level of RL 41.760 to 38.760
- revise Level B4 of the basement to partially accommodate retention of the rock section of the shaft
- remove car parking spaces from the mezzanine level on the east to provide a double height 'boneyard' space to facilitate on site bump in and bump out requirements for events
- reconfigure the Plaza to facilitate interpretation of the newly discovered shaft
- reconfigure the Plaza to satisfy conditions of consent requiring compliance with the Everyone Can Play Guidelines and approved tree retention and planting regime
- incorporate a suite of detailed design refinements across the site reflecting the design development process. such as fire stair and plant room rationalisation.

The modification will result in the removal of approximately 78 car parking spaces from the PV&C.

Section 4.55(2) states that a consent authority may, on an application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, and subject to and in accordance with the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), modify the consent if it is satisfied:

- that that the proposed modification is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),
- it has consulted with the relevant Minister, public authority or approval body in respect of any concurrence requirements or general terms of an approval proposed to be granted by the approval body
- it has notified the application in accordance with the applicable provisions/policy.

This Modification Application has been prepared in accordance with Part 5 of the EP&A Regulation and the (then) Department of Planning and Environment's (DPE) State Significant Development Guidelines - Preparing a Modification Report. It identifies the consent to be modified, describes the proposed modification, and provides a planning assessment of the relevant matters for consideration. It should be read in conjunction with the accompanying appendices.

A concurrent modification to SSD 9249 relating to Stage 1 of the SFS has been submitted under separate cover.

## 1.1 Sydney Football Stadium Redevelopment Background

The then Minister for Planning approved Stage 1 of Sydney Football Stadium (SFS) comprising a concept approval and concurrent early works package (SSD 9249) to facilitate redevelopment of the Sydney Football Stadium on 6 December 2018. The concept approval established the maximum building envelope, design and operational parameters for a new stadium with up to 45,000 seats for patrons and allowing for 55,000 patrons in concert mode. The concurrent Stage 1 works, which were completed on 28 February 2020, facilitated the demolition of the former SFS and associated buildings.

The Minister for Planning and Public Spaces approved Stage 2 of the Sydney Football Stadium (SFS) Redevelopment (SSD 9835) on 6 December 2019. Stage 2 provides for:

- construction of the stadium, including:
  - 45,000 seats (additional 10,000 – person capacity in the playing field in concert mode) in four tiers including general admission areas, members seating and corporate / premium seating;
  - roof cover over all permanent seats and a rectangular playing pitch;
  - a mezzanine level with staff and operational areas;
  - internal pedestrian circulation zones, media facilities and other administration areas on the seating levels;
  - a basement level (at the level of the playing pitch) accommodating pedestrian and vehicular circulation zones, 50 car parking spaces, facilities for teams and officials, media and broadcasting areas, storage and internal loading areas;
  - food and drink kiosks, corporate and media facilities; and
  - four signage zones.
- construction and establishment of the public domain within the site, including:
  - hard and soft landscaping works;
  - publicly accessible event and operational areas;
  - public art; and
  - provision of pedestrian and cycling facilities.
- wayfinding signage and lighting design within the site;
- reinstatement of the existing Moore Park Carpark 1 (MP1) upon completion of construction works with 540 at-grade car parking spaces and vehicular connection to the new stadium basement level;
- operation and use of the new stadium and the public domain areas within the site for a range of sporting and entertainment events; and
- extension and augmentation of utilities and infrastructure.

To date, SSD 9835 has been modified on nine previous occasions as summarised in **Table 1**.

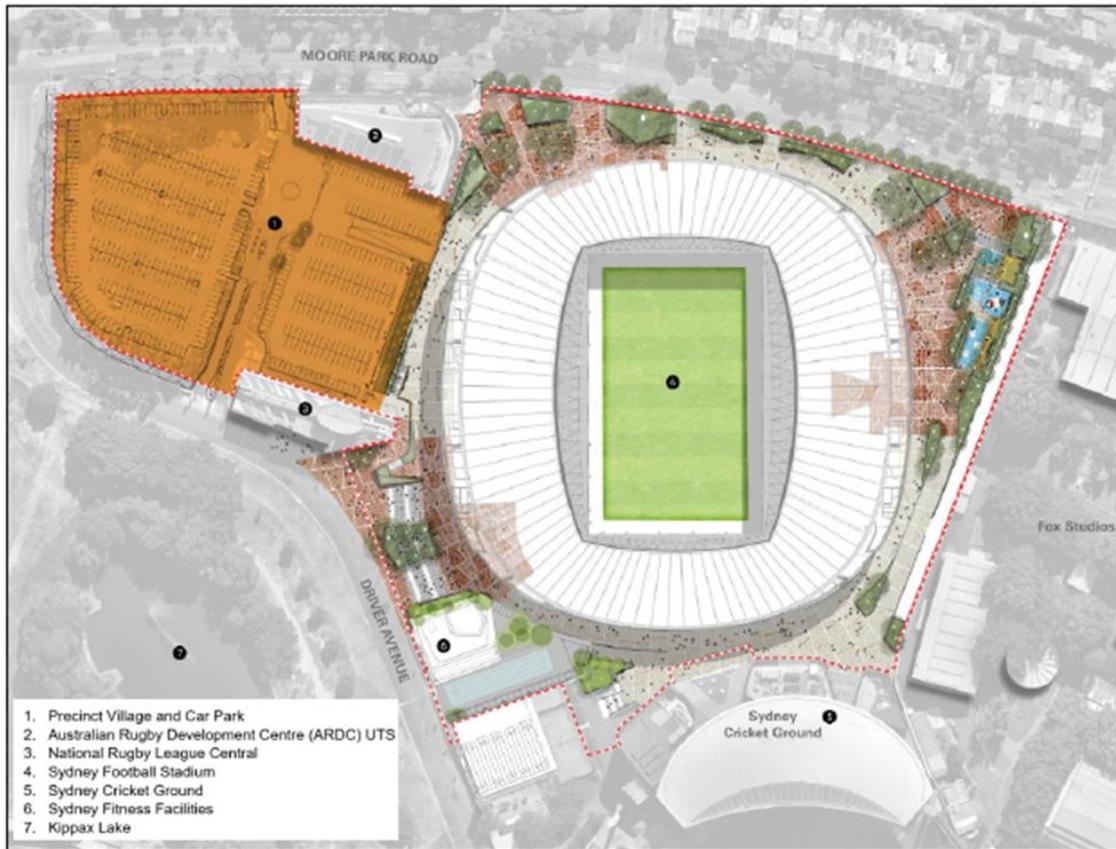
**Table 1 Modifications to SSD 9835**

Modification	Approved	Description
Modification 1	3 April 2020	Amend Conditions B14 and B15 to enable the condition to be satisfied in accordance with the principles and framework prescribed by the <i>Contaminated Land Management Act 1997</i> .
Modification 2	14 December 2020	Reinstate fitness facilities that were previously available within the former SFS.
Modification 3	7 December 2020	Alter the approved mezzanine slabs at the eastern and western stands and relocate the approved administration facilities, design amendments to

Modification	Approved	Description
		the south western glazed façade and inclusion of an additional stadium signage condition.
Modification 4	22 April 2021	Relocate the photovoltaic (PV) cells from the stadium's roof to Level 5 (above the eastern and western plant rooms) and a reduction in the amount of kilowatts peak (kWp) generated.
Modification 5	8 June 2021	Minor modification to correct plan revisions and dates.
Modification 6	29 September 2021	Fit-out, use and operation of the eastern mezzanine of the stadium for the purpose of a dedicated training and administration facility for the Sydney Roosters NRL football club, known as the Sydney Roosters Centre of Excellence.
Modification 7	18 July 2022	Construction of a Precinct Village and 1,500 space multi-level carpark adjacent to the new stadium, incorporating a single storey retail pavilion, four tennis courts, landscaping and the reconfiguration of stadium pedestrian and vehicular access.
Modification 8	15 December 2023	Approval to: <ul style="list-style-type: none"> <li>• Increase concert events within Sydney Football Stadium from 6 to 20 per year.</li> <li>• Increase concert lengths from 5 hours to 10 hours (twice per year).</li> <li>• Alter rehearsal and sound test finish time from 7pm to 10pm.</li> <li>• Curfew exemption from Mardi Gras.</li> </ul>
Modification 9	21 May 2024	Revise construction staging of the Precinct Village and Car Park, including delivery in a single construction stage and removal of temporary parking spaces in MP1 stadium carpark.

### 1.1.2 Precinct Village and Car Park (SSD 9835 MOD 7)

MOD 7, approved by the Minister's delegate on 18 July 2022, provides for the construction of the Precinct Village and Car Park (PV&C), comprising multi-level basement carpark basement with capacity for up to 1,500 spaces adjacent to the SFS and an at grade plaza/playground incorporating a single storey retail pavilion, fitness facility, four tennis courts, landscaping and the reconfiguration of stadium and pedestrian and vehicular access. The extent of the Precinct Village and Car Park project site in the context of the overall SSD 9835 approval is illustrated in **Figure 1**. The currently approved Precinct Village is illustrated in **Figure 2** and the Car Park (largely subterranean) is shown in **Figure 3**.



**Figure 1 - SFS and Precinct Village and Car Park Site Location**



**Figure 2 - Approved Plaza Level Layout of the Precinct Village**



Sydney Water are detailed in Section 5 of this Modification Application. In summary, the parties have agreed that Venues NSW will pursue a hybrid solution (herein referred to as Option 3.4) which partially retains the Busby's Bore unexpected find by proposing partial retention of the shaft in-situ and partial rebuilding of the shaft on the plaza level. More specifically Option 3.4 proposes:

- retention of a part of the rock section of the shaft at proposed basement parking Level B4; and
- interpretation of a part of the brick and sandstone on the plaza as a vertical extrusion of the shaft's original location as part of a broader heritage interpretation response.

Photos of the shaft's location and the discovered structure are provided in **Figures 4** and **5**.



**Figure 4 - Location of Unexpected Find in context of construction**



**Figure 5 - Unexpected Find Photo**

## **2. Site Description**

The SFS Site (and consequently land captured by this Modification Application) is located at 40-44 Driver Avenue, Moore Park within the City of Sydney Local Government Area (LGA). The SFS Site is legally described as Lot 10 and part Lot 11 in DP 1255013.

The SFS Site is located on the eastern edge of the city, approximately 3km from the Sydney CBD, and forms part of a larger entertainment and recreation precinct shared with Centennial and Moore Parks, Fox Studios, and the Entertainment Quarter. It is located in the northern corner of the precinct and is bounded by Moore Park Road to the north, Paddington Lane to the east, the existing Sydney Cricket Ground stadium to the south and Driver Avenue to the west. The site is located immediately to the south of the suburb of Paddington, with the suburbs of Centennial Park to the east and Surry Hills to the west.

The site is connected to Sydney's transport network through existing bus routes and benefits from a dedicated stop on the recently completed Sydney CBD and South East Light Rail.

The SFS Site is Crown Land. Venues NSW is designated as the sole trustee under the *Sydney Cricket and Sports Ground Act 1978*. The site is wholly contained within

designated land controlled by Venues NSW under Schedule 4A of the *Sporting Venues Authorities Act 2008*.

The SFS Site is located on Gadigal land.



**Figure 1 SFS Site Location**

### **3. Proposed Modification**

The Modification Application seeks to:

- reconfigure the basement car park structure by increasing the depth of excavation from RL 31.725 to RL 28.925 on the western side and constructing an additional level on the eastern side of the car park, resulting in an increase in the depth of excavation by 3m from existing level of RL 41.760 to 38.760;
- revise Level B4 of the basement to partially accommodate retention of the rock section of the abandoned shaft;
- remove car parking spaces from the mezzanine level on the east to provide a double height event day truck parking area (or 'boneyard' space) to facilitate on site bump in and bump out requirements for events;
- reconfigure the Plaza to facilitate interpretation of the newly discovered abandoned shaft;
- reconfigure the Plaza to satisfy conditions of consent requiring compliance with the Everyone Can Play Guidelines and approved tree retention and planting regime; and
- incorporate a suite of detailed design refinements across the site reflecting the design development process. such as fire stair and plant room rationalisation.

Detailed Architectural and Landscape Plans prepared by COX Architecture and Aspect Studios, respectively, are provided at **Appendices A** and **B**. An Architectural Design Statement prepared by COX Architecture is provided at **Appendix C** and a Landscape Design Statement prepared by Aspect is provided at **Appendix D**.

### 3.1 Revised Car Park Layout

The currently approved car park is a longstanding endeavour in response to community advocacy to move and rehouse on-grass parking in the Kippax Lake area onto the stadium site. The Car Park is designed to maximise the number of spaces within the very significant on-site constraints, which still meant that all on-grass parking spaces were not able to be accommodated.

The revised car park layout is a direct response to the site's significant constraints, including:

- Significant Utilities Structures - A Sydney Water stormwater main (1.5m in diameter) traverses the eastern part of the car park to the lowest point in Driver Avenue, collecting stormwater from Moore Park Road and the broader catchment. The stormwater main cannot be relocated around the site (i.e. around via Moore Park Road) due to the presence of existing public infrastructure including footpaths and roadway and the presence of Busby's Bore in Moore Park Road. Sydney Water also mandates strict exclusion zones, zones of influence and buffers between stormwater mains assets and adjoining deep basement excavations. The location and depth of the car park's eastern edge complies with these stringent and inflexible requirements.
- Presence of the Great Sydney Dyke - the dyke, which runs east to west along the southern edge of the site, is a major deep band of fractured/permeable rock that poses significant structural and groundwater inflow issues for any excavation that it encounters. The dyke is likely a large conduit for natural groundwater flow, and consequently construction of a new basement across the dyke would disturb groundwater flow and pose risks to existing buildings and significant trees.
- The car park has been placed as far north as possible on the west while avoiding the section of Busby's Bore situated along Moore Park Road, which Venues NSW has cared for since the construction of the original SFS.
- The car park cannot be relocated further south or north on the east side due to the presence of the existing NRL and UTS/Rugby Australia buildings.
- The car park cannot be relocated below Moore Park Road or Driver Avenue as Venues NSW does not own land beyond the project's site boundaries.

Replacing spaces from the western portion of the car park to the east is not physically feasible and is not commercially viable. Building above ground is also not possible due to the presence of existing buildings on three sides and the community requirement to provide accessible open space which integrates into the surrounding parklands.

Furthermore construction is under way, piling is almost complete, contamination in the fill layer has been removed, and excavation works have commenced. Any delay associated with a further redesign will add significant cost and would result in a significant delay and penalties for the NSW Government under the contract. In this context, the proposed layout is considered the most suitable solution for the site's physical constraints and presents the least contractual and financial risk.

The modification will result in the removal of approximately 78 car parking spaces from the PV&C when compared to the stamped MOD 7 drawings. However, Venues NSW seeks approval to maintain a maximum cap of 1,500 parking spaces within the PV&C to ensure the project retains a level of flexibility to provide additional parking spaces should opportunities arise during the design development phase of the project. Consistent with the principles established under the MOD 7 approval, the PV&C will complement the SFS and adjoining Moore Park and Centennial Parklands upon its completion. It will also facilitate the permanent closure of the EP2 on-grass parking areas within Moore Park opposite the MP1 car park and enable use of these areas for open space purposes consistent with the Moore Park Masterplan.

### 3.2 Infrastructure and Servicing

There are no additional or revised infrastructure upgrades required to support delivery of the PV&C as proposed by this Modification Application. Works will be limited to connecting into the upgraded infrastructure services for the purposes of servicing the PV&C. The proposed connections are documented in the plans and drawings prepared by COX and Aspect that support the proposed Modification Application.

### 3.3 Heritage Interpretation Works

It is highlighted that a Section 4.55 modification to SSD 9835 is not required to facilitate Option 3.4 on the basis that Condition B39(j) was specifically imposed by the Minister for Planning and Public Spaces to enable the redesign of the carpark footings if the spur of Busby's Bore was encountered during excavation works (which is the case in this instance). That is, the Minister determined on the advice of Heritage NSW and the Department's Key Assessments Team, that the car park could be approved and should proceed subject to imposition of an appropriately worded condition of consent that as drafted enables the redesign options to be dealt with within the bounds of the consent as approved. Venues NSW has been working within the approved framework provided by SSD 9835 and particularly Condition B39(j) since the unexpected find was first discovered. Correspondence received from the DPHI's Post Approval team has confirmed this approach and is provided at Attachment 2 for context.

Venues NSW is however proposing to incorporate Option 3.4 into the plans that support this Modification Application to ensure the construction drawings represent the overall design.

### 3.4 Modified Conditions

The Modification Application outlined above necessitates amendments to the conditions of development consent as marked out below, with proposed deletions ~~struck out~~ and new insertions ***bolded and italicised***.

#### **PART A - 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) in accordance with the EIS, Response to Submissions and supplementary Response to Submissions;
- d) in accordance with the management and mitigation measures in Appendix 3;

e) in accordance with amendments made in SSD-9835-Mod-1, SSD-9835-Mod 3, SSD-9835Mod-2, SSD-9835-Mod-4, SSD-9835-Mod-5, and SSD-9835-Mod-6 and SSD-9835-Mod-7; SSD-9835-Mod-8; and SSD-9835-Mod-9 **and SSD-9835-Mod-10**;

f) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by Cox Architecture and Aspect Studios</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
A13.B0.00	B	Floor Plan Lower Basement Level	28.09.20
A13.L0.01	G	Floor Plan Basement Level	28.09.20
A13.L1.02	G	Floor Plan Level 1 (GA Concourse Level)	28.09.20
A13.L1M.03	H	Floor Plan Level 1 (Concourse Mezzanine Plan)	13.05.21
A13.L2.04	G	Floor Plan Level 2 (Club Plan)	28.09.20
A13.L3.05	C	Floor Plan Level 2 (Suite Plan)	20/09/2019
A13.L4.06	C	Floor Plan Level 4	20/09/2019
A13.L5.06	E	Floor Plan Level 5	13.05.21
A13.RL.08	D	Roof Plan	20/09/2020
A30.EW.01	J	East and West Elevations	20/04/2021
A30.EW.01. B	B	West Elevation (SFF to Gate A)	28.09.20
A30.NS.01	G	North and South Elevations	28.09.20
A40.00.01	C	General Sections – GA	20/09/2019
ASK326	A	Accessible terraces Plan	20/09/2019
RcoE-COX- 03-DR- ASK0001	7	Architectural Services – Design Development GA Plan	14.05.2021
A10.SP.30	<del>D</del> E	Architectural Services – Proposed Demolition Plan	<del>12/03/24</del> 22/11/2024
A13.B1.01	<del>C</del> D	Architectural Services – Level B1	<del>17/12/2021</del> 22/11/2024
A13.B2.01	<del>C</del> D	Architectural Services – Level B2	<del>17/12/2021</del> 22/11/2024
A13.B3.01	<del>C</del> D	Architectural Services – Level B3	<del>17/12/2021</del> 22/11/2024
A13.L0.02	<del>D</del> E	Architectural Services – Level 0	<del>17/12/2021</del> 22/11/2024
A13.L0M.01	<del>D</del> E	Architectural Services – Level 1	<del>17/12/2021</del> 22/11/2024
A13.L1.03	<del>G</del> H	Architectural Services – Plaza	<del>03/06/2022</del> 22/11/2024
<b>A13.RF.01</b>	<b>A</b>	<b>Architectural Services – Roof</b>	<b>22/11/2024</b>
A30.EW.02	<del>D</del> E	Architectural Services – Elevations East West	<del>18/01/2022</del> 22/11/2024
A30.NS.02	<del>D</del> E	Architectural Services – Elevations North South	<del>18/01/2022</del> 22/11/2024
A30.NS.03	<del>D</del> E	Architectural Services – Elevations North South 2	<del>18/01/2022</del>

			22/11/2024
A40.00.02	<del>C</del> D	Architectural Services – Sections North South	<del>17/12/2021</del> 22/11/2024
A40.00.03	<del>B</del> C	Architectural Services – Sections East West	<del>02/09/2021</del> 22/11/2024
<b>A42.00.11</b>	<b>A</b>	<b>Architectural Services – Detail Sections</b>	22/11/2024
<b>A42.00.20</b>	<b>A</b>	<b>Architectural Services – Detail Sections</b>	22/11/2024
A42.00.20	D	Architectural Services – Phase 1 Sections	12/03/2024
A42.00.21	<del>D</del> E	Architectural Services – Phase 1 Sections	<del>12/03/2024</del> 22/11/2024
A42.00.25	<del>D</del> E	Architectural Services – Phase 1 Sections	<del>12/03/2024</del> 22/11/2024
A45.00.10	<del>C</del> D	Architectural Services – Phase 2 Egress Stair Sections	<del>30/05/2022</del> 22/11/2024
A54.00.01	<del>A</del> B	Architectural Services – Stair Details	<del>13/08/2021</del> 22/11/2024
PVC-COX-04-DR-AR13L100	D	Architectural Services – General Arrangement Plan – Plaza Level	12/03/2024
AR20L102	3	Architectural Services – Sector Plan – Plaza Level Sector 02	15/12/2021
ASK0018	B	Architectural Services – SSDA East and West Roof Plan	15/02/2022
<b>Landscape Plans prepared by Aspect Studios</b>			
Dwg No.	Rev	Name of Plan	Date
LA-002	J	Legend	12.10.20
LA-003	E	Schedule	26/08/2019
LA-010	E	Sheet Layout Ground Level	8/08/2019
LA-015	F	Tree Retention and Removal Ground plan	19/09/2019
LA-100	O	Landscape Masterplan	12.10.20
LA-101	E	Materials and Finishes Plan – Ground Level Quad A	8/08/2019
LA-102	E	Materials and Finishes Plan – Ground Level Quad B	8/08/2019
LA-103	H	Materials and Finishes Plan – Ground Level Quad C	12.10.20
LA-104	E	Materials and Finishes Plan – Ground Level Quad D	8/08/2019
SC-LA-101	E	Materials and Finishes Plan – SCG Plaza Level – Level 0	12.10.20
SC-LA-102	E	Materials and Finishes Plan –SFS – Level 1	12.10.20
SC-LA-103	E	Materials and Finishes Plan – Roof Terrace – Level 2	12.10.20
SC-LA-104	A	Materials and Finishes Plan – Roof – Level 3	12.10.20
LA-111	C	Paving Arrangement Plan – Ground Level Quad A	8/08/2019
LA-112	C	Paving Arrangement Plan – Ground Level Quad B	8/08/2019
LA-113	C	Paving Arrangement Plan – Ground Level Quad C	8/08/2019
LA-114	C	Paving Arrangement Plan – Ground Level Quad D	8/08/2019
LA-201	F	Grading and Level Plans – Ground Level Quad A	20/09/2019
LA-202	F	Grading and Level Plans – Ground Level Quad B	20/09/2019
LA-203	I	Grading and Level Plans – Ground Level Quad C	12.10.20
LA-204	F	Grading and Level Plans – Ground Level Quad D	20/09/2019

LA-401	D	Planting Plans Ground Level – Quad A	8/08/2019
LA-402	D	Planting Plans Ground Level – Quad B	8/08/2019
LA-403	G	Planting Plans Ground Level – Quad C	12.10.20
LA-404	D	Planting Plans Ground Level – Quad D	8/08/2019
SC-LA-401	C	Planting Plans – SCG Plaza Level – Level 0	12.10.20
SC-LA-402	C	Planting Plans – SFS Level – Level 1	12.10.20
SC-LA-403	C	Planting Plans – Roof Terrace – Level 2	12.10.20
SC-LA-404	A	Planting Plans – Roof – Level 3	12.10.20
LA-501	C	Detail Plan-Material + Finishes Ground Level North East	8/08/2019
LA-502	C	Detail Plan – Levels + Grading Ground Level North east	8/08/2019
LA-504	C	Detail Plan-Planting Plan Ground Level North east	8/08/2019
LA-505	A	Detail Plans Ground Level – South West	8/08/2019
LA-601	C	Hardwork Details – Concrete finishes	24/07/2019
LA-602	C	Hardwork Details – Concrete finishes	24/07/2019
LA-603	C	Hardwork Details – Ancillary Paving	24/07/2019
LA-604	C	Hardwork Details – Edges	24/07/2019
LA-605	C	Hardwork Details – Kerbs and Ramps	24/07/2019
LA-621	C	Hardwork Details – Wall Type 1	24/07/2019
LA-625	C	Hardwork Details – Wall Type 2 and 6/7	24/07/2019
LA-626	B	Hardwork Details – Wall Type 8 and 10	24/07/2019
LA-627	B	Hardwork Details – Wall Type 8 and 10	24/07/2019
LA-628	B	Hardwork Details – Handrail Detail and GPOs	24/07/2019
LA-640	C	Hardwork Details – Typical Stair Type 1 Details	8/08/2019
LA-641	C	Hardwork Details – Stair Type 1.1	8/08/2019
LA-642	C	Hardwork Details – Stair Type 1.2	8/08/2019
LA-643	C	Hardwork Details – Stair Type 1.3 and 1.4	8/08/2019
LA-644	C	Hardwork Details – Stair Type 1.5 and 1.6	8/08/2019
LA-645	C	Hardwork Details – Stair Type 1.7 and 1.8	8/08/2019
LA-646	C	Hardwork Details – Typical Stair Type 2 Details	8/08/2019
LA-647	C	Hardwork Details – Stair Type 2.1 and 2,2	8/08/2019
LA-648	C	Hardwork Details – Typical Terrace Type 1 Detail	8/08/2019
LA-649	C	Hardwork Details – Terrace Type 1	8/08/2019
LA-633	A	Hardwork Details – Wall Type 4 Plans and Elevations	29/03/2019
LA-634	A	Hardwork Details – Wall Type 4 Sections and Details	29/03/2019
LA-730	B	Furniture and Fixture Details – Precast and Timber Decks	24/07/2019
LA-701	C	Furniture and Fixture Details – Typical Bench Details	24/07/2019
LA-702	C	Furniture and Fixture Details – Bench Type 1	24/07/2019
LA-703	C	Furniture and Fixture Details – Bench Type 1	24/07/2019
LA-706	C	Furniture and Fixture Details – Bench Type 3	24/07/2019
LA-707	C	Furniture and Fixture Details – Proprietary Furniture	24/07/2019
LA-708	B	Furniture and Fixture Details – Balustrade Type 1	24/07/2019
LA-709	B	Furniture and Fixture Details – Fitness Equipment and Statues	24/07/2019

LA-711	B	Furniture and Fixture Details – Furniture and Fixtures 11	24/07/2019
LA-712	B	Furniture and Fixture Details – Custom Screen	24/07/2019
LA-801	C	Soft work Details – Softworks Details 1	24/07/2019
LA-802	C	Soft work Details – Tree Grate and Strata Vault	24/07/2019
LA-810	C	Soft work Details – Ground Level Soil Depths	8/08/2019
LS-001	B	Landscape Selections Schedule	24/07/2019
LS02XX00	7	Legend and Schedules	20/10/2020
LS03XX01	A	Tree and Planting Schedules	11/09/2020
LA-010	<del>3</del> <b>5</b>	Cover Sheet	<del>12/03/24</del> <b>28/11/24</b>
LA-011	<del>3</del> <b>4</b>	Legend	<del>16/12/2021</del> <b>28/11/24</b>
LA-101	<del>4</del> <b>5</b>	Tree Retention and Removal Plan	<del>15/02/2022</del> <b>28/11/24</b>
LA-201	<del>3</del> <b>4</b>	Materials and Finishes Plan	<del>16/12/2021</del> <b>28/11/24</b>
LA-202	3	Materials and Finishes Plan	16/12/2021
LA-401	<del>2</del> <b>3</b>	Levels and Grading Plan	<del>16/12/2021</del> <b>28/11/24</b>
LA-402	<del>2</del> <b>3</b>	Levels and Grading Plan	<del>06/09/2021</del> <b>28/11/24</b>
LA-501	<del>2</del> <b>3</b>	Sections	<del>06/09/2021</del> <b>28/11/24</b>
LA-502	<del>2</del> <b>3</b>	Sections	<del>06/09/2021</del> <b>28/11/24</b>
LA-901	<del>4</del> <b>2</b>	Tree Planting Mix	<del>12/01/2022</del> <b>28/11/24</b>
LA-902	<del>4</del> <b>2</b>	Plant Mix A: Carpark Planting	<del>12/01/2022</del> <b>28/11/24</b>
LA-903	<del>4</del> <b>2</b>	Plant Mix B: Plaza Planting	<del>12/01/2022</del> <b>28/11/24</b>

## 4. Strategic and Statutory Context

### 4.1 Strategic Context

The Modification Application is consistent with the applicable strategic context and does not undermine or compromise the achievement of relevant objectives and priorities. In fact, the Modification Application supports various NSW Government objectives to support and implement sustainable travel modes. The Modification Application specifically supports the continued evolution of the Precinct into a thriving sports and entertainment precinct supported by connected active and public transport modes.

## 4.2 Statutory Context

### 4.2.1 Power to Grant Consent

The SFS was first declared State Significant Development under Schedules 1 and 2 of State Environmental Planning Policy (State and Regional Development) 2011 (now State Environmental Planning Policy (Planning Systems) 2021) on the basis that the development was for the purposes of a 'recreation facility (major)' with a CIV in excess of \$30 million and development at the Sydney Sports Stadiums Site with a CIV of more than \$10 million.

### 4.2.2 Substantially the Same Development

Section 4.55 establishes the power to 'modify' a consent. Section 4.55(2) of the EP&A Act provides that a consent authority may modify the consent if:

- (a) *".....it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with—*
  - a. *the regulations, if the regulations so require, or*
  - b. *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification is substantially the same development as that originally approved under SSD 9835 as the reconfiguration of the car parking design (which is subterranean) does not change the essential characteristics of the approved development. This includes the overall design, capacity and operation of the stadium, and how the site and the Stadium's operations relate to neighbouring land including the operation of Moore Park, and other precinct users/tenants/visitors. The modifications proposed across the Precinct Village at the plaza level, including revised playground layout, landscaping design and heritage interpretation do not propose to significantly amend the already approved uses and low-level structures but rather seek to reconfigure them into an alternate spatial arrangement. The proposed modifications and design refinements do not intensify the operation of the stadium or Precinct Village and Car Park.

The proposed modification is considered to constitute a Section 4.55(2) modification as:

- The proposed modification is substantially the same development for which consent was originally granted, and as modified to date, in the context of the overall development consent and the scale of the stadium.

- The proposed modifications do not alter the approved uses, and will continue to support the site's uses for sporting and event-affiliated uses.
- The proposed modifications continue to be generally consistent with the approved parking provision and strategy. The overall quantum of parking proposed to be provided within the PV&C upon completion would not exceed the maximum number of spaces currently approved.
- The proposed reduction in on-site car parking is consistent with the arrangements in place during stages of the Stadium's construction when less parking has been provided on site.
- There is no substantial change to the approved built form and building envelope above ground that results in any environmental or amenity impacts, particularly relating to bulk and scale, or visual appearance.
- The proposed interpretation would allow the history of the abandoned shaft of Busby's Bore to be celebrated and aligned with other interpretations of Busby's Bore within the Moore Park precinct.

Having regard to the above and the reasons outlined below, the Modification Application is considered to constitute a Section 4.55(2) modification as:

- The approved uses to be carried out on the SFS Site, being sporting and entertainment events, remain unchanged.
- The building envelope established under SSD 9249 Stage 1 Consent is proposed to be modified concurrently to reflect the revised basement footprint.
- Environmental impacts are considered manageable and/or can be mitigated in the context of the overall development consent and the scale of the SFS. As demonstrated throughout this document and supporting appendices, the Modification Application's impacts will be consistent with those already assessed, deemed acceptable and approved in respect of the SFS's operations and specifically car parking requirements.
- Artefact Heritage's Addendum Statement of Heritage Impact (**Appendix E**) concludes no items of built heritage on or within 250metres of the site will be impacted by the proposed modification, and there is low potential for negligible impacts to Busby's Bore Spur (SHR #00568) as the proposed works will not directly impact the abandoned Spur.
- JMT's Transport Statement (**Appendix F**) demonstrates traffic and/or transport issues are not anticipated beyond those considered in the extensive planning already undertaken for the SFS and the broader Moore Park Precinct.

### 4.2.3 Modification to Approved Development

In *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177, the NSW Court of Appeal indicated at [55] that a "*modification of the development consent sought needs to effect some change to the development the subject of the development consent*". This Modification will result in the reconfiguration of the basement footprint and refinements to the plaza/ground level, being the change to the approved development.

As set out in Section 1.4 of the EP&A Act, the use of land is development for the purpose of the Act, and the provision of the Precinct Village uses and on-site parking form part of the approved use of the land. Accordingly, the Minister for Planning and Public Spaces (as the consent authority) may be satisfied that the Modification Application effects change to SSD 9835 as currently approved.

#### 4.2.4 Permissibility

The Sydney Local Environmental Plan 2012 zones the SFS Site SP1 Recreation Facility (Major). Development of a recreation facility (major) is permissible with development consent in the zone. The Modification Application does not seek to change the land use categorisation of the development, and accordingly, the development remains permissible with consent and aligns with the SP1 zone objectives.

#### 4.2.5 Compliance with applicable legislation and planning instruments

The Modification Application does not affect the development's compliance with the relevant environmental planning instruments, as demonstrated in **Table 3**.

**Table 2 Statutory compliance**

Legislation/ Instrument	Comment
<b>Legislation</b>	
Biodiversity Conservation Act, 2017	The Modification Application does not give rise to any further environmental impacts beyond those already addressed in the Biodiversity Development Assessment Report provided with the approved EIS that supported SSD 9835, and multiple planning statements and technical studies prepared in support of subsequent S4.55 modifications to SSD 9835.
Sydney Cricket and Sports Ground Act, 1978	All works are within the designated land as defined by Schedule 2A of the Act.
Centennial Park and Moore Park Trust Act, 1983	Not strictly applicable as works are not proposed in Centennial Park, Moore Park or Queens Park. However, it should be noted that the CPMPT Act was most recently amended in December 2023 to extend the dates by which restrictions to on-grass parking must be implemented. The amendment results in event parking areas being available until 1 July 2028 or a later date prescribed by the Minister in the CPTMP Regulation.
<b>Environmental Planning Instruments</b>	
SEPP (State and Regional Development)	The Modification Application does not alter the approved development's consistency with this instrument as outlined in the approved EIS and multiple planning statements prepared in support of subsequent S4.55 modifications to SSD 9835.
SEPP (Precincts - Eastern Harbour City)	The site and Modification Application does not trigger any provisions under this SEPP.
SEPP (Transport and Infrastructure)	The Modification Application does not alter the approved development's consistency with this instrument as outlined in the EIS. The approved and installed signage remains unaffected by the Modification Application.
SEPP (Resilience and Hazards)	The Modification Application does not alter the approved development's consistency with this instrument, as neither works nor a change in land use is proposed. A Site Auditor's Statement has been issued for the MP1 car park confirming the site is suitable for its intended use.

Legislation/ Instrument	Comment
Sydney Local Environmental Plan, 2012	The Modification Application does not alter the approved development's consistency with this instrument as outlined in the EIS.

#### 4.2.6 Consistency with Concept Proposal

Section 4.24 of the EP&A Act provides that while a Concept Proposal remains in force, any further detailed application cannot be inconsistent with the consent for the Concept Proposal.

A concurrent Section 4.55 Modification Application is also being pursued for the Concept Proposal to revise the basement building envelope for the Precinct Village and Car Park.

In summary, the works proposed in this Modification Application remains consistent with the Concept Proposal including the building envelope as proposed to be modified so that the consent authority is able to be satisfied that the development consent as modified by this application will not be inconsistent with the modified Concept Proposal.

#### 4.2.7 Reasons for granting original development consent

Section 4.55(3) of the EP&A Act requires that the consent authority to take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified. The Modification Application does not raise any further matters for consideration in relation to the reasons given for approval of the original consent, which are reproduced below:

- *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 including a 45,000 seat (55,000 in concert mode) Tier 1 stadium which will ensure that NSW's sporting facilities are competitive into the future;*
- *the new stadium aims to provide an enhanced experience for patrons, improved access and egress in and around the stadium, improved facilities for a more diverse range of sports and events, and better integration with the neighbouring precincts;*
- *the stadium is expected to result in \$674 million capital investment, support approximately 600 construction jobs and 300 additional operational jobs;*
- *the project is permissible with development consent, and is consistent with NSW Government policies including the NSW Stadia Strategy, A Metropolis of Three Cities - The Greater Sydney Plan, NSW Future Transport Strategy 2056 and the Eastern City District Plan;*
- *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 traffic / noise / security / waste management and wayfinding signage on event days, initiatives for providing and utilising public and active transport to assist in removing on grass parking on Moore Park, ongoing community consultation through gathering information during events, design excellence, landscaping, management of construction impacts, impacts on historical and Aboriginal archaeological heritage, and flood management;*

- the community views (in the submissions) have been considered and adequately addressed through the recommended conditions of approval; and
- weighing all relevant considerations, the project is in the public interest.

## 5. Stakeholder Engagement

**Table 4** summarises the feedback received from stakeholders Venues NSW has engaged with during the preparation of this Modification Application.

**Table 3 Stakeholder engagement summary**

Stakeholder	Consultation Status
Community Consultative Committee (CCC)	<ul style="list-style-type: none"> <li>• The CCC was briefed on the proposed modification on 27 September 2024. The CCC did not raise any objection to the proposed modification.</li> <li>• A copy of the briefing material presented to the CCC, and the minutes is provided at <b>Appendix G</b>.</li> </ul>
Design Integrity Panel (DIP)	<ul style="list-style-type: none"> <li>• The DIP was briefed on the proposed modification on 17 July 2024 (prior to discovery of the unexpected find).</li> <li>• The DIP did not raise any objection to the proposed modification at the time of the briefing.</li> <li>• Venues NSW will continue to engage with the DIP as the modification progresses.</li> <li>• A copy of the briefing material presented to the DIP and the minutes will be appended the proposed modification.</li> </ul>
NSW Heritage Council and Heritage Branch	<ul style="list-style-type: none"> <li>• NSW Heritage was initially notified of the unexpected find on 2 July 2024.</li> <li>• Venues NSW met with representatives of the Heritage Branch on 31st July, 15th August, 11th September, and 17th September to discuss the proposed response to the unexpected find, culminating in the development of the now proposed Option 3.4 to retain part of the retention of a part of the rock section of the shaft at proposed basement parking Level B4 and interpret part of the brick and sandstone on the plaza as a vertical extrusion of the shaft's original location.</li> <li>• The Heritage Council's Approvals Committee was presented with evolving options on 3 September 2024.</li> </ul>
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> <li>• Venues NSW met with TfNSW on 26 November 2024.</li> <li>• TfNSW was primarily interested in understanding the potential consequences of reduced parking on public transport provision.</li> <li>• TfNSW raised no concern with the scope of the modification and was participial supportive of the proposed boneyard arrangements which will alleviate traffic impacts on Driver Avenue on event days.</li> </ul>

Stakeholder	Consultation Status
City of Sydney Council	<ul style="list-style-type: none"> <li>• Venues NSW met with the City of Sydney on 27 November 2024.</li> <li>• City of Sydney's feedback during the discussion included: <ul style="list-style-type: none"> <li>○ advocating for sufficient playground shading;</li> <li>○ confirming sufficient soil depth and volumes above the basement structure to accommodate large trees;</li> <li>○ clarifying the proposed species selection and the advocating for appropriate inclusion of shade bearing trees; and</li> <li>○ minimising high heat bearing/conducting surfaces in the playground.</li> </ul> </li> <li>• Venues NSW anticipates the Department will notify the City of Sydney of the Modification Application as part of the statutory process, thereby providing an opportunity for Council as the local authority to formally provide its feedback.</li> </ul>

## 6. Assessment of Impacts

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.

The Modification Application 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 remaining matters listed under section 4.15(1) are addressed below.

### 6.1 Heritage

#### 6.1.2 Discovery of the Busby's Bore Spur and Shaft

By way of background and context, an 'old well/shaft' was uncovered by BESIX Watpac and its civil contractor during excavation for the piling platform on 25 June 2024. Construction work within its vicinity ceased immediately and the appointed project Excavation Director was called to site to examine the unexpected find (which occurred on 26 June 2024) in accordance with the requirements of the Construction Heritage Management Plan Condition B39 of SSD 99835. The DPHI, Heritage NSW and Sydney Water were also notified of the unexpected find.

Initial inspection by the Excavation Director and subsequent research indicates there is strong evidence that the shaft is most likely an access shaft to Busby's Bore Spur for the following reasons:

- Both the 1833 and the 1854 plans project Busby's Bore Spur as a line with circles on the line to indicate access shafts. Georeferencing the plans (an imprecise art) allows the location of the shafts to be plotted on a modern plan.
- Artefact Heritage's has recently georeferenced the 1833 and 1854 plans based on the precise and known location of Shaft 8, and a second reprojection based on the

assumption that the newly discovered find was the first abandoned shaft along the Spur. In both cases there is good alignment indicating that the newly discovered find is highly likely to be an access to the abandoned shaft of Busby's Bore Spur.

- It seems unlikely that historical uses of the site, including a rifle range, recreation and the Sydney Sports Ground required a substantial purpose built well.
- A well has a different function than an access shaft. A well needs to only be as deep as the water table, which in this area is quite shallow, whereas access to Busby's Bore needed to be deeper as the Bore is in effect a tunnel on a more or less level grade. Shaft 8, for example, is about 11.12m to the overt of Busby's Bore.

### 6.1.3 Modification Application Heritage Impact Assessment

Artefact Heritage has concluded the project team adopt a precautionary approach by assuming that the newly discovered find is an access to the abandoned shaft to the Busby's Bore Spur, and warrants preliminary interpretation. As at the time of writing there has not been any evidence found in the excavated areas of the Car Park footprint to indicate the presence of an associated tunnel or spur. In this context, Artefact has prepared an Addendum Statement of Heritage Impact (**Appendix E**) which considers the impacts of the Modification Application on the heritage values of the site and surrounding area. Notably, the Addendum Statement of Heritage Impact does not assess the impact of the car park on the Busby's Bore Spur as Condition B39(j) of SSD 9835 facilitates redesign of the car park to respond to an unexpected find.

The Addendum Statement of Heritage Impact concludes:

- There are no surface level built heritage items or potential heritage items identified with the project footprint, or within 250 metres of its vicinity.
- The proposed landscape modifications have no potential to result in physical impacts to heritage values.
- The proposed works will not result in visual impacts to surrounding heritage items as:
  - the proposed car park's location below the ground will not be visible to, or from, the surrounding heritage items; and
  - the proposed landscaping and plaza works are minor in nature and in keeping with the landscaping already implemented within the precinct.
- The project footprint contains low potential for archaeological remains associated with the site's previous uses.
- Changes to basement levels in the car park to facilitate the implementation of Option 3.4 are unlikely to impact on known Busby's Bore archaeological evidence, although it should be noted that the location and depth of the tunnel is not known and there is potential for some impacts.
- The proposed modification is substantially the same development as that originally approved under SSD 9835 and does not change the heritage impacts of the approved development. Artefact Heritage's assessment of the proposed modifications against the heritage related conditions concludes no significant impact or need for additional/revised conditions of consent.
- There is low potential for impacts to Busby's Bore Spur (SHR #00568) as the works do not directly impact the abandoned Spur.
- Some of the proposed works facilitate the implementation of Option 3.4 which has been designed to manage construction impacts to Busby's Bore Spur. Artefact Heritage concludes that subject to implementation of the recommendations of the

On the basis of the above and subject to implementation of the following recommendations, Artefact concludes the Modification Application will have minimal heritage impact:

- Preparation of a revised Archaeological Research Design (ARD) and Excavation Methodology to guide archaeological management of any additional Busby's Bore remain discovered during works. A draft ARD has been prepared and is provided at **Appendix H**.
- Revision to the existing Construction Heritage Management Plan (CHMP) including:
  - updating of the Methodology Statement - Working Near Busby's Bore (Infrastructure NSW, September 2018) to specifically describe the details of the works proposed by this Modification Application;
  - identification of the specific measures that will be adopted to avoid direct and vibrational impacts to the Busby's Bore Spur and shafts;
  - reflecting the recommendations of the Archaeological Research Design and Excavation Methodology in regard to archaeological management of Busby's Bore;
  - updating of the unexpected finds protocol for management of heritage items identified outside of archaeological supervision; and
  - heritage induction protocols to enable staff to identify heritage material and manage it in accordance with the conditions of approval imposed under SSD 9835 (as modified).
- Revision to the currently approved Construction Noise and Vibration Management Sub-Plan (CNVMP) to include details of management measures to protect archaeological heritage items including Busby's Bore in accordance with the requirements of the updated Methodology Statement - Working Near Busby's Bore.
- Preparation of a Heritage Interpretation Plan to help mitigate potential impacts to Busby's Bore, which outlines an approach for use of the unexpected find's salvaged in an interpretive display.

## 6.2 Traffic and Transport

The Transport Assessment prepared by JMT Consulting at **Appendix F** has considered the potential impacts of the Modification Application.

### 6.2.1 Event Day Truck Parking ('Boneyard')

The provision of the boneyard is a significant benefit of the proposed works as its construction will enable large event/production trucks to park wholly within the site. The boneyard has been sized to accommodate up to eight (8) large production trucks at any one time, significantly alleviating the use of Driver Avenue and adjoining streets during concert events.

Notably, the Modification Application retains currently approved use and arrangements for the Outside Broadcast (OB) compound area during sporting events..

### 6.2.2 Event Day Parking

The proposed revisions to the car park result in the removal of up to 78 car parking spaces when compared to the stamped MOD 7 drawings.

JMT concludes the proposed reduction represents a very minor proportion (3%-4%) of the overall event day parking provision available across the entire Precinct. Notably, the proposed arrangement whereby SFS members utilise offsite parking areas is consistent with the approach successfully implemented during the construction of the SFS between 2019 and 2022.

The SFS and broader Moore Park Precinct is well serviced by other forms of transport, particularly public transport, walking and cycling. The NSW's Government's implementation of integrated ticketing arrangements for patrons travelling to the SFS and Sydney Cricket Ground (SCG) have further boosted public transport usage. While integrated ticketing was not contemplated at the time of the original project approval, it has proven highly effective in encouraging public transport use including for recent events held at the SFS and will continue to be offered into the future. Integrated ticketing accordingly will combat the potential impacts of removing the 78 event day parking spaces.

Furthermore, the Transport for NSW endorsed operational transport management plans are being successfully implemented for different event types at the SFS, including the Event Car Parking Management Plan which identifies several strategies to support non-vehicular travel to the precinct. The operational plans will continue to be implemented for all events held at the SFS during the PV&C's construction and operation. Pursuant to Condition A55 of SSD 9835, Venues NSW will need to update all operational transport plans following the Modification Application's approval to ensure revised transport and parking arrangements are accurately reflected in operational plans. This procedural requirement will provide an opportunity to align operations with contemporary transport planning and management practices employed across the Precinct.

### **6.2.3 Non-Event Parking**

JMT's assessment concludes the proposed reduction of parking can be supported as there are ample parking opportunities available in the Moore Park Precinct on non event days within close proximity to the SFS. For example, the nearby Entertainment Quarter (EQ) car park contains approximately 1,700 parking spaces which are available to the general public. On a typical weekday parking demand within the EQ car park typically does not ever exceed 50% of total capacity. Similarly, Driver Avenue provides approximately 150 parking spaces.

More compellingly, and consistent with arrangements in place during the time of the construction of the redeveloped SFS (between December 2019 and August 2022), SFS patrons demonstrated they are well versed in relying on nearby off-site parking areas, when necessary. This was most recently demonstrated during the SFS's construction when patrons successfully relied on parking locations outside the project site.

### **6.3 Construction Impacts**

Changes are not proposed to the approved construction methodology, working hours, loading and delivery arrangements, or access points. The size and types of construction vehicles required, vehicle approach and departure routes, and marshalling and materials handling processes will also remain as per currently approved arrangements.

The Construction Traffic and Pedestrian Management Plan endorsed by Transport for NSW will be updated pursuant to Condition A55 of SSD 9835, following the Modification Application's approval to ensure construction traffic impacts are accurately documented.

#### 6.4 Accessibility

MBC's Access Compliance Statement, provided at **Appendix I**, has assessed the proposed works against Commonwealth Disability Discrimination Act 1992 (DDA), Disability (Access to Premises (Buildings)) Standards 2010 Access Code for Buildings 2010 (DAPBS), Disability (Access to Premises - Buildings) Amendment Standards 2020, Disability Standards for Accessible Public Transport 2002 (DSAPT 2002), Disability Standards for Accessible Public Transport Guidelines 2004 (No 3), the Deemed-to-Satisfy provisions of the National Construction Code Series (Volume 1) Building Code of Australia 2019 (Amendment 1), and applicable Australian Standards.

MBC concludes compliance is readily achievable, subject to detailed design resolving the matters identified at **Appendix I** in relation to continuous accessible paths of travel between L0 and the plaza, ramps, stairs, and sanitary facilities on the plaza.

Suitably worded conditions of consent are already embedded in the consent and will continue to apply to the proposed works. Accordingly, the Modification Application does not pose any unmitigated accessibility concerns.

#### 6.5 Geotechnical Stability

The revised car park layout requires additional excavation, ground water management, and structural shoring to facilitate the additional and reconfigured basement levels.

The Geotechnical Assessment prepared by Douglas Partners and provided at **Appendix J** concludes:

- Groundwater has been measured in the range of RL 40.3m and RL 34.3 m AHD and appears to fall towards the south-east, consequently requiring approval for dewatering to construct the basement.
- Basement excavation can be supported subject to resolution of detailed engineering considerations, such as the implementation of shoring/retaining wall, and shoring piles to support structural loads.

Conditions of consent embedded into SSD 9835 already require that the detailed construction drawings address the recommendations of Geotechnical Assessment and accordingly suitable provision is made within the process to ensure the geotechnical issues continue to be appropriately addressed.

#### 6.6 Flooding

Aurecon has prepared a Flood Impact Assessment, provided at **Appendix K**, which confirms that the adopted flood design levels (1% AEP plus 0.5m freeboard) across the majority of the PV&C exceeds the PMF flood level. A minor non-compliance has been identified at the loading zone where the proposed design crest level is 42.2m AHD, which equates to a freeboard of only 0.48m. Increasing the crest level to achieve the minimum freeboard can be resolved through the detailed design process.

The Flood Impact Assessment also confirms compliance with Condition B65 of SSD 9835 following the reduction in the capacity of the constructed Sydney Water diversion pipe from 1500mm diameter to 1350mm and the use of different models.

In addition, no unacceptable adverse impacts are predicted on private properties.

## 6.7 Ecologically Sustainable Development

LCI Consultants' Ecologically Sustainable Development (ESD) Statement at **Appendix L**, concludes the following ESD commitments as outlined in the currently approved Sustainability Management Strategy (LCI, 25 August 2020) and Sydney Football Stadium Precinct Village and Carpark Redevelopment SSD 9835 Sydney Football Stadium Redevelopment Section 4.55 Modification (LCI, 7 September 2021) will be implemented for the PV&C project as proposed to be modified under the current Modification Application:

- installation of solar PV systems;
- installation of energy efficient lighting (including control via motion detectors);
- design and construction of 2% of the total car parking spaces as Electric Vehicle Parking & Charging Systems;
- spatial allowance to enable the potential retrofit of at least 20% of the total car parking spaces as Electric Vehicle Parking & Charging Systems;
- reduction in car park ventilation air flows using Computational Fluid Dynamics (CFD) modelling to minimise mechanical fan energy consumption; and
- implementation of other applicable ESD initiatives, such as:
  - programs that support increased use of the available quality transit servicing the PV&C and broader SFS precinct;
  - selection of water efficient fixtures to minimise potable water use;
  - outdoor water use reduction;
  - energy and water sub-metering;
  - construction and demolition waste recycling;
  - use of low VOC and formaldehyde internal finishes; and
- landscaping and greening of spaces.

The proposed Modification Application accordingly does not compromise or jeopardise the ESD commitments committed by Venues NSW and embedded into the SSD 9835 approval through conditions of consent (as modified).

## 6.8 Other considerations

### 6.8.1 Tree Removal

Tree IQ's Arboriculturally Impact Assessment (**Appendix M**) confirms Forty (40) trees and tree groups are proposed to be retained, and four (4) trees with a Retention Value of *Consider for Retention* and a further twenty-nine (29) trees with a Retention Value of *Consider for Removal* are proposed to be removed. Eighteen (18) trees are pending removal or have been removed.

Tree IQ recommends the management and protection measures that should be employed to minimise adverse impacts, including maintaining existing ground levels and designing all structures to accommodate the trees. Replacement planting is recommended to be supplied in accordance with Australian Standard 2303 (2015) Tree Stock for Landscape Use.

### 6.8.2 Noise and Vibration Impacts

Pulse White Noise Acoustics' Acoustic Review (**Appendix N**) confirms potential operational noise emissions will remain as currently approved and are expected to comply with currently approved conditions of consent within SSD 9835. Acoustic mitigations for the proposed mechanical plant and equipment can be effectively included in the detailed design process once plant and equipment selections have been finalised.

Construction noise and vibration impacts are expected to be consistent with the currently approved Construction Noise and Vibration Plan. Potential vibration on Busby's Bore have been re-assessed as part of the Moore Park Precinct Village and Carpark, Heritage Well, Construction Vibration Management Plan (revision 1). Subject to implementation of the recommended vibration mitigations and management measures, the proposed construction activities are not expected to have an adverse impact on Busby's Bore and the newly discovered shaft.

### 6.8.3 Infrastructure Servicing and Utilities

This Infrastructure Services Statement prepared by LCI and provided at **Appendix O** concludes that the infrastructure works as described in Arup's Infrastructure Services Strategy and approved under MOD7 were completed by John Holland as part of an early works package.

### 6.8.4 Public Domain Lighting

A revised lighting strategy has been prepared by LCI to support the proposed works (**Appendix P**) which complies with Australian Standards for outdoor lighting. Compliance with the strategy will be incorporated into the detailed design process.

### 6.8.5 Building Code of Australia

The BCA Compliance Statement prepared by MBM to support the proposed works (**Appendix Q**) confirms compliance with the Deemed-to-Satisfy provisions of the National Construction Code Series (Volume 1) Building Code of Australia 2019 Amendment 1 is readily achievable.

## 6.9 Site Suitability

Having regard to the characteristics of the SFS Site and its location in the Moore Park Precinct, the Modification Application is considered suitable on the following grounds:

- it is generally consistent with the approved terms of SSD 9249 (as proposed to be modified under separate application) and SSD 9835 and the project's approval for a new stadium capable of hosting major events, supported by suitable physical infrastructure and the implementation of operational plans established to facilitate the use of the stadium for this purpose;
- there is existing capacity within the Precinct to accommodate non-event and event day parking that will not be providing on the site during construction, without impacting the surrounding community;
- it is a catalyst that presents the opportunity to actively promote and further optimise the suite of transport initiatives being implemented across the Moore

- Park Precinct and ultimately support the overall net reduction of parking (when compared to that in place prior to the SFS's construction); and
- will not result in any adverse environmental impacts that cannot be appropriately managed and mitigated.

### **6.10 Public Interest**

The Modification Application is in the public interest as it will:

- facilitate a more efficient and sustainable parking solution, including removal of trucks on Driver Avenue and surrounding streets during concert events;
- provide an enhanced heritage interpretation outcome for the newly discovered find, assumed to be an abandoned shaft accessing the Busby's Bore Spur;
- responds to conditions of consent imposed by the Minister to manage and mitigate the impacts of the project
- rationalise the design and facilitate a more efficient construction methodology for the NSW Government, thereby reducing the expenditure of taxpayer money; and
- continue to support the sustainable travel to and from the SFS, and thereby contribute to the efficient operation of the SFS.

## **7. Conclusion**

The proposed modification remains substantially the same development for which the consent was granted. On this basis, it is considered the Minister for Planning and Public Spaces (or his delegate), may modify the consent in accordance with section 4.55(1A) of the EP&A Act.

# Appendix A - Architectural Plans

## Appendix B - Landscape Plans

# Appendix C - Architectural Design Statement

# Appendix D - Landscape Design Statement

# Appendix E - Addendum Statement of Heritage Impact

# Appendix F - Transport Statement

# Appendix G - Community Consultation Committee Presentation and Meeting Notes

# Appendix H - Archaeological Research Design Methodology

# Appendix I - Access Statement

# Appendix J - Geotechnical Assessment

# Appendix K - Flood Report

# Appendix L - Ecologically Sustainable Development Statement

# Appendix M - Arboriculturally Impact Assessment

# Appendix N - Noise and Vibration Statement

# Appendix O - Infrastructure Statement

# Appendix P - Public Domain Lighting Strategy

# Appendix Q - BCA Compliance Statement