

Notice of decision - SSD-9835-Mod-7

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-9835-Mod-7 Sydney Football Stadium Stage 2 (Design, construction and operation) – Modification 7
Applicant	Venues NSW
Consent Authority	Minister for Planning

Decision

The Executive Director under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions and any additional conditions.

A copy of the instrument of modification and conditions are available at <https://www.planningportal.nsw.gov.au/major-projects/projects/modification-7-precinct-village-and-carpark>.

A copy of the Department of Planning & Environment's assessment report is available at <https://www.planningportal.nsw.gov.au/major-projects/projects/modification-7-precinct-village-and-carpark>.

Date of decision

18 July 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was 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 was modified.

The key reasons for granting the modification are as follows:

- the project, as modified, would continue to provide a range of benefits for the region and the State as a whole, including direct investment in the region of approximately \$674 million, which would support up to 300 additional operational jobs upon completion and the proposed modification, as modified, would contribute towards approximately \$80 million of additional investment and a further 160 construction jobs and 35 operational jobs.
- the modification is permissible with consent, and is consistent with NSW Government policies including the NSW Stadia Strategy 2012 and 2015 Preliminary Sydney Cricket Ground Master Plan, the Moore Park Masterplan 2040, the Greater Sydney Commission's A Metropolis of Three Cities – The Greater Sydney Plan, the vision outlined in the Greater Sydney Commission's Eastern City District Plan, the State Infrastructure Strategy 2018-2038 Building the Momentum, the NSW Future Transport Strategy 2056 and TfNSW's Sydney's Cycling Future 2013.

- 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. Existing conditions of consent have been amended to require the relevant construction and operational management strategies associated with the stadium redevelopment are updated to incorporate the Precinct Village and multi-level carpark.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent. Engagement on the proposed modification is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects* (DPIE 2021), including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 28 October 2021 until 24 November 2021 (28 days) and received 15 submissions, including a Council objection (received outside the formal exhibition period), two objections from organisations and five objections from members of the community.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include transport and parking, landscaping, urban design, operations, construction impacts and heritage. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p>Transport and Parking</p> <ul style="list-style-type: none"> • Secondary parking impacts during event and non-event periods in surrounding local streets. • Insufficient event parking to meet stadium capacity demands. • Increased traffic congestion resulting from the proposed permanent carpark and secondary driveway onto Moore Park Road. • Need for a residents parking scheme and additional parking policing within local residential streets. • Loss of on-grass parking should be offset by encouraging modal shift to public transport options (light rail and bus interchange) that surround the precinct. • Further reliance should be placed on existing satellite event parking areas. • Support for on-grass parking removal, however firmer commitment requested for the removal of all on-grass parking. • Construction workers parking in local streets. • Request for local pedestrian, light rail and traffic improvements. 	<p>Assessment</p> <ul style="list-style-type: none"> • The future carpark aims to alleviate secondary parking impacts both during event and non-event periods by providing additional off-street parking spaces. The proposal will also support the reduction of existing event parking by 1,140 spaces by encouraging public transportation and green travel options. • The increase in on-site parking will partially offset the removal of on-grass event parking in Moore Park. On-grass event parking is to be progressively removed from Moore Park due to the commencement of the <i>Greater Sydney Parklands Trust Act 2022</i> (GSPT Act). The use of the northern portion of the EP2 (Upper Kippax) on-grass parking area within Moore Park is now prohibited following commencement of the GSPT Act. On-grass parking on the southern portion of EP2 (Lower Kippax) will then be prohibited from 31 December 2023, with all on-grass parking in Moore Park prohibited from 31 December 2025. • Public transport options will be offered to event patrons through integrated ticketing and the other measures recommended by the stadium Green Travel Plan. However, these options are not always viable for mobility impaired patrons or patrons with young families and as such a proportion of event parking must be provided to offset the loss of on-grass event parking. • The 1,500 space carpark capacity is comparable with the existing event parking of 1,540 spaces provided within the MP1 carpark (540 spaces) and EP2 on-grass area (1,000 spaces), which will be progressively prohibited by the GSPT Act. Parking on EP3 will also be prohibited and is anticipated shortly after completion of the multi-deck carpark. • It was anticipated that the utilisation of the carpark outside of event periods would be consistent with the nearby Entertainment Quarter carpark, which operates at less than 50 per cent capacity during non-event periods. Traffic modelling demonstrated that the estimated traffic generation during these periods would not alter the service levels of local intersections and would be well below event traffic levels. • The secondary exit on Moore Park Road, will only operate in event mode and has been designed to allow for the efficient dispersal of vehicles after stadium events. • Existing event parking areas are located further from the stadium and less accessible for mobility impaired patrons and families. • The number of construction workers within the precinct will reduce after the completion of the stadium and only the construction of the smaller Precinct Village and multi-level carpark development remains. The Construction Traffic and Pedestrian Management will also continue to encourage workers to store their tools onsite. • Residents parking schemes, parking enforcement and local traffic infrastructure improvements are all outside the scope of the subject modification and proposed works area. <p>Conditions</p> <ul style="list-style-type: none"> • Construction Traffic Pedestrian Management Plan (CTPMP), Event Parking Management Plan, bicycle parking, green travel plan conditions were updated to also apply to the Precinct Village and multi-level carpark. • Further conditions included the preparation of a road safety audit, transport access guide and Freight and Servicing Management Plan.
<p>Landscaping</p> <ul style="list-style-type: none"> • Loss of existing perimeter trees due to basement envelope. • Planting of diverse tree species and consideration associated future maintenance requirements. • Green roof shown on photomontages, but not on landscaping plan. 	<p>Assessment</p> <ul style="list-style-type: none"> • In response to concerns raised by Council and the community, the Applicant reviewed the design of the carpark in the aim of minimising tree removal at the RtS. An additional tree was retained but an additional eight trees were required to be removed for infrastructure works as identified by Sydney Water. • An existing condition under the concept application SSD-9249, requires compliance with a tree replacement ratio of 1.5 new trees for every tree removed which would also apply to the Precinct Village and carpark redevelopment site. This would adequately offset the 46 trees to be removed for the new structure, given that 110 new trees would be replanted within the

	<p>redevelopment site and exceed the requirement of the tree replacement ratio.</p> <ul style="list-style-type: none"> The Applicant submitted a revised planting schedule and roof plan showing zones for a roof top solar array in response to the Department's information request. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Revised landscaping plans and planting schedule required. Revised roof plan.
<p><i>Urban Design</i></p> <ul style="list-style-type: none"> The need to improve the street interface and transition to Driver Avenue and Moore Park Road, resulting from the carpark projecting above the existing street levels. Justification requested for the proposed 6-metre floor to ceiling pavilion height and the rooftop masonry boxes shown in envelope diagrams. Recommended that the pavilion incorporate an open awning design for improved natural ventilation. Roof plan requested. Unclear whether the pavilion design will include solar panels. Reduction in number of tennis courts to provide increased public open space. Request for land to be rezoned surrounding the stadium. Need for seamless public domain interface with the ARU / UTS building. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The street interface and proposed level change has been considered and will incorporate dense replacement planting in the outer edge of the site, along with vertical planting elements implemented within the Precinct Village and carpark façade to screen the built form. These measures would seek to reduce the visual prominence of the upper carpark levels when viewed from the public domain and ensure that the structure is sympathetic to the character of the surrounding parkland setting. The height of pavilion part of the proposed envelope is in keeping with the scale of a buildings in the entertainment precinct and has been designed as the gateway to the precinct. The height would also enable improved amenity for future retail tenancies in terms of solar access and natural ventilation. The inclusion of open awning style design for the pavilion would limit the cross-functionality of this proposed entertainment space. The roof features are masonry boxes required for exhaust vents for the basement carpark and would be designed with sympathetic and high-quality materials to reduce visual prominence. The proposal has incorporated appropriate levels of connectivity with the adjoining ARU / UTS administration building, which will be further refined in the detailed public domain plan condition that has been amended to incorporate the Precinct Village and multi-level carpark development. The tennis courts have also been designed for cross functionality as an plaza and pre-event waiting area during event periods. The Applicant submitted a roof plan confirming the location of the rooftop solar array zones above the retail pavilion and tennis clubhouse. The detailed solar panel design has also been secured via an amended ESD report consent condition. The rezoning of neighbouring properties falls outside of the proposal scope. <p><i>Conditions</i></p> <ul style="list-style-type: none"> ESD report, public domain plan, mechanical plant design consent conditions were updated to reflect the Precinct Village and multi-level carpark. Revised roof plan showing solar array zones.
<p><i>Operations</i></p> <ul style="list-style-type: none"> The availability of tennis courts for public use. Pricing structures for non-event periods to minimise secondary parking impacts to local streets. Inappropriate use of government revenue and taxes. Encroachment of structures within public parkland. Overdevelopment from pavilion retail structure removing open space with similar offerings available in Entertainment Quarter and Oxford Street. Clarification sought on whether the pavilion would operate on weekend or weekdays. The provision of funding to Moore Park parklands to offset the loss of on-grass event parking. Greenhouse gas emissions resulting from additional permanent parking spaces. Request for servicing and loading areas to be integrated with the ARU / UTS building. Proposal is not in the public interest. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to concerns raised by community members, the Applicant confirmed that the proposed tennis courts are intended for use by Stadium Fitness Facility Members, which is consistent with access to previous courts that were demolished under SSD-9249. Whilst the public would not have access to these facilities, they would have access to the other facilities in the future Precinct Village and any future facilities and upgrades planned for the repurposed open spaces areas for recreational and community use that would no longer be required for event car parking. Overall the modification would facilitate improved public access to open space and recreational facilities and is in the public interest. Carpark pricing, the funding of government agencies and government expenditure are not considered to be matters for environmental planning consideration. The proposal would not result in the loss of public parkland as the proposed Precinct Village and carpark secondary building envelope are located within an existing carpark area, which is Venues NSW land under the Sporting Venues Authorities Amendment (<i>Venues NSW</i>) Bill 2020. The proposed Precinct Village will enable the public use of the site with retail offerings, pedestrian access links and additional open space. The proposed retail areas are ancillary to the main stadium on event days (ticketing and event-based uses included) and would also support the operation of the adjoining sporting administration buildings and sporting teams within the precinct during non-event periods. The proposed hours of operation associated with the pavilion were exhibited as a part of the EIS and have not been altered from Monday to Sunday 8am to 11pm, with the detailed operation and fit-out of individual retail subject to further approval as updated in the limits of consent condition. It is not anticipated that the proposed carpark will operate above 50 per cent capacity during non-event periods, which is consistent with the nearby Entertainment Quarter carpark. As such, it is considered that greenhouse gas emissions from the permanent nature of the carpark would remain comparable with the 540-space carpark previously accommodated within the development site. The proposal also intends to support the reduced demand

	<p>for event parking within the entertainment precinct, by promoting the implementation of transport strategies to encourage the uptake of more sustainable transport options. To further mitigate impacts the carpark will include a proportion of electric vehicle parking spaces and provide priority parking for emission efficient green vehicles.</p> <ul style="list-style-type: none"> • The proposed design will not impact upon the existing loading and servicing arrangements provided to the ARU / UTS administration building. • The Department's assessment concluded that the proposal is in the public interest, as it would increase the provision of open space, provide additional supporting uses to the stadium, improve pedestrian accessibility, and facilitate the removal of on-grass event parking to allow the reinstatement of these parklands for permanent open space recreation. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • ESD report and limits of consent (retail operations require further approval) conditions were updated to reflect the Precinct Village and multi-level carpark. • Inclusion of a freight and servicing management plan condition.
<p><i>Construction Impacts</i></p> <ul style="list-style-type: none"> • Management of short-term construction impacts on the adjoining ARU and UTS building, including loading facilities. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • It is noted that noise levels would temporarily exceed construction noise management criteria for the directly adjoining ARU / UTS and NRL buildings. Nonetheless, the modification will require that the Construction Environmental Management Plan (CEMP) and Construction Noise and Vibration Management Plan (CNVMP) are updated to require consultation with the affected parties to ensure that noise intensive works are not undertaken during sensitive periods. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • CEMP and CNVMP conditions were updated to reflect the Precinct Village and multi-level carpark.
<p><i>Heritage</i></p> <ul style="list-style-type: none"> • Need for design contingencies and measures to manage groundwater impacts on Busby's Bore. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Potential impacts on heritage can be managed through the construction process by ensuring groundwater is managed appropriately during basement excavation and through detailed design refinement of basement footings and mechanical plant along the northern Moore Park Road boundary that have the potential to impact the Spur and Shaft 8 of Busby's Bore. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Geotechnical, CHMP and CEMP conditions were updated to reflect the Precinct Village and multi-level carpark and also provide for further protection of Busby's Bore during construction.