

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-9835 Sydney Football Stadium Stage 2 (Design, construction and operation)
<b>Applicant</b>	INFRASTRUCTURE NSW
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

### Date of decision

6 December 2019

### 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 objects of the Act;
- all information submitted to the Department during the assessment of the development application and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; 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 key reasons for granting consent to the development application are as follows:

- 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.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 19 June 2019 and 24 July 2019 (36 days) and received 83 submissions, including 37 individual objections from community members, five objections from community / special interest groups (including Fox Studios), one objection from City of Sydney Council (Council), two comments from Waverley and Randwick Councils, one objection from the local Member of the Parliament (MP) Alex Greenwich and six in support of the project.

The Department also undertook the following consultation activities:

- media release and a separate landing page on the Department's website;
- attendance at the Panning Focus Meeting organised by the Applicant with Council and other public authorities, including a site tour on 12 April 2018;
- attendance at the Community Consultative Committee meetings; and
- one engagement meeting with the Saving Moore Park community group on 31 October 2019.

The Department uploaded the Response to Submissions for the project once it was received on 30 August 2019 and received eight submissions including one from a member of the community, one from Council and one comments from Randwick Council. Council advised that they may withdrew their objection subject to input being sought on conditions of consent. The Department sought Council's comments on consent conditions and received Council's comments on 5 November 2019. Council formally withdrew the objection on 18 November 2019.

The submissions raised concerns regarding to traffic impacts, noise impacts, safety impacts, visual impacts due to bulk and scale, impacts on heritage conservation areas, lack of sustainable transport measures, loss of open space due to ongoing use of car parking on Moore Park, poor accessibility, lack of key improvements over the former SFS, frequency of events and cumulative impacts, amenity impacts due to overlooking and overshadowing, environmental sustainability, landscaping and adverse impacts of the patrons on Moore Park.

The key issues raised by the community (including in submissions) considered in the Department's Assessment Report and by the decision maker include traffic and transport, noise, social impacts, built form and design excellence, visual impacts and heritage. Other issues are also addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic and transport</i></p> <ul style="list-style-type: none"> <li>• ongoing use of on-grass car parking on Moore Park should be removed.</li> <li>• a sustainable transport management plan should be developed encouraging public transport and active transport.</li> <li>• the operation of the stadium would result in adverse impacts on surrounding streets during events due to on-street car parking and traffic congestion.</li> <li>• The future Light Rail may not have the capacity to accommodate the anticipated number of patrons.</li> <li>• the increased frequency of events would worsen the traffic congestion in the area.</li> <li>• more car parking should be provided on the site and special event buses should be retained.</li> <li>• the available parking within Moore Park parking should be retained until alternate options are available.</li> <li>• key pedestrian routes should be relocated adjacent to Victoria Barracks to reduce noise impacts on residents / footpaths of Fitzroy street widened.</li> <li>• no pathway from Tibby Cotter bridge to the site should be provided as it would result in loss of trees.</li> <li>• the construction traffic would impact on local streets.</li> <li>• the Sydney Metro West should be extended to cater for the development.</li> <li>• there is an over reliance on cycling.</li> <li>• parking restrictions should be</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Applicant's assessment of traffic impacts highlighted that the future transport network including (road, passenger rail, buses and the future Light Rail) has the capacity to accommodate the expected travel demand to the stadium for major events and double headers. The development does not propose additional car parking above the previously existing numbers and relies more or active and public transport.</li> <li>• The Applicant has also demonstrated that the proposed stadium operations can continue based on public and active transport, despite the proposed progressive removal of the on-grass car parking at Moore Park.</li> <li>• The Department's assessment concludes that the application focuses on increasing connectivity between the site and the public transport nodes, being consistent with the Moore Park Masterplan. In this regard the Department notes that the Applicant has committed to consulting with the Centennial and Moore Park trust as well as Transport NSW to ensure that the pedestrian connections between Moore Park / nearest Light Rail stop are delivered while avoiding impacts on the parklands.</li> <li>• The Department supports the proposed measures in relation to event day traffic management, and a Green Travel Plan (GTP).</li> <li>• The Department has recommended conditions to ensure that the alternate options for satellite parking areas are available upon removal of the on-grass car parking on Moore Park.</li> <li>• The Department has recommended conditions to manage construction traffic movements in the locality.</li> </ul> <p><i>Conditions</i></p> <p>The Applicant is required to prepare:</p> <ul style="list-style-type: none"> <li>• an Event Car Parking Management Plan to cater for the event days at the stadium, considering progressive phasing out of the on-grass parking on Moore Park East. The Plan must provide details of satellite parking areas near the site that may be used by the patrons with details of connections between the site and these car parks.</li> <li>• an updated GTP to include objectives and mode share targets, as well as specific tools and actions to help achieve the mode share targets.</li> <li>• an Event Traffic and Transport Management Plan to ensure that traffic and transport during events are safely and efficiently operated.</li> <li>• a monitoring mechanism for the above operational plans.</li> <li>• additional pedestrian route analysis for the routes to be used by pedestrians travelling to the site from Central Station, identification of the need for any additional pedestrian infrastructure on these routes, and details of the</li> </ul>

introduced to restrict patrons from parking on local streets.	<ul style="list-style-type: none"> <li>critical pedestrian links between the site and the public transport nodes.</li> <li>a final Construction Traffic and Pedestrian Management Plan.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>the operations of the surrounding developments (specifically Fox Studios) would be detrimentally affected by the construction noise from the site.</li> <li>the Noise Management Plan is inadequate as it relies on the previous noise limits for the site.</li> <li>the noise generated by the new stadium should not exceed current noise limits.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has included a comprehensive list of management and mitigation measures to reduce adverse impacts on noise during construction activities in Stage 2, specifically the activities that would exceed the established noise management levels at the sensitive receivers. The Department is satisfied that the mitigation measures such as adherence to standard construction hours, scheduling of high noise generating activities, use of quiet equipment are acceptable. The residual impacts can be managed via recommended conditions of consent in consultation with the affected receivers including Fox Studios.</li> <li>The Applicant proposed a noise management framework for the noise emissions during events. The noise management framework would rely on measurement of average noise generation with a permanent noise monitoring system that would provide live-feed of the noise data.</li> <li>The Department is satisfied that the noise management framework would achieve the same or better noise outcomes compared to the noise management framework that previously applied to the site as it would provide a robust method of data collection and opportunities to correct any noise exceedances immediately. The residual impacts can be managed via recommended conditions of consent.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>installation of a permanent real-time noise monitoring system (with a permanent weather station) to measure noise emission from events.</li> <li>preparation and implementation of an Operational Noise Management Plan (ONMP) for the event days with various requirements aimed at mitigating noise emission from events.</li> <li>a nominated trial period during which noise emission from the concerts / events at the stadium would be regularly monitored.</li> <li>additional noise monitoring for the first three music concerts and provision of the reports to the Department to validate the effectiveness of the ONMP.</li> <li>provision of non-event operational noise limits for the stadium.</li> <li>development of a Construction Noise and Vibration Management Plan, including strategies developed in consultation with the community to manage high noise generating works.</li> </ul>
<p><i>Social Impacts</i></p> <ul style="list-style-type: none"> <li>the increase in the number of events at the stadium is not acceptable as it would result in cumulative detrimental impacts on the locality.</li> <li>the proposal would result in antisocial behaviour / noise / littering / and other adverse amenity impacts on residential areas / educational receivers / Moore Park area.</li> <li>spillage of patrons into Moore Park and fan activities in the recreational areas should not be allowed.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has identified a number of potential adverse social impacts due to the operation of the stadium and proposed mitigation measures in relation to those impacts. These include an Anti-Social Behaviour Strategy, a Crime Prevention Through Environmental Design Report (CPTED) and a Hostile Vehicle Mitigation Plan.</li> <li>The Applicant has also proposed reasonable measures to manage traffic and noise during the events to reduce ongoing amenity impacts on the residents of the locality.</li> <li>The Department considers that implementation of the proposed measures as well as community access to the public domain areas on non-event days and enhanced patron experience at the stadium would provide an overall social benefit to the local community.</li> <li>The Department is satisfied that through consultation with the community and stakeholders and regular monitoring / holistic reporting the cumulative social impacts can be adaptively managed and mitigated. Conditions of consent have been recommended in this regard.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>limitations to the activities in the public domain areas and the maximum number of concerts each year (six). Limitation to the use of organised temporary activities on event days in public domain areas at the site.</li> <li>preparation and implementation of a Social Impact Monitoring Program to ensure that, where within the control of the Applicant, social impacts during event and non-event days are appropriately and adaptively managed. Under this program, the Applicant is required to gather information on how the local community experience and perceive the operation of the premises and propose a mechanism for nearby residents to provide feedback.</li> <li>post-occupation reviews of a select number of events at the site over a six-month period for at least two years to understand the cumulative social impacts in the locality due to the events. The outcomes of this review are to be provided to the Department and refinements to the operational management plans are to be implemented, where needed.</li> <li>preparation and implementation of a site-specific Event Management Plan for the venue to guide the patrons and manage the events effectively.</li> <li>inclusion of a comprehensive security management plan, which would include the recommendations of the reports provided by the Applicant.</li> <li>preparation of a precinct wide operational waste management plan.</li> </ul>
<i>Built form and visual impacts</i>	<i>Assessment</i>

<ul style="list-style-type: none"> <li>the bulk and scale of the new stadium is unacceptable.</li> <li>the bulk and scale with the roof form and the photovoltaic cells, would have an unacceptable impact on the nearby heritage conservation areas and the surrounding heritage items.</li> <li>the proposal does not validate the justification to redevelop the site.</li> <li>the design is not comparable to other world class stadia in terms of seating capacity, wheelchair accessibility, design of the lower tier and distance between the playing field and the spectator stands.</li> <li>adult change facilities should be introduced.</li> <li>the key changes to the design of the stadium have modified the design when compared to the winning design.</li> <li>the Driver Avenue steps would result in poor accessibility for people with limited mobility, inadequate crowd management on event days and act as a visual barrier when viewed from Moore Park.</li> <li>the design of the stadium public domain and the stepped access do not promote diversity and inclusion within the site.</li> <li>the two lifts are not sufficient to cater for the scale of the development.</li> <li>the proposed shell space under the Driver Avenue concourse should be deleted and a ramp proposed.</li> <li>the other design competition entries proposing ramp access to Driver Avenue have not been considered.</li> <li>digital screen on the stadium façade should not be allowed.</li> <li>illuminated signage in general should be reduced to avoid light spill.</li> <li>the proposed stadium design would result in adverse visual privacy impacts on the Fox studios</li> <li>Moore Park would be overshadowed at certain times.</li> </ul>	<ul style="list-style-type: none"> <li>The design of the stadium and the concourse areas focus on key improvements to the former stadium on the site in terms of accessibility within the stadium, separation of the services and patron movement, creating a level concourse entry from Moore Park, provision of a modern design that would improve the fan experience and attract a variety of sports.</li> <li>The winning design was chosen through a competitive design process.</li> <li>The jury for the design competition concluded that it exhibits design excellence. The reasons for choosing the winning design over the other designs are related to the overall built form and urban design elements rather than the ramped access to Driver Avenue. The Applicant submitted a report prior to lodgement of the Stage 2 application with detailed information on the jury's decision. The Department assessed the report as satisfactory.</li> <li>The Department's assessment concludes that the Stage 2 design is consistent with the winning design and demonstrates design excellence when assessed against the relevant Council criteria. The key changes between the winning design and the Stage 2 built form are required to address the engineering and functional requirements. The design of the new stadium achieves improvements in key areas and facilities when compared to the former stadium.</li> <li>The Department also concludes that the design of the public domain provides seamless access level from Moore Park Road. Lowering the height of the stadium would contradict this objective and could also impact on the groundwater table. The level access from Moore Park Road would automatically result in stepped access from Driver Avenue.</li> <li>The Applicant has submitted satisfactory information to demonstrate that stepped access to a stadium is a common feature in world class stadia and therefore does not contradict the objectives of diversity or inclusiveness. The Department agrees with the Applicant's argument and notes that two lifts have been provided for disabled access from this road which comply with the disability standards that apply to the site.</li> <li>The Applicant does not seek consent for the shell space under the public concourse. The Applicant has demonstrated that a ramped access from Driver Avenue is not feasible due to the length of the ramp, notwithstanding the location of the shell space underneath.</li> <li>Based on the Applicant's visual impact assessment, the Department is satisfied that the proposed design of the stadium would not result in detrimental impact on the surrounding parklands or the heritage conservation areas.</li> <li>The proposal does not include a digital media screen. The Department has recommended conditions to manage the illumination hours for the signage zones on the site.</li> <li>The Applicant has submitted satisfactory information to demonstrate that the proposed stadium would not result in adverse visual privacy or overshadowing impacts on the neighbours (especially Fox Studios) or Moore Park.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Cox Architects and Aspect Studios be involved throughout the design process.</li> <li>final public domain plans be submitted demonstrating compliance with the disability standards and include adult change facilities.</li> <li>any design changes be endorsed by the previously appointed members of the jury.</li> <li>separate consent be sought for the use of the "shell space" under the concourse.</li> <li>the signage be not illuminated between 11:30pm and 7am.</li> </ul>
<p><i>Landscaping and Preservation of Moore Park</i></p> <ul style="list-style-type: none"> <li>the trees in Moore Park should be saved.</li> <li>the sediment laden water should not discharge on to Kippax Lake.</li> <li>the proposal does not compensate for the lost tree canopy.</li> <li>the trees on Moore Park Road frontage should not be removed.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department is satisfied that the proposal would adequately compensate for the loss of tree canopy as required by the Concept Proposal.</li> <li>No trees within Moore Park or Moore Park Road reserve are proposed to be removed.</li> <li>The residual impacts can be managed via conditions of consent.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>the final tree canopy within the site to include native species.</li> <li>the trees on Moore Park Road reserve and the nearby parklands be protected at all times.</li> <li>adequate soil and water management measures be incorporated through a Construction Soil and Water Management Plan and regular water monitoring techniques.</li> </ul>
<p><i>Environmental Sustainability</i></p> <ul style="list-style-type: none"> <li>the proposal does not incorporate adequate sustainability measures that would be consistent with the Concept Proposal commitments.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Application includes an Environmental Sustainability Strategy.</li> <li>The Department is satisfied that the proposed environmental sustainability strategy for the future stadium is acceptable subject to recommended conditions.</li> </ul>

	<p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>the submission of a final Environmentally Sustainable Development (ESD) report prior to the commencement of construction works including a target for the new stadium to achieve a Leadership in Energy and Environmental Design (LEED) Gold rating.</li> <li>Implementation of the water sensitive urban design measures in the public domain area including a rainwater reuse plan.</li> <li>completion of the LEED Gold Certification process prior to operation.</li> </ul>
<p><i>Public Art</i></p> <ul style="list-style-type: none"> <li>the proposal does not include sufficient information with regard to public art plan for the site.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department has assessed the submitted Public Art Strategy as satisfactory subject to conditions of consent.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>establishment of a Public Art Panel following the requirements of Council.</li> <li>appropriate consultation including involving indigenous artists in the public art preparation.</li> <li>preparation of a final Public Art Plan, consistent with the Heritage Interpretation Plan.</li> <li>implementation of the Public Art and Heritage Interpretation Plans prior to operation of the stadium.</li> </ul>
<p><i>Insufficient community consultation</i></p> <ul style="list-style-type: none"> <li>inappropriate community consultation has been undertaken by the Applicant and the Department prior to and during the development.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has provided a community consultation report highlighting consultation methods undertaken prior to the lodgement of the SSD.</li> <li>The Department has undertaken consultation with the community and public authorities as outlined in the assessment report and above.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>a Community Communications Strategy be provided to the Department for approval, prior to the commencement of any works on the site.</li> <li>a Community Consultative Committee (CCC) be established prior to the commencement of the Stage 2 works (the existing CCC may be continued).</li> <li>majority of the reports required to be prepared prior to the commencement of construction or operation require consultation with the community.</li> <li>the intra-day respite periods required for noisy construction works be decided in consultation with the nearby child care centre, the University of Technology educational building and Fox Studios.</li> </ul>
<p><i>Determining Authority</i></p> <ul style="list-style-type: none"> <li>the Application should be independently reviewed and determined.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The application is lodged by a public authority. Pursuant to the provisions of the Act, the Minister for Planning and Public Spaces is the consent authority.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No conditions are recommended. No further response is needed.</li> </ul>
<p><i>Assessment of a major hotel</i></p> <ul style="list-style-type: none"> <li>no assessment of a hotel on the site has been conducted.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The application does not include any hotel within the site.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>No conditions are recommended. No further response is needed.</li> </ul>