

Sydney Football Stadium Redevelopment (SSD 9835)

SECTION 4.55 (1A) MODIFICATION – MOD 3



Contents

1. Introduction	3
2. Consent to be Modified.....	3
3. Stakeholder Engagement	4
4. SSD 9835 MOD 3 Scope of Modifications	5
5. Modifications to SSD 9835	8
6. Substantially the same development	9
7. Assessment.....	10
8. Conclusion	15

Appendix

Appendix A – Plans

Appendix B – Design Integrity Panel Presentation and Minutes

Introduction

1. Introduction

This Section 4.55 modification has been prepared by Infrastructure NSW pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to modify State Significant Development (SSD) Consent 9835 relating to the Stage 2 detailed design, construction and operation of the Sydney Football Stadium at 40-44 Driver Avenue, Moore Park. This modification will constitute the third Section 4.55 Modification to SSD 9835 and is herein referred to as SSD 9835 MOD 3.

SSD 9835 MOD 3 seeks:

- Refinements to the approved mezzanine slabs in the eastern and western stands.
- Relocation of the approved administration facilities and fit out to the northern end of the western stand mezzanine level.
- Design amendments to the south western glazed façade immediately above the stadium's main entry.
- Inclusion of an additional condition of consent to enable the Planning Secretary to approve the final content, materiality, and illumination of building identification signs within the four already approved signage zones, consistent with the commitment given in the Environmental Impact Statement that was publicly exhibited.

SSD 9835 MOD 3 is not inconsistent with the Concept Proposal and Stage 1 SSD DA (9249), as modified.

Material prepared by John Holland (the appointed contractor) and the project Architect, Cox accompanies this proposal. Minutes received from the Design Integrity Panel appointed for the project confirming the proposed cold shell extension of the existing mezzanine level is supported and, as proposed, continues to achieve design excellence, are also provided.

2. Consent to be Modified

SSD 9835, approved by the Minister for Planning and Public Space on 6 December 2019, provides consent for detailed design, construction and operation of a new stadium, comprising:

- 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 all 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.

-
- 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 Car Park (MP1) upon completion of the construction works with 540 at grade car parking spaces and vehicular connect 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.
 - Extension and augmentation of utilities and infrastructure.

The construction of the cold shell mezzanine full level was approved under SSD 9835. The fit-out and operation (use) of a 1,600m² tenancy area, centrally located on the western side of the stadium was also approved.

SSD 9835 has been modified on one previous occasion (3 April 2020) to amend Conditions B14 and B15 in order to satisfy the regulatory requirements of the Contaminated Land Management Act 1997.

Two other modifications are currently underway:

- SSD 9835 MOD 2 for the detailed design, construction and operation of new Stadium Fitness. SSD 9835 MOD 2 was publicly exhibited in August 2020 and a response to submissions is currently being finalised for submission to the DPIE.
- SSD MOD 4 which seeks to amend conditions of consent to align with the revised sustainability strategy being pursued by the appointed contractor. A Scoping Document has been submitted for SSD MOD 4 and the Section 4.55 modification is anticipated to be submitted to the DPIE in the near future.

SSD 9835 MOD 2 and SSD MOD 4 do not have any bearing on this modification (SSD MOD3).

3. Stakeholder Engagement

During the preparation of SSD 9835 MOD 3, Infrastructure NSW briefed the DPIE on the proposal on 25 August 2020. DPIE did not raise any objection to SSD MOD 3 being submitted for assessment.

Infrastructure NSW also offered a briefing to the City of Sydney Council. The City of Sydney advised on 18 August 2020 that Council did not require a meeting prior to submission of SSD 9835 MOD to the DPIE given the '*relatively minor scope of work*', and would review the proposal at the notification stage if invited to do so by the DPIE.

4. SSD 9835 MOD 3 Scope of Modifications

A description of the proposed modifications is provided below and detailed in the plans provided at Appendix A.

4.1 Proposed Mezzanine Slab Refinements

SSD 9835 as approved provides for the construction of the Level 1 Mezzanine (Level 1M) across the entire level. Only the western portion of Level 1M has been approved for the fit-out and operation (use) of a tenancy area which is proposed to accommodate the Sydney Cricket and Sports Grounds Trust (SCGST) Management Offices as discussed in Section 4.2.

Following further design development by John Holland, opportunities to augment the approved extent and configuration of the mezzanine level have been identified as identified in Appendix A and reproduced in Figures 1 and 2 below. Areas shaded red identify additional floor slab and areas shaded green slab. The net delta equates to an 361.218m^2 compared to the approval.

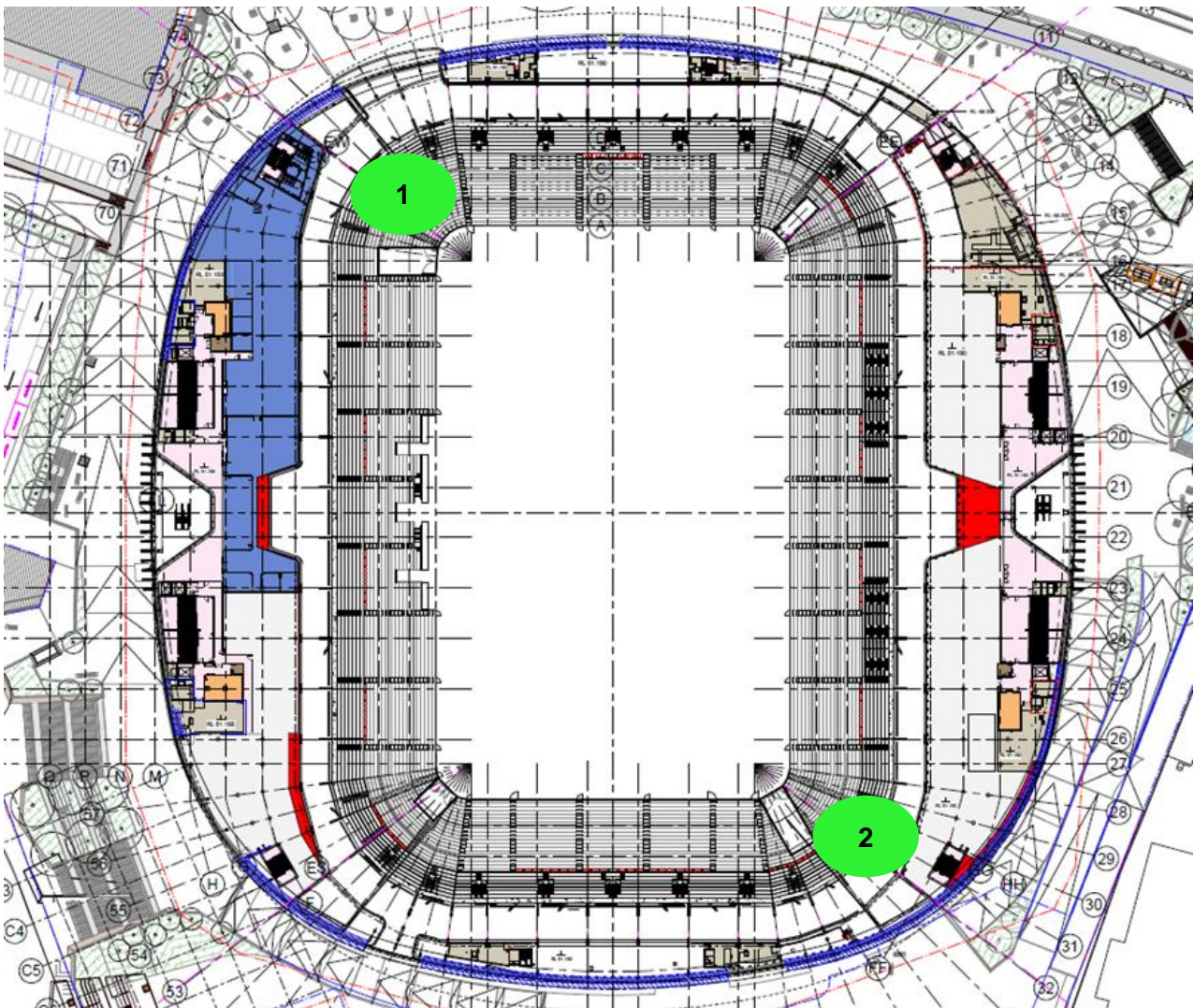


Figure 1 – Proposed additions and reductions to mezzanine Level 1M (refer to Figure 2 for Location 1 and 2)



Figure 2 – Proposed reductions to mezzanine Level 1M

4.2 Proposed Administration Facilities Relocation and Revised Fit Out

The currently approved administration facilities area is 1,600m². Following further consultation with the SCSGT, the administration facilities and fit out is proposed to be relocated to the northern end of the eastern mezzanine level.

The relocation has resulted in the following consequential design changes:

- Relocation of the amenities to the northern end of the mezzanine, adjacent to the fire stairs.
- Deletion of the mechanical room south of the fire stairs (labelled E07 on the approved plan).
- Rationalisation of approved non-office spaces generally including spaces allocated for engineering services (plant and equipment), cleaning and waste facilities rooms, and catering uses.
- Rationalisation of meeting room spaces.

No change is proposed to the approved quantum of floor space (1,600m²). There is no change proposed to the proposed use of already approved catering uses which are solely ancillary to the already approved administration facilities. For avoidance of doubt, commercial functions or public facing events are not proposed on the mezzanine level.

4.3 South Western Glazed Façade

As approved, the mezzanine slab is currently located above the main concourse on the east and west, and would be screened by the stadium's proposed ribbon façade. COX Architecture and John Holland propose to simplify the ribbon façade above the main entry stair to reveal the glazed facade of the mezzanine, which will be accommodated wholly within the existing stadium footprint. The design amendment will provide a direct line of sight from spectators and stadium visitors on the concourse, stairs and Driver Avenue to the glazed façade and was supported by the Design Integrity Panel.

There is currently no approved use for this space. The mezzanine will be constructed as a cold shell space in this location that will remain unoccupied until a suitable future use is determined (if at all). Any use and fit out works of this portion of the mezzanine would be the subject of a future development approval.

Images of the approved and proposed façade are provided in Figures 3 and 4.



Figure 3 – Sydney Football Stadium perspective of main entry stairs (as approved)



Figure 4 – Sydney Football Stadium perspective of main entry stairs (proposed)

4.4 Signage Condition

As currently approved, SSD 9835 provides for the installation of four (4) building identification signage zones, one on each facade, for the future naming of the stadium. Each zone defines the location and maximum extent of signs (30,000mm x 5,000mm) to be mounted on the facade as per the stamped Architectural Drawings.

The Environmental Impact Statement (EIS) submitted with the original SSD DA identified that the details of the exact content, materiality, and illumination of signs within the signage zones would be the subject of further detailed design when the naming of the stadium is known. The EIS also

provided that the detailed signage design would be submitted to the Planning Secretary for approval.

Condition D22 of SSD 9835 requires the Wayfinding and Signage Strategy submitted with the SSD DA to be updated and endorsed by the Coordinator General, Transport Coordination within Transport for NSW at least 6 months prior to operation of the stadium.

The Strategy does not however provide any details on the content, materiality, and illumination of the future building identification signs within the signage zones. Given the building identification signage is to be installed as part of the main stadium's construction and is not essential to the movement, wayfinding and circulation of patrons in the same manner as the remaining signage proposed to be installed across the site, it is prudent that the consent be modified to introduce a mechanism that enables the final details of the building identification signage to be approved by the Planning Secretary, consistent with the intention articulated in the approved EIS.

5. Modifications to SSD 9835

The modifications described above will necessitate amendments to the approved conditions of consent. Words proposed to be deleted are shown in **~~bold-strike~~** through and words to be inserted are shown in ***bold italics***.

SCHEDULE 2 – PART A Condition A2 (e):

Note: Only those plans proposed to be modified are listed. No changes are proposed to any other stamped plans.

Architectural Plans prepared by Cox Architecture			
Dwg No.	Rev	Name of Plan	Date
A13.L1M.03	C-D	Floor Plan Level 1 (Concourse Mezzanine Plan)	20/09/2019 <i>New date</i>
A30.EW.01	C-D	East and West Elevations	20/09/2019 <i>New date</i>

New condition for insertion in SCHEDULE 2, PART B:

B61. Façade Signage

Prior to the installation of building identification signage within the approved building signage zones, design details must be submitted for the approval of the Planning Secretary identifying the proposed content, materiality, and illumination of each sign.

Compliance with the State Environmental Planning Policy No 64 – Advertising and Signage and AS 4282-1997 Control of the obtrusive effects of outdoor lighting is to be demonstrated.

6. Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *'it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)'*.

The proposed modification is substantially the same development as that originally approved under SSD 9835. The changes proposed in relation to the mezzanine, including the slab refinements, administration facilities relocation, and introduction of the glazed façade:

- Are located wholly within the main stadium's approved development footprint and are consistent with the original architectural intent as previously approved.
- Are largely not visible as they are located behind the existing approved façade of the stadium.
- Do not change the essential characteristics of the approved development including the overall design, capacity and operation of the stadium, and how the site relates to neighbouring land including the operation of Moore Park, and other precinct users and visitors.
- Do not alter the nature or quantum of approved stadium uses.
- Continue to achieve a high standard of design excellence.

In relation to the proposed inclusion of a new consent condition specifically, the proposed change seeks simply to formalise a mechanism that was articulated in the public exhibited and approved EIS.

Section 4.55(1A) of the EP&A Act provides that a consent authority may modify the consent if:

- a. it is satisfied that the proposed modification is of minimal environmental impact, and
- b. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c. it has notified the application in accordance with—
 - i. the regulations, if the regulations so require, or
 - ii. 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 any period prescribed by the regulations or provided by the development control plan, as the case may be.

Having regard to the above, the reasons outlined below and the assessment provided in Section 7, SSD 9835 MOD 3 is considered to constitute a Section 4.55(1A) modification as:

- The proposed amendments are considered to be of minor environmental impact in the context of the overall development consent and the scale of the stadium.
- There is no substantial change to the approved built form and building envelope that results in any environmental or amenity impacts, particularly relating to bulk and scale, visual appearance, wind, or solar access.

- The internal design changes have no significant external impact upon the development.
- The additions to the mezzanine slab are not to be occupied or used as habitable space and therefore will not result in additional construction or operational traffic movements that would substantially alter the traffic and transport assessment approved to date.
- The introduction of the new signage condition seeks to address an administrative gap in the current consent and avoid the unnecessary need for confusion or misinterpretation of the original SSD DA's intent.

7. Assessment

Section 4.55(3) of the EP&A Act requires an assessment of the proposed modification to be undertaken, consistent with the relevant requirements of section 4.15(1) of the EP&A Act, and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

7.1 Compliance with relevant planning instruments and DCPs

The following table demonstrates SSD 9835 MOD 3 will not affect the development's compliance with the relevant environmental planning instruments.

Instrument	Compliance
NSW Legislation (Acts)	
<i>Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000</i>	SSD 9835 MOD 3 complies with the objects and relevant provisions and sections of the EP&A Act and Regulation respectively. SSD 9835 MOD 3 remains consistent with the Stage 1 SSD DA Concept Approval, as modified (SSD 9249).
Biodiversity Conservation Act, 2016	SSD 9835 benefits from a Biodiversity Development Assessment Report (BDAR) waiver, which was issued following a determination the heavily modified site is unlikely to be exposed to biodiversity impacts. While SSD 9835 MOD 3 does not propose any works that would impact on the biodiversity values of the site, the waiver continues to apply to the project and consequently remains a valid consideration.
Sydney Cricket and Sports Ground Act, 1978	The project site is on land identified as designated land controlled by the Sydney Cricket and Sports Ground Trust under Schedule 2A of the Act. SSD 9835 MOD proposes design changes that are fully integrated with the delivery of the stadium which has been approved under the EP&A Act. Consequently, Section 16A of the SCSG Act which confers consent role arrangements on the Minister for Sport for particular types of development are not applicable to SSD 9835

Instrument	Compliance
NSW Legislation (Acts)	
	MOD 3 given that the stadium has been approved under the EP&A Act.
Centennial and Moore Park Trust Act, 1983	This Act does not apply as SSD 9835 MOD 3 is located entirely within the approved development footprint and does not propose any works on land in Centennial Park, Moore Park or Queens Park.
NSW State Environmental Planning Policies (SEPPs)	
SEPP (State and Regional Development) 2011	SSD 9835 MOD 3 does not trigger any specific provisions of the SRD SEPP.
SEPP (Infrastructure) 2007	SSD 9835 MOD 3 does not trigger any specific provisions of the Infrastructure SEPP. The proposed modifications remain entirely consistent with the assessment completed for the original SSD DA.
SEPP No. 55 – Remediation of Land DRAFT SEPP – Remediation of Land	SSD 9835 MOD 3 does not trigger any new or additional considerations of SEPP 55 and the draft SEPP beyond those already addressed and approved under the original approval. Conditions B14 and B15 of SSD 9835 provide a framework for contamination to be considered which have already been fully discharged with the commencement of construction.
DRAFT SEPP (Environment) 2017	SSD 9835 MOD 3 does not trigger any new or additional considerations beyond those already addressed and approved under the original approval.
SEPP No. 64 – Advertising and Signage	The suggested wording of proposed Condition B61 specifically references SEPP 64 and requires details of façade signage to be submitted to the Planning Secretary to demonstrate compliance. This approach will ensure continuing consideration and compliance with SEPP 64.
SREP (Sydney Harbour Catchment) 2005	SSD 9835 MOD 3 does not trigger any new or additional considerations beyond those already addressed and approved under the original approval.
Sydney Local Environmental Plan 2012	
Zone objectives and land use table (clause 2.3)	SSD 9835 MOD 3 is permissible within the SP1 Special Activities zone which applies to the site. The proposed modifications remain consistent with the zone objectives as demonstrated in the original assessment.
Height of buildings and sun access planes (clauses 4.3 and 6.19)	Not applicable as height and sun access plane controls do not apply to the site.
Floor space ratio (clause 4.4)	Not applicable as FSR controls do not apply to the site.
Heritage conservation (clause 5.10)	The site is not identified as a local or State heritage item. It is however located within the

Instrument	Compliance
NSW Legislation (Acts)	
	<p>Sydney Cricket Ground Heritage Conservation Area as mapped in the SLEP 2012.</p> <p>It is also worth highlighting the project site is adjacent to 'Busby's Bore' which is a listed State heritage item, and is also within proximity of a number of heritage items and conservation areas.</p> <p>Notwithstanding this, the works proposed under SSD 9835 MOD 3 do not raise any new or additional heritage concerns above and beyond what has already been assessed and approved under the original SSD DA. The introduction of the glazed façade is within the overall façade line and entirely in keeping with the architectural style of the main stadium which has been approved in full recognition of the heritage context within which the project site is located.</p>
Design excellence (clause 6.21)	In accordance with the endorsed Design Excellence Strategy and the conditions of consent, the project specific Design Integrity Panel has reviewed the mezzanine modifications and confirmed the project continues to exhibit and further contributes towards the design excellence attributes identified as a part of the SSD DA as assessed and approved. Refer to Section 7.4 and Appendix B for further details.
Car parking (clause 7.1)	SSD 9835 MOD 3 does not impact on the approved car parking requirements.
Flood planning (clause 7.15)	SSD 9835 MOD 3 does not impact on the site's flooding behaviour given the modifications are entirely within the approved budding footprint and elevated above the flood level.
Development requiring or authorising the preparation of a development control plan (clause 7.20)	The Stage 1 SSD DA Concept Approval, as modified (SSD 9249), has fulfilled the DCP requirement in accordance Section 4.23 of the EP&A Act which states that a staged development application can take the place of a site specific DCP. Clause 7.20 has accordingly been satisfied.
Sydney Development Control Plan 2012	
Multiple provisions	SSD 9835 MOD 3 does not trigger any new or additional considerations beyond those already addressed and approved under the original approval.

7.2 Consistency with Stage 1 Concept Approval

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. SSD 9835 MOD 3 is:

- Complementary to, and integrated with, the approved stadium that also accommodates a range of ancillary uses which will operate in conjunction with the stadium.

- Located wholly within the approved building envelope and will not impact the approved stadium design or its compliance with the building envelope, established under the Concept Proposal including the maximum height and depth specified in the conditions of consent.
- To be designed and constructed to achieve the committed ESD initiatives including attainment of an LEED Gold Rating.
- Consistent with the site-specific Urban Design Guidelines approved under the Stage 1 Concept Proposal.

7.3 Built Form

The mezzanine slab refinements have been designed to wholly integrate with the approved stadium, by accommodating void space. This approach results in the additional slabs being concealed within the approved built form and does not alter the physical expanse of the approved stadium.

The only change to the built form expression arises from the glazed façade, which will appear as a glass box over the stadium's main entry. This will introduce an additional level of articulation and activation through the use of glass and simplification of the outer ribbon façade. The use of glass and the same materials and finishes palette as the approved stadium, will reinforce the approved architectural detailing of the approved stadium.

Finally, the long term potential for this part of the mezzanine to be tenanted out to a sports affiliated partner will provide the opportunity for stadium patrons and visitors within the public domain to view people moving around at a higher stratum and vice versa.

7.4 Design Excellence

The project appointed Design Integrity Panel (DIP) considered the proposed design changes to the mezzanine level on 24 April 2020 and confirmed its support, noting:

'...the revised mezzanine solution is preferred and is a good design outcome' and

'....it is very confident in the direction that the design development is progressing and confirmed its support for the design as presented including the refinements which enhance the overall composition of the public domain and stadium architecture'.

While there is no requirement under conditions of either SSD 9835 or SSD 9249 for a Design Integrity Report to be prepared, the proposed changes to the mezzanine and glazed façade were presented to the project appointed DIP nonetheless. The DIP presentation and minutes are provided at Appendix B and are accompanied by emails from each DIP representative providing evidence of the support of each individual DIP member for the proposed changes captured by SSD 9835 MOD 3. It should be noted that the presentation (and consequently the meeting minutes) cover a broader range of topics than the changes proposed by SSD 9835 MOD, many of which are updates to the design development process, are being covered through post approval actions and / or will be addressed through the construction certificates. For avoidance of doubt, those matters do not form part of the scope of SSD 9835 MOD 3 and should have no bearing on the DPIE's assessment of SSD 9835 MOD 3.

In the context of the overall stadium and the DIP's positive consideration, the proposed design refinements to the mezzanine are considered a minor extension of the approved built form and are consequently considered to have a minor environmental impact.

7.5 Construction Impacts

As a result of being wholly contained within the existing stadium footprint, the construction impacts are not expected to be above and beyond those already approved. No changes are proposed to the approved construction working hours, loading and delivery arrangements, access points, the size and types of construction vehicles required, vehicle approach and departure routes, and marshalling and materials handling processes.

The John Holland construction team will continue to employ the same construction methodologies, management strategies and mitigation measures for traffic, noise and vibration and other environmental impacts as has been the case to date, with successful and wholly compliant results.

7.6 Reasons for granting consent

Section 4.55(3) of the EP&A Act requires that the consent authority take into consideration the reasons given by the consent authority for the granting of the consent that is sought to be modified. The proposed modification 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 Stadium 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.

8. Conclusion

SSD 9835 MOD 3 as proposed to modify the Stage 2 Redevelopment of the Sydney Football Stadium constitutes a minor physical alteration to the approved building. The proposed design refinements are not expected to have any adverse visual impacts on surrounding receivers when compared to the approved stadium. The Design Integrity Panel has reviewed the modifications and confirmed its support, noting the design is a preferred design outcome.

The introduction of the new condition to address signage simply seeks to facilitate an approval process that was proposed from the outset of the project.

In accordance with section 4.55(1A) of the EP&A Act, the Minister for Planning and Public Spaces (or his delegate), may modify the consent as:

- The proposed modification is of minimal environmental impact.
- Substantially the same development as development for which the consent was granted.

Infrastructure NSW trusts that this information is sufficient to enable a prompt assessment of the proposed modification request.

Appendix A – Plans

Appendix B – Design Integrity Panel Presentation and Minutes