

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Karen Harragon  
**Director**  
**Social Infrastructure Assessments**

Sydney

4 November 2024

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## SCHEDULE 1

<b>Application Number:</b>	SSD-68292713
<b>Applicant:</b>	Infrastructure NSW
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Penrith Stadium, 143 Station Street, Penrith (Lot 1 DP 1147219 and Lot 2 DP 1147219)
<b>Development:</b>	<p>Refurbishment of Penrith Stadium, including:</p> <ul style="list-style-type: none"><li>• demolition and site preparation works including services and infrastructure, tree removal, earthworks, site hoarding and fencing;</li><li>• construction of new western and eastern stands, including:<ul style="list-style-type: none"><li>○ grandstand seating;</li><li>○ player facilities;</li><li>○ amenities;</li><li>○ food and beverage facilities;</li><li>○ function facilities;</li><li>○ media lounges and facilities; and</li><li>○ viewing suites and corporate boxes;</li></ul></li><li>• refurbished and new stadium entries;</li><li>• regrading of existing northern and southern hills;</li><li>• new soft and hard landscaping, public domain improvements and western training field;</li><li>• provision of a new at-grade carpark, bicycle parking and loading area;</li><li>• new passenger and taxi drop-off and pick-up areas;</li><li>• signage zones and lighting design within the site; and</li><li>• continued use of the site for recreation facility (major) and proposed use for concerts and community events.</li></ul>

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-68292713-Mod-1	16 July 2025	Team Leader, Social Infrastructure	Minor design changes to approved spectator stands and flood management conditions

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Infrastructure NSW or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with relevant NSW government agencies</p>
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in the EIS, Amendment Report and Response to Submissions, and Supplementary Response to Submissions, including the works and activities comprising construction and operation, as modified by the conditions of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Penrith Stadium Refurbishment State Significant Development Application – Environmental Impact</i>

	<i>Statement</i> <sup>1</sup> , (Version 3.0) prepared by Ethos Urban and dated 21 May 2024, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage NSW, the NSW Department of Climate Change, Energy, the Environment and Water
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements 2020 (or other updated version as available on the Department's website)
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <i>Note: For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.</i>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction

<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Amendment Report and Response to submissions</b>	The Applicant’s amendment report and response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, titled ‘ <i>Submissions and Amendment Report</i> ’ prepared by Ethos Urban and dated 8 August 2024.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**

**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

**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) generally in accordance with the EIS, Amendment Report and Response to Submissions and Supplementary Response to Submissions;
  - (d) **generally in accordance with the Section 4.55(1A) modification application (SSD-68292713-Mod-1) document titled 'Penrith Stadium Refurbishment Modification Application Mod 1' (Revision C) and accompanying documents, prepared by GTK Consulting and dated 23 June 2025; and**
  - (e) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by <i>Populous</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
AD-01-0000	<b>F</b>	LOCATION & CONTEXT PLAN	<b>02/06/2025</b>
AD-01-0100	<b>F</b>	SITE PLAN, OVERALL	<b>02/06/2025</b>
AD-01-0200	D	DEMOLITION PLAN, OVERALL	15/07/2024
AD-01-0400	C	SHADOW COMPARISON – SUMMER SOLSTICE	25/07/2024
AD-01-0401	C	SHADOW COMPARISON – WINTER SOLSTICE	25/07/2024
AD-01-0402	C	SHADOW COMPARISON – AUTUMN EQUINOX	25/07/2024
AD-01-0403	C	SHADOW COMPARISON – SPRING EQUINOX	25/07/2024
AD-02-0000	<b>E</b>	GA PLAN, GROUND LEVEL, LEVEL 00 – OVERALL	<b>26/05/2025</b>
AD-02-0100	<b>F</b>	GA PLAN, CONCOURSE LEVEL, LEVEL 01 – OVERALL	<b>26/05/2025</b>
AD-02-0200	<b>E</b>	GA PLAN, FUNCTION LEVEL, LEVEL 02 – OVERALL	<b>26/05/2025</b>
AD-02-0300	<b>E</b>	GA PLAN, SUITE LEVEL, LEVEL 03 – OVERALL	<b>26/05/2025</b>
AD-02-0400	<b>E</b>	GA PLAN, MEDIA LEVEL, LEVEL 04 – OVERALL	<b>26/05/2025</b>
AD-02-0500	<b>G</b>	GA PLAN, ROOF LEVEL	<b>02/06/2025</b>
AD-03-0001	<b>F</b>	GA SECTIONS, OVERALL	<b>02/06/2025</b>
AD-03-0002	<b>E</b>	GA SECTIONS, OVERALL <b>SSDA</b> COMPARISON	<b>02/06/2025</b>

## CONSOLIDATED CONSENT

AD-03-0100	C	GA ELEVATIONS, WEST STAND 01	02/06/2025
AD-03-0101	C	GA ELEVATIONS, WEST STAND 02	02/06/2025
AD-03-0102	C	GA ELEVATIONS, EAST STAND 01	02/06/2025
AD-03-0103	C	GA ELEVATIONS, EAST STAND 02	02/06/2025
AD-03-0110	B	GA ELEVATIONS, WEST STAND 02, LEVEL BUILDING IDENTIFICATION SIGNAGE ZONES	02/08/2024
AD-03-0111	B	GA ELEVATIONS, EAST STAND 02, LEVEL BUILDING IDENTIFICATION SIGNAGE ZONES	02/08/2024
AD-03-0112	B		02/08/2024
AD-03-0200	C	STREET ELEVATIONS	02/06/2025
<b>Landscaping plans prepared by Tyrrell Studio</b>			
Dwg No.	Rev	Name of Plan	Date
LA.DA-0002	01	LEGEND	16.07.2024
LA.DA-0101	04	ILLUSTRATED LANDSCAPE PLAN	26.07.2024
LA.DA-0201	03	SITE PLAN	16.07.2024
LA.DA-0211	03	SSDA PROJECT BOUNDARY AND INTERFACE ZONE	16.07.2024
LA.DA-1001	02	GENERAL ARRANGEMENT LANDSCAPE PLAN	26.07.2024
LA.DA-1002	02	PAVING PLAN	26.07.2024
LA.DA-1050	07	TREE MANAGEMENT PLAN	06.08.2024
LA.DA-2001	04	GENERAL ARRANGEMENT PLAN	26.07.2024
LA.DA-2002	04	GENERAL ARRANGEMENT PLAN	26.07.2024
LA.DA-2003	04	GENERAL ARRANGEMENT PLAN	26.07.2024
LA.DA-2004	04	GENERAL ARRANGEMENT PLAN	26.07.2024
LA.DA-2101	04	GRADING PLAN	26.07.2024
LA.DA-2450	01	PLANTING PALETTE	16.07.2024
LA.DA-8002	04	PROPOSED CANOPY PLAN	06.08.2024
LA.DA-8004	04	PROPOSED GREEN COVER PLAN	06.08.2024
LA.DA-8006	04	PROPOSED DEEP SOIL PLANTING PLAN	03.09.2024

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c).



In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### Limits of Consent

A5. This consent lapses five years after the date of consent unless work is physically commenced.

### Prescribed Conditions

A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

### Planning Secretary as Moderator

A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

### Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### Staging

- A9. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and approval obtained from the Certifier. The Staging Report must be submitted to the Certifier no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
  - (d) specify how compliance with independent auditing requirements will be achieved across and between each of the operational stages of the project; and
  - (e) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Certifier.
- A12. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific

stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

### **Staging, Combining and Updating Strategies, Plans or Programs**

A13. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. Any strategy, plan or program prepared in accordance with condition A13, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A15. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A16. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A20. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **Monitoring and Environmental Audits**

A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

*Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

### Access to Information

- A22. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.

### Compliance

- A23. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### Incident Notification, Reporting and Response

- A24. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### Non-Compliance Notification

- A26. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance.
- A27. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A28. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Revision of Strategies, Plans and Programs

- A29. Within three months of:

- (a) the submission of an incident report under condition A25;
- (b) the submission of an Independent Audit under condition C39 or C41;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition 0 which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

*Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

### Aboriginal Heritage

- A31. All reasonable steps must be taken to avoid harm, modification of or impact to Aboriginal objects except as authorised by this approval.
- A32. The Registered Aboriginal Parties (RAPs) must be kept informed about the development. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage requirements of the development.
- A33. If regionally significant and/or highly culturally significant (e.g. burial, ceremonial grounds) finds are identified during the archaeological excavations, consultation must be undertaken with the RAPs, Heritage NSW, and Planning Secretary for consideration of the project redesign to avoid further impacts to the Aboriginal cultural heritage.

### Event Operations

- A34. Events at the stadium may host a maximum of 25,000 patrons for all events except for concert events where a maximum of 30,000 patrons will be permitted to use the stadium.
- A35. A maximum of 10 concert events per calendar year is permitted within the stadium.
- A36. During all events, the Applicant must comply with the following operational management plans, strategies and reports and ensure performance levels and targets are achieved (where performance level or targets exist within an operational management plan):
- (a) an Event Management Plan (condition D21);
  - (b) an Event Traffic and Transport Management Plan (condition D19);
  - (c) an Operational Noise Management Plan (ONMP) including noise monitoring requirements (condition D26); and
  - (d) a Security Management Plan including Hostile Vehicle Mitigation Plan (condition D21).

### Public Domain, Ancillary Uses and Operations

- A37. The consent permits the use of the public domain areas outside the stadium footprint for use by the public for:
- (a) gathering spaces;
  - (b) organised temporary activities on event days;
  - (c) amenities;
  - (d) circulation purposes; and
  - (e) active and passive outdoor recreational activities.
- A38. The use of the public domain areas within the site on event days must be in accordance with the Event Management Plan approved as part of this development consent (and as updated from time to time).

### Stadium Event Operational Hours

- A39. The operation of events within the stadium are limited to the following hours:
- (a) Sporting events: between 8am and 11pm;
  - (b) Concert events: between 10am and 11pm (performance time);
  - (c) Concert rehearsals and sound checks: between 10am and 10pm (after 7pm only in exceptional circumstances);
  - (d) Other non-sport outdoor events with sound amplification:
    - (i) between 10am and 8pm (performance time) (Sunday to Thursday); or
    - (ii) between 10am and 10.30pm (performance time) (Friday and Saturday, or any day preceding a public holiday); and
  - (e) Organised temporary activities on event days in the public domain at the site: between 8am and 11pm;
  - (f) Pyrotechnics: between 8am and 11pm.
- A40. Notwithstanding the limitations prescribed by condition A39(f), the use of pyrotechnics may be extended to 12.30am for events of cultural significance where written notification is provided to the Planning Secretary seven days prior to the planned cultural event.
- A41. Where a rehearsal and/or sound check is permitted by condition A39(c) and is audible or is likely to be audible at any nearby noise sensitive receiver (as defined by the *Noise Policy for Industry*), the rehearsal and/or sound check is limited to a period or periods not exceeding a total of six hours in any one day.

**PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION****Notification of Commencement**

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

**Detailed Design – Built Form**

- B3. Prior to the commencement of façade construction works for the East and West Stands, and all buildings, the detailed façade and soffit plans must be submitted to and approval obtained from the Planning Secretary. The plans must:
- (a) be generally in accordance with the '*Penrith Stadium Precinct Redevelopment Architectural Design Report*', prepared by Populous and dated 2 August 2024;
  - (b) provide finalised detail drawings, schedule of finishes, colours and materials;
  - (c) respond to the following criteria in the design:
    - (i) integrate the façade and soffit with the grandstand structure;
    - (ii) incorporate the Connecting with Country concept;
    - (iii) provide articulation consistent with the façade concept;
    - (iv) minimise glare;
    - (v) ensure key elements such as stairs and entrances are readily recognisable and support wayfinding;
    - (vi) provide an integrated strategy for all services – exposed or concealed;
    - (vii) ensure finishes and material connections are durable and can be readily maintained; and
    - (viii) ensure material selections contribute to 5-star Green Star rating.

**Detailed Design – Boundary Strategy**

- B4. Prior to the commencement of fencing works, a detailed fencing and boundary strategy must be submitted to and approval obtained from the Planning Secretary. The strategy must:
- (a) be generally in accordance with the fencing and boundary details outlined in *Penrith Stadium Precinct Redevelopment Architectural Design Report*, prepared by Populous and dated 2 August 2024 and '*Penrith Stadium Refurbishment Public Domain Report*', prepared by Tyrrell Studio and dated 16 July 2024;
  - (b) maximise the integration of building and landscaping elements within the boundary fence, where possible; and
  - (c) outline future mechanism/s to consider the activation of the eastern precinct on non-event days, should retail or residential development occur at the 164 Station Street site.

**Certified Drawings**

- B5. Prior to the commencement of construction, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

**External Walls and Cladding**

- B6. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. A copy of the documentation must be made available on the Applicant's website within seven days after the Certifier accepts it.

**Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- B7. Prior to the commencement of any construction, the Applicant must:



- (a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development as determined by the relevant engineer or expert consultant, to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
- (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
- (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary with 48 hours when requested.

### **Pre-Construction Survey – Adjoining Properties**

- B8. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential/commercial buildings (or other built form) that are likely to be impacted by the development, as determined by the relevant engineer or expert consultant.
- B9. Where the offer for a pre-construction survey is accepted (as required by condition B8), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- B10. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition B9, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary within 48 hours when requested.

### **Public Domain Bonds**

- B11. Prior to the commencement of construction of any public domain works on Council-owned land (excluding utility works), a performance bond is required to be lodged with Council for the public domain works, in accordance with Council's adopted fees and charges under section 608 of the *Local Government Act 1993*. Council will retain the bond until all public domain works are completed to Council's standards.
- B12. Prior to the commencement of construction of any works that may impact upon Council's public infrastructure assets, an infrastructure restoration bond is required to be lodged with Council in accordance with Council's adopted fees and charges under section 608 of the *Local Government Act 1993*.

*Note: An application form, information sheet and conditions are available on Council's website. Contact Council's Asset Management Department (02 4732 7777) for more information.*
- B13. Prior to the lodgement of the bonds required in accordance with conditions B11 and B12, the Applicant must contact Council to determine the bond amounts.

### **Ecologically Sustainable Development**

- B14. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
  - (a) registering for a minimum 5 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

### **Outdoor Lighting**

- B15. Prior to commencement of outdoor lighting installation, evidence must be submitted to the Certifier that all outdoor lighting to be installed within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting

– Performance and design requirements, AS 4282-2019 Control of the obtrusive effects of outdoor lighting, and AS 2560.2:2021 Sports Lighting, Part 2: Specific Applications (where relevant).

### Demolition

- B16. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

### Environmental Management Plan Requirements

- B17. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

#### Notes:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

### Construction Environmental Management Plan

- B18. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and publish a copy of the CEMP on the Applicant's website in accordance with condition A22. The CEMP must include, but not be limited to, the following:

- (a) Details of:
  - (i) hours of work;
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (b) an unexpected finds protocol for non-Aboriginal heritage and associated communications procedure;
- (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B19);
- (d) Construction Noise and Vibration Management Sub-Plan (see condition B20);
- (e) Construction Waste Management Sub-Plan (see condition B21); and
- (f) Construction Flood Emergency Management Plan (see condition B22);

- B19. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and TfNSW;
- (c) detail:
  - (i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;
  - (iii) heavy vehicle routes, access and parking arrangements;



- (iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; and
  - (v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s).
- B20. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
  - (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B20(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B17.
- B21. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste including the following:
  - (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- B22. The Construction Flood Emergency Management Sub-Plan must address, but not be limited to, the following:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Flood Risk Management Manual* (DPE, June 2023) and the *Flood Risk Management Toolkit*;
  - (c) include details of:
    - (i) the flood emergency responses for all construction phases of the development;
    - (ii) details of flood risk environment, including expected flood levels for different frequency events;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) work cancellation and evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and users/visitors.

*Note: The Flood Risk Management Toolkit is a set of resources including guidelines, explanatory notes, technical methods and data provided to complement the Flood Risk Management Manual. The toolkit can be found here: <https://www2.environment.nsw.gov.au/water/floodplains/flood-risk-management-toolkit>.*
- B23. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
  - (a) minimise the impacts of earthworks and construction on the local and regional road network;

- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

### Construction Parking

- B24. Prior to the commencement of any construction, the Applicant must provide sufficient parking facilities on-site for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets.
- B25. Prior to the commencement of any construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be published on the Applicant's website in accordance with condition A34. This condition cannot be staged.

### Soil and Water

- B26. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
  - (b) divert existing clean surface water around operational areas of the site.
- B27. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- B28. Prior to the commencement of construction, the Applicant describe the measures that must be implemented to manage stormwater and flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

### Flood Management

- B29. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) work cancellation and evacuation and refuge protocols.
- B30. Prior to the commencement of construction, details must be provided to the Certifier confirming that all floor levels are no lower than the 1% Annual Exceedance Probability flood (26.90m AHD) plus 500mm of freeboard.
- B31. Prior to the commencement of construction, details must be provided to the Certifier confirming that any structures below the higher of either, (i) the Probable Maximum Flood (PMF) peak flood elevation or (ii) the 1% Annual Exceedance Probability plus 500mm of freeboard, are constructed from flood compatible building components.
- B32. Prior to the commencement of construction, details must be provided to the Certifier confirming:
- (a) that stand structures have been designed to withstand the loads of patrons and staff (when sheltering attendees at maximum capacity of 30,000) alongside any forces which may arise from floodwater up to the PMF event;
  - (b) the use of washable or removable fixtures within lower levels of the stadium that could be flooded in the **0.2% AEP flood event; and**
  - (c) **provision of an electrical isolation switch above the 0.2% AEP flood level plus 500mm freeboard (i.e. above RL 29.2m AHD), to isolate electrical supply to the lower levels of the stadium that could be flooded in the 0.2% AEP flood event.**

*Note: Council's current adopted 0.2% AEP flood level from the Hawkesbury and Nepean River Flood Study 2024 is RL 28.7m AHD*

### Operational Noise – Design of Mechanical Plant and Equipment

- B33. Prior to installation of mechanical plant and equipment:

- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project amenity noise levels (PANLs) and project noise trigger levels (PNTLs) as recommended in '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024 must be undertaken by a suitably qualified person; and
- (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the recommended PANLs and PNTLs identified in '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024.

**Operational Waste Storage and Processing**

- B34. Prior to the commencement of construction of waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (d) is naturally ventilated or an air handling exhaust system must be in place; and
  - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

**Operational Access, Car Parking and Service Vehicle Arrangements**

- B35. Prior to the commencement of construction of operational parking and access facilities, evidence of compliance of the design of operational parking and access arrangements with the following requirements must be submitted to the Certifier:
- (a) an on-site carpark for use by event staff, players and officials on event days, designed in accordance with the details outlined in '*Penrith Stadium Transport Impact Assessment*' (Rev B), prepared by JMT Consulting and dated 26 July 2024; and
  - (b) the swept path of the largest service vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the site, must be in accordance with the latest version of AS 2890.2.

**Public Domain Works**

- B36. Prior to the commencement of any footpath or public domain works within the road reserve areas of Mulgoa Road, Ransley Street and Station Street, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management measures. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

**Site Contamination**

- B37. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

**Aboriginal Cultural Heritage Management Plan**

- B38. Prior to the commencement of construction, an Aboriginal Cultural Heritage Management Plan must be submitted to and approval obtained from the Planning Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons;
  - (b) be prepared in consultation with RAPs and reviewed by Heritage NSW;
  - (c) include a description of the measures that would be implemented for:
    - (i) undertaking Aboriginal archaeological test excavations;

- (ii) ongoing consultation with RAPs, including consultation regarding changes to the Aboriginal Cultural Heritage Management Plan;
  - (iii) a strategy for the short-term and long-term management of any Aboriginal objects recovered under approval;
  - (iv) management of Unexpected Heritage Finds and Human Remains. The management procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal heritage, in consultation with the RAPs and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). The unexpected Heritage Finds and Human Remains Procedure must be implemented for the duration of the development; and
  - (v) ensuring workers on site receive suitable heritage inductions prior to carrying out any construction on site, and that records are kept of these inductions; and
- (d) specify that, where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Protocol required by B38(c)(iv) and include registration in the Aboriginal Heritage Information Management System (AHIMS).

## Security Management and Crime Prevention

- B39. Prior to the commencement of public domain works, the Applicant must prepare a Hostile Vehicle Mitigation Plan, which includes details of design that would minimise exposure of the public domain areas within the site surrounding the stadium to hostile vehicles. The plan must be submitted to the Certifier and must:
- (a) be prepared in consultation with TfNSW, NSW Police and Council;
  - (b) be prepared in accordance with Australia's Strategy for Protecting Crowded Places from Terrorism and Hostile Vehicle Guidelines for Crowded Places;
  - (c) consider initiatives / facilities to improve hostile vehicle management within the stadium site and adjoining sites, and demonstrate that the hostile vehicle management initiatives / facilities provided within the site are compatible with those; and
  - (d) include likely evacuation points, paths of travel and congregation points for consideration by the responsible agency in the event of an attack.

*Note: A copy of the Hostile Vehicle Mitigation Plan is not required to be submitted to the Planning Secretary and the plan is not required to be made publicly available on the Applicant's website.*

## Pedestrian Safety

- B40. Prior to the commencement of public domain works, detailed plans demonstrating pedestrian infrastructure updates to mitigate risks at points of crowd swell (i.e. pedestrian crossing / refuge points, circulation around the stadium and approach and departure points) must be submitted to and approval obtain from the Planning Secretary. The plans must include:
- (a) provision of full-width path paving for the southern verge of Ransley Street between Mulgoa Road and Station Street;
  - (b) provision of pedestrian barrier safety fencing along the eastern side of Mulgoa Road between Ransley Street and Panthers Place, and Panthers Place and Jamison Road, to ensure that:
    - (i) pedestrians are directed to the existing signalised pedestrian crossings; and
    - (ii) pedestrians utilising the footpath at the southern side of the sewer pump station are directed towards the pedestrian crossing facilities at the signalised intersection of Ransley Street and Mulgoa Road.
  - (c) provision of a passenger and accessible drop-off area in Ransley Street;
  - (d) provision of a taxi rank in Station Street;
  - (e) provision of pedestrian barrier fencing to restrict access to the passenger and accessible drop-off area in Ransley Street and the taxi rank in Station Street; and

- (f) provision of facilities for the management of pedestrians, including an upgraded pedestrian refuge island for the crossing of Ransley Street at the intersection with Station Street.
- B41. The pedestrian infrastructure upgrade works detailed in condition B40(c) to B40(f), are not required if the independent Road Safety Audit (RSA) required in accordance with condition B43:
- (a) confirms that the existing pedestrian infrastructure is sufficient to deliver safe pedestrian movement for stadium operations including for the 30,000 capacity concert event; or
  - (b) makes recommendation for alternate pedestrian infrastructure upgrades would be sufficient to deliver safe pedestrian movement for stadium operations including for the 30,000 capacity concert event.
- B42. In the event that alternative infrastructure upgrades are determined sufficient in accordance with condition B41(b), detailed plans of those upgrades must be submitted to and approval obtained from the Planning Secretary, prior to the commencement of public domain works.

**Road Safety Audit**

- B43. Prior to the commencement of construction of any pedestrian or vehicle access infrastructure, the following must be submitted to the Certifier:
- (a) a Stage 3 (detailed design) Road Safety Audit (RSA), undertaken by an independent TfNSW accredited road safety auditor in accordance with Austroads Guide to Road Safety Audit Part 6: Road Safety Audit; and
  - (b) evidence to demonstrate that the recommendations of the RSA have been considered and incorporated into the final design of the pedestrian and vehicle access infrastructure.

**PART C DURING CONSTRUCTION****Site Notice**

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

**Operation of Plant and Equipment**

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

**Demolition**

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B16.

**Construction Hours**

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
  - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and C5 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) for the delivery, set-up and removal of construction cranes, where notice of the crane-related works is provided to the Planning Secretary and affected residents at least seven days prior to the works; or
  - (e) where a variation is approved in advance in writing by the Planning Secretary or her nominee if appropriate justification is provided for the works.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards in relation to C6(c).
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:



- (a) 9am to 12pm, Monday to Friday;
- (b) 2pm to 5pm Monday to Friday; and
- (c) 9am to 12pm, Saturday.

**Implementation of Management Plans**

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

**Construction Traffic**

- C10. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

**Hoarding Requirements**

- C11. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

**No Obstruction of Public Way**

- C12. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

**Construction Noise Limits**

- C13. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

**Vibration Criteria**

- C16. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.
- C18. The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B20 of this consent.

## Tree Protection

C19. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the approved disturbance area must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced in accordance with the relevant Council specifications;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of '*Arboricultural Impact Assessment Tree Protection Specification*' (Revision C), prepared by Tree iQ and dated 9 September 2024; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## Air Quality

C20. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C21. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## Soil and Water

C22. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## Imported Fill

C23. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier and/or the Planning Secretary within seven days upon request.

## Disposal of Seepage and Stormwater

C24. Adequate provisions must be made to collect and discharge stormwater drainage during construction. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.



**Emergency Management**

- C25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

**Stormwater Management System**

- C26. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be designed in consultation with Council (evidence of the consultation, Council feedback and responses to Council feedback must be provided to the Certifier);
  - (c) be generally in accordance with the conceptual design detailed in '*Integrated Water Cycle Management Report*' (Revision B), prepared by Aurecon and dated 19 April 2024;
  - (d) be in accordance with applicable Australian Standards;
  - (e) ensure that harvested rainwater for non-potable purposes is maximised (noting Council's 80 per cent target) and allow for irrigation of all non-potable demands; and
  - (f) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

**Aboriginal Cultural Heritage**

- C27. Construction must be undertaken in accordance with the recommendations of '*Aboriginal Cultural Heritage Assessment Report*' (Issue 5), prepared by Curio Projects and dated 22 July 2024.

**Unexpected Finds Protocol – Aboriginal Heritage**

- C28. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
  - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
  - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
  - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
  - (e) works may only recommence with the written approval of the Planning Secretary.

**Unexpected Finds Protocol – Historic Heritage**

- C29. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
  - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

**Waste Storage and Processing**

- C30. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

- C31. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C33. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C34. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### Outdoor Lighting

- C35. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### Site Contamination

- C36. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by JK Environments and dated 3 May 2024 and any variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor.
- C37. Where remediation is carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C38. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### Independent Environmental Audit

- C39. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.
- C40. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C41. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- C42. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:
  - (a) review and respond to each Independent Audit Report prepared under condition C39 of this consent, or condition C41 where notice is given by the Planning Secretary;
  - (b) submit the response to the Planning Secretary; and
  - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agree by the Planning Secretary.
- C43. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.
- C44. Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

**PART D PRIOR TO COMMENCEMENT OF OPERATION****Notification of Occupation**

- D1. At least one month before commencement of any operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

**External Walls and Cladding**

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D3. A copy of the documentation given to the Certifier must be made available on the Applicant's website within seven days after the Certifier accepts it.

**Works as Executed Plans**

- D4. Prior to the commencement of operation, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier and to Council for information.

**Warm Water Systems and Cooling Systems**

- D5. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

**Outdoor Lighting**

- D6. Prior to the commencement of operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

**Mechanical Ventilation**

- D7. Prior to commencement of operation, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

**Operational Noise – Design of Mechanical Plant and Equipment**

- D8. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B33 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the PANLs and PNTLs identified in the *Noise and Vibration Impact Assessment ACD01'* (Revision 2), prepared by Arup and dated 2 May 2024.

**Fire Safety Certification**

- D9. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety

Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### Structural Inspection Certificate

- D10. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Post-construction Dilapidation Report – Protection of Public Infrastructure

- D11. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B7 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary within 48 hours when requested.

### Repair of Public Infrastructure

- D12. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### Road Damage

- D13. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### Post-Construction Survey – Adjoining Properties

- D14. Where a pre-construction survey has been undertaken in accordance with condition B9, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition B9;
  - (b) be provided to the owner of the relevant buildings surveyed;
  - (c) be provided to the Certifier; and
  - (d) be provided to the Planning Secretary within 48 hours when requested.

- D15. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

**Car Parking Arrangements**

- D16. Prior to the commencement of any operation, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier that demonstrates that construction works associated with the at-grade on-site carpark, comprising a minimum 40 car parking spaces, have been completed and that the car parking facility is operational.

**Bicycle Parking and End-of-Trip Facilities**

- D17. Prior to the commencement of any operation, or other timeframe agreed in writing by the Planning Secretary, compliance with the following requirements for secure bicycle parking and staff end-of-trip facilities must be submitted to the Certifier:
- (a) the provision of a minimum 50 staff and visitor bicycle parking spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities for staff;
  - (d) the provision of security cameras; and
  - (e) appropriate pedestrian and cyclist advisory signs are to be provided.

*Note: All works/regulatory signposting associated with the proposed development is to be at no cost to the relevant roads authority.*

**Green Travel Plan**

- D18. Prior to the commencement of any operation, or other timeframe agreed in writing by the Planning Secretary, a Green Travel Plan (GTP) must be submitted to the Certifier to promote the use of active and sustainable transport modes and a copy published on the Applicant's website within seven days after the Certifier accepts it. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Transport for NSW;
  - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

**Event Traffic and Transport Management Plan**

- D19. Prior to commencement of operation, the Applicant must prepare a site-specific Event Traffic and Transport Management Plan (ETTTP) for the operation of the stadium for the safe and efficient operation of traffic and transport during events (including bump-in and bump-out periods). The plan must:
- (a) be prepared in consultation with TfNSW, NSW Police and Council;
  - (b) consider various event types and / or scenarios including (but not limited to) concerts up to 30,000 attendees;



- (c) outline specific measures to manage concerts with an expected attendance of over 25,000 people, which may include (but is not limited to);
  - (i) scheduling of concerts or events to occur outside busy road network periods;
  - (ii) closure of Ransley Street following conclusion of events, allowing for safe pedestrian egress;
  - (iii) encouragement of 'park and ride' from nearby railway stations, with shuttle buses transporting patrons to the venue from nearby train stations and other transport hubs;
  - (iv) promoting the use of public transport; and
  - (v) preparation of traffic guidance schemes to assist in the management of traffic flow;
- (d) consider cumulative impacts of simultaneous events within the Penrith Town Centre precinct;
- (e) include measures to manage pick-up / drop-off facilities for patrons using taxi, coaches, kiss and ride and rideshare services including consideration of any Geofence for all ride-share companies while maintaining safe access for emergency vehicles and local residents in local streets;
- (f) include event management measures, including crowd management, to minimise the need for any lane / road closures. Traffic management details are to be provided in the event of a lane / road closure;
- (g) details of strategies and any potential upgrades or works required to mitigate risks at points of crowd swell (i.e. pedestrian crossing / refuge points, circulation around the stadium and approach and departure points) and along pedestrian networks adjacent the stadium site;
- (h) traffic guidance schemes, documenting the location and number of traffic controllers to be in place for different event types (if required);
- (i) provide details of wayfinding and signage measures within the confines of the site boundaries, including messaging and announcements, which provide clear directions for patrons to all modes of travel including walking, rail, bus, taxi, coach, kiss and ride and rideshare services and include illumination for appropriate use at night;
- (j) provide evidence of consideration of any integrated ticketing initiatives across event types and details of the implementation if available;
- (k) provide details of emergency services vehicles access and egress;
- (l) provide details of performance levels and targets that can measure the success of implementation of the ETTMP;
- (m) identify the specific procedures and actions (including responsibility and timeframes) that will be implemented; and
- (n) describe the frequency and process of proposed reviews and revisions to the plan, including provision for consultation with TfNSW and Council.

**D20. The Applicant must:**

- (a) ensure that the ETTMP (required by condition D19) is endorsed by TfNSW (where relevant), prior to the commencement of operation of the refurbished stadium;
- (b) submit a copy of the endorsed ETTMP (required by condition D20(a)) to the Planning Secretary, Certifier and Council for information, and make it available on the Applicant's website, prior to commencement of operation of the refurbished stadium.

**Event Management Plan**

D21. At least three months prior to commencement of operation, an Event Management Plan (EMP) must be submitted to the Planning Secretary for approval. Operation must not commence until the required approval is obtained from the Planning Secretary. The plan must be made available on the Applicant's website within seven days of it being approved. The plan must include:

- (a) evidence of consultation with Council, TfNSW, NSW Police, Fire and Rescue NSW and other emergency services and relevant major event stakeholders including (but not limited to) the Penrith Panthers sporting club;
- (b) updated and revised management measures (where applicable) within the:
  - (i) ETTMP as required by condition D19;
  - (ii) operational waste management measures outlined in '*Operational Waste Management Plan*' (Revision 3), prepared by Foresight Environmental and dated 2 May 2024;
  - (iii) the final ONMP as required by condition D26;
- (c) indication of the anticipated major events at the stadium, including the number and type of events and activities per year, including projected spectator numbers;
- (d) details of strategies to mitigate risks at points of crowd swell (i.e. pedestrian crossing/refuge points, circulation around the stadium, and approach and departure points);
- (e) details of strategies to manage of community uses, including procedures for notifying community events that are likely to cause concern due to noise, congestion or other issues;
- (f) details of stadium emergency and evacuation procedures, including preparation of an Emergency Response and Evacuation Plan, which addresses issues of public and crowd safety and behaviour management and emergency vehicle access; and
- (g) evidence of consultation with NSW Police, which demonstrates that a Security Management Plan has been prepared by the Applicant and includes:
  - (i) the Hostile Vehicle Mitigation Plan required by B39; and
  - (ii) the recommendations of '*Crime Prevention Through Environmental Design Report*' (Version 2.0), prepared by Ethos Urban and dated 7 May 2024.

*Note: A copy of the Security Management Plan is not required to be submitted and is not required to be made publicly available on the Applicant's website.*

### Operational Flood Emergency Management Strategy

- D22. Prior to the commencement of operation, an Operational Flood Emergency Management Strategy (FEMS) must be submitted to the Certifier and be made available on the Applicant's website within seven days after the Certifier accepts it. The strategy must detail the flood emergency responses for the operational phase of the development, and:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the NSW SES, TfNSW and Council;
  - (c) be endorsed by an independent and suitably qualified flood engineer and company that has not been involved with the preparation of the FEMS;
  - (d) respond to the issues raised by NSW SES in correspondence to the Department dated 26 September 2024, in response to the outline FEMS submitted with this SSD application;
  - (e) be compatible with the evacuation strategies identified in the Hawkesbury-Nepean Valley Flood Emergency Plan;
  - (f) address the provisions of the *Flood Risk Management Manual and Flood Risk Management Toolkit*;
  - (g) consider the worst-case scenario where up to 30,000 people could attend the venue and require evacuation or sheltering in place; and
  - (h) include details of:
    - (i) the timings involved, including a quantitative analysis;
    - (ii) practicalities of receiving adequate lead times;
    - (iii) how different flood warnings will be managed, including details of who is responsible for providing site-specific warnings (must not be the NSW SES or the Bureau of Meteorology);

- (iv) triggers for different management strategies, including (but not limited to) cancellation of events both pre-event and during an event;
- (v) interactions with other areas which may be evacuating at the same time (this must include an evacuation strategy which is able to operate independently of NSW SES, TfNSW, NSW Police and Council);
- (vi) capacities for main evacuation routes;
- (vii) methods of communication with crowds which may include a large proportion of visitors that are not familiar with the site;
- (viii) the training of staff including regular drills to ensure that the possibility of a flood emergency occurring is not forgotten; and
- (ix) requirements for signage and communications.

### Flood Emergency Response Plan

- D23. Prior to the commencement of operation, a Flood Emergency Response Plan (FERP) must be submitted to the Certifier and be made available on the Applicant's website within seven days after the Certifier accepts it. The FERP must:
- (a) be prepared in accordance with the *Flood Risk Management Toolkit* to address protection of people using the stadium site during events in a severe flood up to the Probable Maximum Flood (PMF) event;
  - (b) be prepared in consultation with NSW SES, TfNSW and Council;
  - (c) provide an easy-to-use guide for facility managers;
  - (d) be generally consistent with the Flood Emergency Management Strategy required by condition D22;
  - (e) detail protocols for monitoring weather and flood warnings prior to, and during events;
  - (f) provide clear instructions on required actions upon receipt of different types of warnings under the Australian Warning System;
  - (g) address event cancellation, evacuation, emergency access, flood warning and awareness, any refuge requirements within the site and any other relevant matters;
  - (h) be based on flood levels supplied by Council and/or the NSW Reconstruction Authority and any additional local flood and flow path modelling that may be required; and
  - (i) be fully operational prior to the commencement of use and must be maintained in operation.
- D24. The FERP must be incorporated into the EMP required in accordance with condition D21, and must be maintained as such for the duration of operation.
- Note: Planning Secretary approval of the FERP is not required.*

### Service Area and Loading Dock Management Plan

- D25. Prior to the commencement of operation (i.e. prior to the occupation of the building for any purpose including office and administrative functions), a Service Area and Loading Dock Management Plan must be submitted to the Certifier and be made available on the Applicant's website within seven days after the Certifier accepts it. The plan must detail:
- (a) allocation of loading spaces;
  - (b) anticipated delivery times;
  - (c) controls on duration of stays;
  - (d) controls on the placement of skips, pallets, etc.;
  - (e) procedures for tradesperson access and parking;
  - (f) anticipated operating times; and
  - (g) truck access routes.

### Operational Noise Management Plan

- D26. Prior to the commencement of operation, an Operational Noise Management Plan (ONMP) must be submitted to and approval obtained from the Planning Secretary. The plan must be



made available on the Applicant's website within seven days of it being approved. The plan must:

- (a) be prepared by a suitably qualified and experienced acoustic expert in consultation with the EPA;
- (b) include (but not limited to) the following details in relation to concert events and other non-sport related outdoor events with sound amplification that are (where relevant) generally consistent with those outlined in '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024:
  - (i) hours of operation, number and type of events;
  - (ii) details of sound-check timings associated with an event;
  - (iii) identification and location of relevant sensitive receivers;
  - (iv) definition of the events that will be deemed-to-comply with those for which an Event Acoustic Report would be required;
  - (v) noise limits for concerts and other non-sport outdoor events with sound amplification that are consistent with '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024;
  - (vi) a chain of responsibility for management of noise in relation to the stadium activities and nomination of responsible persons and contact details;
  - (vii) a protocol for the notification of concerts and other non-sport outdoor events with sound amplification to residential and other sensitive receivers at least 5 days prior to the relevant event and the relevant regulatory authorities;
  - (viii) measures to minimise impacts of sound checks, rehearsals, 'bump-in' and 'bump-out' activities, amplified sound from events, goods delivery, post event clean-up activities, amplified sound within and outside the stadium, and waste collection services (including the noise impact of associated vehicular movements particularly any such movements occurring during the 'night period' or likely to activate reversing alarms), and stadium precinct grounds maintenance;
  - (ix) a protocol for determining compliance with the noise limits including establishing noise limits at intermediate monitoring points for different concert configurations and meteorological conditions;
  - (x) a procedure for management actions and responsibilities to avoid non-compliances and to respond to non-compliances, in the event of detected exceedance of noise limits;
  - (xi) a complaints handling procedure, including operation of a telephone complaints line and action protocol;
  - (xii) a procedure and guidance on the frequency, time of occurrence and duration of pyrotechnic displays (if any), including a community notification strategy;
  - (xiii) the location of intermediate noise monitoring points and the applicable noise levels to demonstrate compliance with project noise requirements at sensitive receiver locations identified in '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024;
  - (xiv) a protocol for reporting the result of noise monitoring for concerts and other non-sport outdoor events with sound amplification; and
  - (xv) a mechanism for periodic review of the plan.

### Utilities and Services

- D27. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### Stormwater Operation and Maintenance Plan

- D28. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP), and any other compliance documentation for the stormwater management system, is to be submitted to the Certifier and to Council for information. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

### Signage

- D29. Prior to the commencement of operation, way-finding signage must be installed.
- D30. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D31. All way-finding signage must be installed to the satisfaction of the Certifier prior to the commencement of operation of the stadium and use of the surrounding public domain.
- D32. Prior to the installation and display of any signage within the approved signage zones, details of the signage (design, content and illumination, including justification of proposed hours of illumination and any lightspill mitigation measures) is to be submitted to, and approval obtained from, the Planning Secretary.

### Site Contamination

- D33. Prior to commencement of operation, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contate Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary within 48 hours when requested.
- D34. Prior to commencement of operation, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition D32 have been met.
- D35. Where changes are made to the Remediation Action Plan prepared by JK Environments and dated 3 May 2024 under condition C36, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

### Landscaping

- D36. Prior to the commencement of operation, landscaping of the site must be completed generally in accordance with the landscape plan(s) listed in condition 0, as amended by condition B4 (where relevant).

- D37. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.

### **Pedestrian Safety**

- D38. Prior to the commencement of operation, the Applicant must provide evidence to the Certifier that pedestrian infrastructure updates have been made in accordance with the plans required by condition B40, or as amended by B42.

**PART E POST OCCUPATION****Operation of Plant and Equipment**

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

**Warm Water Systems and Cooling Systems**

- E2. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

**Operational Noise Limits**

- E3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in '*Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024.
- E4. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* (2017) where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development or other timeframe agreed to by the Planning Secretary to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in *Noise and Vibration Impact Assessment ACD01*' (Revision 2), prepared by Arup and dated 2 May 2024. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

**Unobstructed Driveways and Parking Areas**

- E5. All driveways and footways must be unobstructed at all times. Driveways and footways must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access associated with the use of the premises.

**Green Travel Plan**

- E6. The Green Travel Plan required by condition D18 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

**Ecologically Sustainable Development**

- E7. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B14, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

**Outdoor Lighting**

- E8. Notwithstanding condition D6, should outdoor lighting result in a complaint being received from or on behalf of an occupant of a nearby sensitive receiver, the Applicant must investigate and provide evidence that the lighting is compliant with the requirements of condition D6. Where it is not compliant, mitigation measures must be implemented to achieve compliance. A copy of the investigation outcomes, including details of any mitigation measures that have been implemented, must be provided to the complainant within three months of the complaint being made (or another timeframe otherwise agreed by the Planning Secretary). A copy of the

investigation outcomes must be provided to the Planning Secretary within seven days upon request.

### Landscaping

- E9. The Applicant must maintain the landscaping and vegetation on the site generally in accordance with the approved Landscape Management Plan required by condition D37 for the duration of occupation of the development.

### Long Term Environmental Management Plan

- E10. Upon completion of remediation works, the Applicant must manage the site in accordance with:
- (a) a Long Term Environmental Management Plan, where required in the event that contaminated material is capped on-site, in accordance with the '*Remediation Action Plan*' prepared by JK Environments and dated 3 May 2024 (or variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor); and
  - (b) any on-going maintenance of remediation notice issued by EPA under the *Contaminated Land Management Act 1997*.
- E11. Upon completion of remediation works, the Applicant must provide a copy of the Long Term Environmental Management Plan, where required, to Council.

### Stormwater Operation and Maintenance

- E12. The stormwater management system must continue to be operated and maintained in accordance with the SOMP under condition D28. Maintenance and inspection records must be kept in accordance with the relevant operation manuals and applicable standards. A copy of inspection records must be maintained and made available to the Planning Secretary within seven days upon request.

## APPENDIX 1 ADVISORY NOTES

### General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

### Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A24 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.