



WESTERN SYDNEY STADIUM (SSD 16_7534) SECTION 96(2) MODIFICATION APPLICATION SUMMARY OF SUBMISSIONS

Submission	Summary if Comments	Response
Government Agencies		
RMS , dated 24 th February 2017	No objection as the works will not increase the volumes of traffic entering or exiting the site	Noted.
Office of Environment & Heritage dated 22 nd February 2017	<u>Impacts on the Grey-headed Flying Fox</u> There are expected to be no additional impacts resulting from lighting	Noted.
	Potential for greater impacts resulting from noise and vibration as a result of the additional works proposed in the modification	The Acoustic Logic Demolition Noise and Vibration Management Plan notes that the proposed works will not result in a substantial increase in the construction noise levels
	The noise and vibration assessment identifies the extension of construction hours, this is to be confirmed.	Noted. No extension of construction hours is proposed under this modification.
	Based on the existing information OEH considers that it is not possible to determine that noise and vibration are similar to the approved Stage 1 demolition works as the Noise and Vibration assessment does not estimate the predicted noise levels at the same locations as the original Stage 1 assessment. OEH considers that it is not possible to determine that noise and vibration are similar to the approved Stage 1 demolition works.	<p>As outlined in the AMBS response, estimates of the acoustic levels at 1 Fleet Street have been provided by acoustic Logic.</p> <p>Acoustic Logic provide that the absolute worst case scenario noise levels of 64dB(A) are predicted from a hydraulic hammer mounted on the largest excavator. These noise levels assume no screening and the excavator operating on the northern boundary. For a large percentage of the excavation timetable, noise levels will be less than this because the excavator will be: a) inherently screened, and b) not constantly working on the northern site boundary.</p> <p>The AECOM predicted noise level of 57dB(A) (Stage 1 SSDA) is based on an excavator with hydraulic hammer having a Sound Power Level of 105dB(A), where the Acoustic Logic assessment uses a Sound Power Level of 125dB(A). If Acoustic Logic were to use the Stage 1 assumptions for Sound Power Levels of equipment, the predicted noise levels are closer to 50dB(A).</p> <p>A noise level of 64dB(A), (which includes a 5dB(A) penalty for the characteristics of excavation noise), is similar to what would be expected from a normal conversation adjacent to the Flying Foxes.</p>

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	The biodiversity assessment does not assess the possible changes to the nature of the noise resulting from the additional activities and machinery associated with the modification works.	The AMBS response letter provides that the impacts associated with the nature of the noise is highly difficult to assess and as such a series of mitigation measures. In this regard the existing mitigation measures recommended by Acoustic Logic are sufficient to account for a range of noise types.
	The mitigation measures adopted in condition B2 of the Stage 1 Consent should be adopted for the proposed modification.	Noted, the modification application does not seek to amend this condition. The condition will continue to apply to the development.
	<u>Aboriginal cultural heritage</u> The works proposed in the modification have the potential to cause impact and harm to sub-surface Aboriginal archaeological deposits.	Noted, the potential impacts are managed as outlined in the Aboriginal Archaeological assessment.
	The recommended mitigation measures in the Aboriginal Archaeological Assessment (Comber 2017) is supported by OEH.	Noted.
	The Stage 2 approval would be too late for Aboriginal archaeological works to be undertaken.	Noted, mitigation measures are proposed to be undertaken in Stage 1 prior to the commencement of below ground works (proposed under this modification).
	Recommended consent condition to include an Archaeological Research Design and Aboriginal Archaeological Management Plan. Consultation with the Registered Aboriginal Parties (RAP) for the project should be ongoing.	Noted, these mitigation measures are supported.
NSW Environment Protection Authority, Parramatta, NSW	<u>Noise Impacts/Recommendations</u>	
	Prepare a noise and vibration impact assessment for the modified Stage 1 of the project	Condition of Consent C2 of Application SSD 7534 requires that a Construction Noise Management Plan be developed. This plan been developed and is presented in the Demotion, Excavation and Construction Noise Management Plan with reference 20170038.1/1701A/R0 supplied with the modification application.
	Identify and adopt a less noisy piling method (example: vibro-piling in those areas where bored piling represents an unacceptable safety risk) other than driven piling	As outlined in the response letter prepared by Acoustic Logic, Section 3.3.5 of the Demolition, Excavation and Construction Noise Management Plan the piling method may comprise a combination of bored, precast and Continuous Flight Auger (CFA) piling, these methods are reiterated in the Lendlease Construction Management Plan submitted with the Stage 2 SSDA. Acoustic logic provide that bored and CFA piling are the least intrusive forms of piling for both noise and vibration emissions. Precast piles will be avoided on the eastern property boundary unless deemed necessary to avoid an unacceptable safety risk. It is noted that piling of any kind is not predicted to exceed the "Highly Noise Affected Management Level" or vibration criteria at the nearest affected receivers, given the considerable distance between the piling works and any affected receiver, in all directions.

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	Adopt intra-day respite periods in close consultation with nearby schools, residences and places of public worship.	<p>As outlined in the Acoustic Logic response, community consultation is proposed to be undertaken by Lendlease with the nearest affected receivers as per Section 9 of the Demolition, Excavation and Construction Noise Management Plan.</p> <p>Acoustic Logic note that that the EPA Interim Construction Noise Guideline recommends time restrictions are applied in the event that the "Highly Noise Affected Management Level" (75dB(A)) is exceeded. However, time restrictions do not need to be applied if only the "Noise Affected Management Level" (Background+10dB(A)) is exceeded. Instead, "reasonable and feasible" mitigation techniques should be adopted. Noise and vibration monitors have been installed at the nearest affected receivers (under the Stage 1 consent) in close proximity to the site as a "reasonable and feasible" mitigation technique. These monitors have been installed in order to ensure that noise and vibration emissions are recorded and managed in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan.</p> <p>Acoustic Logic consider that it is pre-emptive to apply time restrictions/respice periods, given that the "Highly Noise Affected Level" of 75dB(A) is not exceeded.</p>
	<u>Site Contamination</u>	
	<p>Recommendation 1</p> <p>The proponent be required to ensure all services and service trenches lie above the proposed marker layer to minimise any risks to workers undertaking future repair and maintenance of those services.</p>	The provision for service construction is outlined in the Remediation Action Plan (RAP) and further details are currently being prepared for Auditor approval. The final design and construction of the services will require Auditor approval.
	<p>Recommendation 2</p> <p>The proponent be required to ensure all clean material to be used for the capping layer comprises virgin excavated natural material</p>	Lendlease will endeavour to use virgin excavated natural material (VENM) as a capping however the site auditor has approved materials such as excavated natural material (ENM), single sized stone, crushed concrete, road base etc as required. In this regard, Lendlease wish to seek some flexibility to facilitate appropriate construction granted the approval of the site Auditor is gained.
	<p>Recommendation 3</p> <p>The proponent be required to undertake a hazardous materials audit of existing structures prior to demolition and to remove all hazardous materials at the direction of an appropriately qualified occupational hygienist.</p>	Noted, this forms part of the Stage 1 consent conditions.
	<p>Recommendation 4</p> <p>The proponent be required prior to commencing work to prepare and implement an appropriate procedure for identifying and dealing with unexpected finds of site contamination.</p>	Noted, the RAP submitted with the modification application contains an Auditor approved unexpected finds protocol.

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	<p>Recommendation 5</p> <p>The proponent be required to satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'.</p>	The remediation methodology outlined in the RAP provides that contaminated materials will be contained on site to limit the generation (i.e. removal off-site) of waste. In this regard, it is not considered that the regulation should apply to the works. In the circumstance where asbestos contaminated material is removed off-site the Auditor approved RAP states that this must be carried out in accordance with all of the Protection of the Environment Operations (Waste) Regulation 20, including Part 7. Materials will be tracked by Senversa so that the Auditor can confirm adherence to the relevant legislation during and at the end of the project.
	<p>Recommendation 6</p> <p>The proponent be required to consult with Safework NSW concerning the handling of any asbestos waste that may be encountered during the course of the project.</p>	Noted, this recommendation is supported.
	<p>Recommendation 7</p> <p>The proponent be required to implement site auditor recommendations</p> <ul style="list-style-type: none"> (a) submission of a works plan and a validation, sampling and analysis plan to the site auditor to identify how gaps in the assessment of fill materials will be undertaken (noting that asbestos is identified as the main Chemical of Potential Concern); (b) implementation of the site sampling plan after formal confirmation by the site auditor that the content of the sampling plan is considered appropriate; (c) preparation and implementation of a long term plan - <ul style="list-style-type: none"> (i) for identifying the location of re-buried asbestos impacted material, and (ii) detailing the requirements for ongoing management of re-buried asbestos impacted material on the development site; and <p>preparation of an asbestos works management plan (incorporating detailed requirements for dust and water control and management) as well as implementation of that plan upon confirmation from the auditor that the asbestos works management plan is considered to be appropriate.</p>	<p>Noted, these recommendations are supported. In this regard the following is noted:</p> <ul style="list-style-type: none"> (a) Senversa is in the process of preparing a work plan and a Sampling Analysis and Quality Plan (SAQP) for Auditor approval. (b) The plan will be implemented after Auditor approval. (c) Senversa will prepare a long-term management plan on completion of construction, for Auditor and key stakeholder approval. <p>Preparation of a works management plan will be completed by the civil contractor advised by Senversa if necessary for Auditor approval.</p>
Sydney Water	Requested consent conditions to include a requirement that the approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.	Noted.
City of Parramatta	Council has considered the modification and do not have any concerns provided Site Auditors are appropriately followed	Noted.
Transport for NSW	TfNSW Council has considered the modification and do not have any further comment	Noted.

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Heritage Division, Office of Environment & Heritage	A stormwater element and outfall into Parramatta River is located within the Parramatta Park and Old Government House portion of the Australian Convict Sites listing	The stormwater plan submitted with the modification illustrates a stormwater line in this location however the stormwater arrangement proposes the re-use of the existing stormwater line that discharges into the Parramatta River. This is not expected to result in any noticeable impacts to OGH.
	The archaeological recommendations are considered appropriate	Noted.
	The RAP does not indicate how archaeological testing can occur within the overall remediation works safely and efficiently.	The RAP is an environment management report and does not intend to specify operations surrounding archaeological management. The archaeological heritage reports specify appropriate management and mitigation measures (supported by the OEH) to protect archaeological heritage. Furthermore, works will be undertaken in accordance with an unexpected finds protocol.
	An Archaeological research design was not submitted to guide the works	An Archaeological Research design report has been prepared by Casey and Lowe for the Stage 2 SSDA. The research design report is provided attached.
	<u>Requested consent conditions for inclusion in this modification</u>	
	1. All current heritage conditions of approval shall remain unchanged.	Noted, no comment
	2. The stormwater elements, and its outfall into the Parramatta River shall be sensitively designed to avoid the World Heritage Area buffer zone associated with Parramatta Park and Domain.	Noted, no comment
	3. A phase of archaeological testing shall be undertaken across areas of proposed harm as soon as possible to inform the remediation and detailed design for this project. Identification and avoidance of state significant archaeological deposits and substantially intact archaeological evidence shall be employed by the works.	Noted, no comment
	4. The testing shall be guided by an archaeological research design and excavation methodology devised to the satisfaction of the Heritage Council of NSW or its delegate and be directed by a suitably qualified and experienced excavation director who fulfils the Heritage Council's Excavation Director Criteria for the excavation of state significant archaeological sites	Noted, no comment

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	5. The remediation action plan shall be updated prior to works commencing to incorporate the archaeological testing program and detail how the archaeological program will be able to be undertaken both safely and efficiently to the satisfaction of the Heritage Council of NSW or its delegate.	Noted, no comment
	6. If the joint archaeological and contamination testing program identifies avoidance of significant archaeological in whole or in part is not possible to achieve the decontamination of the site, a detailed archaeological salvage of the proposed impact areas shall be undertaken. Prior to this occurring a new archaeological research design and excavation methodology should be prepared to the satisfaction of the Heritage Council of NSW or its delegate. The archaeological program must be directed by a suitably qualified and experienced excavation director who fulfils the Heritage Council's Excavation Director Criteria for the excavation of state significant archaeological sites.	Noted, no comment
	7. A final excavation report shall be prepared within 12 months of the completion of archaeological works on site. It shall also include details of any artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. Copies of the final report shall be provided to the Department of Planning and Environment, the Heritage Council and to the City of Parramatta Local Studies unit.	Noted, no comment
	8. An Interpretation Plan shall be prepared and provided to the Heritage Council of NSW for review within 18 months of the completion of archaeological excavations on site. This Plan shall include details of the archaeological investigation of the site and how the results will be incorporated into the completed development. This shall be prepared in accordance with relevant Heritage Council guidelines.	Noted, no comment
	The project shall ensure that any contaminated material stored on site is not stored in areas of archaeological sensitivity identified by the supporting archaeological assessment and any additional areas during excavation by the Excavation Director.	Noted, no comment
	The Heritage Division reiterates the previous overall recommendations for this project	Noted, no comment

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E Boesal of Carlingford	Removal of the pool is not supported	Noted. This matter is not relevant objection to the Stage 1 modification
	The extent of remediation and earthworks is too large and may result in archaeological impacts.	The remediation works are commensurate with the amount of contamination expected on the site. Significant archaeological testing and mitigation measures are proposed to be implemented and are supported by the OEH.
	Comments relating to the detailed design of the stadium proposed under Stage 2.	Noted. These items are not relevant to the proposed modification application.
	The piling works are not located on top of the pool, as such the demolition of the pool isn't necessary.	The removal of the pool was approved under the Stage 1 DA. All piling works are located within the building envelope approved under Stage 1.
	The project is disturbing the use and amenity of the Parramatta Park and Aquatic Centre	The use of the site was approved under the Stage 1 Concept Proposal and is not proposed to be amended under this modification.
	The modification should expand the excavation works to accommodate a below ground car park.	The car parking arrangements were approved under the Stage 1 Concept Proposal and are not proposed to be amended under this modification.
	The current stadium should be retained, building a bigger stadium is a waste of taxpayers money.	Noted. These comments are matters relevant to the Stage 1 DA.
	Objection to the demolition of the pool.	Noted. These comments are matters relevant to the Stage 1 DA.
	Removal of asbestos and remediation – DPE must ensure that there will be no spill of contaminated materials into the river or dust over the neighbourhood	Remediation is addressed in the RAP and supported by a Site Auditor statement. The EPA is supportive of the approach to remediation and management and mitigation measures will be imposed to ensure contaminated materials are appropriately contained.
Gre Hastings of Putney	<u>Piling will result in the following impacts:</u>	
	Noise, dust and long working hours	Noted. Noise and vibration has been address in Acoustic Logic Noise and Vibration Management Plan with impacts considered to be appropriate and consistent with that approved under Stage 1.
	Noise will disturb the grey headed flying foxes	Impacts on the GHFF camp are addressed in the Biodiversity impact statement prepared by AMBS Ecology and Heritage.
Alice Kershaw of Rozelle	Noise will disturb the girls at the Mercy Convent	Noted. Noise and vibration has been address in Acoustic Logic Noise and Vibration Management Plan with impacts considered to be appropriate and consistent with that approved under Stage 1.

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	Vibration will affect the heritage buildings in the Fleet Street Heritage Precinct	Noted. Noise and vibration has been address in Acoustic Logic Noise and Vibration Management Plan with impacts considered to be appropriate and consistent with that approved under Stage 1.
	Vibration will disturb the reptiles who live in the vicinity	Noted. Noise and vibration has been address in Acoustic Logic Noise and Vibration Management Plan with impacts considered to be appropriate and consistent with that approved under Stage 1.
	The survey Parramatta River Survey prepared by Parramatta Council is superior to that outlined in the modification	Noted. The Parramatta Council report addresses a catchment area of 26,590 hectares. The modification is to address the impacts associated with the changes of works (piling and excavation) which has been addressed in the submitted reports.
	The judgment of Rutledge still stands despite the Baird Government repealing it in 2016.	Noted, The Land and Environment Court judgement cited does not relate to the items proposed to be modified under the application.