

# Development consent

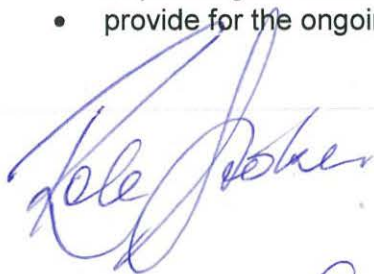
## Section 89E of the *Environmental Planning and Assessment Act 1979*

As the Minister for Planning, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.
- (b) that pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development not being for the purpose of a recreational facility with a capital investment value in excess of \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.



The Hon Rob Stokes MP  
Minister for Planning

Sydney

7 December

2016

### SCHEDULE 1

<b>Application No.:</b>	SSD 7534
<b>Applicant:</b>	Venues NSW
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Western Sydney Stadium 11-13 O'Connell Street, Parramatta (Lots 951-959 and 961-963 DP 42643 and Crown Land Lot 80-3000 (part))
<b>Approved Development:</b>	Development of Western Sydney Stadium, comprising:  <b>Concept Proposal</b> including: <ul style="list-style-type: none"><li>• Western Sydney Stadium and future development building envelopes;</li><li>• stadium capacity of up to 30,000 patrons;</li><li>• a maximum total GFA of 80,000 sqm comprised of:<ul style="list-style-type: none"><li>◦ a maximum of 60,000 sqm stadium GFA; and</li><li>◦ a maximum of 20,000 sqm future development GFA, within the northern corner of the site.</li></ul></li><li>• land uses across the site including stadium and ancillary uses and ancillary/complementary uses within the future development building envelope;</li><li>• a maximum of 500 surface car parking spaces;</li></ul>

- vehicular and pedestrian entry/exit points, ring road and pedestrian circulation zone;
- Design Guidelines to guide future development and the public domain; and
- public domain works including urban parks, plazas, landscaping, function zone, public domain improvements and associated works;

**Stage 1 demolition works** including:

- site establishment works;
- staged decommissioning and demolition of the existing Parramatta Stadium and Parramatta Swimming Centre pool and related structures and hard and soft landscaping; and
- waste management and site works to return all areas to ground level.

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Consent holder or person with the benefit of the development consent.
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia.
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent.
Council	Parramatta City Council.
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i> .
Department	Department of Planning and Environment or its successors.
EIS	<i>Environmental Impact Statement Stage 1 Concept Proposal and Demolition, Western Sydney Stadium</i> , prepared by AECOM Australia and dated 15 July 2016.
EPA	Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulation	Environmental Planning and Assessment Regulation 2000.
Feasible	Feasible relates to engineering considerations and what is practical to build.
Future Development Application	A subsequent development application for a detailed proposal in accordance with the EP&A Act.
GFA	Gross floor area.
Minister	Minister for Planning, or nominee.
OEH	Office of the Environment and Heritage.
Response To Submission (RtS)	<i>Response to Submissions and Preferred Project Report, Concept Proposal and Stage 1 Development, Western Sydney Stadium</i> , prepared by AECOM Australia and dated 23 September 2016.
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
Secretary	Secretary of Department of Planning and Environment.
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate).
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Subject Site	Western Sydney Stadium, 11-13 O'Connell Street, Parramatta (Lots 951-959 and 961-963 DP 42643 and Crown Land Lot 80-3000 (part)).
Zone of Influence	The horizontal distance from the edge of the excavation site or any construction zone (including on-site haulage routes) to twice the maximum excavation depth.

## SCHEDULE 2

### CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

#### PART A TERMS OF CONSENT

##### Development Description

- A1. Consent is granted to the 'Concept Proposal' as described in Schedule 1 and the EIS, as amended by the RtS and the conditions contained in this development consent.

##### Determination of Future Development Applications

- A2. In accordance with section 83B(3) of the EP&A Act all development under the Concept Proposal and the subsequent stages are to be subject of future development applications.
- A3. The determination of future development applications are to be generally consistent with the terms of development consent SSD 7534 as described in **Schedule 1** and subject to the conditions in Part B, **Schedule 2**.

##### Development in Accordance with Plans and Documents

- A4. The Applicant shall carry out the project in accordance with the conditions of consent and generally in accordance with the:
- a) EIS, as amended by the RtS; and
  - b) the following drawings, except for:
    - i) any modifications which are Exempt or Complying Development; and
    - ii) otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by <i>CHROFI, DesignInc and Fiona Yeates Consulting Pty Ltd</i>		
Dwg. No.	Name of Plan	Date
DA 05	STRUCTURE PLAN	23/09/16
DA 06	CONCEPT PLAN	23/09/16
DA 07	CONCEPT SECTIONS	23/09/16
DA 08	CONCEPT ELEVATIONS	23/09/16
DA 11	CONCEPT LANDSCAPE PLAN	23/09/16
DA 12	CONCEPT LANDSCAPE PLANS · SECTIONS	23/09/16
DA 13	PRECINCT PLAN – URBAN PLAZA	23/09/16
DA 14	PRECINCT PLAN – URBAN PARK	23/09/16
DA 15	PRECINCT PLAN – CORPORATE TERRANCE & VIP ENTRY TERRACE	23/09/16
DA 16	EXISTING TREE PLAN	23/09/16

##### Building envelopes

- A5. Future buildings contained within building envelopes shall be generally consistent with the Concept Proposal building envelope plans listed in condition A4.
- A6. The maximum height for the development shall be consistent with the Concept Proposal building envelope elevations plan for each building as detailed below:

Building	Maximum Height - RL
Western Sydney Stadium	RL 42.50

Future Development	RL 41.53
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### **Maximum GFA**

- A7. The maximum GFA for the development shall not exceed 80,000 sqm, comprising a maximum of:
- a) 60,000 sqm stadium GFA; and
  - b) 20,000 sqm future development GFA (comprising ancillary use(s) to the Western Sydney Stadium).

### **Lapsing of Approval**

- A8. This approval does not allow any components of the Concept Proposal, except site enabling works as described in Schedule 1, to be carried out without further approval or consent being obtained.
- A9. This consent will lapse five (5) years from the date of consent unless the site enabling works have physically commenced.

### **Legal Notices**

- A10. Any advice or notice to the consent authority shall be served on the Secretary.

### **Secretary as Moderator**

- A11. 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 Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

## **PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS**

### **Design Excellence**

- B1. Future Development Application(s) shall demonstrate design excellence and in demonstrating design excellence, the Applicant shall have regard to the following matters:
- a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
  - b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain;
  - c) whether the proposed development detrimentally impacts on view corridors;
  - d) how the proposed development addresses the following matters:
    - i) the suitability of the land for development;
    - ii) the existing and proposed uses and use mix;
    - iii) any heritage and archaeological issues and streetscape constraints or opportunities;
    - iv) the bulk, massing and modulation of buildings;
    - v) street frontage heights;
    - vi) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity;
    - vii) the achievement of the principles of ecologically sustainable development;
    - viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network;
    - ix) the impact on, and any proposed improvements to, the public domain;
    - x) the impact on any special character area;
    - xi) achieving appropriate interfaces at ground level between the building and the public domain; and
    - xii) excellence and integration of landscape design.
- B2. Future Development Application(s) shall be consistent with the *Western Sydney Stadium Urban Design and Public Realm Guidelines*, prepared by CHROFI and dated 23 September 2016.

### **Landscaping, public domain and open space**

- B3. Future Development Application(s) shall include detailed landscaping plans and treatment of open space and public areas. The plans shall be consistent with the *Western Sydney Stadium Urban Design and Public Realm Guidelines*, prepared by CHROFI and dated 23 September 2016.

### **Traffic**

- B4. No more than a maximum of 500 car parking spaces shall be provided on the site which includes provision for parking designed as accessible parking spaces for disabled persons.
- B5. Future Development Application(s) shall include a detailed assessment of traffic impacts, traffic generation, cumulative traffic impacts (including the approved Parramatta Leagues Club redevelopment) and analysis of intersection performance. The assessment shall include mitigation and management measures and recommendations on intersection/infrastructure upgrades, where this is deemed necessary.

### **Pedestrian, Public Transport and Bicycle networks**

- B6. Future Development Application(s) for the Western Sydney Stadium shall include an assessment of the capacity / adequacy of the following networks to accommodate likely future demand resulting from the Western Sydney Stadium:
- a) pedestrian network, including the requirement for a new pedestrian bridge crossing over Parramatta River at O'Connell Street;
  - b) public transport network; and
  - c) bicycle network.
- B7. To improve travel movements between the stadium and North Parramatta, Parramatta Park and Parramatta CBD, the assessment referred to in condition B6 shall include:
- a) the investigation of enhancements to pedestrian and bicycle connectivity; and
  - b) recommendations on potential provision of upgrades / new infrastructure or services, where this is deemed necessary.
- B8. The Applicant shall estimate the demand for buses, coaches and taxis for the operation of the stadium and to provide buses, coaches and taxis parking and pick up / drop off areas on-site to meet the demand.
- B9. Future Development Application(s) for the Western Sydney Stadium shall include appropriate bicycle facilities.

#### **Events Management Plan**

- B10. Future Development Application(s) for the Western Sydney Stadium shall include an Events Management Plan.
- B11. Future Development Application(s) for the Western Sydney Stadium are to include the type, frequency and duration of proposed events.

#### **Events Access Strategy**

- B12. Future Development Application(s) for the Western Sydney Stadium shall include an access strategy that addresses, but not be limited to, the following matters:
- a) measures to monitor patron event-day travel mode behaviour;
  - b) assesses public transport accessibility and needs for events; and
  - c) measures to minimise patrons driving and parking streets surrounding the Western Sydney Stadium precinct.

#### **Remedial Action Plan**

- B13. Where required, future Development Application(s) shall include a Remedial Action Plan reviewed and approved by a site auditor accredited under the Contaminated Land Management Act 1997.

#### **Noise Impact Assessment**

- B14. Future Development Application(s) shall include a Noise Impact Assessment (NIA) that identifies background noise levels, existing noise impacts, affected sensitive receivers, and includes appropriate modelling, noise contour maps and mitigation / management measures.

#### **Water Sensitive Urban Design**

- B15. Future Development Application(s) shall be designed in accordance with water sensitive urban design (WSUD) principles outlined in the *Western Sydney Stadium Water Cycle Management and Flooding Working Paper*, prepared by AECOM and dated 13 July 2016.

## **Biodiversity**

- B16. Future Development Application(s) shall include a Biodiversity Assessment that considers the detailed construction and operational impacts of the development and includes any necessary mitigation measures to minimise any potential adverse impacts on the existing Grey-headed Flying-fox Camp.

## **Lighting**

- B17. Future Development Application(s) shall include a Lighting Strategy. The strategy shall consider energy efficiency measures and impacts on heritage items listed on the National and World heritage registers and endangered and threatened flora/ fauna adjoining the site. The strategy shall include:
- a) heights, appearance and light-shed of any new Stadium lighting;
  - b) consideration of the *Western Sydney Stadium Urban Design and Public Realm Guidelines*, prepared by CHROFI and dated 23 September 2016; and
  - c) consideration of impacts and mitigation and management measures.

## **Heritage**

- B18. Future Development Application(s) for the Western Sydney Stadium shall include information/drawings regarding the:
- a) height and bulk of the existing Stadium in relation to the new Stadium; and
  - b) detailed design of areas of the site which are within the State Heritage Register curtilage, including the proposed Parkland Transition Zone, to inform how the project may affect the cultural heritage values of Parramatta Park and Old Government House, as well as the Parramatta Park Master Plan.
- B19. Future Development Application(s) for the Western Sydney Stadium shall include a Heritage Interpretation Strategy and Plan.

## **Archaeology**

- B20. Future Development Application(s) shall include an updated Archaeological Assessment identifying the predicted locations and appropriate buffer zones of archaeological relics in or near the current project boundary area.

The Archaeological Assessment shall include clear mapping to assist in the detailed design of the Future Development Applications to ensure archaeological relics of State and National heritage significance are conserved in-situ and not impacted by the development or associated landscaping, fencing, car parking or service provision.

The Archaeological Assessment must be prepared by a suitably qualified historical archaeologist who meets the Heritage Council's Excavation Directors Criteria for State significant archaeology.

## **Mays Hill Precinct Master Plan**

- B21.
- a) Prior to the determination of a future Development Application for the design and construction of the Western Sydney Stadium, evidence is to be submitted to the satisfaction of the Secretary that the master planning process for the Mays Hill Precinct has commenced, and that it is being undertaken in consultation with the local community and users of the existing Parramatta Swimming Centre. The master planning process is to be funded by the Applicant and must address the current and future potential recreation and aquatic needs of the local community, industry trends and the functional requirements for any new aquatic centre.



- b) If the master planning process and associated site suitability and feasibility study demonstrate that the Mays Hill Precinct is not a suitable site for the construction of a new aquatic centre, a report is to be provided to the Secretary that identifies interim swimming facility options and alternate locations for a new aquatic centre for investigation.

## **SCHEDULE 3**

### **PART A CONDITIONS OF CONSENT FOR STAGE 1 DEMOLITION WORKS**

#### **Development Description**

- A1. Consent is granted to the site enabling works as described in Schedule 1 and the EIS, as amended by the RtS and the conditions contained in this development consent.

#### **Development in Accordance with Plans and Documents**

- A2. The Applicant shall carry out the project in accordance with the conditions of consent and generally in accordance with the EIS, as amended by the RtS and as otherwise provided by the conditions of this consent.

#### **Lapsing of Approval**

- A3. This consent will lapse five (5) years from the date of consent unless the site enabling works have physically commenced.

#### **Legal Notices**

- A4. Any advice or notice to the consent authority shall be served on the Secretary.

#### **Secretary as Moderator**

- A5. Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within two months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

## **PART B PRIOR TO COMMENCEMENT OF WORKS**

### **Notice of Commencement of Works**

- B1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of building work on the Subject Site.

### **Demolition Environmental Management Plan**

B2.

- a) Prior to the commencement of works, a Demolition Environmental Management Plan (DEMP) based on the Revised Summary of Mitigation and Management Measures contained within the RtS and shall be submitted to the Certifying Authority. The DEMP shall also address, but not be limited to, the following matters, where relevant:
  - i) hours of work;
  - ii) 24 hour contact details of site manager;
  - iii) traffic management, in consultation with Council;
  - iv) demolition noise and vibration management plan (DNVMP), prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);
  - v) protection of the existing Grey-headed Flying-fox in accordance with the mitigation measures outlined in the report titled, *Western Sydney Stadium, Parramatta Biodiversity Assessment*, prepared by Eco Logical Australia Pty Ltd and dated 30 June 2016;
  - vi) management of dust and odour to protect the amenity of the neighbourhood;
  - vii) erosion and sediment control;
  - viii) procedures for encountering groundwater during construction works including contact with NSW Office of Water;
  - ix) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site;
  - x) stormwater control and discharge;
  - xi) waste storage and recycling control;
  - xii) construction material storage;
  - xiii) litter control;
  - xiv) unexpected finds protocol; and
  - xv) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
- b) The DEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the DEMP, the consent shall prevail.
- c) The Applicant shall submit a copy of the DEMP to Council prior to commencement of works.
- d) The DEMP (as revised from time to time) must be implemented by the Applicant for the duration of the demolition works.

### **Demolition Traffic and Pedestrian Management Plan**

B3.

- a) Prior to the commencement of works, a Demolition Traffic and Pedestrian Management Plan (DTPMP), prepared by a suitably qualified person, shall be

submitted to the Certifying Authority. The DTPMP must be prepared in consultation with Council, Transport for NSW and Roads and Maritime Services.

- b) The DTPMP shall address, but not be limited to, the following matters:
  - i) location of the proposed work zone;
  - ii) haulage routes;
  - iii) construction vehicle access arrangements;
  - iv) proposed construction hours;
  - v) estimated number of construction vehicle movements;
  - vi) construction program;
  - vii) consultation strategy for liaison with surrounding stakeholders;
  - viii) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - ix) cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and
  - x) mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- c) The Applicant shall submit a copy of the final Plan to Council, prior to the commencement of work.
- d) The DTPMP (as revised from time to time) must be implemented by the Applicant for the duration of demolition works.

### **Community Involvement Plan**

- B4. A Community Involvement Plan (CIP) shall be prepared in consultation with Council prior to commencement of works. The CIP shall be based on the Revised Summary of Mitigation and Management Measures contained within the RtS and shall include how notification of residents and complaints associated with the demolition works will be mitigated/managed.

### **Interim Recreation Swimming Pool Management Plan**

- B5. Prior to the commencement of demolition works associated with the Parramatta Swimming Centre, an Interim Recreation Swimming Pool Management Plan (IRSPMP) must be prepared and submitted to the Certifying Authority. The IRSPMP must be prepared in consultation with Council, the operators of alternate swimming pool facilities and Parramatta Park Trust and existing users of the Parramatta Swimming Centre, that:
  - a) identifies existing users of the Parramatta Swimming Centre and services affected;
  - b) identifies alternate swimming pool facilities and assess their capacity, services provided and ability to accommodate existing users of the Parramatta Swimming Centre;
  - c) identifies alternate public and private swimming pool facilities within a 10 kilometre radius of Parramatta Swimming Centre and an assessment of their capacity and services offered and ability to accommodate existing users of the Parramatta Swimming Centre;
  - d) identifies public transport opportunities that provide accessibility for the local community and users of the existing swimming pool to alternate swimming pool facilities;
  - e) includes a directory and contact list of alternate swimming pool facilities;

- f) includes measures to promote and support access to alternate public and private swimming pool facilities for existing user of the Parramatta Swimming Centre; and
  - g) includes a communications strategy to keep existing users informed about investigations into the delivery of a new aquatic centre.
- B6. The Applicant shall submit a copy of the final IRSPMP to Council and the Department and make it publicly available.
- B7. The IRSPMP (as revised from time to time, unless otherwise agreed to by the Secretary) must be implemented by the Applicant until such time as the new replacement aquatic centre is delivered.

### **Stormwater Management**

- B8. Prior to the commencement of works, a Stormwater Management Plan (SMP) is to be prepared and submitted to the Certifying Authority. The SMP is to detail the proposed stormwater disposal and drainage from the development, designed in accordance with, but not limited to the Australian and Council's Stormwater Management Code as follows:
- a) Australian Rainfall and Runoff – A Guide to Flood Estimation, Volumes 1 and 2 (1987);
  - b) SA/NZS 3500.3.2 National Plumbing and Drainage Part 3.2: Stormwater Drainage – Acceptable Solutions;
  - c) On-Site Stormwater Detention Handbook (Fourth Edition, December 2005) – Upper Parramatta River Catchment Trust;
  - d) Managing Urban Stormwater – Soils and Construction Volume 1 (4th Edition March 2004) – NSW Department of Housing;
  - e) Blacktown City Council Engineering Guidelines for Development – 2015;
  - f) Blacktown City Council Development Control Plan 2015 Part J Water Sensitive Urban Design and Integrated Water Cycle Management;
  - g) loading and unloading, including construction zones;
  - h) predicted traffic volumes, types and routes; and
  - i) pedestrian and traffic management methods.

All approved details for the disposal of stormwater and drainage are to be implemented in the development.

### **Pre-construction Dilapidation Report**

- B9. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works. A copy of the report is to be forwarded to the Council.

In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Secretary that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

### **Waste Management Plan During Construction**

- B10.
- a) Prior to the commencement of any works on the Subject Site, a Construction Waste Management Plan, prepared by a suitably qualified person, shall be submitted to the

Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- i) recycling of demolition materials including concrete; and
  - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The Applicant shall provide a copy of the Plan to the Department and to Council, prior to commencement of work.
- d) The Applicant must notify the Roads and Maritime Services Traffic Management Centre of the truck routes(s) to be followed by trucks transporting waste material from the Subject Site, prior to the commencement of the removal of any waste material from the Subject Site.

### **Erosion and Sedimentation Control**

B11. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of above ground works involving vegetation removal or soil disturbance.

### **Archaeology**

- B12. A historic heritage induction for the site must occur for all personnel undertaking excavation. The induction should include a brief history of the site, provide and discuss a copy of the archaeological exclusion zones and details of how to deal with unexpected finds.
- B13. An unexpected finds protocol must be created to manage the unexpected discovery of potential relics during Stage 1 works. This should include details of what constitutes an archaeological relic for the project, stop work procedures, procedures for contacting a suitably qualified archaeologist to assess the find, and processes for notification and consultation with the Heritage Council. If a relic is uncovered work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Work may only recommence after approval from the Heritage Council. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

## **PART C DURING CONSTRUCTION**

### **Hours of Work**

- C1. The hours of construction, including the delivery of materials to and from the Subject Site, shall be restricted as follows:
- a) Between 7 am and 6 pm, Mondays to Fridays inclusive.
  - b) Between 8 am and 1 pm, Saturdays.
  - c) No work on Sundays and public holidays.
  - d) Works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
    - iii) a variation is approved, in advance, in writing, by the Secretary or her nominee.

No construction vehicles (including concrete agitator trucks) involved in demolition and site establishment activities shall arrive at the project site or in surrounding residential precincts outside approved construction hours.

### **Construction Noise Management**

- C2.
- a) The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved as part of the DEMP.
  - b) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
  - c) The Applicant shall schedule intra-day 'respite periods' for demolition activities identified in the Interim Construction Noise Guideline as being particularly annoying to surrounding residents and other noise sensitive receivers. Respite periods shall be scheduled at the same time each day (e.g. 8 am to 11 am Monday to Saturday, 12 pm to 3 pm Monday to Friday and 4 pm to 6 pm Monday to Friday) unless otherwise negotiated with the most affected noise sensitive receivers.

The demolition work shall involve a regime of not more than three hours on followed by an uninterrupted 1 hour respite from high noise (annoying characteristics and/or noise levels).
  - d) Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the Subject Site.
  - e) The Applicant shall undertake a safety risk assessment of construction activities to determine whether it is practicable to use audible movement alarms of a type that would minimise the noise impact on surrounding noise sensitive receivers, without compromising safety.

### **Vibration Criteria**

- C3. Vibration caused by construction at any residence or structure outside the Subject Site must be limited to:

- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration – Effects of Vibration on Structures; and
  - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
- C4. These limits apply unless otherwise outlined in a DNVMP, approved as part of the DEMP.
- C5. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

### **Erosion and Sediment Control**

- C6. All erosion and sediment control measures are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **Disposal of Seepage and Stormwater**

- C7. Any seepage or rainwater collected on-site during demolition or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the New South Wales *Protection of the Environment Operations Act 1997*.

### **Approved Plans to be On-Site**

- C8. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **Site Notice**

- C9.
- a) A site notice(s) shall be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.
  - b) The notice(s) is to satisfy all but not be limited to, the following requirements:
    - i) Minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30 point type size;
    - ii) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
    - iii) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
    - iv) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Subject Site is not permitted.

### **Protection of Trees**

- C10.
- a) No street trees are to 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 shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, shall be replaced, to the satisfaction of Council.
- c) All trees on the Subject Site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches during construction.

### **Work Cover Requirements**

- C11. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

### **Contamination / Waste**

- C12. All material in the buildings to be demolished are to be removed in accordance with the guidelines of the WorkCover Authority and the requirements of the EPA.
- C13. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 shall be satisfied, with particular reference to Part 7 'asbestos waste'. In addition, the Applicant shall consult with Safework NSW concerning the handling of any asbestos waste that may be encountered during the course of the project.
- C14. All waste generated and any subsurface soils excavated during the demolition shall be assessed, classified and managed in accordance with the Waste Classification Guidelines: Part 1 Classifying Waste NSW DECC, 2009.
- C15. A site auditor accredited under the Contamination Land Management Act 1997 shall be engaged for the various stages of the project which involve remediation work.
- C16. Prior to the commencement of demolition work, the Applicant shall prepare and implement an appropriate procedure for identifying and dealing with unexpected finds of site contamination, including asbestos containing materials and lead-based paint, particularly in respect of the existing buildings and their curtilage.
- C17. In the event that unexpected ground contamination is discovered, the site auditor is to review the site contamination assessments and undertake the following actions:
  - a) provide an opinion on whether the nature and extent of contamination has been appropriately determined; and
  - b) ensure any necessary remedial work is carried out in accordance with best practice and reporting is to the standards required by the EPA.
- C18. Should any new information come to light during demolition works which has the potential to alter previous conclusions about site contamination then the Department must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

### **Waste Control and Management**

- C19. The Applicant shall undertake further assessment of soil contamination following demolition of existing structures and prior to undertaking any earthworks.
- C20. The body of any vehicle or trailer, used to transport waste or excavation spoil from the site, shall be covered before leaving the site to prevent any spill or escape of dust, waste or spoil from the vehicle or trailer.
- C21. Mud splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, shall be removed before the vehicle, trailer or motorised plant leaves the site.

C22. Concrete waste and rinse water shall not be disposed of on the project site and instead that:

- a) waste concrete shall either be returned to the agitator truck(s) to the supplier or directed to a dedicated watertight skip protected from the entry of precipitation; and
- b) concrete rinse water shall be directed to a dedicated watertight skip protected from the entry of precipitation or a suitable water treatment plant.

### **Dust Control and Management**

C23. The Applicant shall minimise dust emissions on the site and prevent dust emissions from the site resulting from:

- a) the breaking down of existing structures and structural elements;
- b) excavation, processing and handling of excavation spoil;
- c) wind action on demolition waste and excavation spoil stock piles; and
- d) wind action on and plant movement across areas bare of vegetation or other cover.

### **Demolition**

C24. All demolition is to be carried out in accordance with the requirements of the Australian Standard AS2601-2001.

### **Hoarding/Fencing Requirements**

C25. The following hoarding requirements shall be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

### **Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics**

C26. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch shall be contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

### **Discovery of Aboriginal Heritage**

C27. In the event that surface disturbance identifies a new Aboriginal object, all works shall cease in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives shall be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all identified objects/sites.

## **ADVISORY NOTES**

### **Memorandum of Understanding**

AN1. The Memorandum of Understanding between Parramatta Park Trust and Venues NSW should include guidelines to assist the lessees in understanding their obligations under the Heritage Act 1977, and provide policies.

### **Appeals**

AN2. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

### **Other Approvals and Permits**

AN3. The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Responsibility for Other Consents / Agreements**

AN4. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### **Prescribed Conditions**

AN5. The Applicant shall comply with all relevant prescribed conditions of the development consent under Part 6, Division 8A of the Regulation.

### **Long Service Levy**

AN6. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 14 41.

### **Temporary Structures**

AN7.

- a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### **Disability Discrimination Act**

AN8. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the BCA which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

## **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN9.

- a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of the Environment and Energy to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **Asbestos Removal**

AN10. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"