

# Modification of Development Consent

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**

Sydney 25th May 2017

## SCHEDULE 1

**Development Consent:** SSD 7534

**For the Following:**

Concept Proposal including:

- Western Sydney Stadium and future development building envelopes;
- stadium capacity of up to 30,000 patrons;
- a maximum total GFA of 80,000 sqm comprised of:
  - a maximum of 60,000 sqm stadium GFA; and
  - a maximum of 20,000 sqm future development GFA, within the northern corner of the site.
- land uses across the site including stadium and ancillary uses and ancillary/complementary uses within the future development building envelope;
- a maximum of 500 surface car parking spaces;
- 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.

**Applicant:** Venues NSW

**Consent Authority:** Minister for Planning

**The Land:**

Western Sydney Stadium  
11-13 O'Connell Street, Parramatta (Lots 951-959 and 961-964 in DP 42643 and Crown Land Lot 80-3000 (part))

**Modification:**

**SSD 7534 MOD 1:** the modification includes:

- site remediation works and associated site levelling and bulk earthworks in accordance with recommendations outlined in the Remedial Action Plan; and
- stadium piling works to establish construction foundations.

## SCHEDULE 2

1. Schedule 1 'Approved Development' is amended by the insertion of the **bold and underlined** words and deletion of the ~~struck-out~~ words as follows:

### Approved Development

#### Stage 1 ~~demolition~~ works including:

- **remediation, site levelling and earthworks;**
- **stadium pilling;**
- 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.

2. Schedule 3 'Part A – Conditions of Consent for Stage 1 Demolition Works' is amended by the deletion of the ~~struck-out~~ words as follows:

### Part A Conditions of Consent for Stage 1 ~~Demolition~~ Works

3. Schedule 3, Part A – Conditions of Consent for Stage 1, Condition A1 Development Description is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words as follows:

#### 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.~~

- a) **the RtS and the conditions contained in this development consent; and**
- b) **Section 96(2) Modification Application (SSD 7534 MOD 1) to SSD 7534.**

4. Schedule 3, Part A – Conditions of Consent for Stage 1, Condition A4 Development in Accordance with Plans and Documents is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words as follows:

#### 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.~~

- a) **the RtS and the conditions contained in this development consent; and**
- b) **Section 96(2) Modification Application (SSD 7534 MOD 1) to SSD 7534.**

5. Schedule 3, Part B Prior to Commencement of Works, Condition B8 Stormwater Management is amended by the deletion of the ~~struck-out~~ words as follows:

#### 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;~~
- e) loading and unloading, including construction zones;
- f) predicted traffic volumes, types and routes; and
- g) pedestrian and traffic management methods.

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

6. New conditions B14 to B16 are inserted shown **bold an underlined** following Condition B13 Archaeology in Schedule 3, Part B Prior to Commencement of Works as follows:

### Archaeology

**B14. Prior to the commencement of any works (not including demolition of existing buildings and structures and remedial action works performed to the extent of avoiding State and National significant archaeological deposits and substantially intact archaeological evidence):**

- a) **an archaeological program must be undertaken in accordance with the Archaeological Research Design set out in the Statement of Heritage Impact, titled *Western Sydney Stadium – Stage 2 DA Statement of Heritage Impact SSD 8175*, prepared by Casey and Lowe and dated March 2017 and letter prepared by Casey and Lowe dated 28 April 2017. Where possible, all works should avoid State and National significant archaeological deposits and substantially intact archaeological evidence; and**
- b) **the results of the archaeological program are to be submitted to the Heritage Council (or its delegate) for its review, including a summary of the archaeological results and evidence to the satisfaction of the Heritage Council, on how the results are being used to guide all other below ground works to ensure archaeological information is being protected.**

**B15. Where the avoidance of significant archaeological in whole or in part is not possible to achieve in the carrying out of the remediation of the site, a detailed archaeological salvage of the proposed impacted areas must be undertaken. Prior to the salvage works commencing, a corresponding archaeological research design and excavation methodology must 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 archaeology.**

**B16. A final excavation report shall be prepared within 12 months of the completion of archaeological works on site. The excavation report 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, the Heritage Council of NSW and to the City of Parramatta Local Studies unit.**

7. New conditions B17 and B18 are inserted shown **bold an underlined** following new Condition B17 Archaeology in Schedule 3, Part B Prior to Commencement of Works as follows:

## Aboriginal Heritage

**B17. Prior to the commencement of any bulk excavation or piling works, an Archaeological Research Design (ARD) and Aboriginal Archaeological Management Plan (AAMP), in consultation (ongoing) with the Registered Aboriginal Parties (RAP) for the project, must be prepared to the satisfaction of the Secretary. The ARD and AAMP must provide the methodology for test and salvage excavation appropriate to the study area and guide the ongoing management of Aboriginal heritage associated with the approved development.**

**B18. Aboriginal archaeological test and salvage excavation must be undertaken prior to any bulk excavation, piling or redevelopment works on the site.**

8. New conditions B19 to B22 are inserted shown **bold an underlined** following new Condition B21 Aboriginal Heritage in Schedule 3, Part B Prior to Commencement of Works as follows:

## Site Contamination

**B19.**

- a) **Remediation approved as part of this development consent, and any further investigations required following demolition of existing buildings and structures, must be carried out in accordance with the Remediation Action Plan, Western Sydney Stadium Redevelopment, prepared by Senversa Pty Ltd and dated 31 March 2017.**
- b) **The Long-term Environment Management Plan, prepared upon completion of remedial works and to the satisfaction of the Site Auditor, shall identify the location of re-buried asbestos impacted material and detail the requirements for its ongoing management on the development site.**
- c) **The Long-term Environment Management Plan (as revised from time to time, where relevant) must be implemented by the Applicant for the life of the development.**

**B20.**

- a) **Prior to the commencement remedial works, an Asbestos Management Plan shall be prepared for approval by the Site Auditor. The Plan must clearly specify the requirements for dust and water control and management and for dealing with unexpected finds.**
- b) **The Asbestos Management Plan (as revised from time to time, where relevant) must be implemented by the Applicant for the duration of the development works on-site.**

**B21. Prior to the commencement of remedial works, the Applicant shall prepare and submit a works plan and a validation, sampling analysis plan to the Site Auditor for approval. The works plan and validation, sampling analysis plan shall identify how gaps in the assessment of fill materials will be undertaken and be implemented following Site Auditor approval.**

**B22. Upon completion of the remediation works on the subject site, the Applicant is to submit to the Certifying Authority a site audit report and site audit statement prepared by a NSW EPA accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the uses proposed as part of this approval.**

9. New condition 23 is inserted shown **bold an underlined** following new Condition B24 Site Contamination in Schedule 3, Part B Prior to Commencement of Works as follows:

## Stage 1 Works Environmental Management Plan

B23.

- a) Prior to the commencement of Stage 1 Works (i.e. remediation, earthworks and piling, but not including demolition activities), a Stage 1 Works Environmental Management Plan (SEMP) must be prepared, having regard to the Revised Summary of Mitigation and Management Measures contained within the RtS, as amended by Section 96(2) Modification Application (SSD 7534 MOD 1) to SSD 7534, and must be submitted to the satisfaction of the Certifying Authority. The SEMP must 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) excavation, construction noise and vibration management plan (ECNVMP), prepared by a suitably qualified person and having regard to the established background noise levels presented in Table 14 of *Technical Working Paper: Noise and Vibration* prepared by AECOM and dated 6 July 2016, 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 and statements prepared by AMBS Ecology and Heritage and dated 3 February 2017 and 28 March 2017;
  - 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 SEMP 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 SEMP, the consent prevails.
- c) The Applicant must submit a copy of the SEMP to the Department and Council prior to commencement of Stage 1 Works.
- d) The SEMP (as revised from time to time) must be implemented by the Applicant for the duration of the Stage 1 works.

10. New condition 24 is inserted shown **bold an underlined** following new Condition B25 Stage 1 Works Environmental Management Plan in Schedule 3, Part B Prior to Commencement of Works as follows:

## Stage 1 Works Traffic and Pedestrian Management Plan

B24.

- a) Prior to the commencement of Stage 1 Works (i.e. remediation, earthworks and piling, but not including demolition activities), a Stage 1 Works Traffic and Pedestrian Management Plan (STPMP), prepared by a suitably qualified person, must be submitted to the satisfaction of the Certifying Authority. The STPMP must be prepared in consultation with Council, Transport for NSW and Roads and Maritime Services.
- b) The STPMP must address, but not be limited to, the following matters:
  - i) location of the proposed work zone;
  - ii) haulage routes;
  - iii) pedestrian and cyclist routes impacted by construction activities and hording, and proposed alternative routes, designed in accordance with accessible design standards;
  - iv) construction vehicle access arrangements;
  - v) proposed construction hours;
  - vi) estimated number of construction vehicle movements;
  - vii) construction program;
  - viii) consultation strategy for liaison with surrounding stakeholders;
  - ix) 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;
  - x) cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMPs to ensure that coordination of work activities are managed to minimise impacts on the road network; and
  - xi) mitigation measures.
- c) 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 STPMP.
- d) The Applicant must submit a copy of the final STPMP to the Department and Council, prior to the commencement of Stage 1 Works.
- e) The STPMP (as revised from time to time) must be implemented by the Applicant for the duration of Stage 1 Works.

11. Schedule 3, Part C During Condition, Condition C1 Hours of Work is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ as follows:

### **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 **the Stage 1 Works** ~~demolition and site establishment activities~~ shall arrive at the project site or in surrounding residential precincts outside approved construction hours.

12. Schedule 3, Part C During Condition, Condition C2 Construction Noise Management parts a) and c) are amended by the insertion of the **bold and underlined** words/numbers and deletion of the struck-out as follows:

#### **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~~ **DNVMP and ECVMP**, approved as part of the DEMP and SEMP.
- c) The Applicant shall schedule intra-day 'respite periods' for demolition, **piling, earthworks and other related Stage 1 Works construction** activities identified in the Interim Construction Noise Guideline as being particularly annoying to surrounding residents and other noise sensitive receivers **or where construction activities result in those residents and sensitive receivers being exposed to construction noise levels above 75 dB(A) (i.e. "highly noise affected")**. 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~~ **These construction activities** 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).

13. Schedule 3, Part C During Condition, Condition C4 Vibration Criteria is amended by the insertion of the **bold and underlined** words/numbers and deletion of the struck-out as follows:

- C4. These limits apply unless otherwise outlined in a DNVMP, approved as part of the DEMP, or **a ECVMP, approved as part of the SEMP**.

**End of modification SSD 7534 MOD 1**

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