

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, 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



Anthony Witherdin
Director
Key Sites Assessments

Sydney: 11 November 2022

File: SSD 24452965

SCHEDULE 1

Application Number:	SSD 24452965
Applicant:	Parramatta National Rugby League Club Limited
Consent Authority:	Minister for Planning
Site:	8 Memorial Avenue, Kellyville and Lot 60 DP10702, Lot 1 DP167535
Development:	Construction and operation of Parramatta Eels Centre of Excellence and Community Facility, including: <ul style="list-style-type: none">• a high-performance recreation training centre, including gymnasium, medical and rehabilitation facilities, recovery and rehabilitation pools, lecture theatre and meeting rooms• new recreation and community facilities, including new female change room and amenities, community gymnasium and education room and multi-purpose function room• a new 1,500 seat grandstand and additional spectator mounding• 40 car parking spaces• associated landscape works.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Parramatta National Rugby League Club Limited, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCC	Community Consultative Committee
CCS	Community Communication Strategy
Certifier	A Council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	Hills Shire Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Industry and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled Parramatta Eels Centre of Excellence & Community Hub prepared by Urbis, dated 14 April 2022, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the Protection of the Environment Operations Act 1997
Feasible	Means what is possible and practical in the circumstances
Incident	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>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Major Event Days	An event carried out within the CoE and/or CF with 1,500 attendees or more

Material harm

Is harm that:

- involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or
- 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)

Minister	NSW Minister for Planning (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Reasonable	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.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SDRP	State Design Review Panel
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.
Site	The land identified in Schedule 1
SSD	State Significant Development
TfNSW	Transport for NSW
Tenanted Component	Has the same meaning as the definition of the term in clause 41A of the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

**SCHEDULE 2
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 must 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) in accordance with the EIS and RtS;
- d) in accordance with the approved plans in the table below:

Architectural drawings prepared by HB Arch Architecture & Planning			
Drawing Number	Rev	Name of Plan	Date
A03	C	Existing / Demolition	9/08/2022
A04	C	Site Sections	9/08/2022
A05	C	Site Staging Plan	9/08/2022
A06	D	New Site Works Plan	9/08/2022
A07	C	Connecting With Country	9/08/2022
A08	C	Connectivities Site Plan	9/08/2022
A09	C	Connectivities Site Plan (Micro)	9/08/2022
A10	C	GA Coe Lower Plan	9/08/2022
A11	C	GA Coe Upper Plan	9/08/2022
A12	C	GA Coe Roof Plan	9/08/2022
A13	C	GA Community Facility Lower Plan	9/08/2022
A14	C	GA Community Facility Upper Plan	9/08/2022
A15	C	GA Community Facility Roof Plan	9/08/2022
A18	C	Area Plans	9/08/2022
A19	D	Elevations West	9/08/2022
A20	D	Elevations East	9/08/2022
A21	C	Sections A+B+C	9/08/2022
A22	D	Sections D+F	9/08/2022
A40	C	Coe Daylighting Plan	9/08/2022
A41	C	Coe Admin. Sun/Shading Study - Afternoon	9/08/2022
A42	C	Solar Angles (June 22)	9/08/2022
A43	C	Solar Angles (Dec 22)	9/08/2022
A44	C	Sustainability And Climate Change	9/08/2022
A45	C	External Material Palette	9/08/2022

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; and
- (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.

- 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**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- (a) the detailed fit-out and operation of the retail and/or café premises or other ancillary tenancies
 - (b) the installation of signage

Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

DESIGN INTEGRITY

- A7. Any modifications to the building design or landscape strategy that require consent must be reviewed by the Government Architect NSW.

PRESCRIBED CONDITIONS

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

- A9. In the event of a dispute between the Applicant and a public authority, in relation to a 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 will be binding on the parties.

LEGAL NOTICES

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

- A11. 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 to the Planning Secretary 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.

STRUCTURAL ADEQUACY

- A12. 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 NCC.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A13. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

ODOUR REQUIREMENTS

- A14. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- A15. Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system

APPLICABILITY OF GUIDELINES

- A16. 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.
- A17. However, 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

- A18. 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 and independent environmental 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.

COMPLIANCE

- A19. 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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A20. Within three months of:
- (a) the submission of a compliance report under this consent;
 - (b) the submission of an incident report under this consent;
 - (c) the submission of an Independent Audit under this consent;
 - (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
 - (e) the issue of a direction of the Planning Secretary under this consent which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

- A21. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval 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.

COMPLIANCE REPORTING

- A22. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- A23. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- A24. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A25. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

- A26. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

- A27. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- A28. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- A29. 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 this consent;
 - (b) submit the response to the Planning Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.
- A30. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.
- A31. Notwithstanding the requirements of the Independent Audit Post Approvals 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 independent operational audits have demonstrated operational compliance.

MAJOR EVENTS

- A32. Major Event Days, as defined by this consent, are limited to a maximum of five (5) days per year.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DESIGN AMENDMENTS

- B1. Prior to the issue of the first Construction Certificate, the Applicant must submit revised plans to the Planning Secretary for approval. The revised plans must be prepared in consultation with the Government Architects Office and detail the following:
- (a) Incorporation of additional windows (in addition to the hit-and-miss brickwork) to provide oversight onto the carpark. These windows should be proportioned and recessed to provide solar shading from the eastern sun.
 - (b) Incorporation of screening of all bin store areas, including the store area located north-eastern side of the proposed car park.

Evidence of consultation with and the incorporation of any feedback from the Government Architects Office must be provided to the Department.

DESIGN EXCELLENCE AND INTEGRITY

- B2. The architectural design team comprising HB Arch Architecture & Planning is to have direct involvement in the design documentation, contract documentation and construction stages of the project.
- B3. The architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.
- B4. Evidence of the architectural design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate.
- B5. The architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.
- B6. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant must notify the Planning Secretary of any proposed modifications to the approved architectural drawings.
- B7. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the State Design Review Panel or other appropriate person(s).

MATERIALS AND FINISHES

- B8. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:
- (a) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application
 - (b) confirmation of the process and methods in arriving at the final choice for all materials and finishes
 - (c) detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.

The plans lodged to satisfy this consent must include final specifications of colour, material and, where relevant, manufacturer.

CONNECTING WITH COUNTRY

- B9. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary and the Government Architect NSW, a report outlining the outcomes of the First Nations Working Group in the Designing with Country Implementation Framework prepared by Ngurra Advisor and include drawings illustrating the location, size and details of the proposed design responses.

LONG SERVICE LEVY

- B10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

STRUCTURAL DETAILS

- B11. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (a) the relevant clauses of the NCC; and
- (b) this development consent.

EXTERNAL WALLS AND CLADDING

- B12. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- B13. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier 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 NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B14. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

MECHANICAL VENTILATION

- B15. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B16. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

- B17. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

SITE STABILITY AND CONSTRUCTION WORK

- B18. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
 - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the dam wall of Sydney Water's Basin 35, adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
 - (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place); and,
 - (f) be consistent with and incorporate all the relevant recommendations detailed in the Report on Geotechnical Investigation, prepared by Douglas Partners, dated March 2022.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B19. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within Section 6.2.1 of the EIS prepared by Urbis, dated 14 April 2022.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

B20. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the ESD Report prepared by Erbas, dated 18 March 2022.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B21. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:

- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
- (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
- (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.
- (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

MECHANICAL PLANT NOISE MITIGATION

B22. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B23. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Assessment, prepared by Resonate, dated 19 March 2022.

SYDNEY WATER ASSETS

B24. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

CAR PARKING

B25. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:

- (a) all vehicles must enter and leave the subject site in a forward direction;
- (b) all vehicles are to be wholly contained on site before being required to stop;
- (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, blind aisle car park and parking bay dimensions) must be in accordance with the applicable Australian Standards;
- (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTRROADS.

BICYCLE PARKING AND FACILITIES

B26. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating:

- (a) a minimum of 53 on-site bicycle parking spaces, including an appropriate number of designated for staff only use;
- (b) the provision of end-of-trip facilities for staff, including lockers and a minimum of 10 showers;

- (c) The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 Parking Facilities - Bicycle Parking, and be located in secure, convenient and accessible areas, incorporating adequate lighting and surveillance;
- (d) Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015. Storage, change room and shower facilities for use by employees must be provided.

Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the relevant Construction Certificate

LANDSCAPING

- B27. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Landscape Plan. The plan must be generally consistent with the Landscape Plans prepared by iScape Rev. A, dated 10 August 2022 and informed by the recommendations in the Designing with Country Implementation Framework prepared by Ngurra Advisory and Arborist Report prepared by Earthscape Horticultural Services, dated February 2022. The detailed Landscape Plan must include:
- (a) details of tree planting, including pot sizes;
 - (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (c) demonstrate adequate drainage and watering systems for the planters;
 - (d) details of plant maintenance and watering for the first 12 months; and
 - (e) a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

OUTDOOR LIGHTING

- B28. Prior to the issue of the Construction Certificate for above ground works, the Applicant must prepare a detailed Lighting Plan. The Lighting Plan must address the following:
- (a) luminaire design, post height, placement and operation;
 - (b) avoidance of the direct illumination of sensitive areas including the neighbouring residential properties, retained vegetation and replacement plantings;
 - (c) appropriate measures must be incorporated into the lighting design which minimise indirect light spill in the 50 m and 100 m buffer zone around such respective areas;
 - (d) glare shields must be used where appropriate to further reduce the indirect impact of light spill on habitat within the site; and
 - (e) warm spectrum (3000k) lighting must be used to reduce the impact on nocturnal animals.

All new outdoor lighting must incorporate the recommendations of the Light Spill Report Parramatta Eels Centre of Excellence, Revision 0 dated 28 February 2022 and comply with AS4282: 2019 - Control of the obtrusive effects of outdoor lighting.

Details demonstrating compliance with these requirements are to be submitted to the Certifier.

STORMWATER MANAGEMENT SYSTEM

- B29. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS and the Integrated Water Management Plan prepared by WSP Rev. E dated 28 July 2022);
 - (c) be in accordance within Council's stormwater requirements and specifications;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) 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

BIODIVERSITY OFFSETS

- B30. The Applicant must purchase and retire 1 PCT 849-Cumberland shale plains woodland of Sydney ecosystem credit prior to the commencement of any vegetation clearing.

Details confirming compliance must be provided to the Certifier and Planning Secretary.

TREE REPLACEMENT AND MANAGEMENT

- B31. Suitable tree replacements (minimum 88 trees) must be provided in accordance with the offset strategy detailed in the Landscape Design Report and plans prepared by iscape Landscape Architecture (revision A, dated 10 August 2022) with tree species, pot size and diversity/number of replacements in accordance with the Planting Schedule within the Landscape Plans.

CONSTRUCTION AND FIT OUT OF FOOD PREMISES

B32. The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003, all relevant Australian Standards including AS 4674 – 2004: Design, Construction and Fit-out of Food Premises, and the provisions of the NCC. Details of compliance with the relevant provisions must be prepared by a suitably qualified person and submitted to the Certifier and Council prior to the construction and fit-out of any food premises.

COOL ROOMS

B33. Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G1.2 of the BCA.

GREASE TRAPS

B34. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

FLOOD RISK MANAGEMENT PLAN

B35. Prior to the issue of the first Construction Certificate, a Flood Risk Management Plan must be prepared consistent with Flood Impact Assessment, Revision C, dated: 28 July 2022 and detailing measures to address the flood risk of the development and include:

- (a) details of measures to mitigate any flood risk and impact of the development including excavation, fencing and signage;
- (b) consideration of velocity afflux, particularly at the outlet over the proposed overland flow channel. Any afflux will need to be managed wholly on site without any detrimental impacts elsewhere specially the leachate ponds and include adequate erosion control to prevent damage to the existing soil contamination containment measures (e.g. existing capping layers);
- (c) any bridges or culverts that form part of the proposal are to be considered with appropriate blockage factors consistent with 2019 AR&R and their role in potential flood evacuation routes within the site to the point of refuge within the building; and
- (d) a further site emergency flood response plan must be prepared prior to the issue of an occupation certificate for implementation with the facilities emergency response measures (**Condition E16**).

A copy of the plan must be submitted to Council and the Certifier.

CONTAMINATION

B36. An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of any demolition / construction works and must be followed should unexpected contaminated land or asbestos be excavated or otherwise discovered during construction. The Unexpected Contaminated Land and Asbestos Finds Procedure must outline the steps to be undertaken to identify, report and manage any signs of potential environmental concern encountered during earthworks/redevelopment works.

B37. A hazardous building materials survey must be conducted on the buildings prior to the commencement of any demolition/construction works on site.

B38. Prior to the commencement of works, the relevant recommendations detailed in the Detailed Site Investigation (Contamination) with Limited Sampling, prepared by Douglas Partners, dated March 2022 must be implemented.

PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department 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.

ACCESS TO INFORMATION

- C3. 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 environmental 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.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C4. Prior to the commencement of works, the Applicant must:
 - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

COMPLAINTS AND ENQUIRIES PROCEDURE

- C5. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
 - (a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquiries may be sent; and
 - (c) an email address to which electronic complaints and enquiries may be transmitted.

UTILITIES AND SERVICES

- C6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C7. Prior to the commencement of 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.

DIAL BEFORE YOU DIG SERVICE

- C8. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- C9. Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 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 before the commencement of works.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C10. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work (in accordance with **Condition D3 - D7**)
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) flora and fauna management.
 - (xii) Construction Traffic and Pedestrian Management Plan
 - (b) Construction Noise and Vibration Management Plan that includes the relevant recommendations and mitigation measures detailed in the Noise and Vibration Assessment, prepared by Resonate, dated 19 March 2022
 - (c) Air Quality Management Plan that includes the relevant recommendations and mitigation measures detailed in the Air Quality and Odour Assessment, prepared by SLR, dated March 2022;
 - (d) Construction Waste Management Plan
 - (e) Construction Soil and Water Management Plan
 - (f) an unexpected finds protocol for contamination and associated communications procedure
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.
 - (i) include the relevant recommendations and mitigation measures detailed in the Traffic Impacts Assessment Report, prepared by WSP, dated July 2022;
 - (j) include the relevant recommendations and mitigation measures detailed in the Aboriginal Cultural Heritage Assessment Report, prepared by Coast History & Heritage, dated February 2022;
 - (k) include the relevant recommendations and mitigation measures detailed in the Statement of Heritage Impact, prepared by Coast History & Heritage, dated March 2022;
 - (l) include the relevant recommendations detailed in the Arboricultural Impact Assessment, prepared by Earthscape Horticultural Services, dated February 2022
 - (m) include the relevant recommendation and mitigation measures detailed in the Biodiversity Development Assessment Report, prepared by Cumberland Ecology, dated 29 July 2022;
 - (n) include the relevant recommendations detailed in the Detailed Site Investigation (Contamination) with Limited Sampling, prepared by Douglas Partners, dated March 2022;
 - (o) include the relevant recommendations detailed in the Report on Geotechnical Investigation, prepared by Douglas Partners, dated March 2022.

In the event of any inconsistency between the consent and the CEMP, the consent will prevail. Prior to the commencement of works, a copy of the CEMP must be submitted to the Planning Secretary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- C11. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with the Sydney Coordination Office within TfNSW and Council. The CPTMP needs to specify matters including, but not limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s) and crane movement plan;
 - (d) haulage routes;
 - (e) proposed construction hours (in accordance with **Condition D3 - D7**);
 - (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - (g) construction vehicle access arrangements;
 - (h) construction program and construction methodology, including any construction staging;
 - (i) a detailed plan of any proposed hoarding and/or scaffolding;
 - (j) measures to avoid construction worker vehicle movements within the precinct;
 - (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
 - (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP;
 - (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP; and
 - (n) be consistent with and incorporate all relevant recommendations and mitigation measures detailed in the Traffic Impact Assessment Report, prepared by WSP, dated July 2022.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- C12. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Plan (CNVMP) for the development. The Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the site.
 - (b) identification of all potentially affected sensitive residential receiver locations;
 - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Plan, or as undertaken in the EIS;
 - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
 - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
 - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
 - (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
 - (j) measures to identify non-conformances with the requirements of the Plan, and procedures to implement corrective and preventative action;
 - (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Plan;
 - (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;

- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc); and
- (q) be consistent with and incorporate all relevant recommendations and mitigation measures detailed in the Noise and Vibration Assessment, prepared by Resonate, dated 19 March 2022.

AIR QUALITY MANAGEMENT PLAN

- C13. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
 - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
 - (c) mission statement;
 - (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.
 - (e) be consistent with and incorporate all relevant recommendations and mitigation measures detailed in the Air Quality and Odour Assessment, prepared by SLR, dated March 2022.
- C14. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- C15. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT PLAN

- C16. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN

- C17. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Plan (CSWMP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction

- (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
- (c) detail all off-Site flows from the Site
- (d) describe the measures that must be implemented to manage stormwater and flood 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.

CONSTRUCTION PARKING

C18. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

COMPLIANCE

C19. Prior to the commencement of any earthwork or construction, 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.

BARRICADE PERMIT

C20. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

C21. An application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- (a) architectural, construction and structural details of the design as well as any proposed artwork
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

OUTDOOR LIGHTING

C22. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting 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 and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PUBLIC LIABILITY INSURANCE

C23. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

REMEDIATION – UNEXPECTED FINDS PROTOCOL

C24. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by a suitably qualified Environmental Consultant familiar with the requirements Unexpected Finds Protocol. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
 - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
 - (c) state the approved hours of work
 - (d) state that unauthorised entry to the work site is prohibited
 - (e) the 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
 - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours 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.
- D6. Notification of activities undertaken in the circumstances in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2 pm to 5 pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturday.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D8. The Department must be notified in writing to compliance@planning.nsw.gov.au 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.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- D10. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- D11. 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.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

SAFEWORK REQUIREMENTS

D13. 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.

IMPLEMENTATION OF MANAGEMENT PLANS

D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Plan, Air Quality Management Plan, Construction Waste Management Plan and Construction Soil and Water Management Plan required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

D15. 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 **CNVMP (Condition C12)**.

D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.

D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

D19. Any noise generated during 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 site.

VIBRATION CRITERIA

D20. 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);
- (b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (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;
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces; and
- (f) all relevant recommendations and mitigation measures detailed in the Air Quality and Odour Assessment, prepared by SLR, dated March 2022 are implemented.

DUST CONTROL MEASURES

D23. Adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) physical barriers must be erected at right angles to the prevailing wind direction or be placed around or over dust sources to prevent wind or activity from generating dust emissions;

- (b) earthworks and scheduling activities must be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (c) all materials must be stored or stockpiled at suitable locations and stockpiles must be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (e) all vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other material;
- (f) all equipment wheels must be washed before exiting the site using manual or automated sprayers and drive through washing bays;
- (g) gates must be closed between vehicle movements and must be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways must be carried out regularly
- (i) all relevant recommendations and mitigation measures detailed in the Air Quality and Odour Assessment, prepared by SLR, dated March 2022 are implemented.

TREE PROTECTION

D24. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and the Arboricultural Impact Assessment, prepared by Earthscape Horticultural Services, dated February 2022. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

BIODIVERSITY IMPACTS

D25. While site or building work is being carried out, the Applicant must implement all mitigation and management measures identified in Table 16 of the Biodiversity Development Assessment Report, prepared by Cumberland Ecology, dated 29 July 2022.

EROSION AND SEDIMENT CONTROL

D26. 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* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

CUT AND FILL

D27. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:

- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
- (b) the classification and the volume of material removed must be reported to the Certifier.

D28. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

D29. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997.

D30. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D31. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.

ASBESTOS

D32. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

- (a) Work Health and Safety Regulation 2017;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) Protection of the Environment Operations (Waste) Regulation 2014.

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

D33. The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented throughout construction. If unexpected contamination is found, the applicant must conduct site investigations to determine the full nature and extent of the contamination at the project area. The site investigations must be undertaken, and the subsequent report/s, must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997.

D34. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

CONSTRUCTION TRAFFIC

D35. All construction 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 before stopping.

ROAD OCCUPANCY LICENCE

D36. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

D37. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

D38. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

D39. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

D40. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

D41. The Applicant must ensure:

- (a) stockpiles of material do not exceed 4 metres in height;
- (b) stockpiles of material are constructed and maintained to prevent cross contamination; and
- (c) suitable erosion and sediment controls are in place for stockpiles.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

D42. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

D43. In this condition:

“relic” means any deposit, artefact, object or material evidence that:

relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

BUNDING

D44. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA’s Storing and Handling Liquids: Environmental Protection – Participants Handbook.

SETTING OUT OF STRUCTURES

D45. The building must be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor must submit a plan to the Certifier certifying that structural works are in accordance with the approved development application.

LOADING AND UNLOADING DURING CONSTRUCTION

D46. The following requirements apply:

- (a) all loading and unloading associated with construction must be accommodated on-site;
- (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities; and
- (c) the structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

- E2. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- E3. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E4. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- E5. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E6. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
 - (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

OPERATIONAL PLAN OF MANAGEMENT

- E7. Prior to the occupation or commencement of use, the Applicant must develop an Operational Plan of Management (OPM). The OPM must address (but not be limited to):
- (a) community consultation and complaint management;
 - (b) operational arrangements for typical daily non-event modes;
 - (c) event typologies and venue capacity for each type of event;
 - (d) event scheduling (including the Event Management Plan required under **Condition E9**);
 - (e) hours of operation (as specified by **Condition F2** and **F3**);
 - (f) access arrangements, including ticketing, shuttle bus services, public transport and parking (including the Operational Traffic Management Plan required under **Condition E8**);
 - (g) alcohol management;
 - (h) security and staff management;
 - (i) working with stakeholders during events, including teams and players, emergency services and transport authorities;
 - (j) access;
 - (k) loading and unloading;
 - (l) emergency management/evacuation and incident response protocols;
 - (m) occupational health and safety;
 - (n) maintenance arrangements for CoE, CF and public domain;
 - (o) management of community facilities/uses, including procedures for notifying community about events that are likely to cause concern due to noise, traffic or other issues;
 - (p) public transport, traffic and crowd management and pedestrian safety measures and access for emergency vehicles
 - (q) waste management;
 - (r) water management;
 - (s) wayfinding and signage; and
 - (t) lighting.

A copy of the final OPM must be submitted to the Planning Secretary demonstrating the OPM has been prepared in consultation with Council, TfNSW and NSW Police.

OPERATIONAL TRAFFIC MANAGEMENT PLAN

- E8. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a detailed Operational Traffic Management Plan prepared in consultation with TfNSW and Council. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant must submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:
- (a) a forecast of peak hour vehicle movements for weekday, weekend peak and event days (including match day events and Major Event Days)
 - (b) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (c) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (d) details of how vehicles larger than a 6.4 m SRV delivering to the site must be managed.

The Operational Traffic Management Plan must be implemented by the Applicant following the issue of the Occupation Certificate.

EVENT MANAGEMENT PLAN

- E9. Prior to occupation or commencement of use, an **Event Management Plan (EMP)** must be prepared by a suitably qualified person, in consultation with Council, TfNSW and NSW Police, that includes (but not limited to):
- (a) Details for Major Event Days as defined by this consent, including the number and type of events and activities per year, including projected spectator numbers;
 - (b) Details of strategies to mitigate risks at points of crowd swell (i.e. pedestrian crossings/ refuge points, circulation around the site and approach/departure points);
 - (c) Details of emergency response and evacuation procedures, including the preparation of an **Emergency Response and Evacuation Plan**, which addresses issues of public and crowd safety, behaviour management and emergency vehicle access;
 - (d) A **Site Emergency Flood Response Plan** in accordance with **Condition E16**
 - (e) A **Parking Management Strategy** addressing parking impacts associated with Major Event Days, detailing:
 - (i) measures to manage parking behaviours generated by the project both on site and in surrounding residential streets
 - (ii) the use of the Balmoral Road Reserve carpark as an overflow car park on a case-by-case basis, as agreed to by Council
 - (iii) on site pick up/drop off coach and taxi parking arrangements
 - (iv) address any road safety and congestion impacts.
 - (f) A **Traffic and Pedestrian Management Plan** addressing traffic impacts associated with Major Event Days, detailing:
 - (i) a forecast of peak hour vehicle movements for Major Event Days
 - (ii) allocation of car parking spaces
 - (iii) the use of the Balmoral Road Reserve carpark as an overflow car park on a case-by-case basis, as agreed to by Council
 - (iv) bus stop locations kerb side space and associated infrastructure requirements
 - (v) estimation of expected service volumes at Kellyville Station and Bella Vista Station and bus routes impacted
 - (vi) pedestrian management controls along key pedestrian routes before and after events
 - (vii) traffic management measures on surrounding road network
 - (viii) the Green Travel Initiatives outlined in the Traffic Impact Assessment Report, prepared by WSP, dated 28 July 2022
 - (g) a **Shuttle Bus Plan** that provides details into the shuttle bus service between Kellyville station and/or Bella Vista Station, including:
 - (i) schedule of shuttle bus service
 - (ii) hours of operation
 - (iii) type of buses to be used
 - (iv) pick up and drop off locations
 - (v) monitoring mechanisms
 - (h) A **Service Area and Loading Dock Management Plan**, detailing:
 - (i) Allocation of loading spaces;
 - (ii) delivery times;
 - (iii) controls on duration of stays;
 - (iv) controls on placement of skips, pallets etc;

- (v) procedures for tradesman access and parking;
- (vi) operating times; and
- (vii) truck access routes.
- (i) Include a copy of the **Operational Noise Management Plan (ONVMP)** as required under **Condition E12**
- (j) A program for review of the EMP, including ongoing assessment and improvement. The program must address the effectiveness of:
 - (i) community consultation (consultation prior to, during (complaints handling and response) and after major event days)
 - (ii) The use of real-time mitigation measures to mitigate or prevent impacts associated with the operation of the CoE and CF including but not limited to crowd management, flooding, parking and traffic, and noise impacts
- (k) the programme of review must also provide an implementation strategy, that commits to specific management actions including operational procedures to be implemented along with timeframes.

The plan/s must be submitted to and approved by the Planning Secretary.

E10. The EMP (as revised from time to time) must be implemented by the Applicant for the life of the project.

TRAVEL PLAN

E11. Prior to occupation or commencement of use, a detailed Travel Plan prepared by a suitably qualified person, must be endorsed by the Coordinator General, Transport Coordination within TfNSW and Council and submitted to the Certifier. The Travel Plan must:

- (a) support staff and visitors to prioritise access to the site by public and active transport and minimise the proportion of single-occupant car journeys to the site;
- (b) include a Travel Access Guide (TAG) which must specify matters including, but not limited to:
 - (i) suitable nearby drop-off/pick-up locations;
 - (ii) identify areas where drop-off/pick-up is prohibited and instruct staff and visitors to avoid use of these areas;
 - (iii) suitable nearby taxi zones;
 - (iv) public transport options in the vicinity of the site;
 - (v) details of the shuttle bus service on major event days;
 - (vi) pedestrian access to the site;
 - (vii) bicycle parking and cycleway networks to the site;
 - (viii) access to the site for vehicles including parking arrangements; and
 - (ix) servicing and loading arrangements.
- (c) establish mode share targets for staff and visitors for occupation and outline robust actions to achieve these targets;
- (d) appoint a Travel Plan Coordinator to oversee the implementation of the Travel Plan;
- (e) nominate the party/parties responsible for implementing the actions in the Travel Plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets; and
- (f) include an annual monitoring, reporting and review process, supported by a Travel Survey to determine if mode share targets and other actions of the Travel Plan are being achieved.

ROAD SAFETY AUDIT

E12. The Applicant must undertake Road Safety Audits for traffic, transport, and pedestrian facilities / arrangements for Major Event Days, as defined by this consent, within and in the vicinity of the site, in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor.

Based on the results of the road safety audit, the Applicant must implement safety measures as required. The audits must be undertaken prior to occupation or commencement of use.

OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

E13. Prior to the occupation or commencement of use, an Operational Noise Management Plan (ONVMP) prepared by a suitably qualified person must be submitted to and approved by the Planning Secretary. The ONVMP must be prepared in consultation with Council. The ONVMP must (including but not limited to):

- (a) be prepared in accordance with the EPA's Noise Policy for Industry;
- (b) A description of event typologies, including the description of permanent amplification systems and the types of activities to be undertaken;
- (c) identify the noise limits applying to the development;
- (d) identify all key sources of operational noise and vibration;

- (e) identification of noise sensitive receivers and land uses, likely to be adversely affected by activities at the CoE and/or CF;
- (f) details of a noise monitoring programme that monitors sound levels from Major Event Days and retains records of results and details of the monitoring equipment used, including its location and settings;
- (g) clearly defined noise management objectives for each type of event, including the maximum allowable sound levels and limitation on excessive low frequency (bass) noise, restrictions on pyrotechnics from igniting at or above the highest seating tier, Ann restrictions on daytime soundchecks to a period no greater than one hour unless otherwise agreed to in consultation with sensitive receivers;
- (h) a procedure or noise model (or other means of assessment) that allows the prediction and assessment of noise levels for proposed major events;
- (i) details of a noise complaints handling procedure and actions to be taken at the time of each complaint to monitor and minimise noise impacts the procedure must include:
 - (i) the time and date each complaint was received
 - (ii) how the complaint was received
 - (iii) the contact details of the person lodging the complaint
- (j) Details of the community consultation procedure used after events to obtain additional information relating to noise impact as well as to provide the complainant with information on the proposed actions to prevent a recurrence of the impact
- (k) identification and prioritisation of noise management problems and issues including a summary of the outcomes from monitoring and a community consultation undertaken with the ONVMP;
- (l) a mechanism for reporting the effectiveness of the ONVMP to stakeholders, including the local community, the EPA and Council;
- (m) a programme for review of the ONVMP, including the ongoing assessment and improvement of the ONVMP. The program must address the effectiveness of:
 - (i) community consultation (consultation prior to, during (complaints handling and response) and after major event days)
 - (ii) The use of technology or the setup of equipment prior to events to mitigate or prevent noise impact;
 - (iii) the use of monitoring programmes, the monitoring data records and community consultation information to prevent or mitigate noise impacts from major event days;
- (n) the program of review must also provide an implementation strategy, that commits to specific management actions, including operational procedures to be implemented along with time frames. These specific management actions must incorporate best management practice that adequately addresses the identified problems and issues with both non structural and structural aspect of noise management, such as community consultation, equipment setup, use of technology, real-time noise mitigation measures and monitoring program.
- (o) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the 'SEARs Noise and Vibration Assessment' Rev C, prepared by Resonate, dated 19 March 2022; and
- (p) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the 'Event Plan of Management', dated February 2022.

Details must be submitted to and approved by the Planning Secretary demonstrating the ONVMP has been prepared in consultation with Council, TfNSW and NSW Police.

E14. The ONVMP (as revised from time to time) must be implemented by the Applicant for the life of the project.

MECHANICAL VENTILATION

E15. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) any conditions of this consent
- (b) the NCC
- (c) any applicable Australian Standards
- (d) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL WASTE MANAGEMENT PLAN

E16. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:

- (a) be prepared in consultation with Council
- (b) confirm the location of waste collection and establish appropriate routes to the collection point
- (c) provide confirmation of the engagement of a qualified private waste collection contractor
- (d) detail the type and quantity of waste to be generated during operation of the development

- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA)
- (f) detail the materials to be reused or recycled, either on or off site
- (g) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the 'Operational Waste Management Plan' Rev. 04, prepared by TTM, dated 25 March 2022.

FLOOD MANAGEMENT

- E17. Prior to occupation or the commencement of use, a **Site Emergency Flood Response Plan** must be prepared for implementation with the facilities emergency response measures (see **Condition B35**). A copy of the plan must be submitted to Council and the Certifier.

SYDNEY WATER COMPLIANCE

- E18. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E19. Before the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

WASTE AND RECYCLING COLLECTION

- E20. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

POST-CONSTRUCTION DILAPIDATION REPORT

- E21. Before the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
 - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
 - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E22. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

FIRE SAFETY CERTIFICATION

- E23. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- E24. Prior to the occupation or commencement of use 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 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.

WARM WATER SYSTEMS AND COOLING SYSTEMS

E25. 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 the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

OUTDOOR LIGHTING

E26. Prior to the occupation or commencement of use, 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, is in accordance with the detailed lighting plan (see **Condition B35**) 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.

STORMWATER

E27. Prior to the issue of any Occupation Certificate, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.

E28. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must 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.

ENVIRONMENTAL PERFORMANCE

E29. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives identified in the ESD Report prepared by Erbas, dated 18 March 2022.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

E30. Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the provision of a minimum of 53 bicycle parking spaces in accordance with **Condition B25** and the following:

- (a) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (b) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (c) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

E31. Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the Site to direct cyclists from footpaths to designated bicycle parking areas.

LANDSCAPE PRACTICAL COMPLETION REPORT

E32. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

STREET NUMBERING

E33. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

COMPLIANCE WITH FOOD CODE

E34. The Applicant is to obtain a certificate from a suitably qualified person, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 Design, construction and fit out of food premises.

Prior to the operation or commencement of use, the Applicant must submit evidence of receipt of the certification to the satisfaction of the Certifier.

OCCUPATION AND ONGOING USE

FACILITY OPERATION

F1. Operation of the facility must be in accordance with the OMP (**Condition E7**).

HOURS OF OPERATION

F2. The use of Public Address Systems (PA) is not permitted prior to 8 am.

F3. The hours of operation must be as specified in the table below:

Land use/ Activity	Hours of Operation
Centre of Excellence	
Offices, general administration, security:	24 hours
Indoor facilities:	5 am to 12 am
Outdoor facilities:	6 am to 10:30 pm
Community Facility	
Offices, general administration, security:	24 hours
Indoor facilities:	6 am to 12 am
Outdoor facilities:	6 am to 10:30 pm

Occasional activities may be carried out outside these hours for match day events, including general preparations for match day use, such as curating wickets, preparing ovals, preparing café food for sale during matches, and preparation by administrative staff for scoring matches.

MAJOR EVENT DAYS

F4. Major Event Days, as defined by this consent, are limited to a maximum of five (5) days per year.

F5. The maximum number of persons (including staff and patrons) permitted at the facility during Major Event Days at any one time is 2,870 persons. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity.

F6. The Event Traffic Management Plan required under **Condition E9** of this consent must be implemented for all Major Event Days following occupation of the development.

F7. The Parking Management Strategy required under **Condition E9** of this consent must be updated in reviewed annually and implemented accordingly.

F8. Prior to Major Event Days, the Applicant must liaise with the Traffic Management Committee regarding any proposed traffic management on event days to mitigate impacts to Memorial Avenue and Windsor Road.

F9. Prior to Major Event Days, the Applicant must liaise with Council to facilitate the use of the Balmoral Road Reserve carpark as an overflow car park on a case-by-case basis.

F10. A shuttle bus service for spectators and visitors to the site must be provided, operated and funded by the Applicant to connect the site with Kellyville Station and/or Bella Vista Station on Major Event Days. The shuttle bus service must be free of charge for spectators and visitors on Major Event Days.

OPERATIONAL TRAFFIC MANAGEMENT

F11. The Operational Traffic Management Plan required under **Condition E8** of this consent must be implemented following occupation of the development.

TRAVEL PLAN

F12. The Travel plan approved under this consent must be implemented following occupation of the development. The Travel Plan is to be reviewed and updated annually.

ROAD SAFETY AUDIT

F13. The Applicant must undertake a Road Safety Audit for traffic, transport, and pedestrian facilities / arrangements for Major Event Days (as defined by this consent) within and in the vicinity of the site, in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits by an independent TfNSW accredited road safety auditor.

Based on the results of the road safety audit, the Applicant must implement safety measures as required. The audits must be undertaken within twelve (12) months after the commencement of Major Event Days.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- F14. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, material, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.
- F15. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

OPERATION NOISE MANAGEMENT

- F16. The development must at all times comply with the approved Operational Noise and Vibration Management Plan required under **Condition E13**.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F17. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

ANNUAL FIRE SAFETY STATEMENT

- F18. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

FIRE SAFETY CERTIFICATION

- F19. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE (IF APPLICABLE)

- F20. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

STORAGE AND HANDLING OF WASTE

- F21. All waste collection services must be undertaken in accordance with this consent.
- F22. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F23. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F24. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.
- F25. All bin store areas are to be screened from view, including the store area located north-eastern side of the proposed car park.

LOADING/UNLOADING

- F26. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Loading Management Plan approved under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

The service vehicle docks, car parking spaces and repo driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F27. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts

on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

F28. The use and operation of the premises must not give rise to an environmental health or public nuisance.

F29. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

OPERATION OF PLANT AND EQUIPMENT

F30. All plant and equipment used in the development, or used to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

TREES AND LANDSCAPING

F31. All new tree planting must be maintained for a minimum of 2 years. If any trees within this period die, they are to be replaced immediately with a tree of an identical species.

F32. The landscaping must be maintained throughout operation.

WASTE MANAGEMENT

F33. Waste Management must be undertaken in accordance with the Operational Waste Management Plan, prepared by ttm, dated March 2022 and **Condition E16**.

ANTI-GRAFFITI

F34. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

BUILT STRUCTURES AND OPEN AREAS

F35. All buildings, structures, open areas and perimeter fencing of the site must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

OUTDOOR LIGHTING

F36. All new outdoor lighting (including any signage illumination) must operate in compliance with the recommendations of the detailed Lighting Plan (**Condition B28**) Light Spill Report Parramatta Eels Centre of Excellence, Revision 0 dated 28 February 2022, AS4282: 2019 - Control of the obtrusive effects of outdoor lighting and, where relevant, AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting.

ADVISORY NOTES

APPEALS

AN1. The Applicant has the right to appeal to the NSW Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

AN2. The Applicant must apply to the relevant authority for all necessary permits required to carry out the works authorised (and comply with) this consent, including but not limited to 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

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

DISABILITY DISCRIMINATION ACT

AN4. 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.

AN5. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 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

AN6. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) 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.

AN7. This application has been assessed in accordance with the EP&A Act. 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 Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN8. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

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 Department at the following address: compliance@planning.nsw.gov.au 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 this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - identify the development and application number;
 - provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - identify how the incident was detected;
 - identify when the Applicant became aware of the incident;
 - identify any actual or potential non-compliance with conditions of consent;
 - describe what immediate steps were taken in relation to the incident;
 - identify further action(s) that will be taken in relation to the incident; and
 - identify a contact person 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.