

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	16 April 2024
DATE OF PANEL DECISION	15 April 2024
DATE OF PANEL BRIEFING	9 April 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Granville Taylor
APOLOGIES	None
DECLARATIONS OF INTEREST	Kellie Scholes declared an interest and did not participate in the meeting

Papers circulated electronically on 2 April 2024.

MATTER DETERMINED

PPSHCC-140 – Muswellbrook – DA 2022 - 095 at Wilkinson Avenue, Muswellbrook 2333 – New Grandstand (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel further considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel deferred determination of this Development Application on 16 February 2024 to seek additional information to enable a proper assessment of the application. The Council provided a supplementary assessment report dated 2 April 2024 addressing the matters raised in the Panel's deferral which the Panel has considered.

The Panel had the benefit of a further briefing from Council and the Panel made further enquiries about stormwater management and flooding.

The Panel notes that the Noise Impact Assessment submitted with the application specifically excluded entertainment noise from sources such as licensed venues and concerts and internal room acoustic assessment.

The Panel understands that the grounds have been used for festivals and events in the past. However the function room is a new facility. There has been a lack of information lodged with the application in respect to the operation of the Function Room and Terrace Area. To this end the Panel proposes to restrict the use of this space to 7:00PM with the use associated with sporting activities on site and to limit the number of times the area can be used for events unrelated to sporting/community events. If a more intensive use of the area is envisaged then this can be subject to a separate and/or modified application accompanied by a comprehensive noise assessment, patron numbers, operational management plan and traffic and parking assessment.

The Panel understands that the area is not subject to high hazard flooding and that the building is above the 1% AEP flood level. In respect to stormwater, this requires a connection to the existing system near the roundabout and installation of a Gross Pollutant Trap (GPT) device and is capable of meeting AS3500. These works are understood not to require extensive ground disturbance.

The Panel has included additional requirements to ensure no removal of trees and specifically the location of the GPT in the construction of the stormwater works associated with the building.

The Panel has also required that the tree planting identified in the Olympic Park Masterplan for the internal road is to be completed prior to any occupation certificate. Conditions are also proposed to require the shared pathway to be constructed from the Grandstand to Maitland Street.

The Panel has considered the supplementary report and the attached conditions, and notes that conditions limiting the number of events are recommended.

The upgrade of the Grandstand is consistent with the planning framework and Plan of Management. It will provide additional and upgraded facilities for sporting events.

The impacts of the development can be appropriately managed and mitigated.

The Panel considers that the application subject to conditions merits approval.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons.

1. The proposal is consistent with the Planning Framework for the site and surrounds.
2. The impacts of the development can be appropriately managed and mitigated.
3. The upgrade to the facilities provides a broad benefit to the wider community.





CONDITIONS

The development application was approved subject to the conditions in Schedule 2. The conditions were amended from those in the supplementary report in the following way:

- Condition 7 amended to require the GPT in or near the existing car park and not to result in any tree removal, and the stormwater solution not to result in any loss of trees.
- Condition 33 – amended to specify type of sedimentation controls.
- Condition 51 added to require street tree planting along the footpath.
- Conditions 53 and 56 – The use of Function Room and Terrace is restricted to 8am to 7pm Mon to Sun
- Minor typographical changes

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during the public exhibition period which raised concerns with the proposed colours of the grandstand and previous vegetation removal. The Panel notes that amended plans have been lodged which proposes natural tones of light brown, grey and black. Proposed condition 51 has also been amended to include additional street tree planting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Granville Taylor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-140 – Muswellbrook – DA 2022 - 095
2	PROPOSED DEVELOPMENT	Demolition of existing Grandstand and construction of new Grandstand, amenities and function room
3	STREET ADDRESS	Lot 7010 DP 93327 3 Wilkinson Avenue, Muswellbrook 2333
4	APPLICANT/OWNER	GHD P/Ltd / Muswellbrook Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Muswellbrook Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Muswellbrook Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 61(1) - demolition The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report addendum: 2 April 2024 Council assessment report: 6 February 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 7 September 2022 <ul style="list-style-type: none"> Panel members: Alison McCabe (Chair), Juliet Grant, Granville Taylor, Kellie Scholes Council assessment staff: Alisa Evans, Hamish McTaggart Department: Carolyn Hunt, Lisa Foley Site inspection: <ul style="list-style-type: none"> Alison McCabe (Chair) – 27 October 2023 Roberta Ryan – 27 October 2023 Tony McNamara – 27 October 2023 Granville Taylor – 20 October 2023 Council Briefing: 5 April 2023 <ul style="list-style-type: none"> Panel members: Alison McCabe (Chair), Roberta Ryan, Granville Taylor Council Assessment staff: Sharon Pope, Alisa Evans, Tanya Jolly, Peter Chambers

		<ul style="list-style-type: none"> ○ <u>Department:</u> Leanne Harris, Lisa Foley • Final briefing to discuss council's recommendation: 14 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Granville Taylor ○ <u>Council assessment staff:</u> Sharon Pope, Peter Chambers ○ <u>Applicant representatives:</u> Mathew Lysaught, Tom Potter, Paul Chandler ○ <u>Department:</u> Leanne Harris, Holly McCann • Final briefing to discuss council's recommendation: 9 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Granville Taylor ○ <u>Council assessment staff:</u> Sharon Pope, Peter Chambers ○ <u>Department:</u> Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

IDENTIFICATION OF APPROVED PLANS

1. Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Pln. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
12529663	3	MSC Olympic Park Grandstand Amenities Architectural	T Potter	22/11/2022
12529663-C031	A	Stormwater Drainage Plan	C Vasaya	21.06/22
N/A		Olympic Park Parking Plan for Large Events	No author	No date

Document Title.	Ver. No.	Prepared By.	Dated.
Olympic Park Grandstand and Amenities Statement of Environmental Effects	B	GHD	16/08/2022
Olympic Park Grandstand – Noise Impact Assessment	C	GHD	16/08/2022
Olympic Park Grandstand Hazardous Building Materials Assessment	B	GHD	16/08/2022
Olympic Park Grandstand Traffic Assessment	B	GHD	16/08/2022
Social Impact Assessment Olympic Park Event Precinct Development		Hunter Events Group	June 2023
Letter – Further Information following Deferral		Muswellbrook Shire Council	3 March 2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. Limitation to this Consent

In accordance with the submitted documentation, no approval is granted to:

- any advertising signs at the premises (that is not exempt development); or

- b) the use of the building as a Registered Club.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION
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3. Building Code of Australia

All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: Statutory requirement.

4. Access to premises standard

The building shall comply with the requirements of the Commonwealth Disability (Access to Premise Standard) 2010.

Reason: Statutory requirement.

5. Public Utilities.

Compliance with the requirements (including financial costs) of any relevant utility provider in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

Reason: Access to public utilities.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Contamination and Hazardous Building Materials

A Hazardous Building Materials Management Plan is to be prepared to manage removal of Asbestos and Synthetic mineral fibres prior to demolition of the existing Grandstand. The Plan is to be prepared by an appropriately qualified person and submitted to Council prior to the issue of any Construction Certificate.

Reason: To ensure there is no risk to human health or any other aspect of the environment.

7. Stormwater Management Plan

Prior to the issue of any Construction Certificate a comprehensive Stormwater Management Plan is to be submitted to and approved by Council's Chief Engineer in relation to the site. The Stormwater Management Plan is to detail the proposed method of stormwater management in relation to the new building and demonstrate:

- a) That all stormwater management would occur in accordance with the provisions of Muswellbrook Shire Council Development Control Plan 2009 and AS 3500.
- b) That any flow discharge from the site for events up to the design storm event (10% AEP) does not lead to concentration of stormwater which may cause erosion of existing channels or bank stability of Muscle Creek.
- c) A Gross Pollutant Trap (GPT) device adjacent to the existing road and carpark infrastructure and prior to the discharge point to Muscle Creek.
- d) A suitable concrete pad for access for maintenance of the GPT device.
- e) A stormwater retention tank with no less than 25,000ltr of storage capacity is provided to capture stormwater and enable re-use as a non-potable water source for toilet flushing and/or landscape maintenance.
- f) That the flow of stormwater toward the rail corridor must not be increased by the proposed development.
- g) No removal of any existing trees.

Reason: To ensure that surface water from hard stand areas receives treatment to minimise the potential for pollution of adjoining waterways and to reduce the quantity of stormwater leaving the site or impacting nearby land uses.

8. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) prepared by an appropriately qualified civil engineer shall be prepared and submitted to Council's Chief Engineer for written approval prior to the issue of any Construction Certificate.

The CTMP must detail measures to ensure the safety of pedestrians and vehicles accessing the Olympic Park site, during construction from vehicle movements. The CTMP shall include certification and details addressing the following:

- a) Details of the proposed vehicle circulation routes within the car park;
- b) Details of proposed pedestrian routes, kerb construction methods and other protective measures to ensure safety of pedestrians/patrons;
- c) Details of proposed traffic control signage to be installed and references to relevant Transport for NSW Guidelines and Australian Standards; and
- d) Details of speed limit restrictions within the car park.

Reason : to ensure appropriate safety and traffic management is provided during demolition and construction.

9. Noise Management Plan

A Noise Management Plan prepared by an appropriately qualified acoustic engineer in accordance with the recommendations of the Olympic Park Grandstand Noise Impact Assessment dated 07 July 2022, shall be submitted to Council for written approval prior to the issue of any Construction Certificate.

Reasons: To minimise noise impacts on nearby residential properties.

10. Construction Environmental Management Plan.

A CEMP prepared by an approximately qualified environmental engineer, that includes:

- procedures for managing the risk of accidental spills, impacts of the project and unexpected finds of contaminated material, as outlined in s 5.1.3 of the Statement of Environmental Effects,
- noise minimisation in accordance with s5.2.1 of the Statement of Environmental Effects,
- waste management in accordance with s5.2.5 of the Statement of Environmental Effects; and
- an unexpected finds protocol to be followed in the event that any unexpected heritage items, archaeological remains or potential items of heritage significance are encountered.

is to be submitted to Council's Director Environment and Planning for approval for written approval prior to the issue of any Construction Certificate.

Reason: To minimise the environmental impacts of construction activity

11. Muswellbrook Shire Water & Waste

If required, a Compliance Certificate under the Water Management Act 2000 must be obtained from Muswellbrook Shire Water & Waste Division on (02) 6549 3840.

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained detailing water and sewer extensions to be built and charges to be paid by the applicant prior to any Construction Certificate application.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Water & Waste Division are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Principal Certifying Authority prior to any Occupation Certificate.

Reason: To ensure provision is made for water and sewer extensions.

12. Structural Engineer's Plans and details – Proposed Works

A certificate and detailed drawings issued by an appropriately qualified structural engineer are to be submitted to the Certifying Authority with the Construction Certificate application, which certifies that the design and construction of the structural elements will be structurally adequate for its intended purpose, and to withstand the forces of flooding.

Reason: To ensure public safety.

13. Excavation near Rail Corridor

The proponent is to seek ARTC concurrence to carry out excavation and any other earthworks within 25m of the rail corridor. Evidence of concurrence is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate

Reason: To minimise potential impact on the safety and operation of the rail network.

14. Requirement for a Construction Certificate

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all the works. If a certificate is issued for part of the works, it must cover the works being undertaken onsite.

Note: A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Reason: Statutory requirement.

15. Compliance with Australian Standards.

The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the Australian Standards.

16. Long Service Levy.

Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the Construction Certificate.

Reason: Statutory requirement.

17. Clause 94 Requirements

A fire engineering report is to be prepared by an appropriately qualified and accredited Fire Engineer (Certifier - Fire Safety) for the building, as defined by the Building Code of Australia.

The fire engineering report is to be submitted to the principal certifier prior to the issue of any construction certificate.

Reason: to ensure compliance with BCA Fire Safety requirements

18. Food Preparation Areas

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principal Certifying Authority demonstrating that the fit out of the food preparation, storage, handling and serving areas will comply with the requirements of Food Act 2003, Food Regulation (as in force), The Building Code of Australia and Australian Standards relevant design construction and fit out of food premises (AS4674). Details of the food preparation areas fit out are to be provided to, and approved by, the Certifying Authority prior to issuing of the Construction Certificate.

Reason: To ensure compliance with Food Safety Standards.

19. Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$85,960.00 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

Documentary evidence demonstrating payment of the above contribution to Council is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure contributions are made to upgrade roads and facilities in the area.

20. Section 68 Approval

Prior to the issue of a Construction Certificate, an application under section 68 of the Local Government Act 1993 shall be made to, and issued by, Muswellbrook Shire Council, for the following approvals:

- a) Carry out water supply.
- b) Carry out sewerage works.
- c) Carry out stormwater drainage works.

Reason: Statutory requirement

21. Trade Waste

Prior to the issue of a Construction Certificate a Commercial Liquid Trade Waste Application is to be completed and submitted to Council's Water and Waste area for approval along with relevant documentation, including hydraulic plans, and any alterations to infrastructure required as part of the development. Documentary evidence is to be provided to the Principle Certifying Authority confirming that a Liquid Trade Waste application has been lodged with Council prior to the issue of a Construction Certificate.

Reason: Statutory requirement.

22. Flood Evacuation Plan

A Flood Evacuation Plan is to be prepared for approval by the Chief Engineer prior to the issue of a construction certificate. The Flood evacuation plan is to include diagrams to guide patrons to the Bell Street frontage of the site and to provide information about the Muscle Creek Flood Warning system and signals.

Reason: To enable the orderly evacuation of people in the event of a significant flood.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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23. Stabilised access

A stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

Reason: to manage erosion and sedimentation.

24. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during construction of this development. The applicant shall submit to Council, in writing and/or photographic record, evidence of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged, and the applicant will be required to restore all damaged infrastructure at their expense.

Reason: to manage damage to public infrastructure

25. Construction Management Program

Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and be approved in writing by the Principal Certifying Authority. The program shall include such matters as:

- a) a Safe Work Method Statement.
- b) details from the construction traffic management plan which includes the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase.

- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent.
- j) proposed protection for Council and adjoining properties.
- k) the location and operation of any on site crane; and
- l) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be always kept on the site, and made available to any officer of Council upon request.

Reason: To ensure public safety.

26. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the work site is prohibited.
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

Reason: To ensure the public can contact the construction authority with issues.

27. Site Facilities

- a) The work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) Any such hoarding or fence is to be removed when the work has been completed.

- c) A garbage receptacle fitted with a tight-fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- d) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- e) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer; or
 - if connection to a public sewer is not available, to an on-site effluent.
 - disposal system approved by the council; or
 - an approved temporary chemical closet.
- f) The provision of toilet facilities must be completed before any other work is commenced.

Reason: To maintain public health and safety.

28. Provision of contact details/neighbour notification.

At least 7 days before any demolition work commences:

- a) Council must be notified of the following particulars:
- b) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
- c) The date the work is due to commence and the expected completion date.

A written notice must be placed in the letter box of each adjoining property in Wilder Street and Bell Street advising the date the work is due to commence.

Reason: To ensure Council and neighbouring property occupants are notified prior to the commencement of demolition.

29. Hazardous Material removal

Prior to the carrying out of any demolition work relating to the development:

- a) A Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - The type of hazardous material.
 - The level or measurement of the hazardous material in comparison to National Guidelines.
 - Proposed methods of containment.
 - Proposed methods of disposal; and
 - Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- b) the demolition must be undertaken in accordance with AS2601.

- c) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item must comply with the requirements of AS 4361.2-1998: Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site.
- d) Following completion of asbestos removal works a suitably qualified/licensed asbestos removalist, must undertake a clearance inspection, and issue an asbestos clearance certificate.
- e) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.
- f) Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate. If all demolition works have not been completed by the time a Construction Certificate is applied for any outstanding documentary evidence is to be submitted to the Certifying Authority at the time the works are completed and prior to the issue of the Occupation Certificate.

Notes:

- 1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website.
- 2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

Reason: To ensure public safety.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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30. Critical stage inspections.

The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under the Environmental Planning and Assessment Act 1979.

Reason: Statutory requirement.

31. Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - I. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - II. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

- (d) The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

Reason: to manage impacts on the amenity of neighbours

32. Construction Environmental Management

A copy of the approved CEMP is to be available on site and implemented at all times during the demolition and construction phase.

Reason: To minimise the environmental impacts of construction activity

33. Erosion and Sediment Controls

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with '*The Blue Book*' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

Reason: to manage erosion and sedimentation

34. Site Waste Minimisation

Throughout the carrying out of building works the person acting with this consent shall take steps to minimise waste from the carrying out of the development in accordance with the following objectives of *Chapter 24 Waste Minimisation and Management* of Council's Development Control Plan. Steps to be taken:

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

Reason: to effectively manage waste and reduce waste disposal to landfill

35. Demolition Waste Management

Demolition material must be managed in accordance with the approved waste management plan to be provided to the Principal Certifying Authority.

Reason: To ensure waste is managed in accordance with the consent.

36. No Work on Public Land

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

Reason: to ensure compliance with the Local Government Act 1993

37. Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

Reason: to manage impacts on the amenity of neighbours

38. Excavation/Demolition

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

Reason: to ensure compliance with Work Health and Safety requirements

39. Imported fill – type.

All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

Reason: To ensure public safety.

40. Imported fill – validation.

All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.

Reason: To ensure public safety.

41. Delivery dockets – receipt and checking on site.

A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

Reason: To ensure the source of fill is documented.

42. Delivery dockets – forward to PCA on demand.

The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

Reason: To ensure the source of fill is documented.

43. Protection of Public Place

- (1) If the work involved in the erection or demolition of a building:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b) building involves the enclosure of public land,
a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (3) Any such hoarding, fence or awning is to be removed when the work has been completed.

Reason: to protect the safety of the public and comply with Work Health and Safety standards.

44. Tree protection – no unauthorised removal.

This consent does not authorise the removal of trees unless specifically identified as approved for removal on the stamped plans.

Reason: to manage impacts on the environment

45. Tree protection – during construction.

Trees that are shown on the approved plans as being retained must be protected against damage during construction.

Reason: to manage impacts on the environment

46. Tree works – Australian Standards.

Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

Reason: to manage impacts on native fauna and comply with Work Health and Safety standards.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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47. Occupation.

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

Reason: to ensure development is completed in accordance with the conditions of consent

48. Fire safety matters.

At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement.

49. Registration of Commercial Food Premises.

Prior to the issue of the Occupational certificate for any commercial food premises on site that will be handling, storing, or preparing food for sale, the business is to be registered with Council's Environmental Health Department.

Reason: Statutory requirement.

50. Olympic Park Shared Pathways.

A shared pathway is to be constructed from the Grandstand to Maitland Street via the Wilder Street Bridge, as identified in the Olympic Park Master Plan, prior to the issue of an Occupation Certificate for the Grandstand.

Reason: To provide safe pedestrian access to the development.

51. Street Tree Planting

Street tree planting identified in the Olympic Park Master Plan for the internal road, from Wilkinson Avenue to Wilder Street, is to be completed prior to the issue of the Occupation Certificate for the Grandstand.

Reason: To provide shade for pedestrians and to soften the visual impact of the Grandstand when viewed from Wilder Street residences.

52. Certificate of Works As Executed (WAE).

Certified works-as-executed (WAE) plans being lodged in .pdf format with the Principal Certifier and with Council immediately after having achieved Practical Completion of works for each Stage.

The WAE plans are also to be registered with Council in digital form in accordance with the 'A-Spec'™ Digital data Specification or as otherwise specified by the Council and are to include:

- a) Details of any alterations made to the approved plans.
- b) The location and type of service conduits.
- c) The location of any contaminated material retained on site after demolition.
- d) Details of all kerbs and gutters, pits and pipelines, stormwater management devices and drainage swales.

Reason: To assist Council with the maintenance of new infrastructure and assets.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

53. Limitation on the number of Events.

The number of events that can be held in any calendar year that utilise the Olympic Park Grandstand, amenities and Function Room, approved by this consent, is limited to:

- a) Twelve (12) Function Room only bookings unrelated to use of the Function Room by the sporting clubs for management meetings, sport training and sporting events occurring on the adjoining playing fields, or a major regional event during the hours indicated at condition 56.
- b) Fifteen (15) events of 1000 to 2000 people; and
- c) Six (6) major events catering to 2000 people or more.

Reason: To limit the number of times each year that nearby residential uses may be impacted by noise and overflow parking from major events.

54. Major Event Management Plans.

An event management plan (including a traffic and noise management plan) is to be prepared for each major event catering to 2000 people or more.

Reason: to manage environmental and amenity impacts of the development.

55. Stormwater Disposal.

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the stormwater management plan.

Any GPT devices are to be maintained at all times to ensure proper operation.

Reason: to manage impacts on the environment

56. Hours of Operations.

The Grandstand and Function Rooms may only operate between the following hours:

Facility	Time of use	Description of use
<ul style="list-style-type: none">Football fields 1,2 and 3.Grandstand Amenities (except Function Room)	<p><u>Sun to Thur:</u> 8:00am to 10 pm</p> <p><u>Fri, Sat & Public Holidays:</u> 8:00am to 11:00pm</p> <p>(except for amplified sound which is restricted to 8:00am to 10:00pm)</p>	<ul style="list-style-type: none">Major regional events and competitionsTypical local sporting eventsTraining
<ul style="list-style-type: none">Main building (except Function Room)Carpark	<p><u>Sun to Thur:</u> 7:00 am to 12:00 am</p> <p><u>Fri, Sat & Public Holidays:</u> 7:00am to 12:00am</p> <p>(except amplified sound which is restricted to 8:00am to 11:00pm)</p>	<ul style="list-style-type: none">Sporting participants and visitors to the main building and playing fieldscarpark for eventscommunity events
<ul style="list-style-type: none">Function Room and Terrace	<p><u>Mon to Sun: 8:00 am to 7:00 pm</u></p>	<ul style="list-style-type: none">Associated with sporting and community events and as permitted by condition 53

Upon expiry of the permitted hours, no person shall be permitted entry and all customers on the premises shall be required to leave within the following 15 minutes and all signage is to cease illumination.

The Function Room and outdoor terrace is not to be used after 7:00 pm in the evening.

Reason: To manage impacts on adjoining residential uses.

57. Lighting and External finishes

External lighting is to comply with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting, and external finishes are to be of low reflectivity.

Reason: To minimise impacts on the safety of rail operations

58. Waste Management

At all times the waste generated in relation to the site's operation is to be managed in accordance with the approved waste management plan.

Reason: to manage impacts on the environment

59. Noise Minimisation

At all times the site's operation is to be managed in accordance with the approved noise management plan, as amended from time to time.

Reason: to manage noise impacts on nearby residential uses.

60. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standards.

Reason: To minimise noise impacts on adjoining residential activities.

61. Liquor and Gaming Licence

The sale of liquor or gambling products is to only occur where the Proponent holds an appropriate licence under the Gaming and Liquor Administration Act 2007 (or other relevant Act in force).

Reason: Statutory requirement.

62. Flood Warning and Evacuation

Copies of the approved Emergency Flood Evacuation Plan are to be kept in the Change Rooms, Offices and Function Room always.

Reason: To ensure orderly evacuation of patrons in the event of a significant flood event in Muscle Creek.

63. Car Parking areas and Roadways

Car parking areas within Olympic Park are to be maintained, and fully operable with wheel stops and line marking, and not used for the storage of materials or waste containers/receptacles.

Lockable bollards and/or gates are to be installed to prevent unauthorised vehicular access to playing fields but to permit emergency and maintenance vehicles to enter as required.

Reason: To ensure roadways and parking areas are available for patrons to always use and to limit vehicular access onto playing fields.

ADVISORY NOTES

Electronic Plan Information

Requirements for the submission of electronic plans to Council

- a) File format for drawings submitted is to be dxf.
- b) Where possible the dxf is to be projected using real world co-ordinates.
- c) Council's preferred projection is MGA94 using the GDA94 datum, zone 56 south. If a projection other than MGA94 is used then the details must be provided with the file and a justification needs to be provided as to why MGA94 wasn't used.
- d) In the case where information is unable to be supplied in real world coordinates, then ground survey points (minimum 2) marked on the dxf, must be supplied so that the dxf can be transformed from non-earth to real world.
- e) A text file listing the layers used and the themes placed on each layer is to be supplied.
- f) Drawings must contain separate layers for each theme e.g. the layer containing contour lines should not contain outlines for trees or roads.

Wet Areas

The wet areas in the building are to be impervious to water as required by P2.4.1 of the Building Code of Australia (Housing Provisions). A certificate shall be furnished to the Principal Certifying Authority verifying that the waterproofing has been completed in accordance with the manufacturer's specifications and AS 3740-1994.