



## PLANNING PERMIT AND CONDITIONS – 2024/03

This Planning Permit is granted with conditions to Mosman Municipal Council ('the Permit Holder') in accordance with Sections 9 and 10 of the *Sydney Harbour Federation Trust Regulations 2021* ('the Regulations') for the Proposed Action described below (noting that certain elements are not approved).

Granted on 28 November 2024 by Janet Carding, Executive Director, Sydney Harbour Federation Trust, in accordance with the Harbour Trust's *Instrument of Delegation No. 2 of 2022* under Section 60 of the Regulations.

### DESCRIPTION OF PROPOSED ACTION

The proposed action involves demolition of the existing amenities building at Middle Head Oval, construction of a new amenities building, construction of an open-sided shelter over existing seating, the construction of a layover bay on Middle Head Road, and associated landscaping.

#### Proposed works

- a) Demolish:
  - a. The current Middle Head Oval amenities building (~213 m<sup>2</sup>) and associated driveways, pedestrian access path, external water tank, hardscaping at the southwest of Middle Head Oval
  - b. Part of the perimeter oval fencing in front of the existing concrete bleachers
  - c. Free-standing 'Middle Head Oval' signage
  - d. Part of the wooden fencing on Middle Head Road and Penguin Close
- b) Relocate:
  - a. Water meter
  - b. 1 x light pole
  - c. Rubbish bins
  - d. Electrical pillar
  - e. Main electrical switch board (MSB)
  - f. External fire hydrant booster
  - g. Bubbler
- c) Construct:
  - a. A separate, single storey 231 m<sup>2</sup> amenities building consisting of:
    - i. Public Amenities (5 toilets, a hand washing station, and a water bubbler)
    - ii. 2 Change rooms with toilets and showers
    - iii. Store room
    - iv. Utility room

- v. Umpire office
- vi. Admin and first aid room
- vii. Kiosk
- b. An open sided shelter (over the existing tiered seating) in the southwest corner of the Oval (**not approved, see below**)
- c. New pedestrian pathways throughout the proposed development space, bicycle parking
- d. A new vehicle layover (drop-off/pick-up zone) on Middle Head Road, to the south of the Oval behind the existing tiered seating (**not approved, see below**)
- e. A new community space with BBQ's, integrated bench seating and a fully landscaped area between the new stand cover and new amenities building (**the proposed design is not approved, see below**)
- f. New at-grade vehicle access off Penguin Close, to the north of the new amenities building
- g. New signage facing the roundabout for 'Middle Head Oval'.

### Proposed use

Use of an amenities building for changerooms, storage, administration and food and beverage (kiosk).

Use of outdoor areas for passive recreation and observing sporting activities on the Middle Head Oval.

### DOCUMENTATION

The following documentation submitted by the Permit Holder is relevant to the proposed action:

Title	Prepared by	Date	Rev
Letter to Trust Mosman Council 23 July 2024 Middle Head Oval amenities building	Mosman Council	23 July 2024	
Planning Statement Middle Head Oval amenities building	Gyde Consulting	23 July 2024	Revised
Middle Head Oval Amenities Summary Brochure	Mosman Council	Undated	Revised
Statement of Heritage Impact	Heritage 21	July 2024	2
Design Statement Middle Head Oval amenities building	Archer Office	23 July 2024	B
Access Capability Statement Middle Head Oval amenities building	Design Confidence	3 May 2024	
Acoustic Assessment Middle Head Oval amenities building	Acoustic Logic	3 May 2024	
Arborist Report Middle Head Oval amenities building	Earthscape Horticultural Services	May 2024	
Architectural Plans	Archer Office	2 May 2024	
BCA Audit Middle Head Oval amenities building	Design Confidence	6 June 2024	
BCA design assessment report Middle Head Oval amenities building	Design Confidence	3 May 2024	
Bushfire Report Middle Head Oval amenities building	BlackAsh Bushfire Consulting	6 June 2024	
Cost Plan Middle Head Oval amenities building	MBM	3 May 2024	
Ecology Report Middle Head Oval amenities building	Stantec	3 May 2024	
Hazardous Materials pre demo assessment Middle Head Oval amenities building	Tetra Tech Coffey	29 April 2024	
Stormwater Middle Head Oval amenities building	JHA	6 May 2024	
Survey Middle Head Oval amenities building	TSS Total Surveying Services	March 2024	

Traffic Middle Head Oval amenities building	Headway Traffic & Transport	6 June 2024	
Waste C&D Middle Head Oval amenities building	Elephants Foot Consulting	7 May 2024	
Waste OWMP Middle Head Oval amenities building	Elephants Foot Consulting	7 June 2024	
EPBC Response	Gyde Consulting	15 November 2024	
Letter to Trust Mosman Council 8 November 2024 Middle Head Oval amenities building	Mosman Council	8 November 2024	

**A Permit is granted for the above Proposed Action, with the exception of the components noted below, and subject to compliance with the Permit Conditions.**

**No approval is granted to the following components of the Proposed Action:**

- **The open-sided shelter**
- **The vehicle layover bay** - In its stead new vehicle drop-off/pick-up arrangements must be provided in the adjacent car park, as part of the Proposed Action – see Condition 7.
- **The landscaped area as proposed.** Landscaping must be provided as part of the Proposed Action but this must be re-designed in close consultation with the Harbour Trust to ensure a unified design across the precinct, that minimises hard stand areas and provides shade trees for park users - see Condition 7.

**IMPORTANT NOTES:**

**Works or activities other than those authorised by this Permit, including changes to building configuration or use, are prohibited unless otherwise authorised by the Harbour Trust.**

**The Permit Holder must provide a copy of this Permit and Conditions to all persons engaged to carry out any works authorised by this Permit.**

**Persons undertaking works or activities authorised by this Permit must at all times comply with this Permit and its Conditions.**

**Section 10 (3) of the Regulations provides that:**

A person commits an offence if:

- a licence or permit has been granted to the person under section 9; and
- the licence or permit is subject to a condition to be complied with by the person; and
- the person does an act or omits to perform an act; and
- the person's act or omission contravenes the condition.

Penalty: 10 penalty units.

**The Harbour Trust may vary or revoke this permit in accordance with Section 11 of the Regulations.**

## PERMIT CONDITIONS

**This Permit is granted for the abovementioned Permitted Works and Use, subject to compliance with all the conditions 1 – 41 as follows:**

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### GENERAL CONDITIONS

#### 1. Licence

This Planning Permit only has effect if there is a signed Licence for the land and/or use. The Permit Holder is responsible for ensuring the Proposed Action is conducted in accordance with the provisions of the Licence.

#### 2. Approved Use

All buildings and open spaces are to be used and occupied solely for the approved uses only. No change of use or additional use of any part of the premises shall take place without the Harbour Trust's approval.

#### 3. Compliance with relevant Australian Standards and the National Construction Code

All works are to be conducted in accordance with all relevant legislation, standards, regulations, codes, and guidelines. Particular attention should be paid to NSW WorkCover, Department of Climate Change, Energy, the Environment and Water (in relation to noise, hazardous materials, and potentially polluting activities), National Construction Code, Australian Standards, Disability Discrimination Act, all relevant Occupational Workplace / Health, and Safety requirements and the NSW *Building and Construction Industry Long Service Payments Act 1986*.

All lighting must be designed to comply with AS/NZS1158 Public domain lighting and AS/NZS4282 Control of the obtrusive effects of outdoor lighting.

#### 4. Appointment of a Principal Certifier

*Explanatory Note: Under Section 71 of the Sydney Harbour Federation Trust Act 2001, the Harbour Trust and its land are exempt from certain NSW legislation, including laws relating to planning and the approval of the construction, occupancy, use or provision of services to a building, structure or facility. Therefore, while the Principal Certifier needs to compile all relevant documentation required by this Permit and certify that the works comply, they do not have the final authority to issue a Construction Approval or an Occupation Approval as that authority rests with the Harbour Trust.*

*The Certifier's function can be understood to be equivalent to a 'Principal Certifying Authority' under NSW planning legislation, for the issuing of Construction Certificates and Occupation Certificates and the carrying out of inspections of construction work, endorsing compliance with relevant standards, the approved plans, the conditions of approval and other required statements of compliance.*

The Permit Holder must appoint a Principal Certifier prior to commencing works. The Principal Certifier must be a suitably accredited person under the *NSW Building Professionals Act 2005*. This person's accreditation is to be of a category which enables the holder to issue 'Construction Certificates' and 'Occupation Certificates' for the type of development proposed.

The Principal Certifier will be responsible for endorsing and submitting to the Harbour Trust relevant documentation required under this Planning Permit. Based on the advice of the Principal Certifier the Harbour trust will then issue Construction Approval / Occupation Approval, where relevant.

A copy of the Principal Certifier's current accreditation and relevant insurances are to be provided to the Harbour Trust prior to the issuing of Construction Approval.

## 5. Fire Safety

To ensure fire safety compliance equivalent to that required under the *NSW Environmental Planning and Assessment Regulation 2000*, the following steps must be carried out:

### Fire Safety Schedule

Prior to any works, the Principal Certifier must provide the Harbour Trust with a Fire Safety Schedule identifying the required fire safety measures. If any additional works are required in order to achieve compliance, these must be approved by the Harbour Trust.

### Fire Safety Certificate

Immediately following the finalisation of the works, the Principal Certifier must provide the Harbour Trust with a Fire Safety Certificate, certifying that fire safety measures specified in the Fire Safety Schedule have been implemented and any works to the building and alterations to fire services comply with the BCA and relevant Australian Standards.

Copies of both the final Fire Safety Certificate and the Fire Safety Schedule must be supplied to the Harbour Trust and prominently displayed in the building. The Permit Holder must provide a copy to the Fire Commissioner of Fire and Rescue NSW.

### Maintenance

Fire safety measures provided within the building must be maintained in good working order.

### Annual Fire Safety Statement

Within twelve months of the date on which the Fire Safety Certificate was issued, a Fire Safety Statement must be submitted to the Harbour Trust and prominently displayed in the building. In subsequent years, the Fire Safety Certificate must be submitted within twelve months after the date on which an annual Fire Safety Statement was previously given. The Permit Holder must provide a copy to the Fire Commissioner of Fire and Rescue NSW.

## REQUIREMENTS FOR CONSTRUCTION APPROVAL

## 6. Construction Approval

*Construction Approval is issued by the Harbour Trust in accordance with this Planning Permit, based on the Principal Certifier's endorsement of relevant documentation (see Explanatory Note for Condition 4).*

The Principal Certifier is to provide the Harbour Trust with a written statement endorsing the adequacy of any relevant documentation required, and copies of the documentation they have reviewed and endorsed. Upon satisfactory receipt of the statement and documentation, the Harbour Trust will issue Construction Approval for the proposed development. Works are not to commence until the Harbour Trust issues Construction Approval. The documentation required for Construction Approval may include but is not limited to:

- Architectural plans reflecting the Proposed Action approved by the Harbour Trust but also incorporating any changes required as a consequence of this Permit. Plans should be coloured to indicate the extent of new works and showing the location of all services, comprising:
  - Architectural Plans for all internal and external works
  - Structural Engineer's Plans signed by a qualified practicing structural engineer
  - Services Drawings
  - Landscape drawings

- Specifications
- Construction materials to be used with particulars for any second-hand materials to be used.
- Provide a description of any accredited components, processes or designs.
- Dilapidation Survey
- Provide specifications for new works that describe the construction and materials to be used and the method of drainage, electrical connections and water supply. Include particulars for any second-hand materials to be used.
- Provide a description of any accredited components, processes or designs and copies of any compliance certificates to be relied upon.
- Any other documentation and measures required under this condition of approval.
- Remedial Action Plan
- Construction documents
  - Construction Environmental Management Plan
  - Signed inductions by all contractors
  - SWMS/Project Safety Plan
  - Relevant insurances
  - Statement detailing how the performance requirements of the National Construction Code are to be complied with.
- Statement of compliance with relevant conditions of this Permit required for Construction Approval
- A Communications Plan for keeping the community informed about the works
- Evidence that Defence has agreed to works on Defence land, and that Defence is satisfied that it will have ongoing access to the oval, including during construction phase.
- Fire Safety Schedule
  - Provide a Fire Safety Schedule specifying the fire safety measures (both current and proposed) that must be implemented in the building premises, equivalent to that required under the NSW *Environmental Planning and Assessment Regulation 2000*.

Upon satisfactory receipt of required documentation, the Harbour Trust will issue a Construction Approval, allowing works to commence.

Note: Construction Approval(s) may be issued for all of the approved Proposed Action, or parts of the Proposed Action, if works are staged.

Allow five (5) business days for the Harbour Trust to prepare Construction Approval.

## 7. Design changes / additional information

The Permit Holder must address the following design changes and provide additional information for Construction Approval before works commence regarding the following:

### Amenities Building

Amended plans for the amenities building are to be provided to the Harbour Trust for approval. The amended plans should include the following details:

- Consideration of the size of the eaves facing North-west (facing the proposed realigned driveway) and the eaves facing South-west (facing Penguin Close) to avoid the risks of impact exist with passing heavy vehicles.
- Details of glazing or other treatment proposed to ensure privacy of users.
- Locations and specifications of proposed solar panels.
- Details of any proposed signage including location, materials and size.
- Amended locations of water infrastructure (meters, hydrants etc.).

- The design and operation of the amenities building is to address the principles of ‘Crime Prevention Through Environmental Design’.

#### Vehicle drop-off/pick-up and turning arrangements

The proposed vehicle layover bay is not approved. In its stead new vehicle drop-off/pick-up and turning arrangements, via the adjacent Car Park 2, must be provided by the Permit Holder at the Permit Holder’s expense, as part of this proposed action. This will facilitate safe and orderly drop-off/pick-up and vehicle turning, and minimise traffic movements through the precinct.

In general terms, the key works required to achieve this would comprise:

- a new driveway entry into the car park (at Location ‘10’ in the figure below); and
- a pedestrian crossing/threshold across Middle Head Road, just east of the new driveway entry, which would form part of the precinct plateau loop path.

The Permit Holder must submit drawings for construction supported by a report from a suitably qualified traffic engineer confirming that the design can comply with all relevant standards.

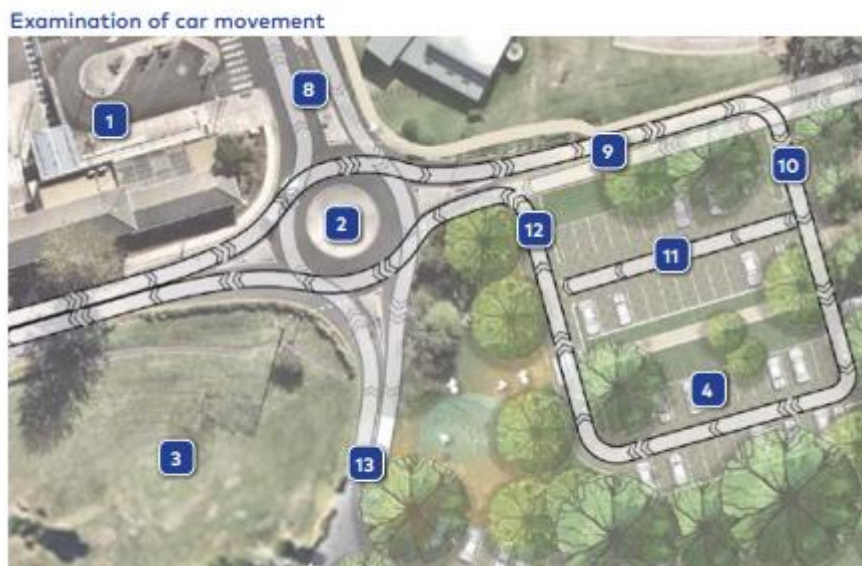


Figure 98. Examination of vehicle movement at the entry and to car parking

**Condition 5: Extract from Middle Head / Gubbu Gubbu Masterplan (Fig. 98)**

#### Landscaped area

The proposed landscape design is not approved. Landscaping must be provided by the Permit Holder as part of this Proposed Action, but this must be re-designed by the Permit Holder in close consultation with the Harbour Trust to ensure a unified design across the precinct, that minimises hard stand areas and provides trees that, with time, will provide shade for park users.

The revised landscape design must address the following matters:

- Strike a balance between the opening-up of views, planting, and the provision of space for sports users and spectators to congregate.
- Minimise the amount of hard surface area (the proposed hard-surfaced area beneath the proposed open-sided shelter should remain a permeable green space).
- Provide trees in place of the shelter, which with time will provide shade for park users.
- Selection of plants and First Nations interpretation elements informed by the Harbour Trust’s First Nations designer.
- Minimise paths/steps/switchbacks, while ensuring an accessible path of travel as part of the precinct plateau loop path.

- Details of the proposed bicycle parking, include locations, quantity and design.

The Permit Holder must submit drawings for construction prepared by a suitably qualified designer that complies with all relevant standards.

## 8. Bushfire

The recommendations made by BlackAsh Bushfire Consulting in the *Bushfire Hazard Assessment – Middle Head Oval Amenities*, prepared by BlackAsh Consulting and dated 6 June 2024 are to be complied with all times, including:

‘The proposed amenities building is to be constructed to ensure all openings are enclosed or covered with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where appropriate and applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders. Where the openings relate to open areas or areas of non-combustible materials (i.e. showers/changerooms) they do not require protection.’

## 9. Driveway access to Oval

Under the Licence for the land, Defence has an ongoing right to access and use the oval. The Permit Holder must ensure that uninterrupted access to the oval is provided at all times for Defence, including during construction works, unless otherwise permitted in writing by Defence.

Given the proposed re-aligned vehicle access driveway’s proximity to the proposed amenities building, the relocated light tower and the proposed main switch board, the Permit Holder must consult with Defence and provide swept path analysis based upon the required vehicle classes must be provided to demonstrate operational functionality.

Part of the proposed new oval vehicle access driveway is on Defence-managed land. The Permit Holder must obtain agreement in writing from Defence for any works on Defence land, and provide evidence of such to the Harbour Trust.

## 10. Remedial Action Plan

Prior to the issue of Construction Approval, the permit holder must provide a Remedial Action Plan (RAP) for the safe management and removal of hazardous and contaminated materials exposed by the building demolition and excavation works.

## 11. Construction Environmental Management Plan

A detailed construction environmental management plan (CEMP) for the proposed construction works is to be prepared. The CEMP is to include, where relevant:

- Detailed works program
- Site management plan (indicating the location of site sheds, site fencing and erosion and sediment control measures, including the control of sediment within the docks)
- Methodology for undertaking works in the vicinity of existing services and infrastructure
- Number of construction personnel
- Number and type of construction vehicles and machinery to be on-site throughout the project
- Information about site induction processes to ensure that contractors working on-site are made aware of Middle Head’s heritage significance; the need to protect extant fabric; and in the event that any archaeological remains are encountered – to cease work to prevent further damage and inform the Harbour Trust, before proceeding.
- Construction traffic management plan including access vehicle access routes and where vehicles, plant and equipment are proposed to park during the works (see Condition 12 below)
- Arrangements for delivery of materials to the works site



- The collection, removal and disposal of construction waste
- Control and minimisation of dust, noise and fumes generated with the works
- Stormwater Management Plan;
- Asbestos Removal Management Plan, including a copy of the Asbestos Removal Contractor's Licence;

A copy of the CEMP is to be reviewed by the permit holder for consistency with the conditions of this Planning Permit before being provided to the Harbour Trust for the issue of a Construction approval.

## 12. Risk Assessment and Construction Traffic Management Plan

In order to ensure that public areas in the vicinity of the site are safe at all times, particularly when construction vehicles are operating on site, a Construction Traffic Management Plan that includes a Risk Assessment is required. The Risk Assessment must outline how public safety will be maintained in conflict areas during construction. The Risk Assessment should also deal with employee safety. Amongst other matters, the assessment is to advise how the following risks will be managed:

- Pedestrian access and safety while construction vehicles are operating on site;
- Prevention of public access into the building site; and
- Employee safety.

The Risk Assessment should be used in formulating the Construction Traffic Management Plan which should include:

- means of separating pedestrians and vehicles;
- access routes to be used by vehicles;
- number of vehicles operating; and
- proposed safety measures.

## 13. Dust and sediment control

Internal dust and sediment that may be disturbed by the works should be considered to have concentrations of lead and/or asbestos fibres, unless material specific laboratory testing indicates otherwise. As such, dust and sediments should be removed as hazardous wastes, prior to demolition or renovation work. Stockpiles must be managed to ensure airborne dusts do not migrate off site. Details of dust and sediment control must be provided in the Environmental Management Plan including an Asbestos Removal Management Plan and details of ensuring minimal disturbance to sediment.

## 14. Damage to Infrastructure – Buildings, Services and Public Areas

The permit holder shall bear the cost of all restoration works to the Harbour Trust's property damaged during the course of the construction and use. The applicant shall advise the Harbour Trust, in writing, of any existing damage to Harbour Trust property before the commencement of the development.

Any excavation or damage to concrete or other surfaces is to be undertaken in accordance with specifications issued by the Harbour Trust.

A dilapidation survey of the Harbour Trust's assets on the site, including photographs and a written record, must be prepared by a suitably qualified person and submitted to the Harbour Trust prior to the commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

## 15. Public Liability Insurance

Public Liability Insurance to the value of \$20,000,000 per occurrence must be taken out by the builder and / or the Permit Holder, to protect any person, firm or company from injury, loss or damage sustained because of the carrying out of site works.

Copies of the policies must be provided to the Harbour Trust upon request.

## 16. Temporary Sporting Facilities / Arrangements

Prior to the issue of Construction Approval, the permit holder must provide the Harbour Trust with the location, specifications, and all other relevant details, of temporary facilities to be made available to users of the oval during construction.

## PRIOR TO AND/OR DURING WORKS

*Once Construction Approval has been issued the following Conditions must be followed by the Permit Holder, where relevant, in addition to any other Conditions in this Permit or the Construction Approval that may apply.*

## 17. Notification of works

The Permit Holder must give the Harbour Trust at least five working days' notice before works are due to commence.

## 18. Compliance with all relevant legislation, standards, regulations, codes and guidelines

All works are to be carried out properly and in accordance with the conditions of this Permit, including compliance with all relevant legislation, standards, regulations, codes and guidelines. This may include (where relevant), but is not limited to:

- National Construction Code (comprising the Building Code of Australia and Plumbing Code of Australia)
- All relevant Australian Standards
- Disability Discrimination Act 1992 (Cth)
- All relevant Occupational/Workplace Health and Safety requirements, including the Work Health and Safety Act 2011 (Cth)
- Protection of the Environment Operations Act 1997 (NSW)
- Building and Construction Industry Long Service Payments Act 1986 (NSW)
- Guidelines prepared by NSW WorkCover, Department of Environment and Climate Change (in relation to noise, hazardous materials, and potentially polluting activities)
- "Blue Book" ("Managing Urban Stormwater: Soils & Construction" (4th edition, Landcom, 2004)

## 19. Protection of Adjoining Areas

Prior to the commencement of any works, a temporary hoarding, fence or awning must be erected between the work site and adjoining public areas and other leased areas potentially affected by the works. Any such temporary hoarding, fence or awning must be removed when the work has been completed and prior to being opened to the public.

## 20. Signs for Building Sites

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

- Showing the name of the person in charge of the work and a telephone number at which that person may be contacted outside work hours; and
- Stating that unauthorised entry to the work site is prohibited.

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

### **21. Demolition Works**

Demolition must be undertaken in accordance with AS2601-2001 - The Demolition of Structures and any other legislation or Code of Practice.

### **22. Plumbing and Drainage**

Any plumbing and drainage works must be carried out in accordance with the relevant legislation; including but not limited to the Plumbing Code of Australia, *Plumbing and Drainage Act 2011* and Regulations 2012. It is the responsibility of the plumber/person carrying out the works to ensure relevant documentation is submitted to NSW Fair Trading.

### **23. Reporting of Worksite Incidents**

For the duration of works, the Harbour Trust is to be informed of any incidents that have been reported to WorkCover or any other NSW or Commonwealth government authority during or related to the construction period.

### **24. Hours of Work**

The hours of construction for all works shall be restricted as follows:

- 7am to 5pm, Mondays to Fridays inclusive
- 8 am to 1 pm Saturday
- No works on Sundays and public holidays

Unless otherwise approved, construction vehicles, machinery, goods or materials shall not be delivered to the site outside the approved hours of works.

Construction works are to comply with the NSW Interim Construction Noise Guideline prepared by Department of Environment and Climate Change NSW.

All works are to be undertaken in accordance with the NSW Department of Environment and Conservation Environmental Noise Control Manual – Construction Noise Criteria.

Out of hours work permits – In isolated instances, where works cannot be undertaken during the prescribed daytime or evening hours due to legitimate reasons such as pedestrian or worker safety, health or traffic reasons, the appointed principal works contractor must apply to the Harbour Trust for an out of hours work permit, at least 5 days prior to this permit being required.

### **25. Air Quality Monitoring**

In accordance with WorkCover Standards, air quality monitoring must be implemented during the removal of asbestos to ensure the required control limits for airborne asbestos fibre concentrations are not exceeded. Details of these measures must be provided in an Asbestos Removal Management Plan.

The results from air quality monitoring must be reported to the Harbour Trust.

## 26. Removal of Contaminated or Hazardous Materials

Any removal of contaminated or hazardous materials must be carried out in accordance with all relevant Australian Standards, legislative requirements, which may include but it is not limited to the following:

- *Work Health and Safety Act and Regulation, NSW 2011;*
- *Protection of the Environment Operations (Waste) Regulation, 2005;*
- *Environment Protection and Biodiversity Conservation Act 1999;*
- *Contaminated Land Management Act 1997 (NSW EPA);*
- *Protection of the Environment Operations Act 1997;*
- *Waste Avoidance and Resource Recovery Act 2001;*
- *How to Safely Remove Asbestos, Code of Practice, Safe Work Australia 2011;*
- *How to manage and control asbestos in the workplace, Safe Work Australia 2011;*
- *Construction Work, Safe Work Australia 2012;*
- *Working with Asbestos Guide, Workcover, NSW 2008;*
- *National Code of Practice for Noise Management and Protection of Hearing at Work [(NOHSC:2009(2004))];*
- *AS 1319 - (1994) Safety signs for the occupational environment; and*
- *Any other relevant legislation.*

Any soil, gravel or fill brought to the site is to be accompanied by a statement confirming that it is clean and contains no contaminants. A copy of this statement is to be provided to the Harbour Trust.

## 27. Sediment, Erosion and Debris Control

Sedimentation, erosion and debris control, as detailed in the CEMP, must be maintained effectively at all times during the course of the works and shall not be removed until all works have been completed. Dust suppression controls including water sprays must be deployed during the works.

All sediment control and management during construction works must be in accordance with the current best practice guidance material, such as 'Managing Urban Stormwater: Soils and Construction – Volume 1 (2004)', otherwise commonly referred to as the 'Blue Book'.

## 28. Dust Emission and Air Quality

The following must be complied with at all times:

- Materials must not be burnt on the site
- Vehicles entering and leaving the site with soil or fill material must ensure that material is covered
- Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction
- Odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

## 29. Protection of Local Vegetation

During the works, the appointed principal contractor must ensure protective measures are placed to protect the local vegetation.

## 30. Damage to Infrastructure – Buildings, Services and Public Areas

Contractors shall bear the cost of all restoration works to any property owned or managed by the Harbour Trust or any other authority damaged during the course of works. The contractor shall advise

the Harbour Trust, in writing, of any existing damage to public or private property before the commencement of the works.

Any infrastructure displaced, damaged or destroyed by the works will be required to be replaced with like for like replacement infrastructure, in terms of quality, colour, texture, materials and sizing.

### **31. Waste Management**

Any waste associated with the works is to be separated, reused or recycled, or disposed of at a suitable landfill.

### **32. Unforeseen Archaeological Discoveries**

In the event that relics are unintentionally uncovered, work must cease in the area where the relics were found and the Harbour Trust immediately informed. The Harbour Trust will arrange for an archaeologist or (if relevant), a member of the Metropolitan Local Aboriginal Land Council to visit the site and undertake an assessment before determining the appropriate course of action.

It is the appointed contractors' responsibility to immediately notify the Harbour Trust of any such relics, including if footings or services etc, are discovered.

### **33. Protection of Heritage Assets**

All works should be carried out in such a manner which does not adversely impact on the heritage significance of the site.

### **34. Periodic Inspections**

The Principal Certifier is responsible for the undertaking of periodic inspections of the works under construction and at the completion of works.

The Principal Certifier is to provide the Harbour Trust with a copy of written reports following each site inspection, identifying:

- Any instructions issued to the builder or other project team members;
- Any elements of non-compliance with the Building Code of Australia observed; and
- The compliance of the works with any conditions of this Permit applicable during the undertaking of the works.

### **35. Hazardous Materials and Contamination & the Long-Term Environmental Management Plan (LTEMP)**

The site has a Long Term Environmental Management Plan (LTEMP) prepared by Consara Pty Ltd, in 2022 that sets out the requirements for the management of the presence and potential presence of contaminants sub-surface environment at the site. A copy of the LTEMP will be provided to the Permit Holder.

All works must comply with the LTEMP.

All persons engaged by the Permit Holder to carry out the works must be made aware of the possible presence of hazardous or contaminated material in the vicinity of the site, the presence of hazardous materials in the sub floor of the building is unknown.

All contractors must refer to the Hazardous Materials Register upon commencement of works. The Register will identify any potentially hazardous materials remaining on the site.

Any use, removal or modification of hazardous or dangerous materials is to be undertaken in accordance with relevant safe work practices, and all applicable standards relating to safe management of hazardous materials.

Hazardous materials must only be removed by a suitably qualified professional. Any removed hazardous materials must be disposed of appropriately and to a licensed facility.

Any soil removed as part of the works must be tested for the presence of contaminants. If the soil is confirmed to contain contaminants, it must be disposed of at a suitably licensed facility in accordance with the relevant Guidelines, Standards, Codes, Acts and Regulations that may apply.

The Long-Term Environmental Management Plan (LTEMP) must be updated on completion and certification of any remediation works carried out.

### **36. Construction Traffic and Parking Management**

Construction Traffic and parking must be managed in accordance with the approved CTMP and the requirements of Condition 12 above.

### **37. Work, Health and Safety**

All work, health and safety matters during construction must be in accordance with the approved Risk Assessment and the requirements of Condition 12 above.

### **38. Defence Access**

Under the Licence for the land, Defence has an ongoing right to access and use the oval. The Permit Holder must ensure that uninterrupted access to the oval is provided at all times for Defence, including during construction works, unless otherwise permitted in writing by Defence.

## **OCCUPATION APPROVAL**

### **39. Occupation Approval**

*Occupation Approval is issued by the Harbour Trust in accordance with this Planning Permit, based on the Principal Certifier's endorsement of relevant documentation (see Explanatory Note for Condition 4).*

Immediately following the finalisation of all works, the Principal Certifier is to provide the Harbour Trust with a written statement attesting to:

- Certificate of compliance with Building Code of Australia
- Fire Safety Certificate
- Statement of Compliance with Conditions of Approval
- Certificates of compliance for any works to electrical, plumbing, telecommunications, air conditioning or fire safety systems
- Final as-built plans (pdf and dwg)
- Any other documentation required under this planning approval

Upon satisfactory receipt of this statement and supporting documentation, the Harbour Trust will issue Occupation Approval for the completed works. No occupation and / or use is permitted to commence until the Harbour Trust issues an Occupation Approval.

**ONGOING OPERATION****40. Ongoing Operation**

The ongoing operation of the approved facilities must be conducted in accordance with the provisions of the Licence and this Planning Permit.

**LAPSING OF CONSENT****41. Lapsing of Consent**

Works must commence within 5 years of the date of this Permit being granted, otherwise this approval will lapse, unless otherwise agreed in writing by the Harbour Trust.