

## Development consent

### Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As Minister for Planning and Public Spaces, 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.

The Hon Robert Stokes MP  
NSW Minister for Planning and Public Spaces

Sydney

11 February 2021

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application No.:</b>	SSD 10416
<b>Applicant:</b>	Infrastructure NSW
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	30B, 34, 36-38, 40, 42 and 44-54 Phillip Street, Parramatta Lot 1 DP 128474, Lot 1 DP 1247122 and Lot 2 DP 1247122
<b>Development:</b>	<p>Powerhouse Parramatta development including:</p> <ul style="list-style-type: none"><li>• removal of existing buildings and trees, relocation of Willow Grove and retention of St George's Terrace;</li><li>• construction of two buildings up to RL <b>82.35</b> m, with a gross floor area of 24,929 m<sup>2</sup> for museum and ancillary uses;</li><li>• vehicle servicing, coach pick-up/drop-off facilities, bicycle parking and road amendments; and</li><li>• public domain improvement including publicly accessible open spaces, landscaping and creation of a through-site link.</li></ul>

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## SUMMARY OF MODIFICATIONS

Name	Date	Details
SSD 10416 MOD 1	17 August 2022	<b>Modifications to:</b> <ul style="list-style-type: none"><li>• expand the rooftop pavilion of the Eastern Building</li><li>• partially demolish St Georges Terrace</li><li>• fit-out and adaptively re-use St Georges Terrace</li><li>• amend the timing of the Heritage Interpretation Plan.</li></ul>
SSD 10416 MOD 2	19 December 2023	<b>Modification to:</b> <ul style="list-style-type: none"><li>• increase the height of the western building from RL 79.2m to RL 82.35m</li><li>• design changes to the eastern building rooftop pavilion and level 3 façade</li><li>• amend Saturday construction hours from 8am to 1pm to 8am to 5pm.</li></ul>

# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Infrastructure NSW or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul>
<b>Council</b>	City of Parramatta
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS, RtS and SRtS, including the works and activities, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Powerhouse Parramatta Environmental Impact Statement Version 3</i> ', prepared by Ethos Urban and dated 2 June 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>GFA</b>	Gross floor area (calculated in accordance with the Parramatta Local Environmental Plan 2011)
<b>ENM</b>	Excavated Natural Material

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<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	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>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>• 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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>RtS</b>	The Applicant's response to submissions report and attachments titled ' <i>Powerhouse Parramatta Response to Submissions and Amended Proposal Repot Version 5</i> ', prepared by Ethos Urban and dated 8 October 2020
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area

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<b>Site</b>	The land defined in Schedule 1
<b>SRtS</b>	<p>The Applicants supplementary response to submissions reports and documentation prepared by Ethos Urban and including letters titled (including attachments):</p> <ul style="list-style-type: none"> <li>- <i>'Response to Request for Additional Information'</i> dated 2 November 2020</li> <li>- <i>'Response to Further Agency and Organisation Submissions'</i> dated 30 November 2020</li> <li>- <i>'Response to Further Agency, Organisation and Public Submissions'</i> dated 19 January 2021</li> <li>- <i>'Response to Request for Additional Information'</i> dated 20 January 2021</li> </ul>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>WELS</b>	Water Efficiency and Labelling Scheme
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A 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 may 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) generally in accordance with the EIS as amended by the RtS and SRtS;
  - (d) **in accordance with the 4.55(1A) modification application SSD-10416 MOD 1, prepared by Ethos Urban, dated 15 December 2021 as amended by the Response to Submissions, prepared by Ethos Urban, dated 24 May 2022, and additional information prepared by Ethos Urban, dated 28 June 2022;**
  - (e) **in accordance with the 4.55(1A) modification application SSD-10416 MOD 2, prepared by GTK Consulting, dated August 2023 and supporting appendices, additional information prepared by GTK Consulting dated 9 October 2023 and 30 November and supporting appendices and letter from INSW dated 14 December 2023; and**
  - (f) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent):

Architectural Drawings prepared by <i>Moreau Kusunoki and Genton</i>			
Drawing No.	Rev	Name of Drawing	Date
DA061	14	SITE DEMOLITION PLAN	28/10/2020
DA062	<b>14</b>	PROPOSED SITE MASTERPLAN	<b>23/03/2022</b>
DA070	12	EXCAVATION PLAN	08/10/2020
DA100	12	LOWER GROUND LEVEL PLAN	08/10/2020
DA101	13	GROUND LEVEL PLAN	19/10/2020
DA102	12	GROUND LEVEL MEZZANINE 1 PLAN	08/10/2020
DA103	12	GROUND LEVEL MEZZANINE 2 PLAN	08/10/2020
DA110	13	LEVEL 1 PLAN	12/01/2021
DA111	13	LEVEL 1.1 PLAN	12/01/2021
DA112	13	LEVEL 1.2 PLAN	12/01/2021
DA120	12	LEVEL 2 PLAN	08/10/2020
DA121	12	LEVEL 2.1 PLAN	08/10/2020
DA122	12	LEVEL 2.2 PLAN	08/10/2020
DA130	12	LEVEL 3 PLAN	08/10/2020
DA131	12	LEVEL 3.1 PLAN	08/10/2020
DA132	12	LEVEL 3.2 PLAN	08/10/2020
DA140	<b>14</b>	LEVEL 4 PLAN	<b>26/5/2023</b>
DA141	<b>14</b>	LEVEL 4.1 PLAN	<b>26/5/2023</b>
DA150	12	LEVEL 5 PLAN	08/10/2020
DA160	13	LEVEL 6 PLAN	12/01/2021
DA161	12	LEVEL 6.1 PLAN	08/10/2020

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DA200	18	EXTERNAL ELEVATION SOUTH	26/5/2023
DA201	18	EXTERNAL ELEVATION EAST	26/5/2023
DA202	17	EXTERNAL ELEVATION NORTH	26/9/2023
DA203	17	EXTERNAL ELEVATION WEST	26/9/2023
DA250	16	SECTION A	26/9/2023
DA251	16	SECTION B	26/9/2023
DA252	16	SECTION C	26/9/2023
DA300	12	MATERIALS AND FINISHES	08/10/2020
DA500	12	GFA DIAGRAM AND SCHEDULE	08/10/2020
DA501	12	GFA DIAGRAM AND SCHEDULE	08/10/2020
DA502	14	GFA DIAGRAM AND SCHEDULE	25/6/23
DA503	12	GFA DIAGRAM AND SCHEDULE	08/10/2020
DA504	14	GFA SCHEDULE SUMMARY	25/6/23
A-992001	1	St Georges Terrace – Demolition – Ground Level Plan	9/2/2021
A-992002	1	St Georges Terrace – Demolition – Level 1 Plan	9/2/2021
A-992003	1	St Georges Terrace – Demolition – Roof Plan	9/2/2021
A-992011	1	St Georges Terrace – Demolition – Elevation N, S	9/2/2021
A-992012	1	St Georges Terrace – Demolition – Elevation E, W	9/2/2021
A-992021	1	St Georges Terrace – Demolition – Sections	9/2/2021
A-993001	1	St Georges Terrace – Proposed – Plans	9/2/2021
A-993021	1	St Georges Terrace – Proposed – Sections	9/2/2021
A-993011	1	St Georges Terrace – Proposed – Elevations	9/2/2021
<b>Landscape Drawings prepared by McGreggor Coxall</b>			
Drawing No.	Rev	Name of Drawing	Date
LD-DD-02	A	River Level	14/09/20
LD-DD-01	C	Podium Level	14/01/21
LD-DD-03	E	Rooftop Level	9/10/2023
LD-DD-04	B	SSDA Sections 01	22/09/20
LD-DD-05	B	SSDA Sections 02	22/09/20
LD_DA_30-03	G	Tree Retention and Removal Plan	20/08/2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- 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
  - 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(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.



## Limits of Consent

- A5. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following. Separate approval must be obtained for the following works and uses, or any other works or uses, which do not meet exempt development provisions:
- (a) the fit-out and use of the food and drink tenancy / retail floorspace;
  - (b) events in the public domain outside of the day to day operations of the museum; and
  - (c) signage zones.
- A7. This consent does not approve the use of the undercroft for any use or purpose other than as flood infrastructure for the conveyance of waters during flood events.

## Design Excellence and Integrity

- A8. The detailed design of the development and the assessment of design integrity shall be carried out in accordance with the document titled 'Powerhouse Parramatta Design Excellence Report' (DER) submitted at Appendix D of the EIS.
- A9. The established Design Integrity Panel (DIP) outlined in the DER shall be retained throughout the detailed design and construction phases of the development. In addition:
- (a) the DIP shall include additional panel members or advisors with qualifications and experience in the field of landscape architecture, heritage and flooding when reviewing post determination documentation, as required
  - (b) the DIP shall review the design at the following stages (as a minimum):
    - (i) during the detailed design stage;
    - (ii) prior to satisfaction of **Conditions C1, C2 and C4**
    - (iii) prior to construction;
    - (iv) prior to occupation; and
    - (v) prior to the lodgement of any planning modification, which modifies the design.
  - (c) to ensure high quality design resolution of the façade and exoskeleton, a 1:1 manufactured visual mock-up (VMU) shall be prepared for review and endorsement of the DIP. The VMU shall include a representative portion of both the façade and exoskeleton. The dimensions and precise location to be agreed in consultation with the DIP. Prototypes already in progress may form part of a VMU prepared to satisfy this condition with the DIP's endorsement
  - (d) to ensure high quality design resolution of the development key cross sections, partial plans and partial elevations through external walls, balconies, pergolas and other key external details shall be prepared for review and endorsement of the DIP. Drawings are to be fully annotated at a scale of 1:50 (or if necessary 1:20) showing details, materials, finishes and colours, so that the details and materiality of the external facades are clearly documented
  - (e) the DIP shall provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development
  - (f) the Applicant shall consider the advice of the DIP and incorporate its recommendations into the development. Any departures from the DIP recommendations must be justified.
- A10. The architectural design team comprising Moreau Kusunoki and Genton (the Design Team) is to have direct ongoing involvement in the design documentation, contract documentation and construction stages of the project. In addition:
- (a) evidence of the Design Team's engagement is to be provided to the Planning Secretary prior to construction of the built form of the museum; and
  - (b) the Design Team is not to be changed without prior written notice and approval of the Planning Secretary.

## Restrictions on Use – Serviced Apartment and Dormitory Accommodation

- A11. The maximum number of serviced apartments shall not exceed 30 apartments.
- A12. The maximum number of dormitory beds provided within the dormitory shall not exceed 56 beds for students and five beds for teachers.
- A13. Residents accommodated within the serviced apartments and dormitory accommodation must be associated with the museum. The accommodation components are not to be utilised for commercial purposes not associated with the museum.

## Prescribed Conditions

- A14. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## Legal Notices

- A15. Any advice or notice to the consent authority must be served on the Planning Secretary.

## Evidence of Consultation

- A16. 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 or Certifier 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.

## Staging, Combining and Updating Strategies, Plans or Programs

- A17. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A18. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A19. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

## Structural Adequacy

- A20. 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:
- (a) the relevant requirements of the BCA;

**Note 1:** Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## External Walls and Cladding

- A21. The external walls of all buildings including additions to existing building must comply with the relevant requirements of the BCA.

## Applicability of Guidelines

- A22. 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.
- A23. 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

- A24. 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 1:** 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.*

## Incident Notification, Reporting and Response

- A25. The Planning Secretary must be notified through the major projects portal 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.
- A26. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

## Non-Compliance Notification

- A27. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A28. 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.
- A29. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Revision of Strategies, Plans and Programs

- A30. Within three months of:
- (a) the submission of a compliance report under **Condition A33**;
  - (b) the submission of an incident report under **Conditions A25 and A26**;
  - (c) the approval of any modification of the conditions of this consent; or
  - (d) the issue of a direction of the Planning Secretary under **Condition A2** 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.
- A31. 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

- A32. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- A33. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- A34. 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.
- A35. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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

- A36. Independent Environmental Audit Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A37. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- A38. 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 to the applicant of the date or timing upon which the audit must be commenced.

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- A39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition **A36** of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- A40. 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 Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), 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 an audit has demonstrated operational compliance.

## PART B PRIOR TO DEMOLITION, DECONSTRUCTION AND RELOCATION OF HERITAGE ITEMS

### Photographic Archival Recording

- B1. Prior to any works commencing in relation to the following buildings (including demolition, deconstruction and/or alteration) archival photographic recordings must be undertaken for each building. The archival recordings should specifically include a detailed account of internal and external components of the buildings and context photographs of the existing site as viewed from the street and its surroundings. A copy of the final recordings shall be provided to Council:
- (a) Willow Grove, 34 Phillip Street;
  - (b) Substation No.19, 42 Phillip Street; and
  - (c) St George's Terrace, 44 Phillip Street.

### Deconstruction and Relocation of Willow Grove

- B2. No work shall commence on the deconstruction of Willow Grove until a detailed Relocation Framework and Methodology Plan (RFMP) for the site selection, deconstruction and relocation of Willow Grove is prepared by the Applicant and submitted to and approved by the Planning Secretary. The RFMP must include (but shall not be limited to):
- (a) a detailed outline of the site selection process, development approvals pathways and consultation that will be undertaken to determine a new site for Willow Grove
  - (b) detailed engineering and heritage assessment(s) to determine the methodology for the deconstruction and relocation process, with input from a suitably qualified heritage specialist and/or a heritage engineer for sensitive demolition and relocation works and with reference to the Willow Grove Conservation Management Plan and the Addendum Statement of Heritage Impact prepared by Advisian (October 2020);
  - (c) detailed consideration of the impact and mitigation measures required to avoid and minimise impacts of the deconstruction and relocation process of heritage fabric
  - (d) details regarding the storage of the retained fabric
  - (e) details of the engagement of a suitably qualified heritage specialist to oversee the deconstruction, relocation and reconstruction of Willow Grove. The heritage specialist shall be retained for the duration of the works and shall not be changed without prior written notice and approval of the Planning Secretary.

## PART C PRIOR TO CONSTRUCTION WORK COMMENCING

### Undercroft Screen

- C1. Prior to commencement of construction of the built form of the museum, the Applicant shall submit to the Planning Secretary for approval amended drawings relating to the undercroft and showing the provision of fixed, permeable, permanent screens that prevent access to the undercroft (other than for maintenance purposes) and allow the passage of flood waters. The amended design shall be prepared together with:
- (a) a Flood Impact Assessment, which demonstrates the screens will not adversely impact on the free-flow of flood waters;
  - (b) a Crime Prevention through Environmental Design assessment, which demonstrates the amended design would not have an adverse security impact; and
  - (c) a Design Report, which demonstrates the amended design has been integrated into the overall design of the development and achieves the design excellence expectations applicable to the whole project.
- C2. Prior to submitting the amended drawings and documents (**Condition C1**) to the Planning Secretary for approval, the Applicant shall submit the detailed drawings and documents to the DIP (including an additional member/advisor with flood engineering qualifications and experience) for its review. Any advice provided by the DIP shall be considered and incorporated into the design. Where recommendations have not been incorporated provide clear justification for the departure. A copy of the DIP meeting minutes shall be included with the package of information submitted to the Planning Secretary.

### Eastern Building Presentation Space 1 and St George's Terrace

#### C3. Deleted in MOD 1.

### Public domain and Landscape Plans

- C4. Prior to commencement of construction of the built form of the museum, the Applicant shall prepare detailed public domain and landscape plans (drawn to scale by a registered landscape architect) and an updated Arboricultural Impact Assessment (AIA) to be submitted to and approved by the Planning Secretary. Detailed landscaping plans and AIA shall include:
- (a) the location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots including:
    - (i) an assessment of the potential to retain existing trees numbered 2, 3, 4 and 8 (as identified within the document titled '*Arboricultural Impact Assessment*' Revision A, prepared by Tree IQ and dated 16 April 2020) on the site, in addition to the planting of 120 new / replacement trees;
    - (ii) an assessment of the potential to increase the provision of trees planted above the undercroft area within, or at the periphery of, Presentation Space 1 open space;
    - (iii) new / replacement tree planting, which shall:
      - comprise a minimum of 120 native trees
      - detail the location, species, maturity and height at maturity of plants to be planted on-site
      - unless otherwise agreed with the Planning Secretary, comprise advanced tree planting stock (minimum pot container size of 100 litres or greater);
      - achieve a site wide tree canopy cover of no less than 30% (when mature);
  - (b) unless otherwise agreed with the Planning Secretary, species (trees, shrubs and groundcovers) characteristic of the Cumberland Plain Woodland, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;
  - (c) the provision of an additional lift conveniently located to the Civic Link stairs (potentially within the eastern elevation of the Western Building) providing 24 hour a day seven days a week public access between the Civic Link ground floor and lower ground floor / the Parramatta River foreshore;
  - (d) details of activation and connectivity of the following open spaces, including consideration of level changes, landscape design, furniture and other structures, ground plane, micro-climate, security, relationship to proposed/existing buildings and spaces and spatial programming:
    - (i) the Presentation Space 1 open space;
    - (ii) the open space bounded by St George's Terrace, the Eastern Building, Phillip Street and the Civic Link and the space between (north of) St George's Terrace and (south of) the Eastern Building;
    - (iii) the Civic Link;
    - (iv) the Riverside Lawn and Sloped Embankment;
    - (v) Parramatta River foreshore between Church Street and Wilde Avenue.



- (vi) Wilde Avenue public footpath to east of museum
  - (e) details of weather protection adjacent to / as part of buildings fronting open space / public domain, demonstrating consideration of public amenity in all weathers, all year round, 24 hours.
  - (f) location and details of existing and proposed surface materials and structures on the site;
  - (g) consideration of the existing and likely location and depth of services;
  - (h) detailed grading plan with existing and proposed levels, falls, and pits;
  - (i) details of soil depths including finished levels and any mounding;
  - (j) show that any trees planted above or on the building slab are planted in accordance with the recommendations of the document titled '*Arboricultural Impact Assessment*' Revision A, prepared by Tree IQ and dated 16 April 2020, with the exception of the minimum tree soil depth, which must be no less than 1.0 m for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;
  - (k) details of drainage, waterproofing and watering systems;
  - (l) include detailed tree protection measures to ensure retained trees 1 and 40 are adequately protected / safeguarded during works. The tree protection measures shall be prepared by a suitably qualified arboriculturist.
  - (m) confirmation of consultation with Council about whether it requires the provision of new or replacement street tree planting at the Phillip Street and Wilde Avenue frontages of the site. If required, the species and spacing of trees to be determined in consultation with Council; and
  - (n) include the provision of nest boxes suitable to native fauna likely to use the site.
- C5. Prior to submitting the detailed landscaping plan (**Condition C4**) to the Planning Secretary for approval, the Applicant shall:
- (a) submit the detailed landscape plan to the DIP (including an additional member/advisor with landscape architecture qualifications and experience) for its review. Any advice provided by the DIP shall be considered and incorporated into the landscape design. Where recommendations have not been incorporated provide clear justification for the departure. A copy of the DIP meeting minutes shall be included with the package of information submitted to the Planning Secretary.
  - (b) consult with the owner(s) of 32 Phillip Street about an integrated solution to the design and layout of the landscaping located between the eastern boundary of 32 Phillip Street and the Civic Link. Evidence of consultation and its outcome shall be included with the package of information submitted to the Planning Secretary.

## Maximum Building Height

- C6. The height of the buildings shall not exceed the following approved maximums, including plant enclosures and lift overruns and excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance with this condition must be submitted to the Certifier prior to construction of the built form of the museum:
- (a) Western Building must not exceed RL **82.35** m
  - (b) Eastern Building must not exceed RL **62.65** m.

## Certified Drawings

- C7. Prior to the construction of the built form of the museum, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) this development consent.

## Ecologically Sustainable Development

- C8. Prior to the construction of the built form of the museum, evidence must be submitted to the Certifier demonstrating that the development has incorporated all design and construction measures as identified in the ESD report titled '*Powerhouse SSDA Report – ESD*' Issue 05, prepared by ARUP and dated 15 September 2020.
- C9. Prior to the construction of the built form of the museum, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by registering for a minimum 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier.

## Crime Prevention Through Environmental Design (CPTED)

- C10. Prior to the construction of the landscape and built form of the museum, evidence must be submitted to the Certifier demonstrating that the mitigation measures contained within the CPTED report titled '*Powerhouse SSDA report – Security CPTED Assessment*' Issue 03, prepared by ARUP and dated 22 April 2020 as updated by '*Powerhouse SSDA report – Security CPTED Assessment Addendum*' Issue 05, prepared by ARUP and dated 8 October 2020 and '*Addendum Crime Prevention Through Environmental Assessment Statement – Powerhouse Parramatta (SSD-10416 MOD 1)*', prepared by Ethos Urban, dated 29 April 2022, have been addressed within the design.

## Reflectivity

- C11. Prior to the construction of the built form of the museum, evidence must be submitted to the Certifier demonstrating that the materials used on the façades of the building do not exceed a maximum normal specular reflectivity of 20% so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

## Vehicle and Bicycle Parking and End-of-Trip Facilities

- C12. Prior to the construction of the built form of the museum, evidence shall be submitted to the Certifier confirming the development complies with the following requirements for vehicle parking, secure bicycle parking and end-of-trip facilities:
- a) the provision of two servicing vehicle spaces within the loading dock at the ground floor level of the Western Building;
  - b) all servicing vehicles are able to enter and leave the site in a forward direction;
  - c) the swept path of the longest vehicles entering and exiting the site, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2;
  - d) a minimum of 78 bicycle parking spaces will be provided on the site, including:
    - i) three spaces for serviced apartments
    - ii) 15 spaces for staff together with appropriate end of trip facilities (male and female showers, lockers and changing area)
    - iii) 60 spaces for visitors located within the public domain
  - e) the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;

## Operational Noise – Design of Mechanical Plant and Equipment

- C13. Prior to the installation of mechanical plant and equipment for each relevant stage, for the design of mechanical plant and equipment, the Applicant must:
- (a) incorporate the noise mitigation recommendations in the Noise Report titled '*Noise and Vibration Impact Assessment*' Issue 02, prepared by ARUP and dated 22 April 2020, as amended by letter titled '*Powerhouse Parramatta SSDA Acoustic Response to Submission*' prepared by ARUP and dated 26 August 2020, into the design, location and treatment of mechanical plant; and
  - (b) obtain certification from an appropriately qualified acoustic engineer that the proposed noise mitigation measures will achieve compliance with (a) and the Noise Policy for Industry and any other relevant guidelines

The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise Report.

## Operational Waste Storage and Processing

- C14. Prior to the construction of the built form of the museum, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

## Public Domain Works

- C15. Prior to the construction for each relevant stage for footpath or public domain works located outside the site boundary, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

**Note:** Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.



## Heritage Interpretation Plan

- C16. **Within 12 months of the completion of the archaeological excavation**, a comprehensive Heritage Interpretation Plan (HIP) for the site is to be prepared in consultation with Council and relevant stakeholders and shall:
- (a) be informed by the document titled '*Powerhouse Parramatta Heritage Interpretation Strategy*' dated September 2020 and the City of Parramatta draft Heritage Interpretation Guidelines 2017 (or its successor)
  - (b) provide detailed design of the interpretative content for the site including programmatic interpretation strategies, physical, visual and oral histories, key heritage conservation values of Willow Grove and the site's archaeology.
- C16A. Prior to the commencement of any works to St George's Terrace, except for the demolition works approved under SSD-10416 MOD 1, the Applicant must submit updated plans and documents, prepared in consultation with Council and approved by the Secretary, that provides details of:**
- (a) **the proposed interpretation of fire places, chimneys and internal party walls associated with the original residential use of St George's Terrace. Interpretation may be in the form of inlays identifying these elements, or a suitable alternative**
  - (b) **the reinstated proportions of window and door openings on the Phillip Street façade, associated with the original residential use of St Georges Terrace**
  - (c) **the proposed design of the ground floor verandahs fronting Phillip Street, including:**
    - (i) **a material choice, based on historical evidence, if any, that may include bricks or pavers to delineate the verandahs from the public sidewalk**
    - (ii) **details of finished floor levels of the verandahs and the public sidewalk, with regard to access requirements and the topography of the site**
  - (d) **the proposed interpretation of the former first floor verandah(s) in respect of its extent, proportions and location.**
  - (e) **the proposed colour scheme of St George's Terrace, informed by research into the original colour scheme of the building and consultation with the DIP.**
- C17. The HIP shall be submitted to and approved by the Planning Secretary. The recommendations of the HIP are to be implemented in conjunction with the proposed development.

## Flood Management

- C18. Prior to the construction of the built form of the museum the Applicant must submit evidence to the Certifier demonstrating that the design of the development has:
- (a) incorporated the management and mitigation measures contained with the document titled '*Flood Risk and Stormwater Management Report Rev 2*' prepared by ARUP and dated 22 April 2020, as amended by the Addendum dated 16 September 2020 and Technical Note submitted with letter dated 2 November 2020, 19 and Technical Notes dated 14 January and 2 February 2021
  - (b) addressed the following flood management and mitigation specifications:
    - (i) all electrical connections and flood sensitive equipment should be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard. Where it is not practical and feasible to install the equipment above the 1% AEP flood level plus 500 mm freeboard, the installations should generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities
    - (ii) the undercroft must be designed to withstand and allow flow of floodwater ingress for up to the Probable Maximum Flood (PMF) event. Suitable measures must be provided to ensure This includes protection of lifts, stairwells and ventilation shafts
    - (iii) all structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event
    - (iv) the height of the retaining wall that supports the western side of the Dirrabarri ramp and wraps around the corner of 330 Church must be increased to 1% AEP + 500 mm freeboard (7.5 m AHD)
    - (v) the fire system is to be designed to work at its full potential in a 1% AEP + 500 mm flood event
    - (vi) the emergency electricity generators are to be designed to maintain climate control standards suitable for the collections to be displayed in the various museum spaces as specified by the Museum of Applied Arts and Sciences.

## Stormwater and Drainage

- C19. Prior to construction of the built form of the museum the Applicant shall obtain the appropriate approvals/licences from Council / NSW Office of Water for any dewatering of the site required as a result of the proposed works.
- C20. Prior to the construction of the built form of the museum, a Water Sensitive Urban Design strategy for the site is to be prepared in consultation with Council and shall be informed by:
- (a) the *'Flood Risk and Stormwater Management Report Rev 2'* prepared by ARUP and dated 22 April 2020, as amended by the Addendum dated 16 September 2020 and Technical Note submitted with letter dated 2 November 2020, 19 and Technical Notes dated 14 January and 2 February 2021
  - (b) the best practice guidance contained within the Parramatta Development Control Plan for Water Sensitive Urban Design 2011 and Water Sensitive Urban Design Technical Guidelines for Western Sydney 2004.
- C21. Prior to construction of the built form of the museum the Applicant shall submit amended plans to the Certifier incorporating the requirements and mitigation measures of the Water Sensitive Urban Design strategy (**Condition C20**).
- C22. Prior to construction of the built form of the museum the Applicant shall submit to Council engineering details prepared and certified by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent of the detailed design and alignment of Council's stormwater infrastructure to be replaced / relocated within the property boundary. The drainage shall be designed in accordance with Council's requirements.
- C23. Prior to construction of the built form of the museum the Applicant shall submit to the Certifier the final detailed design and alignment of Council's stormwater infrastructure required under **Condition C22**.
- C24. Prior to the construction of the built form of the museum a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, must submit to the Certifier a design certificate certifying that:
- (a) the proposed drainage system has been designed for the 1% AEP flood event;
  - (b) inlet structures to any proposed overland flow pipe are to be designed assuming 50% blockage to kerb inlets; and
  - (c) drainage connections to the existing Council stormwater drainage system have been made as per Council's requirements. Evidence of consultation with Council must be included.

## Notification of Commencement

- C25. The Department must be notified to the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C26. If the construction 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.

## Demolition

- C27. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 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 and Planning Secretary.

## Access to Information

- C28. At least 48 hours before the commencement of construction (if the requirement is triggered) 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.

## Protection of Public Infrastructure

C29. Prior the commencement of construction, 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
- (c) submit a copy of the dilapidation report to the Certifier and Council.

## Pre-Construction Dilapidation Report

C30. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

## Utilities and Services

- C31. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- C32. Prior to the commencement of construction of the built form of the museum written advice must be obtained from the relevant utility providers / authorities (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

## Access for People with Disabilities

C33. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction of the built form of the museum, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

## Environmental Management Plan Requirements

C34. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020).

**Note:** The Environmental Management Plan Guideline is available on the Planning Portal at:  
<https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

## Construction Environmental Management Plan

- C35. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
    - (vi) groundwater management plan including measures to prevent groundwater contamination;

- (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
  - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see **Condition C36**);
  - (c) Construction Noise and Vibration Management Sub-Plan (see **Condition C37**);
  - (d) Construction Soil and Water Management Sub-Plan (see **Condition C38**);
  - (e) Construction Flood Emergency Response (see **Condition C39**);
  - (f) an unexpected finds protocol for contamination and associated communications procedure;
  - (g) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C36. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network. The CTPMSP shall be prepared in consultation with, and endorsed by, TfNSW and shall specify, but not be 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;
  - (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 CBD;
  - (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Parramatta Light Rail Builder;
  - (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services and any light rail within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CTPMSP; and
  - (m) identify the cumulative construction activities of the development and other projects within or around the development site, including the Parramatta Light Rail Project, Sydney Metro West Project and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP.
- Note:** The Applicant shall provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.
- C37. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) incorporate recommendations of the noise report titled 'Noise and Vibration Impact Assessment' Issue 02, prepared by ARUP and dated 22 April 2020– as amended by letter 'Powerhouse Parramatta SSDA Acoustic Response Submissions' prepared by ARUP and dated 26 August 2020;
  - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (d) hours of construction in accordance with **Conditions D5 to D8**;
  - (e) outline how noise and vibration impacts would be monitored during construction
  - (f) describe any consultation undertaken with affected properties to develop the noise mitigation strategies;

- (g) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers;
  - (h) include a complaints management system that would be implemented for the duration of the construction; and
  - (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C34.
- C38. The Construction Soil and Water Management Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
  - (b) describe all erosion and sediment controls to be implemented during construction as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) include an Acid Sulfate Soils Management Plan including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;
  - (d) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site);
  - (e) detail all off-Site flows from the Site;
  - (f) 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.
- C39. The Construction Flood Emergency Response Sub-Plan (CFERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) include details of:
    - (i) the flood emergency responses for the construction phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees, contractors and any other relevant persons associated with the site.

## **Parramatta Light Rail**

- C40. Prior to issue of a relevant construction certificate or preparatory, demolition or excavation works, the Applicant shall consult with Parramatta Light Rail (PLR) project (DA.PLR@transport.nsw.gov.au) within TfNSW to:
- (a) coordinate any interfacing works that will affect the PLR project; and
  - (b) identify any utilities that have been relocated and/or installed by Parramatta Light Rail prior to the commencement of work.

## **Construction Worker Transportation Strategy**

- C41. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

## **Outdoor Lighting**

- C42. Prior to the installation of outdoor lighting for the relevant construction stages, evidence must be submitted to 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*.

## **Road reserve**

- C43. A separate application must be lodged and consent obtained from City of Parramatta for any works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained,



or other satisfactory arrangements confirmed in writing from City of Parramatta, before the commencement of construction works within the road reserve.

## Wind

- C44. Prior to the commencement of external landscape works, the Applicant shall submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained with the document titled *'Powerhouse SSDA Report – Wind Impact Assessment'* Issue 01, prepared by ARUP and dated 17 April 2020.

## Site Contamination

- C45. Prior to the commencement of construction for the relevant construction stage, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

## Aboriginal Archaeology

- C46. Prior to the commencement of construction of the built form of the museum and following test excavations, the Applicant shall prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) in consultation with the RAPs (**Condition D32**), and Heritage NSW ACH. The ACHMP shall:
- (a) be informed by the document titled *'Aboriginal Cultural Heritage Assessment Report'* Issue 4, prepared by Curio Projects and dated 21 January 2021 (ACHAR);
  - (b) be informed by the results of the test excavations and implemented prior to any open area salvage as envisaged by the ACHAR; and
  - (c) recognise and acknowledge the continued Aboriginal connection of the project area to the Aboriginal community and provide recommendations to be included in the Heritage Interpretation Strategy (**Condition C16**) to be prepared and implemented for the project.

## Non-Aboriginal Archaeology

- C47. The project must endeavour through detailed design to avoid physical impacts to State significant historical archaeology by the proposal, including the use of existing disturbed areas of the site. Prior to the commencement of construction, the Applicant shall undertake a program of archaeological testing to inform the final design of the proposal. The testing shall aim to understand the nature, extent and significance of the surviving archaeological deposits as set out in the document titled *'Powerhouse Site, Parramatta Final Archaeological Research Design'* Issue 3, prepared by Curio Projects and dated 23 April 2020, as amended by the document titled *'Addendum Historical Archaeology Impact Assessment Report'* Issue 3, prepared by Curio Projects and dated 15 September 2020.
- C48. If testing (**Condition C47**) identifies an archaeological resource of significance (local, State or both) which cannot be avoided through detailed design, the project shall undertake archaeological open area salvage.
- C49. Prior to the commencement of any works associated with the archaeological open area salvage associated with **Condition C48**, the Applicant must prepare a revised historical archaeological research design and excavation methodology (HARDEM). The HARDEM shall be prepared ahead of the salvage stage in consultation with the Heritage Council of NSW and submitted to and approved by the Planning Secretary.
- C50. A final archaeological excavation report shall be prepared within 12 months of the completion of archaeological excavation and copies provided to the Planning Secretary, Heritage Council of NSW and Council. The archaeological excavation report shall include detailed findings of the project, including any significant artefacts recovered, where they are located and information about their ongoing conservation and protection in perpetuity by the land owner. The final report shall respond to the HARDEM and identify the final repository for the archaeological collection from the excavations.
- C51. The Applicant shall nominate a suitably qualified and experienced historical archaeologist to manage the historical archaeological program according to **Conditions C47 to C50**. This person must fulfil the Heritage Council's Excavation Director Criteria for the excavation of State significant archaeological sites.

## PART D DURING CONSTRUCTION

### Willow Grove relocation

- D1. Within 12 months of the deconstruction of Willow Grove the Applicant shall update and amend the RFMP (**Condition B2**), in consultation with Council, the NSW Heritage Council, the local community, key stakeholders and landowners/managers, and submit it for approval of the Planning Secretary. The updated RFMP shall include (but shall not be limited to):
- (a) details of the relocation site, including an options analysis which informed the site selection, heritage impact assessment and consideration of the appropriateness of the new setting for Willow Grove;
  - (b) the program for the relocation process, including details of any additional approvals required to reconstruct or the use Willow Grove at the selected site and a commitment to a delivery date for Willow Grove in its new location;
  - (c) opportunities for the appropriate future use for the relocated building; and
  - (d) details of consultation undertaken, confirmation of any issues raised during consultation, how any issues raised have been addressed and justification for alternative approaches to any issues raised.

### Approved Plans to be On-site

- D2. 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

- D3. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D4. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Construction Hours

- D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and **5pm**, Saturdays.
  - (c) No work may be carried out on Sundays or public holidays.
- D6. Construction activities may be undertaken outside of the hours in condition D5 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers.
- D7. Notification of such construction activities as referenced in condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and

- (c) 9am to 12pm, Saturday.

## Implementation of Management Plans

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

## Construction Traffic

- D10. 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

- D11. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## SafeWork Requirements

- D12. 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.

## Hoarding Requirements

- D13. The following hoarding requirements must be complied with:
- a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
  - b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and
  - c) the Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

## No Obstruction of Public Way

- D14. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

## 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 approved CNVMSP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Conditions D5 to D8**.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 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  $L_{Aeq}$  75dBA) as measured at the sensitive receiver must only be 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 one 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); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D20.



- D22. The limits in **Conditions D20** and **D21** apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by **Condition (a)** of this consent.
- D23. The Applicant shall refer to the minimum working distances in Table 25 of the document titled '*Noise and Vibration Impact Assessment*' Issue 02, prepared by ARUP and dated 22 April 2020, and undertake vibration monitoring at the nearest potential affected building where vibration intensive works are required within these minimum distances. Vibration monitoring should be capable of real-time alerts where measured vibrations exceed criteria.

## Air Quality

- D24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D25. 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; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## 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 (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

## Disposal of Seepage and Stormwater

- D27. 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 Environment Protection Authority in accordance with the *Protection of the Environment Operations Act 1997*.

## Construction Access Driveways / Roadway

- D28. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the Council's requirements.

## Loading and Unloading During Construction

- D29. The following requirements apply:
- (a) all loading and unloading associated with construction activity must be accommodated on site;
  - (b) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council;
  - (c) in addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level; and
  - (d) where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

## Tree Protection

- D30. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the approved disturbance area / property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
  - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the document titled '*Arboricultural Impact Assessment*' Revision A, prepared by Tree IQ and dated 16 April 2020; and

- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

## **Parramatta Sand Body**

- D31. In the event that the construction and excavation works results in the Parramatta Sand Body (PSB) being encountered on the site the Applicant shall consult with the Heritage Council NSW and:
  - (a) shall endeavour to retain evidence of the PSB on the site; and
  - (b) where works would impact the PSB the Applicant shall engage a suitably qualified geomorphologist to undertake an investigation of the PSB and comparative analysis with other identified parts of the PSB, including State Heritage Register sites at Parramatta Park and Old Government House, North Parramatta (Cumberland District Hospital Group) and Robin Thomas Reserve by the Light Rail. A copy of the geomorphological assessment shall be submitted to the Heritage Council NSW.

## **Site Contamination**

- D32. The remediation and construction shall be carried out in accordance with the contaminated land remediation management and mitigation measures contained with the document titled '*Infrastructure NSW Remedial Action Plan 58352/128675 (Rev1)*' prepared by JBS&G and dated 23 October 2020. In addition:
  - (a) any variations to the approved RAP shall be approved in writing by the Site Auditor; and
  - (b) if work is to be carried out / completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D33. Following completion of remedial works, the Applicant must submit a relevant Site Audit Report and Site Audit Statement prepared by an EPA accredited Site Auditor to verify the relevant part of the site is suitable for its intended use.
- D34. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

## **Excavated and Imported Soil**

- D35. The Applicant must ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site and keep accurate records of the volume and type of fill used.
- D36. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

## **Waste Storage and Processing**

- D37. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D38. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D39. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D40. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D41. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

## **Handling of Asbestos**

- D42. The Applicant is to consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Notification of Occupation

- E1. The date of commencement of the occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Roadworks, Signposting, Associated Markings and Upgrades

- E2. Prior to occupation and commencement of the use, the Applicant must submit evidence to the Certifier demonstrating that the following requirements are complied with:
- (a) two coach pick-up/drop-off bays have been provided on Phillip Street, outside/near to the site;
  - (b) all roads and traffic facilities outside the site boundary must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works;
  - (c) all required kerbside parking controls must be approved by the Parramatta Local Traffic Committee / TfNSW, installed by the Applicant, inspected by the relevant road authority (Council or TfNSW) and implemented;
  - (d) any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993; and
  - (e) records of all dates in relation to installing, altering and removing traffic control devices related to speed must be maintained.
- E3. Prior to occupation and commencement of the use, the Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications and complete the construction to Council's satisfaction for the following infrastructure works:
- (a) a turnaround facility located at the termination of George Khatter Lane at the eastern boundary of the site;
  - (b) the removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction;
  - (c) the construction of new driveway accesses (where required). The new driveways access must be designed and constructed as per Council's requirements and Road Safety check recommendations;
  - (d) any stormwater drainage installations where proposed in the public domain in accordance with Council's stormwater team recommendations;
  - (e) signage and linemarking details;
  - (f) staging of the public civil works, if any, and transitions between the stages; and
  - (g) the relocation/adjustment of all public utility services affected by the proposed works.
- E4. Prior to occupation and commencement of the use, the Applicant must submit evidence to the Certifier demonstrating that the works approved by Council (**Condition E3**) have been carried out.

### Operational Management Plan for the serviced apartments and dormitory accommodation

- E5. Prior to occupation and commencement of the use of the on-site accommodation, a Temporary Accommodation Operational Management Plan (TAOMP) for the serviced apartments and dormitory accommodation is to be submitted to and approved by the Planning Secretary. The TAOMP must:
- (a) in relation to the dormitory accommodation, include the minimum criteria as stipulated in Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation 2005 under the Local Government Act 1993 and the Public Health Act 1991;
  - (b) include all the measures to be implemented on the premises in terms of safety & security, amenity and health including but not limited to matters relating to curfews and after-hours access, bringing of visitors on to the site, emergency response, drug and alcohol policy (including smoking), and use of communal areas etc;
  - (c) include all the responsibilities of the concierge and/or Caretaker/Manager;
  - (d) include an Incident Register to be maintained by the concierge/Caretaker/Manager. This Register must be produced upon demand by any Council officer or NSW Police Officer. The Register must contain a direction that all incidents of a criminal nature are to be reported to the Police immediately;
  - (e) be dated and the name and signature of the author of the document must be included.

- (f) be displayed in prominent locations within the premises and a copy of the Plan must be provided to all residents of the boarding accommodation.
- E6. A separate concierge facility for the serviced apartments and dormitory accommodation shall be staffed 24 hours a day, seven days a week.
- E7. Prior to occupation and commencement of the use of the on-site accommodation, a notification letter shall be forwarded to Council, the Police and neighbours providing contact details for the Caretaker/Manager so that any issues regarding the operation of the premises etc. can be addressed promptly. Evidence of this letter being forwarded as required in this condition must be provided to the Certifier, prior to occupation and commencement of the use.

## Events Management Plan

- E8. The Applicant shall prepare an Events Management Plan in consultation with Council and TfNSW and submit a copy of the final plan to the Planning Secretary for approval, prior to occupation and commencement of the use. The plan shall consider all types of events proposed (other than museum exhibitions and programs) and their location, impact and management. The plan should specify, but not be limited to, the following:
  - (a) details of the frequency, time of day, location, capacity and duration of events on the site;
  - (b) details of servicing requirements including location and infrastructure;
  - (c) details of how events will be managed so as to minimise impact to general traffic, bus operations, cyclists and pedestrians;
  - (d) details of potential noise impacts and management and mitigation measures
  - (e) details of cumulative noise, traffic, amenity and other impacts
  - (f) details of the operation and management of the roof terrace and pavilion located above the Eastern Building.

## Coach Management Plan

- E9. The Applicant shall prepare a Coach Management Plan in consultation with Council and TfNSW and submit a copy of the final plan to TfNSW for endorsement, prior to occupation and commencement of the use. The plan shall consider all visitor groups (including simultaneous visiting groups from multiple schools) and concurrent events within the development. The plan shall detail the outcomes of investigations of opportunities to provide coach passenger pick-up and drop-off and outer-CBD coach layover parking facilities for the development. The plan should specify, but not be limited to, the following:
  - (a) details of the development's coach profile, including the forecast coach traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of coach passenger pick-up/drop-off and outer-CBD layover parking facilities that would support the demand of the development;
  - (c) details of how use of the coach passenger pick-up/drop-off and layover parking facilities would be managed so as to minimise impact to general traffic, bus operations, cyclists and pedestrians;
  - (d) management of coach queuing at coach passenger pick-up/drop-off and layover parking facilities, including details of alternate coach passenger pick-up/drop-off and layover parking locations to redirect coaches due to extensive queuing and how this would be managed; and
  - (e) measures to manage passengers queuing to board coaches, including school students, to minimise impacts to footway pedestrian flow.

## Loading and Servicing Management Plan

- E10. The Applicant shall prepare a Loading and Servicing Management Plan in consultation with TfNSW. A copy of the final plan is to be submitted to and endorsed by TfNSW prior to occupation and commencement of the use. The plan should specify, but not be limited to, the following:
  - (a) details of the development's freight and servicing profile, including the forecast loading/service vehicle traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of loading/servicing vehicle bays within the site that would be used to adequately accommodate the forecast loading/servicing vehicle traffic volumes of the development (including long dwell time loading/service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business;
  - (c) details of any alternative arrangements to accommodate the development's freight and servicing profile, including implementation of supply chain consolidation and/or off-site consolidation;
  - (d) management of queuing along Wilde Avenue and Phillip Street (and Dirrabarri Lane) as a result of the operation of the loading docks;

- (e) details of how vehicle use of the Wilde Avenue access point would be managed so as to not compromise the effective operation of bus services;
- (f) details of alternate car parking locations and loading zones to redirect vehicles due to extensive queuing at the accesses to site and how this would be managed;
- (g) management of incidents at the accesses to the loading docks and within Dirrabarri Lane;
- (h) management of conflicts between loading/servicing vehicles accessing and exiting the site and:
  - o Pedestrian movements within Dirrabarri Lane and along Phillip Street and Wilde Avenue; and
- (i) other vehicles within Dirrabarri Lane; and
- (j) loading bay management details including controls of duration of vehicle stay.

## Green Travel Plan

- E11. The Applicant shall prepare a Green Travel Plan for the development in consultation with TfNSW. The applicant shall submit a copy of the final plan to TfNSW for endorsement, prior to occupation and commencement of the use. The plan is required to:
- (a) Identify strategies and mechanisms, including mode share targets that encourage and promote sustainable transport use such as public transport, walking and cycling and reduce the proportion of single-occupant car journeys to the site, considering all employees and visitors to the development, including school groups.
  - (b) Include a Transport Access Guide that provides information to visitors and staff about the range of travel modes access arrangements and supporting facilities that service the site; and
  - (c) Nominate the party/parties responsible for implementing the plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets.

## External Walls and Cladding

- E12. Prior to occupation and commencement of the use, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E13. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## Protection of Public Infrastructure

- E14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

**Note 1:** This condition does not apply to any damage to roads caused as a result of general road usage.

- E15. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications.

## Post-construction Dilapidation Report

- E16. Prior to occupation and commencement of the use, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) to be forwarded to Council.
- E17. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.



## Utilities and Services

- E18. Prior to occupation and commencement of the use, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

## Mechanical Ventilation

- E19. Prior to occupation and commencement of the use and following completion, installation and testing of all mechanical ventilation systems, the Applicant must submit evidence to the Certifier demonstrating the installation and performance of the mechanical systems complies with:
- a) the BCA;
  - b) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
  - c) the development consent and any relevant modifications; and
  - d) any dispensation granted by the NSW Fire Brigade.

## Fire Safety Certification

- E20. Prior to occupation of the building, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

## Structural Inspection Certificate

- E21. Prior to occupation and commencement of the use, 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 (contact approval authority for specific electronic format) must be submitted to the approval authority 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.

## Water Systems

- E22. Prior to occupation and commencement of the use, the installation 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 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.
- E23. Prior to occupation and commencement of the use, details of the installation of water efficient fixtures and fittings shall be submitted to the Certifier, including:
- (a) all toilets installed within the development must 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 must be water efficient with at least a 3-star rating under the WELS, where available; and
  - (c) urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the WELS.

## Outdoor Lighting

- E24. Prior to occupation and commencement of the 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 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.

## Operational Waste Management Plan

- E25. Prior to occupation and commencement of the use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) 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 (Department of Environment, Climate Change and Water, 2009);

- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) incorporate the management and mitigation measures included within the document titled '*Powerhouse SSDA Report - Operational Waste Management Plan*' Issue 01, prepared by ARUP and dated 21 April 2020.

## Bicycle Facilities

E26. Prior to occupation and commencement of the use:

- (a) bicycle facilities shall be installed in accordance with the requirements of **Condition C12**; and
- (b) bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Landscaping

- E27. Prior occupation and commencement of the use, evidence shall be submitted to the Certifier confirming that the landscaping (including trees planting, hard and soft landscaping, furniture, paths and the like) has been installed in accordance with the landscaping drawings and the Arboricultural Impact Assessment (**Condition C4**).
- E28. Prior to occupation and commencement of the use, the Applicant must prepare an Operational Landscape Management Plan (OLMP) relating to the ongoing management and maintenance of the landscaping on-site. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
  - (b) the process for replacing diseased, damaged or dying/dead trees/plants.

## Works as Executed Plans

- E29. Prior to occupation and commencement of the use, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier and a copy provided to Council.

## Stormwater Drainage

- E30. Prior to occupation and commencement of the use, the Applicant must provide evidence to the Certifier that the flooding, stormwater and drainage infrastructure and mitigation measures have
- (a) been implemented in accordance with Conditions C18 to C24; and
  - (b) considered the findings of Council's Cardno Flooding Study and incorporates mitigation measures (as necessary) to address the findings of the study.

## Operational Flood Emergency Management Plan

- E31. Prior occupation and commencement of the use of the development, an Operational Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (c) includes details of:
    - (i) the flood emergency responses for operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes for:
      - all staff and visitors to the site
      - occupants of the on-site accommodation to travel from accommodation areas to designated refuge areas within the building, all of which should be above the PMF level;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and any relevant persons associated with the development.

## Flood Damages Assessment

- E32. Prior occupation and commencement of the use of the development, a suitably qualified consultant is to undertake a detailed flood damages assessment to assess the likely intangible and tangible damages for the museum / museum collection across the full range of flood events. The assessment will review the acceptable probability of loss or damage to categories of Museum contents by the curators, taking into account their various values.

## Heritage Interpretation

- E33. Prior to occupation and commencement of the use, the Applicant must provide evidence to the Certifier that the Heritage Interpretation has been implemented in accordance with **Condition C16**

## St George's Terrace Conservation Management Plan

- E34. A St George's Terrace Conservation Management Plan shall be prepared by a suitably qualified heritage specialist in consultation with Council to guide the ongoing conservation, maintenance and interpretation of St George's Terrace. The Conservation Management Plan shall be submitted to and approved by the Planning Secretary prior to occupation and commencement of use.

## Aboriginal Archaeology Long Term Management

- E35. Prior to occupation and upon conclusion of excavation and salvage works, the ACHMP (**Condition C46**) must be updated to include the long term care and control procedures, which shall be prepared in consultation with the RAPs and Heritage NSW ACH, for the management of any Aboriginal objects recovered within the project area.

## Wind mitigation

- E36. Prior the occupation and commencement of the use of the development the wind management and mitigation measures approved under **Condition C44** must be installed.

## CPTED

- E37. Prior to occupation and commencement of the use, the Applicant must provide evidence to the Certifier that the CTPED mitigation measures have been implemented in accordance with **Condition C10**.

## Food preparation areas

- E38. Prior to occupation for the relevant areas of the buildings used for food for handling food for sale (as defined within the *Food Act 2003*), evidence shall be submitted to the Certifier demonstrating that design, construction, fit-out and on-going operation of these areas comply with all applicable legislation including (but not limited to):
- (a) the Food Act 2003;
  - (b) the Food Regulation 2004;
  - (c) Food Standards Australia and New Zealand – Food Standards Code 2003;
  - (d) AS 4674-2004. Design, construction and fit-out of food premises; and
  - (e) AS 1668 'The use of ventilation and air conditioning in buildings'.

## Site Audit Report and Site Audit Statement

- E39. Prior to occupation and commencement of the use, the Applicant must obtain a Section A1, or A2, Site Audit Statement accompanied by an Environmental Management Plan from an NSW EPA accredited Site Auditor. Evidence of the Site Audit Statement shall be submitted to the Certifier and a copy sent to the Planning Secretary and Council for information.



## PART F POST OCCUPATION

### Operation of Plant and Equipment

- F1. 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.

### Wilde Avenue Vehicle Access

- F2. Vehicle use of the Wilde Avenue vehicle access point is prohibited between 7am to 10am and between 3pm and 8pm weekdays so as to minimise compromising the effective operation of bus services on Wilde Avenue.

### Operational Noise Limits

- F3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Report titled '*Noise and Vibration Impact Assessment*' Issue 02, prepared by ARUP and dated 22 April 2020, as amended by letter titled '*Powerhouse Parramatta SSDA Acoustic Response to Submission*' prepared by ARUP and dated 26 August 2020.
- F4. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- F5. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to and approved by the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

### Unobstructed Driveways and Parking Areas

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and parking areas must not be used for the manufacture, storage or display of goods, materials, 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.

### Outdoor Lighting

- F7. Notwithstanding **Condition E24**, should 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.

### Landscaping

- F8. The landscaping is to be maintained at all times following its installation in accordance with the Operational Landscape Management Plan (**Condition E28**).

### Ecologically Sustainable Development

- F9. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.

### Warm Water Systems and Cooling Systems

- F10. 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 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Various Operational Management Plan

- F11. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:
- (a) Temporary Accommodation Operational Management Plan (**Condition E5**)
  - (b) Events Management Plan (**Condition E8**);
  - (c) Coach Management Plan (**Condition E9**);

- (d) Loading and Servicing Management Plan (**Condition E10**);
  - (e) Green Travel Plan (**Condition E11**);
  - (f) Operational Waste Management Plan (**Condition E25**);
  - (g) Operational Landscape Management Plan (**Condition E28**); and
  - (h) Operational Flood Emergency Management Plan (**Condition E31**).
- F12. A bicycle space utilisation survey should be carried out on an ongoing basis and additional bicycle parking capacity shall be provided should it be warranted by demand identified in:
- (a) the utilisation survey; and
  - (b) the Green Travel Plan (**Condition E11**).

### Flood Damages Assessment

- F13. The Flood Damages Assessment required under **Condition E32**, is to be updated following each flood and before any significant changes to the operation of the Museum are undertaken.

## APPENDIX 1 ADVISORY NOTES

### General

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### Long Service Levy

- AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### Legal Notices

- AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### EPA

- AN4. The EPA recommends the use of 'certified consultants'. Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Ver 2, (dated November 2017) ([https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D\\_C273A1F7](https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D_C273A1F7)) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant.

### Access for People with Disabilities

- AN5. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.
- AN6. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

### Utilities and Services

- AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN8. Prior to the commencement of construction of the built form of the museum 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.

### Road Design and Traffic Facilities

- AN9. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road Occupancy Licence

- AN10. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

- AN11. 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.

### Hoarding Requirements

- AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

- AN13. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

AN14. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

### **Survey Infrastructure**

AN15. Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

FOR INFORMATION ONLY

## APPENDIX 2 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](mailto: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 condition **Error! Reference source not found.** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact 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.