

# Development Consent

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

As delegate of the Independent Planning Commission, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

**Anthony Witherdin**  
**Director**  
**Key Sites Assessments**

Sydney 19 February 2024

File: SSD 31515622

*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.*

## SCHEDULE 1

<b>Application Number:</b>	SSD 31515622
<b>Applicant:</b>	Frasers Property Retail Holdings Pty Ltd
<b>Consent Authority:</b>	Independent Planning Commission
<b>Site:</b>	Lot 3 of the Eastern Creek Business Hub 141 Rooty Hill Road South, Eastern Creek, Blacktown Lot 3 of DP 31130, Lot 12 of DP 1245264, Lot 1 of DP 1260111 and Lot 101 of DP 581882
<b>Development:</b>	Construction and operation of Phase A of the retail outlet centre in accordance with Concept Plan (SSD-10457), including: <ul style="list-style-type: none"><li>• a single storey retail factory outlet centre with 101 tenancies</li><li>• extension of ECQ Social including a multi-purpose outdoor area with play spaces, passive recreation and alfresco dining;</li><li>• tree and vegetation clearing and associated landscaping works</li><li>• signage zones;</li><li>• 1,171 carparking spaces (at-grade and basement)</li><li>• external infrastructure upgrades, including the upgrade of the Rooty Hill Road South / Church Street intersection and an upgrade of Church Street.</li></ul>

### SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-31515622 MOD 1	20 September 2024	A/ Director	Amend Condition B43 relating to the M7 cycleway connection to align with the agreement between the Applicant and Council. Remove references to the cycleway in Condition B1 and B44.

FOR INFORMATION

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Fraser's Property Retail Holdings Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Construction Certificate</b>	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
<b>Council</b>	Blacktown City Council
<b>CPTED</b>	Crime Prevention Through Environmental Design Assessment
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The destruction and removal of buildings, sheds and other structures on the site.
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled Eastern Creek Quarter Stage 3 Detailed Design – Retail Outlet Centre, prepared by Ethos Urban, dated 14 March 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<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>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPL</b>	Environment Protection Licence under the Protection of the Environment Operations Act 1997
<b>Feasible</b>	Means what is possible and practical in the circumstances
<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 people 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</li> </ul>

	expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<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>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<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 approved land uses upon completion of construction
<b>Owner</b>	Means the registered proprietor of the Property from time to time.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<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>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>Retail outlet premises use</b>	Means a premises which is primarily used for the purpose of selling discounted, factory seconds, direct to outlet, out-of-season, samples or surplus stock. A retail outlet premises does not include a supermarket, food and drink premises or a business premises.
<b>RtS</b>	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
<b>RFI</b>	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

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 must only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, RtS and any RFI;
- (d) in accordance with the approved plans in the table below;
- (e) **generally in accordance with the following modification application:**
  - (i) **Section 4.55(1) Modification Application (SSD 31515622 MOD 1) and accompanying appendices prepared by Ethos Urban dated 26 August 2024.**

Architectural drawings prepared by Hames Sharley			
Drawing Number	Rev	Name of Plan	Date
DA16	D	Stage 3 Proposed Floor Plan	08/09/2023
DA17	D	Stage 3 Proposed Basement Plan	08/09/2023
DA18	B	Stage 3 Proposed Roof Plan	08/09/2023
DA19	A	Zone A (Entry) Details	08/09/2023
DA20	A	Zone B (Entry) Details	08/09/2023
DA21	A	Zone C (Food Precinct) Details	08/09/2023
DA22	A	Elevations 1	08/09/2023
DA23	A	Elevations 2	08/09/2023
DA24	A	Sections	08/09/2023
DA26	A	Signage Plan	08/09/2023
DA27	A	Signage Elevations	08/09/2023
DA28	A	Signage Elevations	08/09/2023
DA29	A	Signage Elevations	08/09/2023
Landscaping drawings prepared by Arcadia			
Drawing Number	Rev	Name of Plan	Date
000	B	Cover Sheet	05/09/2023
101	B	Landscape Masterplan	05/09/2023
102	B	Landscape ECQ Entry 1 & 2 Masterplan	05/09/2023
103	B	Landscape ECQ Social Masterplan	05/09/2023

104	B	Landscape Car Parking Plan	05/09/2023
105	B	Landscape Car Parking Plan	05/09/2023
106	B	Landscape Car Parking Plan	05/09/2023
107	B	Planting Schedule	05/09/2023
301	C	Landscape Details	05/09/2023
302	C	Landscape Details	05/09/2023
400	B	Landscape Specification	05/09/2023
<b>Civil Engineering Drawings prepared by Henry &amp; Hymas</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
ECQ-C-000	1	Cover Sheet, Drawing Schedule & Locality Sketch	08/09/2023
20224-CC-C010	1	Notes	08/09/2023
ECQ-C-201	04	Detail Plan – Church Street Sheet 1 of 2	13/10/2023
ECQ-C-202	04	Detail Plan – Church Street Sheet 2 of 2	13/10/2023
ECQ-C-203	1	Detail Plan – Ground Level Sheet 1 of 4	08/09/2023
ECQ-C-204	1	Detail Plan – Ground Level Sheet 2 of 4	08/09/2023
ECQ-C-205	1	Detail Plan – Ground Level Sheet 3 of 4	08/09/2023
ECQ-C-206	1	Detail Plan – Ground Level Sheet 4 of 4	08/09/2023
ECQ-C-207	1	Detail Plan – Basement Level Sheet 1 of 4	08/09/2023
ECQ-C-208	1	Detail Plan – Basement Level Sheet 2 of 4	15/09/2023
ECQ-C-209	1	Detail Plan – Basement Level Sheet 3 of 4	08/09/2023
ECQ-C-209a	1	Detail Plan – Basement Level Sheet 4 of 4	08/09/2023
ECQ-C-301	1	Retaining Wall Plan Sheet 1 of 2	08/09/2023
ECQ-C-302	1	Retaining Wall Plan Sheet 2 of 2	08/09/2023
ECQ-C-510	1	Stormwater Miscellaneous Details and Pit Lid Schedule	08/09/2023
ECQ-C-521	1	Stormwater Longitudinal Sections Sheet 1 of 10	08/09/2023
ECQ-C-522	1	Stormwater Longitudinal Sections Sheet 2 of 10	08/09/2023
ECQ-C-523	1	Stormwater Longitudinal Sections Sheet 3 of 10	08/09/2023
ECQ-C-524	1	Stormwater Longitudinal Sections Sheet 4 of 10	08/09/2023
ECQ-C-525	1	Stormwater Longitudinal Sections Sheet 5 of 10	08/09/2023
ECQ-C-526	1	Stormwater Longitudinal Sections Sheet 6 of 10	08/09/2023

ECQ-C-527	1	Stormwater Longitudinal Sections Sheet 7 of 10	08/09/2023
ECQ-C-528	1	Stormwater Longitudinal Sections Sheet 8 of 10	08/09/2023
ECQ-C-529	1	Stormwater Longitudinal Sections Sheet 9 of 10	08/09/2023
ECQ-C-530	1	Stormwater Longitudinal Sections Sheet 10 of 10	08/09/2023
ECQ-C-550	1	Stormwater Catchment Plan Sheet 1 of 2	08/09/2023
ECQ-C-551	1	Stormwater Catchment Plan Sheet 1 of 2	08/09/2023
ECQ-C-590	A	Proposed Fire Track Sections	22/06/2023
ECQ-C-611	1	Pavement Plan Upper Level, Sheet 1 of 2	08/09/2023
ECQ-C-612	1	Pavement Plan Upper Level, Sheet 2 of 2	08/09/2023
ECQ-C-613	1	Pavement Plan Basement Level, Sheet 1 of 2	08/09/2023
ECQ-C-614	1	Pavement Plan Basement Level, Sheet 2 of 2	08/09/2023
ECQ-C620	1	Pavement Details and Notes	08/09/2023
ECQ-C-621	1	Pavement and Jointing Details	08/09/2023
ECQ-C-BE50	1	Bulk Earthworks – Early Works Cut and Fill Plan	13/09/2023
ECQ-C-BE51	1	Bulk Earthworks – Early Works Site Sections, Sheet 1 of 2	13/09/2023
ECQ-C-BE52		Bulk Earthworks – Early Works Site Sections, Sheet 2 of 2	13/09/2023
20224_CC_C_600	01	Signage Plan and Line Marking Plan Church Street	14/06/2023
20543_SK_C800	01	Proposed Overall Footpath Layout	25/05/2023
20543_SK_C801	01	Proposed Footpath Layout Sheet 1 of 4	25/05/2023
20543_SK_C802	01	Proposed Footpath Layout Sheet 2 of 4	25/05/2023
20543_SK_C803	01	Proposed Footpath Layout Sheet 3 of 4	25/05/2023
20543_SK_C804	01	Proposed Footpath Layout Sheet 4 of 4	25/05/2023
<b>Hydraulic Services prepared by Henry &amp; Hymas</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
ECQ3-H-700	A	Cover Sheet - Non-Potable Cold Water Services	12/09/2023
ECQ3-H-701	B	Basement - Overall Plan - Non-Potable Cold Water Services	12/09/2023
ECQ3-H-702	B	Ground Floor - Overall Plan - Non-Potable Cold Water Services	12/09/2023

ECQ3-H-703	B	Details - Non-Potable Cold Water Services	12/09/2023
------------	---	---	------------

- A3. The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:
- (a) the environmental performance of the SSD;
  - (b) any document or correspondence in relation to the SSD;
  - (c) any notification given to the Planning Secretary under the terms of this approval;
  - (d) any audit of the construction or operation of the SSD;
  - (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
  - (f) the carrying out of any additional monitoring or mitigation measures; and
  - (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A6. The fit-out of individual retail tenancies will be subject to separate approval unless it complies with the exempt development provisions in Chapter 7 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

#### PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

#### LEGAL NOTICES

- A8. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

#### EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### STRUCTURAL ADEQUACY

- A10. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

##### Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

#### OPERATION OF PLANT AND EQUIPMENT

- A11. 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.

## APPLICABILITY OF GUIDELINES

- A12. 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.
- A13. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## COMPLIANCE

- A14. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A15. Within three months of:
- (a) the submission of a compliance report under this consent;
  - (b) the submission of an incident report under this consent;
  - (c) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
  - (d) the issue of a direction of the Planning Secretary under this consent which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.
- A16. 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 and approved by the Planning Secretary 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

- A17. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.
- A18. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.
- A19. 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.
- A20. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## RETAIL OUTLET USE

- A21. The Applicant must ensure the overall development operates as a **Retail Outlet Premises** as defined by this consent.
- A22. Each future tenancy for a retail outlet premises use must be operated in accordance with the following:
- (a) A minimum of 70% of stock for sale in a given premises within the overall retail outlet premises is discounted from its ordinary retail price or recommended retail price, for reasons including but not limited to:
    - (i) being out-of-stock
    - (ii) factory seconds
    - (iii) samples
    - (iv) discontinued or surplus stock; and
  - (b) Each tenancy must display highly visible signage and/or promotional material distinguishing the tenancy as a retail outlet premises.

## EXTERNAL ADVERTISING SIGNAGE

- A23. All external business identification signage, and the content of signs, as shown in the approved Signage Plan (DA 26 - DA29), prepared by Hames Sharley, and identified in the approved plans listed in Condition A2, are approved regardless of the name of the tenant or colours on the sign, and as long as it:

- (a) not be greater in size than the sign that it replaces, and
- (b) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent (including by this consent) to be an illuminated sign, and
- (c) not involve any alteration to the structure on which the sign is displayed, and
- (d) not obstruct or interfere with traffic signs.

A24. Any freestanding signage and on the facade of the building must display for the purpose of its use as a direct factory outlet only. No advertising is permitted on the subject site other than business identification signage.

A25. The pylon sign structure must not exceed a maximum height of 10 m from ground level.

#### CIRCULATION AREAS

A26. The internal circulation areas are to be maintained for that purpose. Additional pop-up kiosks or counter shops that are not detailed on the approved plans listed in Condition A2 must not be placed in the circulation areas.

#### STAGING OF CONSTRUCTION CERTIFICATES

A27. The development must be carried out in accordance with the stages within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate for each stage of work:

Construction Certificate (CC)	Description
CC1	Stage 1: Bulk earthworks, retaining walls and related culverts;
CC2	Stage 2: In-ground services and foundations;
CC3	Stage 3: Building superstructure and landscaping; and
CC4	Stage 4: Infrastructure works located outside of site boundary

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DESIGN AMENDMENTS

B1. Prior to the issue of the CC3, the Applicant must prepare revised plans that detail the following:

- (a) Details of the following shared paths:
  - (i) 2.5m wide path on either side of Church Street
  - (ii) 2.5m wide path along from the west of the intersection of Rooty Hill Road South/Church Street to east of the Rooty Hill Road South/Goldsbro Glade intersection along Lots 2 and 3
- ~~(b) A resurfaced connection to the M7 cycleway from the northern end of Church Street~~
- (c) The incorporation of a high friction surface to the basement ramp
- (d) Minimum floor levels of 0.3 m above the 1% AEP level
- (e) details demonstrating all retaining walls fronting a public road are to be of masonry construction or sandstone blocks.

The revised plans must be submitted to and approved by the Planning Secretary prior to the issue of CC3.

### CONNECTING WITH COUNTRY

B2. Prior to the issue of CC3, the Applicant must prepare a report outlining the outcomes and the incorporation of any recommendations of the additional consultation as recommended by Connection to Country Report, prepared by WSP, dated August 2022. The report must be submitted to and approved by the Planning Secretary prior to the issue of CC3.

### MATERIALS AND FINISHES

B3. Prior to the issue of CC3, the Applicant must submit details of final materials and finishes. The details must include:

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

The plans must be submitted to and approved by the Planning Secretary prior to the issue of CC3 and must include final specifications of colour, material and, where relevant, manufacturer.

### MAXIMUM BUILDING HEIGHT

B4. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 55.49 m (or 11.49 m from RL 44.3) and that roof mounted plant and equipment does not exceed 3 m above the maximum height of the building.

### GROSS FLOOR AREA CERTIFICATION

B5. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 28,324 m<sup>2</sup>.

### LONG SERVICE LEVY

B6. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

### STRUCTURAL DETAILS

B7. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

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

### EXTERNAL WALLS AND CLADDING

B8. The external walls of all buildings including additions to existing buildings must comply with all relevant requirements of the NCC.

B9. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

## **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- B10. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

## **MECHANICAL VENTILATION**

- B11. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B12. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

## **REFLECTIVITY**

- B13. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

## **SITE STABILITY AND CONSTRUCTION WORK**

- B14. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
  - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
  - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
  - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B15. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Ethos Urban, dated 26 August 2022.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B16. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the SSDA ESD Report - Eastern Creek Quarter – Stage 3, rev. 3, prepared by Northrop, dated 26 August 2022.
- B17. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development will achieve a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia).
- B18. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the roof colour of the development is of a light-coloured material.

## **INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS**

- B19. Prior to the issue of the CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
  - (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
  - (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.
  - (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

## **MECHANICAL PLANT NOISE MITIGATION**

- B20. Prior to the CC3, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an

appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

#### COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B21. Prior to the issue of CC3, the Applicant must submit evidence to the Certifier demonstrating the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 31 August 2023.

#### SYDNEY WATER ASSETS

- B22. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

**Note:** Sydney Water's Tap in™ in online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

#### FLOOD AND OVERLAND FLOW PROTECTION

- B23. Prior to the issue of CC3, a certificate from a suitably qualified Chartered Civil Engineer must be submitted to and approved by the Planning Secretary. The certificate must demonstrate compliance with the following requirements:
- (a) demonstrate compliance with the flood recommendations provided in the Flood Report, prepared by J.Wyndham Prince, dated September 2023 and as amended by the Flood Impact Assessment Addendum, prepared by J.Wyndham Prince, dated 13 November 2023 and the incorporation of a high friction surface on the basement ramp.
  - (b) Habitable floor levels encompassed under this approval must not be constructed less than the 1% AEP flood level (100 year ARI) plus 300 mm freeboard.
  - (c) All electrical connection and flood sensitive equipment must be located above 1% AEP flood level (100 year ARI) plus 300 mm freeboard. Where it is not practical and feasible to install the equipment above the flood level, the installations must generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 – Requirements for utilities.
  - (d) All fencing must be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens of floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).
  - (e) All basement carpark areas must be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.
  - (f) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 300 mm freeboard.
  - (g) 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. Any portion of the development which is to be suspended above the estimated flooding and overland flow must be designed and constructed to allow for the free passage of flood waters. To ensure that a clear flowpath is maintained for the life of the development, any undercroft areas within the flowpath must be stripped of vegetation, levelled and coated with aggregate to prevent the growth of vegetation under the structure.
- B24. Prior to the issue of CC3, a Flood Risk Management Plan prepared by a chartered hydraulic engineer registered on NER must be submitted to and approved by the Planning Secretary. The Flood Risk Management Plan must detail:
- (a) procedures, gauges as required and physical, visual and/or audible warning mechanisms including signs advising users of the site not to enter the basement
  - (b) shelter-in-place as the primary flood emergency procedure,
  - (c) consideration of secondary risks (such as fire or medical risks)
  - (d) evacuation plan with detailed evacuation route where necessary.
- B25. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier a certificate prepared by a chartered professional engineer (CPEng) (Structural Engineer) with membership to Engineers Australia confirming the structure has been designed to withstand 1 % AEP flood impacts.

The engineer must consider scour, impact of debris, hydrodynamic pressure, hydrostatic and buoyancy forces.

## STORMWATER MANAGEMENT SYSTEM

- B26. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with Henry & Hymas, Drawing Number ECQ- C- 000 to ECQ-C-BE01 and date 8/9/2023 and Council's Engineering Guide for Development 2005 and WSUD Developer Handbook 2020;
  - (c) be in accordance within Council's stormwater requirements and specifications;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines
- B27. Prior to the issue of CC2, the Applicant must submit to the satisfaction of the Certifier a detailed Non-Potable Water Supply and Irrigation Plan for non-potable water uses on the site. The plan must be prepared by a chartered professional engineer (CPEng) (Hydraulic Engineer) with a membership to Engineers Australia and be in accordance with Council's WSUD Developer Handbook 2020 and include:
- (a) An irrigation watering plan
  - (b) provide a minimum tank size of 400 kl
  - (c) all reuse taps accessible by children are to be lockable or have removable handles
  - (d) rainwater warning signs to all external taps using rainwater
- B28. Prior to the issue of the CC2, the Applicant must submit to the satisfaction of the Certifier a certificate confirming the existing WSUD system has been maintained and catered for the development site in accordance with Council's Engineering Guide for Development 2005 and WSUD Developer Handbook 2020. The required pollutant reduction targets must be achieved in accordance with part J of Council's DCP 2015.

## LANDSCAPING

- B29. Prior to the issue of CC3, the Applicant must prepare a detailed Landscape Plan that must be submitted to and approved by the Planning Secretary, and be generally consistent with the Landscape Plans (prepared by Arcadia Landscape Architecture, dated July 2022) and include:
- (a) The recommendations from the following reports:
    - (i) Connection to Country Report, prepared by WSP, dated August 2022
    - (ii) the Eastern Creek Business Hub Stage 3 Arboricultural Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia
  - (b) Details of the implementation of recommendations following the additional consultation as recommended by Connection to Country Report, prepared by WSP, dated August 2022
  - (c) details of tree planting, including pot sizes (all trees must be a minimum height of 1 m at the time of planting)
  - (d) detail the location, species, maturity and height at maturity of plants to be planted and retained on-site;
  - (e) adequate drainage and watering systems for the planters, landscaping is to be supplied by an automatic trickle irrigation system installed below mulch level. The system is to be supplied by rainwater collected from the site.
  - (f) details of plant maintenance and watering for the first 12 months and a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.
  - (g) that all landscaped areas are to be separated from vehicular access areas by an appropriate edge, preferably a raised kerb
  - (h) details demonstrating all landscaping within Lot 3 and easements E1 and M in Lot 4 comply with the following standards for an inner protection area (IPA) in accordance with Planning for Bush Fire Protection 2019 (Appendix 4):
    - (i) Provide a minimum 1 m wide area suitable for pedestrian traffic around the immediate curtilage of the building
    - (ii) Minimise planting within the immediate vicinity of the building;
    - (iii) Provide separation between the building any continuous canopy cover or vegetation
    - (iv) Trees must not overhand buildings
    - (v) species to be planted to be planted and retained on-site should:
      - prioritise the use of smooth bark tree species and low flammability vegetation species
      - avoid tree species with rough fibrous bark, or that shed bark in long strips or retain dead material in their canopies

- avoid deciduous species
  - avoid climbing species to walls and pergolas.
- (vi) a maximum canopy cover (calculated using the tree density method) at full maturity of 15% of the site area.
- (i) be supported by a statement from an accredited bushfire consultant
- (j) Incorporate additional tree planting in the Rooty Hill Road South setback and ground level car park, to a maximum canopy cover at full maturity (calculated using the tree density method) of 15% of the site area.

#### BUSHFIRE PROTECTION AND MANAGEMENT

- B30. Prior to issue of CC3, the Applicant must submit to the satisfaction of the Certifier details demonstrating the development has been designed in accordance with Bushfire Protection Assessment (dated: 21/12/2020, ref. 20HNG\_16816 v. 3) and addendum to Bushfire Protection Assessment (dated: 2/8/2022, ref. 22SYD\_1523). Details must be provided regarding:
- (a) new construction (except for the western elevation/s) complies with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate, and Section 7.5 of Planning for Bush Fire Protection 2019.
  - (b) new construction on the western elevation/s complies with Section 3 and 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate, and Section 7.5 of Planning for Bush Fire Protection 2019.
  - (c) any new Class 10b structures as defined per the National Construction Code must be non-combustible.
  - (d) the provision of water, electricity and gas must comply with Table 7.4a of Planning for Bush Fire Protection 2019
- B31. Prior to issue of CC3, the Applicant must submit to the satisfaction of the Certifier details demonstrating Church Street achieves the following standards for perimeter roads in Table 5.3B of Planning for Bushfire Protection 2019:
- two-way sealed road
  - minimum 8 m carriageway width kerb to kerb
  - a minimum 12 m outer radius turning circle with clear signage as being a dead-end
  - the capacity of road surfaces and any bridges/causeways is sufficient to carry loaded firefighting vehicles (up to 23 tonnes)
  - any hydrants located clear of parking areas
  - curves of roads have a minimum inner radius of 6 m
  - the maximum grade road is 15 degrees and an average grade of not more than 10 degrees
  - the road crossfall does not exceed 3 degrees
  - a minimum vertical clearance of 4 m to any overhanging obstructions, including tree branches, is provided
  - hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installations and commissioning
- B32. Prior to issue of CC3, the Applicant must submit to the satisfaction of the Certifier details demonstrating perimeter access along the entire length of the eastern property boundary, interfacing the bushfire hazard, and which complies with the following standards for non-perimeter roads under Table 5.3b of Planning for Bush Fire Protection 2019:
- a minimum of 5.5 m carriageway width kerb to kerb
  - any hydrants are located clear of parking areas
  - made a through road by linking Church Street and Goldsbro Glade
  - provide suitable finish levels to allow for casual access within bush fire hazards to extinguish fires
  - the capacity of road surfaces and any bridges/causeways is sufficient to carry loaded firefighting vehicles (up to 23 tonnes)
  - parking areas do not obstruct hydrants;
  - curves of roads have a minimum inner radius of 6 m
  - the maximum grade road is 15 degrees and an average grade of not more than 10 degrees
  - the road crossfall does not exceed 3 degrees
  - a minimum vertical clearance of 4 m to any overhanging obstructions, including tree branches, is provided

- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installations and commissioning.

B33. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the following minimum Asset Protection Zone (APZ) setbacks are provided between the proposed building and bush fire hazards through a combination of onsite and/or offsite APZs between Lots 3 and 4:

- 12 m on the north-eastern elevation/s of the building
- 7 m on the eastern elevation/s of the building
- 9 m on the south-eastern elevation/s of the building

B34. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier a detailed Bushfire Vegetation Management Plan demonstrating the management of all vegetation within Lot 3 and easements E1 and M on Lot 4 with the following standards for an inner protection area (IPA) in accordance with Planning for Bush Fire Protection 2019 (Appendix 4):

- maximum canopy cover at full maturity (calculated using the tree density method) of 15% of the site area.
- tree canopy (at maturity) must not touch or overhang the building, and any lower limbs up to a height of 2 m above the ground must be removed
- tree canopies (at maturity) must be separated by a minimum of 2 m
- incorporation of smooth-bark and evergreen trees where practical
- shrubs must not form more than 10% of the pervious site area, must not be located under trees and intermittent gaps must be provided between clumps of shrubs.
- Any clumps of shrubs must be separated from exposed windows and doors by a distance of at least twice the height of the vegetation (at maturity);
- Grass must be kept mown
- Regular removal of leaves and vegetation debris any combustible materials such as woodchips/mulch, flammable fuel stores away must be stored away from the building
- any combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building

B35. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier evidence a Bush Fire Emergency Management and Evacuation Plan must be prepared consistently with NSW RFS document 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'.

#### BIODIVERSITY OFFSET STRATEGY

B36. Prior to the issue of the first construction certificate, the Applicant must purchase and retire **16 ecosystem credits** for Cumberland Shale Plains Woodland (Plant Community Type (PCT) Grey Box – Forest Red Gum, grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion) and **6 species credits** for the Cumberland Plain Land Snail (*Meridolum corneovirens*) in accordance with NSW Biodiversity Offset Scheme and the *Biodiversity Conservation Act 2016*.

B37. Prior to undertaking any clearing of native vegetation and fauna, or activities that have the potential to impact on native vegetation or fauna, evidence of the following must be submitted to and approved by the Planning Secretary:

- the retirement of ecosystem credits required under Schedule 4, **Condition B36** has been completed; or
- a payment has been made to the Biodiversity Conservation Fund.

#### BIODIVERSITY MANAGEMENT PLAN

B38. Prior to the issue of CC4, a Biodiversity Management Plan (BMP) for the development must be prepared by a suitably qualified person and in consultation with Council and include the following details:

- A detailed site plan
- the recommendations of the Biodiversity Development Assessment Report, prepared by Ecological Australia, dated 27 June 2023
- The Tree Protection Plan within the Eastern Creek Business Hub Stage 3 Arboricultural Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia
- Biodiversity management strategies for pre-construction, construction and post construction activities including environmental control measures for the pre-clearing process.
- Appropriate controls manage exposed soil surfaces and stockpiles to prevent sediment discharge into waterways
- Fencing to protect significant environmental features

- (g) Staff training and site briefing to communicate environmental features to be protected and measures to be implemented
  - (h) A fauna rescue and release procedure. Where tree removal is required, a licensed wildlife carer or ecologist must be on site as a fauna handler during tree removal works.
  - (i) A release site within 100 m of the site must be nominated by the project ecologist prior to clearing.
  - (j) Removal of trees with habitat hollows and / or nests must be undertaken at a time that minimises impact to fauna, particularly threatened fauna that could breed and or hibernate within hollows/nests on site.
  - (k) A procedure for controlling the introduction and spreading of weeds and pathogens, including hygiene protocols and the arrangements for monitoring
  - (l) strategies for re-use of tree hollows, logs, coarse woody debris and bush rock:
    - (i) All identified tree hollows proposed to be removed, are to be salvaged and placed in onsite retained or nearby bushland areas under the direction of an ecologist.
    - (ii) all tree hollows unable to be salvaged must be replaced with nest boxes or artificial hollows with three nest boxes/ artificial hollows for every one hollow removed.
  - (m) A procedure for dealing with unexpected threatened species finds. The procedure must include, as a minimum, the following:
    - (i) Stop work arrangements in the immediate area of the threatened species;
    - (ii) Notification and communication protocol;
    - (iii) Consultation with the specialists to assess the significance of the find; and
    - (iv) A list of approvals, licences or permits likely required prior to recommending works.
  - (n) procedures and methods for identifying and protecting the any trees and areas of vegetation identified for retention in accordance with Australian standard (as) 4970 - 2009 protection of trees on development sites.
- The BMP must be submitted to and approved by the Planning Secretary prior to the issue of CC4.

#### VEGETATION MANAGEMENT PLAN

- B39. Prior to the issue of the first construction certificate, the 2022 Vegetation Management Plan (VMP) by Ecological is to be updated to reflect the latest approval by the Commonwealth under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The plan must contain full details of the actions proposed to be taken in relation to the management of vegetation on land affected by the development as shown in plans approved by **Condition A2** (including the impacted land within Morreau Reserve and Western Sydney Parklands) over a 10 year period from the commencement of works together with performance indicators, timing and identification of the person who is responsible for each particular action.

#### TREE RETENTION AND PROTECTION

- B40. Prior to the issue of the first construction certificate, an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist must be engaged to supervise work within the Tree Protection Zone (TPZ), provide advice regarding tree protection and monitor compliance. They are to register with the Applicant before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. Hold points, inspections and certification must be undertaken by the Arborist in accordance with the Tree Protection Plan.
- B41. Prior to the issue of any construction certificate, the Applicant must pay a tree preservation bond to Council for tree numbers 15, 16, 18 - 24, 26 (3 of the 5 trees in group), 27 (group of 2), 63 - 65, 194 (group of 2), 273, 281 and 295 (23 trees) nominated for retention in Eastern Creek Business Hub Stage 3 Arboricultural Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection of trees as per AS:4970- 2009 - Protection of Trees on Development Sites.
- (a) The bond amount will be held by Council and returned 12 months after the issue of an occupation certificate for the development permitted under this consent, following the submission of the final report by an accredited Arborist confirming the trees are in good health, and following an inspection by an authorised officer from Council's tree management section.
  - (b) The bond will be forfeited where any defects result in the death or damage of any trees, due to poor construction practices. Council will use the forfeited bond to embellish any public reserves in the vicinity.
  - (c) Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request to return the tree preservation bond as noted above.

#### MEMORIAL TREE

- B42. Prior to issue of CC4, the Applicant must provide a memorial plaque or equivalent for the removal of the tree of symbolic significance (identified as tree number 229 in the Eastern Creek Business Hub Stage 3 Arboriculture

Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia) to the satisfaction of Council.

## M7 CYCLEWAY

- B43. Prior to the issue of CC4, the Applicant is to enter into an agreement with Council to deliver a new cycleway creating a connection to the M7 cycleway from the northern end of Church Street ~~prepare detailed civil plan(s) in consultation with Council demonstrating a resurfaced connection to the M7 cycleway from the northern end of Church Street.~~

Prior to the issue of CC4, the plans, including evidence of the agreement is to be provided to the Planning Secretary for information ~~consultation with and the incorporation of any comments from Council, must be submitted to and approved by the Planning Secretary.~~

## ACTIVE TRANSPORT PLAN

- B44. Prior to the issue CC4, an Active Transport Plan is to be prepared for the development in consultation with Council. The plan must be in accordance with Version 2 of the active transport presentation made to Council (dated 28 November 2023). The plan must be submitted to and approved by the Planning Secretary. The transport plan must include the following:

- (a) Details of the following shared paths:
  - (i) 2.5m wide path on either side of Church Street
  - (ii) 2.5m wide path from the west of the intersection of Rooty Hill Road South/Church Street to east of the Rooty Hill Road South/Goldsbro Glade intersection across both Lots 2 and 3
  - (iii) Internal shared paths through the development, including Lots 1 and 2 connecting to ECQ social
- ~~(b) A resurfaced connection to the M7 cycleway from the northern end of Church Street~~
- (c) Bike parking nodes through the development, including at ECQ social
- (d) Water bubblers and a bike repair station at Entry 1
- (e) Wayfinding signage to the M7 cycleway

Evidence of consultation and the incorporation of any comments from Council must be submitted to the Planning Secretary. Where there is any inconsistency between the approved Active Transport Plan and works approved by Council, an updated Active Transport Plan must be submitted to the Planning Secretary.

## CAR PARKING

- B45. Prior to the issue of CC3, the Applicant must submit evidence to the Certifier plans demonstrating compliance with the following traffic and parking requirements:

- (a) a maximum of 1171 car parking spaces are required to be provided on site for staff and customers;
- (b) all vehicles must enter and leave the subject site in a forward direction;
- (c) all vehicles are to be wholly contained on site before being required to stop;
- (d) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable AS2890.1-2004;
- (e) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
- (f) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
- (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS;
- (h) provision of signage in parking areas directing users to exit points;
- (i) provision of signage pedestrian signage directing users towards entry points of the facility;
- (j) lighting details for carpark and loading areas additionally detailed on construction certificate plans.

## BICYCLE PARKING AND FACILITIES

- B46. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

- (a) a minimum of 68 on-site visitor bicycle parking spaces
- (b) a minimum of 16 on-site employee bicycle parking spaces
- (c) a minimum of 16 personal lockers
- (d) a minimum of 3 change rooms
- (e) a minimum of 3 showers

The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

**UPGRADE OF THE ROOTY HILL ROAD SOUTH / CHURCH STREET / AGNES AVENUE INTERSECTION**

- B47. Prior to the issue of CC4, the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW and obtain TfNSW's approval under section 87 of Roads Act 1993 for the upgrade of the Rooty Hill Road South / Church Street / Agnes Avenue intersection.

The Applicant must submit the TCS Plan and civil design plans for the intersection and road works on Rooty Hill Road South to TfNSW for review and approval.

The submitted designs must comply with the Austroads Guide to Road Design in association with relevant TfNSW supplements.

The Applicant must submit the TCS Plan and civil design plans to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**UPGRADE OF THE ROOTY HILL ROAD SOUTH / GOLDSBRO GLADE / CABLE PLACE INTERSECTION**

- B48. Prior to the issue of CC4, the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW and obtain TfNSW's approval under section 87 of Roads Act 1993 for the proposed intersection upgrade of Rooty Hill Road South and Goldsbro Glade.

The Applicant must submit the TCS Plan and civil design plans for the intersection and road works on Rooty Hill Road South to TfNSW for review and approval.

The submitted designs must comply with the Austroads Guide to Road Design in association with relevant TfNSW supplements.

The Applicant must submit the TCS Plan and civil design plans to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**ROOF PLANT AND EQUIPMENT**

- B49. Prior to the issue of CC3, the Applicant must submit to the satisfaction of the Certifier details confirming:

- (a) the maximum height of the roof mounted plant and equipment does not exceed 3 m above the maximum height of the building.
- (b) all building plant, equipment and services including air conditioning systems, vents, and substations, etc. are located and/or screened to minimise visual, acoustic and odour impacts.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

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

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **Condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
  - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

### SURVEY CERTIFICATE

- C4. While building work is being carried out, a registered surveyor must measure and mark the positions of the following and provide them to the principal certifier —
  - (a) All footings/ foundations
  - (b) At other stages of construction – any marks that are required by the principal certifier.
- C5. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

### PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C6. Prior to the commencement of works, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
  - (d) install chain wire gates and security fencing around the eastern edge of site (facing the M7 Motorway) to prevent unauthorized access and dumping of rubbish

Prior to commencement of works that may disturb existing vegetation/trees, the site must be inspected to identify and appropriately mark out any trees to be retained and determine areas that are to be left undisturbed. Any proposed roads must also be set-out onsite prior to this inspection.

Note: Inspection must be carried out by Council's representative or an appropriately accredited private certifier. The applicant's representative must be present during this inspection.

## UTILITIES AND SERVICES

- C7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers, including any relevant approvals from Endeavour Energy. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C8. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

## COMPLAINTS AND ENQUIRIES PROCEDURE

- C9. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
  - (a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

## DIAL BEFORE YOU DIG SERVICE

- C10. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

## DEMOLITION

- C11. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

## PRE-CONSTRUCTION DILAPIDATION REPORTS

- C12. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.
- C13. The Pre-Construction Dilapidation Report must detail the current structural condition of all adjoining buildings (including 151 Rooty Hill Road South (Lot 2 DP 31130)), infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C14. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C15. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C16. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C17. Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Certifying Authority. The CEMP must address, but not be limited to, the following matters where relevant:
  - (a) Details of:
    - (i) hours of work, in accordance with the conditions of this consent
    - (ii) 24-hour contact details of the site manager
    - (iii) community consultation and complaint handling procedure
    - (iv) traffic management
    - (v) noise and vibration management, prepared by a suitably qualified person
    - (vi) management of dust and odour to protect the amenity of the neighbourhood

- (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
- (viii) contamination management, including any unexpected contamination finds protocol
- (ix) waste management
- (x) external lighting in compliance with applicable Australian Standards
- (xi) flora and fauna management.
- (b) Construction Pedestrian and Traffic Management Sub-Plan (**Condition C18**)
- (c) Construction Noise and Vibration Management Sub-Plan (**Condition C19**)
- (d) Air Quality Management Sub-Plan (**Condition C20**)
- (e) Construction Waste Management Sub-Plan (**Condition C23**)
- (f) Construction Soil and Water Management Sub-Plan (**Condition C24**)
- (g) Biodiversity Management Plan prepared in accordance (**Condition B38**)
- (h) Vegetation Management Plan prepared in accordance **Condition B39**)
- (i) an unexpected finds protocol for contamination and associated communications procedure
- (j) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (k) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site
- (l) be prepared in consultation with relevant Government agencies, infrastructure and utility providers, including but not limited to, Endeavour Energy, Water NSW and TfNSW, where relevant.

#### CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

**C18.** Prior to the commencement of any earthwork or construction, the Applicant must prepare and submit a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP) to the Certifying Authority. The CPTMP must be prepared in consultation with the Sydney Coordination Office within TfNSW and specify matters including, but not limited to, the following:

- (a) a description of the development
- (b) location of any proposed work zone(s), noting that work zones must not be in locations that will compromise pedestrian, cyclist and vehicular access to Eastern Creek Public School and associated drop-off and pick-up spaces
- (c) details of crane arrangements including location of any crane(s) and crane movement plan
- (d) haulage routes
- (e) construction hours in accordance with **Schedule 4, Conditions D3 to D7** inclusive
- (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 must be minimised during peak periods, including during school pick up and drop off periods (i.e. no construction vehicles accessing the site 30 minutes before and after school start and finish times).
- (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) construction worker travel arrangements and measures to minimise construction worker vehicle movements within the precinct
- (k) consultation strategy for liaison with surrounding stakeholders, including the Eastern Creek Public School
- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works (including to Eastern Creek Public School students) and clearly identify mitigation measures to minimise any potential impacts.
- (m) identify the cumulative construction activities of the development and other projects within or around the development site and clearly identify any measures to minimise potential cumulative impacts on the surrounding road network.

The CPTMP must include a table summarising the location of each of the items listed above within the plan. A copy of the final endorsed CPTMP, must be submitted to the Certifying Authority, the Secretary, Council and TfNSW, prior to the commencement of works.

## CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

C19. Prior to the commencement of any earthwork or construction, the Applicant must submit to the Certifying Authority a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. A copy of the CNVMP must be submitted to the Planning Secretary for information. The Sub-Plan must include:

- (a) all recommendations detailed in the Noise Impact Assessment, prepared by Acoustic Logic, rev 3 dated 31 August 2023 to manage construction activities for the site with particular emphasis on activities that are anticipated to exceed highly noise affected levels under the EPA's Interim Construction Noise Guide
- (b) identification of the specific activities that will be carried out and their associated noise sources at the site
- (c) identification of all potentially affected sensitive residential receiver locations, including the Eastern Creek Public School
- (d) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS and RfS
- (e) the construction noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in this development consent
- (f) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and this development consent
- (g) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts
- (h) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction
- (i) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action
- (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
- (m) measures to monitor noise performance and respond to complaints
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site
- (o) procedures to allow for regular professional acoustic input to construction activities and planning
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

The CNVMP must include a table summarising the location of each of the items listed above within the plan. A copy of the final endorsed CNVMP, shall be submitted to the Certifying Authority, the Secretary, Council and TfNSW, prior to the commencement of works.

## AIR QUALITY MANAGEMENT SUB-PLAN

C20. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifying Authority an Air Quality Management Sub-Plan (AQMP) for the development. A copy of the AQMP must be submitted to the Planning Secretary for information. The Sub-Plan must include, as a minimum, the following elements:

- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods)
- (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour)
- (c) mission statement
- (d) dust and VOCs/odour management strategies consisting of:
  - (i) objectives and targets
  - (ii) risk assessment
  - (iii) suppression improvement plan
  - (iv) monitoring requirements including assigning responsibility (for all employees and contractors)

- (v) communication strategy
  - (vi) system and performance review for continuous improvements.
- C21. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g. frequency, duration and method of monitoring) to be undertaken for the project.
- C22. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C23. Prior to the commencement of any earthwork or construction, the Applicant must submit to the Certifying Authority a Construction Waste Management Sub-Plan (CWMP) for the development. A copy of the CWMP must be submitted to the Planning Secretary and Certifying Authority. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste"
  - (b) classifies fill material being imported or removed from the site in accordance with the EPA's excavated natural material order 2014
  - (c) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works
  - (d) procedures for minimising the movement of waste material around the site and double handling
  - (e) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways
  - (f) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises
  - (g) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises
  - (h) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
    - (i) a traffic plan showing transport routes within the site;
    - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and
    - (iii) the name and address of each licensed facility that will receive waste from the site (if appropriate).

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifying Authority, a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
  - (c) detail all off-Site flows from the Site
  - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

#### **CONSTRUCTION PARKING**

- C25. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

#### **COMPLIANCE**

- C26. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **BARRICADE PERMIT**

- C27. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

#### HOARDING

C28. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

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

#### OUTDOOR LIGHTING

C29. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### PUBLIC LIABILITY INSURANCE

C30. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

#### REMEDIATION – UNEXPECTED FINDS PROTOCOL

C31. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

#### TREE PROTECTION

C32. Prior to the commencement of any earthwork or remediation works, the Applicant must install tree protection measures. Any tree not approved for removal or more than 3 m from the building perimeter is to be effectively protected against damage. Tree protection measures must be implemented in accordance with AS:4970-2009 "Protection of trees on development sites" and any mitigation measures identified in the Eastern Creek Business Hub Stage 3 Arboricultural Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

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

### SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
  - (c) state the approved hours of work
  - (d) state that unauthorised entry to the work site is prohibited
  - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, must only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 3.30pm, Saturdays.
- D4. No work can be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

### NON-COMPLIANCE NOTIFICATION

- D10. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- D11. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## SAFework REQUIREMENTS

- D13. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

## IMPLEMENTATION OF MANAGEMENT PLANS

- D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan (**Condition C17**) including all subplans (Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan, Biodiversity Management Plan, Vegetation Management Plan and Construction Waste Management Plan) required by this consent are implemented during construction.

## CONSTRUCTION NOISE LIMITS

- D15. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

## VIBRATION CRITERIA

- D20. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

## AIR QUALITY

- D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

## SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D23. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

## TREE PROTECTION

- D24. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and Eastern Creek Business Hub Stage 3 Arboricultural Impact Assessment, Version 12, dated 1 September 2023 prepared by Eco Logical Australia This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- D25. While site or building work is being carried out, any excavation within the TPZ of Trees 15, 16, 18 - 24, 26 (3 of the 5 trees in group), 27 (group of 2), 29, 63 - 65, 194 (group of 2), 273, 281 and 295, care must be undertaken not to damage roots 50 mm and over. Non-destructive techniques must be used such as Manual excavation, Vacuum excavation, or an Air Spade.
- D26. While site or building work is being carried out, hold points, inspections and certification must be carried out as per Section 1.5 of the Eastern Creek Business Hub Stage 3 Tree Protection Plan. Upon the completion of the development works, a final assessment of all trees must be undertaken by the Project Arborist and future recommended management strategies implemented as required.
- D27. Existing vegetation and trees not approved for removal must be left undisturbed except where roads, stormwater drainage infrastructure, site filling and/or building works are proposed.
- D28. While site or building work is being carried out, no storage of materials, stockpiling of excavated material or parking of machinery is permitted within the drip line of the crown of any retained trees.
- D29. Council must be notified a minimum of 24 hours prior to the removal of any branches from existing trees which are to be retained. Subject to Council's direction, this work must be undertaken by a qualified Arborist.
- D30. Within 14 days of tree clearance works, the Applicant must submit to the Planning Secretary a report prepared by a suitably qualified ecologist demonstrating compliance with the Biodiversity Management Plan (**Condition B38**).

## EROSION AND SEDIMENT CONTROL

- D31. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

## CUT AND FILL

- D32. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D33. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

## DISPOSAL OF SEEPAGE AND STORMWATER

- D34. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D35. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D36. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

## ASBESTOS

- D37. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and

- (d) *Protection of the Environment Operations (Waste) Regulation 2014.*

#### **CONSTRUCTION TRAFFIC**

- D38. 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**

- D39. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

#### **NO OBSTRUCTION OF PUBLIC WAY**

- D40. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

#### **CONTACT TELEPHONE NUMBER**

- D41. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

#### **COVERING OF LOADS**

- D42. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **VEHICLE CLEANSING**

- D43. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

- D44. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

#### **UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE**

- D45. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW

#### **CLEARING FOR ASSET PROTECTION ZONES (APZ)**

- D46. While building work is being carried out, the Applicant must ensure the clearance of vegetation to establish the APZ is confined within the marked APZ boundary, to the satisfaction of the Certifier.

#### **GROUNDWATER**

- D47. If groundwater is intersected during construction the Applicant must:
- (a) obtain the necessary water licences or approvals under the *Water Management Act 2000*
  - (b) develop a Groundwater Management Plan (GMP) for the testing, dewatering, storage, movement and treatment of groundwater, to the satisfaction of NRAR.

**PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**OCCUPATION CERTIFICATE**

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

**WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

- E2. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) All stormwater drainage systems and storage systems
  - (b) All flood management works
- E3. The Certifier must provide a copy of the plans to consent authority with the Occupation Certificate.

**NOTIFICATION OF OCCUPATION**

- E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- E5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

**SURVEY CERTIFICATE**

- E6. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

**GFA AND BUILDING HEIGHT CERTIFICATION**

- E7. A Registered Surveyor must certify the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

**EXTERNAL WALLS AND CLADDING FLAMMABILITY**

- E8. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

**PROTECTION OF PUBLIC INFRASTRUCTURE**

- E9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
  - (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

**MECHANICAL VENTILATION**

- E10. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent
  - (b) the NCC
  - (c) any applicable Australian Standards
  - (d) any dispensation granted by Fire and Rescue NSW.

**OPERATIONAL WASTE MANAGEMENT PLAN**

- E11. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council
  - (b) confirm the location of waste collection and establish appropriate routes to the collection point

- (c) provide confirmation of the engagement of a qualified private waste collection contractor
- (d) detail the type and quantity of waste to be generated during operation of the development
- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA)
- (f) detail the materials to be reused or recycled, either on or off site
- (g) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the with Waste management Plan, rev. C, prepared by WSP dated 09 August 2023.

#### **WASTE AND RECYCLING COLLECTION**

- E12. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E13. Before the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
  - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent, including to potentially affected existing buildings including 151 Rooty Hill Road South (Lot 2, DP 31130); and
  - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E14. Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

#### **ROAD DAMAGE**

- E15. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

#### **FIRE SAFETY CERTIFICATION**

- E16. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

#### **STRUCTURAL INSPECTION CERTIFICATE**

- E17. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **WARM WATER SYSTEMS AND COOLING SYSTEMS**

- E18. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

#### **OUTDOOR LIGHTING**

- E19. Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development (including signage) 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.

## STORMWATER

- E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier and to Council, the following documentation prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems:
- (a) A copy of the stormwater drainage design plans approved with the Construction Certificate
  - (b) Certification that all the requirements of the approved drainage plan have been undertaken;
  - (c) Any proprietary WSUD system(s) have been installed for the site as per the manufacturer's recommendations.
- E21. Prior to the issue of an Occupation Certificate, written evidence is to be provided that the owner has entered into and prepaid a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced maintenance contractor for the maintenance of GPT and basins. This maintenance includes rectification or replacement of assets that are missing, damaged, or at end of operation life.
- The signed and endorsed contract and evidence of payment is to be provided to Council's WSUD Compliance Officer at [wsud@blacktown.nsw.gov.au](mailto:wsud@blacktown.nsw.gov.au)
- Refer to Council's WSUD Inspection and Maintenance Guidelines 2019 for requirements to be included in prepaid contract and Part B for maintenance requirements for each asset type. Refer to the maintenance schedule for frequency of maintenance. The contractor is to Report on all inspection and maintenance undertaken to Council's WSUD Compliance Officer at [wsud@blacktown.nsw.gov.au](mailto:wsud@blacktown.nsw.gov.au)
- This contract cannot be cancelled. At completion of the contract the property owner is to organise a new contract as per the requirements in Council's Inspection and Maintenance Guidelines.
- E22. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## FLOODING

- E23. Prior to the issue of any Occupation Certificate, a chartered professional engineer (CPEng) (Hydraulic Engineer) who has membership to Engineers Australia, must certify that the development has been constructed and will operate in accordance with all requirements specified in **Condition B23**.
- Details demonstrating compliance must be provided to the Certifier. A copy of the documentation must be submitted to the Planning Secretary within seven days after the Certifier accepts it.
- E24. Prior to the issue of any Occupation Certificate, a chartered hydraulic engineer registered on NER must certify all recommendations outlined in the Flood Risk Management Plan prepared in accordance with all requirements nominated by **Condition B24** have been implemented, including the installation of all signage, audible warning mechanisms and notices.
- Details demonstrating compliance must be provided to the Certifier. A copy of the documentation must be submitted to the Planning Secretary within seven days after the Certifier accepts it.

## OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

- E25. Prior to the issue of the any Occupation Certificate, the Applicant must prepare and submit, to the satisfaction of the Certifier, an Operational Noise and Vibration Management Plan (ONVMP). The ONVMP must be prepared in consultation with Council and must contain the following:
- (a) be prepared in accordance with the EPA's Noise Policy for Industry
  - (b) identify the noise limits applying to the development
  - (c) identify all key sources of operational noise and vibration
  - (d) include a noise monitoring program
  - (e) a complaints handling procedure
  - (f) a community consultation procedure.
  - (g) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 31 August 2023.

### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E26. Prior to the issue of the any Occupation Certificate, the Applicant is to provide evidence to the certifier that all the CPTED requirements of **Condition B15** have been fulfilled, including the installation of a CCTV network. The Applicant is to provide the CCTV network plan to the certifier.

### SYDNEY WATER COMPLIANCE

- E27. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

### UTILITY PROVIDERS

- E28. Prior to the issue of the any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E29. Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

### ENVIRONMENTAL PERFORMANCE

- E30. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

### GREEN TRAVEL PLAN

- E31. Prior to the issue of the final Occupation Certificate, the Applicant must update the Green Travel Plan in consultation with TfNSW. The Plan must include a mechanism to monitor the effectiveness of the measures of the Plan and an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The Applicant must submit a copy of the updated Green Travel Plan to [sco@transport.nsw.gov.au](mailto:sco@transport.nsw.gov.au) for the endorsement of TfNSW.
- The Green Travel Plan (as reviewed annually and updated) must be implemented by the Applicant for the life of the development. The Green Travel Plan must be made available to the Planning Secretary upon request.
- E32. The Green Travel Plan must be reviewed annually and where any updates are proposed consultation with TfNSW must be undertaken.

### TRANSPORT ACCESS GUIDE

- E33. The Applicant must prepare a Transport Access Guide, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier and TfNSW prior to the issue of any Occupation Certificate for the site/use:

The Transport Access Guide is to include (but not be limited to) the following:

- (a) Information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;
- (b) Suitable nearby drop-off/pick-up locations;
- (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
- (d) Suitable nearby Taxi Zones.

### CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a detailed Car Parking, Loading and Servicing Management Plan prepared in consultation with Council. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant must submit a copy of the final plan for Council endorsement. The Plan needs to specify, but not be limited to, the following:
- (a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
  - (b) details of how any acoustic impacts are managed
  - (c) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
  - (d) details of how vehicles larger than a 6.4 m SRV delivering to the site must be managed.
  - (e) A Loading Dock Management Plan (LDMP) that includes (but not be limited to) the following:
    - (i) allocation of sufficient loading spaces
    - (ii) measures to ensure the lighting of loading docks is turned off when the loading areas are not in operation

- (iii) restrictions on delivery and operating times in accordance with **Condition F1**, including a limit of 1 truck using the loading dock between 6 am and 7 am
- (iv) controls on duration of stays
- (v) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
- (vi) controls on the placement of skips, pallets, etc.
- (vii) procedures for tradesman access and parking
- (viii) truck access routes
- (ix) implementation of the recommended management and physical controls for the loading dock use identified in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 31 August 2023, including:
  - bail and/or garbage compactors are to be used only within loading dock areas
  - neoprene rubber buffers should be installed on the vertical face of the loading dock where vehicles park to absorb impacts
  - assessment of noise emissions from plant and equipment associated with the loading dock is required prior to installation
  - vehicles to be switched off during loading and unloading where feasible.

The Car Parking, Loading and Servicing Management must be implemented by the Applicant following the issue of the Occupation Certificate and submitted to the Planning Secretary.

- E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier the following details regarding the design of the car parking areas:
- (a) The design of the car parking area is to ensure that all vehicles must enter and leave the development in the forward direction
  - (b) Entrance/exit points are to be clearly signposted and visible from the street and the site at all times. All required internal driveways and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
  - (c) The basement shall be appropriately line-marked so that vehicles are not directed towards one primary exit.
  - (d) Provision for adequate sight distance is to be made for both pedestrian and vehicular movement at the proposed driveway in accordance with Section 3.2.4 AS 2890.1 and Figure 3.2 of AS 2890.1 to ensure safety of pedestrians on the footpath system and motor vehicles along the new driveway.
  - (e) The car parks, all open space areas, pedestrian footpath areas and internal driveways shall be appropriately illuminated by the use of bollard lighting or the like to provide for the safety and convenience.

#### BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with Condition B46 and the following requirements for secure bicycle parking and end-of-trip facilities in accordance with the following requirements:
- (a) the provision of a minimum 68 visitor bicycle parking spaces and 16 employee spaces;
  - (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (c) the provision of end-of-trip facilities, which include at least 3 showers, 3 change rooms and 16 lockers;
  - (d) all works have been provided in accordance with the Active Transport Plan (**Condition B44**)
  - (e) the provision of water bubblers and a bike repair station adjacent the food and beverage tenancy adjacent Entry 1; and
  - (f) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.
- E37. Prior to the issue of any Occupation Certificate, all bicycle way-finding signage must be installed to direct cyclists from footpaths to designated bicycle parking areas.

#### INTERSECTION AND ROAD UPGRADES

- E38. Prior to the issue of the final Occupation Certificate, the Applicant must provide evidence to the Planning Secretary that all road and intersection upgrades approved by this consent have been completed to the satisfaction of TfNSW and Council.

#### LANDSCAPE PRACTICAL COMPLETION REPORT

- E39. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate (**Condition B29**) application and is to verify that an effective maintenance program has been commenced.

#### MEMORIAL TREE

- E40. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the requirements of Condition B42 have been implemented.

#### STREET NUMBERING

- E41. Prior to the issue of the final Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

#### REGISTRATION OF EASEMENTS

- E42. Prior to the issue of the final Occupation Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

#### LAND REGISTRY

- E43. The land to which this approval relates is to be identifiable with a Lot and Deposited Plan number and registered with the NSW Land Registry Services.

#### HERITAGE

- E44. Prior to the issue of any Occupation Certificate, a Heritage Interpretation Plan for both the Aboriginal and European heritage interpretive elements must be prepared by a heritage consultant in consultation with Council. The Heritage Interpretation Plan must be generally in accordance with:
- (a) the recommendations outlined in the Interpretation Strategy, Issue C, dated September 2023 submitted as Appendix Q of the RtS
  - (b) the Indicative Heritage Interpretation Plan submitted as Attachment D of the Response to RFI.
- Evidence of consultation and the incorporation of any comments from the Council must be submitted to the Planning Secretary.

#### OPERATIONAL MANAGEMENT PLAN – RETAIL OUTLET CENTRE

- E45. Prior to the issue of any Occupation Certificate, an Operational Management Plan (OMP) must be implemented to ensure all tenancies operate in accordance with **Conditions A21** and **A22**.

#### BUSHFIRE MANAGEMENT PLAN

- E46. Prior to the issue of Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence a Bush Fire Emergency Management and Evacuation Plan must be prepared consistently with NSW RFS document 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan'.

## PART F OCCUPATION AND ONGOING USE

### HOURS OF OPERATION

- F1. The development is restricted to the following hours of operation:
- (a) Centre: 9 am to 9 pm Monday to Sunday
  - (b) ECQ Social: 7 am to 12 am Monday to Saturday and 7 am to 10 pm Sunday.
  - (c) Loading Dock: 6 am to 10 pm Monday to Saturday and 6 am to 9 pm on Sundays

### ANNUAL FIRE SAFETY STATEMENT

- F2. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

### FIRE SAFETY CERTIFICATION

- F3. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE (IF APPLICABLE)

- F4. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

### STORAGE AND HANDLING OF WASTE

- F5. All waste collection services must be undertaken in accordance with this consent.
- F6. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F7. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F8. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

### LOADING/UNLOADING

- F9. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan required by **Condition E34**, including a limit of 1 truck using the loading dock between 6 am and 7 am;
  - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality, including prevention of noise impacts
- The service vehicle docks, car parking spaces and repo driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

### VERIFICATION OF LOADING DOCK USE

- F10. Within 1 month of the commencement of operations or use of the loading dock, verification from a qualified acoustic consultant shall be provided to the Certifier and the Planning Secretary that demonstrates:
- (a) the use of the loading dock complies with the noise emission criteria identified in the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 31 August 2023;
  - (b) the use of the loading dock complies with the Loading Dock Management Plan; and
  - (c) all recommendations of the Noise Impact Assessment have been implemented and complied with.
- Should any exceedances of the noise emission criteria identified in the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 31 August 2023 be identified, the Applicant shall outline the proposed measures that would be implemented to ensure compliance is achieved.
- All measures shall be implemented to the satisfaction of the Planning Secretary.

### USE AND MANAGEMENT OF PARKING SPACES

- F11. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

## ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F12. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F13. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F14. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

## MANAGEMENT OF ASSET PROTECTION ZONES

- F15. During occupation and ongoing use of the building, the Applicant must manage the site in accordance with:
- (a) Bushfire Protection Assessment (dated: 21/12/2020, ref. 20HNG\_16816 v. 3) and addendum to Bushfire Protection Assessment (dated: 2/8/2022, ref. 22SYD\_1523),
  - (b) relevant standards in Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.
  - (c) all requirements of this consent as specified in **Condition B30** to **B34** inclusive.
  - (d) Implementation of the Bush Fire Emergency Management and Evacuation Plan in accordance with **Condition B35**.

## FLOOD RISK MANAGEMENT PLAN

- F16. During occupation and ongoing use of the building, the Applicant must implement the Flood Risk Management Plan prepared in accordance with all requirements nominated by **Condition B24**, including the installation of all signage, audible warning mechanisms and notices.

## NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F17. Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
  - (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
  - (c) notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

## OPERATION OF PLANT AND EQUIPMENT

- F18. All plant and equipment used in the development, or used to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## SIGNAGE

- F19. Any external signage must be consistent with the approved signage strategy.
- F20. Any illuminated signage on the western elevation (facing residential buildings) must not be illuminated between the hours of 10 pm and 6 am Monday to Sunday.
- F21. Any illuminated signage must not be illuminated between the hours of midnight and 6 am Monday to Sunday.
- F22. Any LED sign must comply with the luminance levels outlined in the latest version of Australian Standard AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F23. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

## GREEN TRAVEL PLAN

- F24. The Green Travel plan approved under this consent shall be implemented following occupation of the development. The Green Travel Plan is to be reviewed and updated annually.

**CAR PARKING**

- F25. The Applicant must install automated license plate recognition ticketing systems where paid parking is introduced.
- F26. The Applicant must install parking management systems indicating number of parking availability in the at grade carpark and basement parking area.
- F27. The parking management system must allow for a minimum of 2 hours free staff parking at all times.
- F28. A minimum of 2 hours free parking is to be provided for all paid parking areas.

**OPERATIONAL MANAGEMENT PLAN – RETAIL OUTLET CENTRE**

- F29.** The development must operate in accordance with the Operational Management Plan as required by **Condition E4536.**

**TREE PLANTING AND LANDSCAPING**

- F30.** All new tree planting must be maintained for a minimum of 2 years. If any trees within this period die, they are to be replaced immediately with a tree of an identical species.

## **ADVISORY NOTES**

### **APPEALS**

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

### **OTHER APPROVALS AND PERMITS**

AN2. 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.

### **RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS**

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

### **ROAD OCCUPANCY LICENCE**

AN4. 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**

AN5. 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**

AN6. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### **HANDLING OF ASBESTOS**

AN7. 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.

### **DISABILITY DISCRIMINATION ACT**

AN8. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

AN9. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### **COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

AN10. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN11. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### **BUILDING PLAN APPROVAL**

AN12. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

## APPENDIX 1 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 this consent 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 contact person for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.