

Development Consent

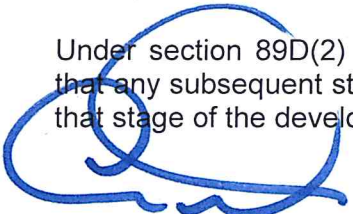
Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

Under section 89D(2) of the Environmental Planning and Assessment Act 1979, I determine that any subsequent stage of the development is to be determined by the relevant authority and that stage of the development ceases to be State significant development.


Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney

5 MARCH

2015

SCHEDULE 1

Application No.:	SSD 5093
Applicant:	UrbanGrowth NSW
Consent Authority:	Minister for Planning
Land:	North Ryde Station Precinct M2 Site Lot 101 DP 1131776, Lot 2 DP 528488, Lot 7 DP 1046090
Approved Development:	Concept Proposal including: • subdivision into 12 development lots, 5 public open space lots, 2 public road lots; • allocation of a maximum gross floor area to each of the development lots (total of 238,919m² across the site plus an additional 2,500m² to Lot 104 for a community facility); • infrastructure, civil works and landscaping Stage 1 development works in the following phases: • Phase 1 – Site preparation works including demolition, remediation and rehabilitation, bulk earth works;

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- Phase 2A – superlot subdivision to create 4 public roads and a future public road lot; five public reserve lots; three future development lots and two superlots;
 - Phase 2B – Civil and public domain works including road and intersection construction; open space establishment and embellishment, pedestrian pathways and cycleways, drainage, public domain works and services infrastructure
 - Phase 3 – subdivision to create 8 development lots; and
 - Phase 4 – Construction of a pedestrian bridge over Delhi Road.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Schedule 1
BCA	Building Code of Australia
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development) Act 1986</i>
Council	City of Ryde Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage
RAP	Remediation Action Plan (RAP)
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
Site	Land referred to in Schedule 1
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

TERMS OF CONSENT

- A2. Consent is granted to the Concept Proposal as described in Schedule 1, as amended by the conditions contained in this development consent.
- A3. In accordance with section 83B(3)(b) of the EP&A Act consent is granted to the Stage 1 works as described in Schedule 1, as amended by the conditions in Parts A to D in **Schedule 2**, without the need for further development consent. The works are to be carried out in phases in the order set out in Schedule 1.
- A4. In accordance with section 83B(3)(a) of the EP&A Act, the future development of the development lots (other than future development for which consent is granted by Condition A3) is referred to in this consent as "Stage 2" and is to be the subject of future development applications.
- A5. The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 5093;
 - b) the conditions of this consent; and
 - c) the following drawings, except:
 - i) for any modifications which are Exempt' or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.

Drawing No.	Revision	Name of Plan	Date
Draft Subdivision Plans by Project Surveyors			
B1505-B1612-PLAN3-D	E	Plan of Subdivision of Lot 10 in DP (Plan 2) Plan 3 – Draft	16/02/2015
B1505-B1612-OVERALL-E	G	Plan of Subdivision of Lot 10 in DP (Plan 2) Overall Draft	16/02/2015
Urban Design and Landscape Drawings by Bates Smart and Aspect Studios			
DA1-003	H	GFA - Allocation Plan	16.01.2015
DA3-001	E	Site Plan	03.02.2015
DA3-002	E	Public Domain Plan - North	03.02.2015
DA3-003	E	Public Domain Plan - South	03.02.2015
DA3-004	E	Street Tree Master Plan & Planting Strategy	03.02.2015
DA4-001	E	Key Public Space Plan & Section - Bushland Reserve	03.02.2015
DA4-002	E	Key Public Space Plan & Section - Community Park	03.02.2015
DA4-003	E	Key Public Space Plan & Section - Central Park	03.02.2015
DA4-004	E	Key Public Space Plan - Community Plaza	03.02.2015
DA5-001	E	Street Typologies	03.02.2015
DA5-002	E	Street Typologies	03.02.2015

Toilet Block Plans by Leffler Simes Architects			
SK05	B	Lachlan's Line Macquarie Park Central Park Toilet Block	07.10.14
CIVIL PLANS by Robert Bird Group			
C-0-0-02	5	Civil Details Plan Sheet 1 of 2	28.10.14
C-0-0-03	5	Civil Details Plan Sheet 2 of 2	28.10.14
C-0-1-00	5	Erosion and Sediment Control Plan Stage 1 Works	28.10.14
C-0-1-01	5	Erosion and Sediment Control Plan Stage 2 Works	28.10.14
C-0-1-10	5	Erosion and Sediment Control Notes and Details Sheet 1 of 2	28.10.14
C-0-1-11	2	Erosion and Sediment Control Notes and Details Sheet 2 of 2	28.10.14
C-0-2-00	5	Bulk Earthworks Sheet 1 of 2	28.10.14
C-0-2-01	5	Bulk Earthworks Sheet 2 of 2	28.10.14
C-0-2-20	5	Bulk Earthworks Cross Sections Sheet 1 of 3	28.10.14
C-0-2-21	5	Bulk Earthworks Cross Sections Sheet 2 of 3	28.10.14
C-0-2-22	5	Bulk Earthworks Cross Sections Sheet 3 of 3	28.10.14
C-0-3-00	6	General Arrangement Plan Sheet 1 of 2	04.02.15
C-0-3-01	6	General Arrangement Plan Sheet 2 of 2	04.02.15
C-0-3-15	6	Typical Sections Plan Sheet 1 of 3	04.02.15
C-0-3-16	5	Typical Sections Plan Sheet 2 of 3	28.10.14
C-0-3-17	5	Typical Sections Plan Sheet 3 of 3	28.10.14
C-0-3-20	6	Spine Street Longitudinal Section Sheet 1 of 2	04.02.15
C-0-3-21	6	Spine Street Longitudinal Section Sheet 2 of 2	04.02.15
C-0-3-25	5	Park, Plaza and Retail Street Longitudinal Section Sheet 1 of 2	28.10.14
C-0-3-26	5	Park, Plaza and Retail Street Longitudinal Section Sheet 2 of 2	28.10.14
C-0-3-40	6	Swept Path Analysis Plan Sheet 1 of 3	04.02.15
C-0-3-41	6	Swept Path Analysis Plan Sheet 2 of 3	04.02.15
C-0-3-42	3	Swept Path Analysis Plan Sheet 3 of 3	04.02.15
C-0-4-00	6	Pavement Layout Plan Sheet 1 of 2	04.02.15
C-0-4-01	6	Pavement Layout Plan Sheet 2 of 2	04.02.15
C-0-4-10	5	Pavement Details Plan	28.10.14
C-0-5-00	6	Signs And Line Marking Plan Sheet 1 of 7	04.02.15
C-0-5-01	6	Signs And Line Marking Plan Sheet 2 of 7	04.02.15
C-0-5-02	2	Signs And Line Marking Plan Sheet 3 of 7	28.10.14
C-0-5-03	2	Signs And Line Marking Plan Sheet 4 of 7	28.10.14
C-0-5-04	2	Signs And Line Marking Plan Sheet 5 of 7	28.10.14
C-0-5-05	3	Signs And Line Marking Plan Sheet 6 of 7	04.02.15
C-0-5-06	2	Signs And Line Marking Plan Sheet 7 of 7	28.10.14
C-0-6-00	6	Stormwater Layout Plan Sheet 1 of 2	04.02.15
C-0-6-01	6	Stormwater Layout Plan Sheet 2 of 2	04.02.15
C-0-6-02	6	Porters Creek Culvert Upgrade Layout Plan	04.02.15
C-0-6-03	2	Porters Creek Culvert Upgrade Sections Plan	28.10.14
C-0-6-10	5	Stormwater Details Sheet 1 of 8	28.10.14
C-0-6-11	2	Stormwater Details Sheet 2 of 8	28.10.14
C-0-6-12	2	Stormwater Details Sheet 3 of 8	28.10.14
C-0-6-13	2	Stormwater Details Sheet 4 of 8	28.10.14
C-0-6-14	2	Stormwater Details Sheet 5 of 8	28.10.14

C-0-6-15	3	Stormwater Details Sheet 6 of 8	04.02.15
C-0-6-16	2	Stormwater Details Sheet 7 of 8	28.10.14
C-0-6-17	1	Stormwater Details Sheet 8 of 8	28.10.14
C-0-6-18	6	Pit Schedule Sheet 1 of 2	04.02.15
C-0-6-19	3	Pit Schedule Sheet 2 of 2	04.02.15
C-0-6-50	6	Stormwater Catchment Plan Sheet 1 of 2	04.02.15
C-0-6-51	6	Stormwater Catchment Plan Sheet 2 of 2	04.02.15
C-0-9-01	6	Combined Services Plan Sheet 1 of 7	04.02.15
C-0-9-02	6	Combined Services Plan Sheet 2 of 7	04.02.15
C-0-9-03	3	Combined Services Plan Sheet 3 of 7	04.02.15
C-0-9-04	3	Combined Services Plan Sheet 4 of 7	04.02.15
C-0-9-05	3	Combined Services Plan Sheet 5 of 7	04.02.15
C-0-9-06	3	Combined Services Plan Sheet 6 of 7	04.02.15
C-0-9-07	2	Combined Services Plan Sheet 7 of 7	28.10.14
C-0-9-10	3	Combined Services Section Plan	04.02.15
C-1-3-00	5	Wicks and Waterloo Road General Arrangement Plan	28.10.14
C-1-3-01	6	Epping Road Deceleration Lane	04.02.15
C-1-3-20	5	Wicks Road Longitudinal Section	28.10.14
C-1-3-21	5	Wicks Road Cross Sections Sheet 1 of 2	28.10.14
C-1-3-22	5	Wicks Road Cross Sections Sheet 2 of 2	28.10.14
C-1-3-40	5	Wicks and Waterloo Road Swept Path Analysis Plan	28.10.14
C-1-4-00	5	Wicks and Waterloo Road Pavement Layout Plan	28.10.14
C-1-4-01	6	Epping Road Pavement Layout Plan Sheet 1 of 2	04.02.15
C-1-4-02	3	Epping Road Pavement Layout Plan Sheet 2 of 2	04.02.15
C-1-4-10	5	Wicks and Waterloo Road Pavement Details	28.10.14
C-1-4-11	2	Epping Road Pavement Details	28.10.14
C-1-5-00	5	Wicks and Waterloo Signs and Line Marking Plan	28.10.14
C-1-5-01	6	Epping Road Deceleration Lane Signs and Line Marking Plan	04.02.15
C-1-6-00	5	Wicks and Waterloo Road Stormwater Layout Plan	28.10.14
Pedestrian and Cycle Bridge Plans by Arup			
S-301	P1	General Notes – Sheet 1	28.10.14
S-310	P4	Site Plan	28.10.14
S-320	P1	General Arrangement and Elevations	28.10.14

- A6. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.
- A7. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- any plans, reports or correspondence that are submitted in accordance with this consent; and
 - the implementation of any actions or measures contained in these documents.

MAXIMUM GROSS FLOOR AREA (GFA)

- A8. The maximum GFA for future developments on the site shall be consistent with the Concept Proposal for each development allotment as detailed below:

Development Lot	Maximum GFA
Lot 104:	49,384m ² +2,500m ² community GFA
Lot 105:	24,136m ²
Lot 107:	4,332m ²
Lot 201:	42,949m ²
Lot 202:	25,626m ²
Lot 203:	28,468m ²
Lot 204:	15,764m ²
Lot 205:	29,210m ²
Lot 206:	5,413m ²
Lot 207:	6883m ²
Lot 208:	6,754m ²

LIMITS ON CONSENT

- A9. This consent will lapse five years from the date the consent is to operate from unless the works associated with the application have been physically commenced.

ADVERTISING SIGNAGE

- A10. This consent does not include approval for any advertising signage on the proposed pedestrian / cycle bridge. Any advertising signage on the bridge will require a separate application.

PRESCRIBED CONDITIONS

- A11. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

- A12. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

- A13. Any advice or notice to the consent authority shall be served on the Secretary instead of the Consent Authority.

PART B PRIOR TO COMMENCEMENT OF WORKS

NOTICE OF COMMENCEMENT OF WORKS

- B1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of works on the Site.

DEMOLITION

- B2. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall 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 shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B3. Prior to the commencement of any works on the subject site, a comprehensive Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004)*. The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include and be in accordance with the following:
- a) hours of work as per Condition C1 of this consent;
 - b) 24 hour contact details of site manager;
 - c) CEMP plans and considerations as outlined in the EIS and the Response to Submissions;
 - d) CEMP plans and considerations as referenced in the mitigating measures;
 - e) procedures to be undertaken in order to stop heavily sediment laden water from entering the stormwater system during storm events;
 - f) an unexpected finds protocol for any contaminated items found during demolition or construction works;
 - g) clarification as to the frequency with which environmental audits identified in the CEMP will be undertaken;
 - h) mitigation measures

The CEMP must not include works that have not been explicitly approved in the development consent and in the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the Secretary and to Council, prior to commencement of work.

CONSTRUCTION NOISE MANAGEMENT PLAN

- B4. Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public);
 - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
 - c) identification of all potentially affected sensitive receivers;
 - d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
 - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);

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- f) where the objectives are predicted to exceed, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
 - g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
 - h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - i) measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

- B5. Prior to the commencement of any works on the subject site, a Construction Traffic and Pedestrian Management Plan (CTMP) is to be prepared, by a suitably qualified person, in consultation with RMS and Transport for NSW. The CTMP is to be submitted to the Certifying Authority for approval.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of construction vehicles to the subject site;
- b) hours of work;
- c) predicted construction traffic volumes, types and routes;
- d) pedestrian and traffic management methods;
- e) traffic impacts of the construction works on the local area and State Road network;
- f) signage outlining any temporary changes to vehicular access arrangements; and
- g) methods to minimise the impact of construction traffic.

The Applicant shall submit a copy of the final CTMP to the Council and RMS, prior to the commencement of work.

WASTE MANAGEMENT PLAN

- B6. Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority for approval. The Plan shall demonstrate compliance with the relevant legislation, codes, standards and guidelines and address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete;
 - b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air;
 - c) disposal of hazardous waste to an approved waste disposal facility.

The Applicant shall submit a copy of the Plan to Council, prior to commencement of work.

CONTAMINATION

- B7. Prior to the commencement of any works, a final Remediation Action Plan (RAP) for the area in the vicinity of TP1, identified within the Draft Details Site (Contamination) Investigation (Part M2 site) prepared by Douglas Partners (Project No 43937.02 dated July 2014) shall be prepared and approved by an EPA accredited site auditor.

The RAP shall be prepared in accordance with the generic Remediation Action Plan prepared by Douglas Partners (Project No 73937 dated May 2014) and the letter prepared by Douglas Partners dated 17 February 2015. Remediation works shall be carried out in accordance with the RAP and validated by a suitably qualified person.

- B8. Upon completion of the remediation works on that part of the site which will be the subject of the RAP referred to in Condition B7, the Applicant shall submit a site audit report and a site audit statement prepared by an accredited site auditor. The site audit report and site audit statement must verify that the land is suitable for the proposed uses and be provided to the Certifying Authority and Council prior any works being carried out on that part of the site.

UTILITY SERVICES

- B9. An application shall be made to Sydney Water for a Compliance Certificate under the *Sydney Water Act 1994* prior to commencement of works.

Note: The application must be made through an authorised Water Servicing Coordinator. Please refer to the web site www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92 for assistance.

- B10. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in relation to any required relocation and/or adjustment of the services affected by the construction approved in this consent.

SOIL AND WATER MANAGEMENT

- B11. A Soil and Water Management Plan, and is to be prepared and implemented prior to construction in accordance with *Managing Urban Stormwater – Soils & Construction (Landcom 2004)*. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works.
- B12. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction March 2004*. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works.

STORMWATER AND DRAINAGE WORKS DESIGN

- B13. Final design plans of the stormwater drainage systems shall be prepared by a qualified practicing professional in consultation with Council, in accordance with this consent, and shall be submitted to the Certifying Authority for approval prior to commencement of works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.
- B14. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system within Wicks Road and Waterloo Road are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regards to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766

WICKS ROAD / WATERLOO ROAD / SPINE ROAD INTERSECTION

- B15. RMS approval for civil design of the road works associated with the Wicks Road / Waterloo Road / Spine Road intersection (as required by Condition D11) must be obtained prior to the commencement of construction of any associated road works.
- B16. Prior to the commencement of works, certified copies (certifying compliance with RMS Road Design Guide, RMS Traffic Signal Design Manual, and other Australian codes of Practice) of the traffic signal design plans for the Wicks Road / Waterloo Road / Spine Road intersection are to be submitted to Roads and Maritime for consideration and approval.
- B17. RMS fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.

EPHING ROAD DECELERATION LANE AND BUS STOP

- B18. RMS approval for road works associated with the Epping Road Deceleration Lane (as required by Condition D11) must be obtained prior to the commencement of construction of any associated road works.
- B19. RMS fees for administration, plan checking, signal works inspections and project management shall be paid by the developer prior to the commencement of works.
- B20. Prior to commencement of any civil and public domain works on the site, updated plans are to be submitted to and approved by TfNSW incorporating a bus shelter at the relocated bus stop on Epping Road. The bus shelter is to be provided in conjunction with construction of the deceleration lane on Epping Road.

PEDESTRIAN / CYCLE BRIDGE

- B21. Prior to the commencement of construction of any works associated with the Delhi Road Pedestrian Bridge the Applicant is to enter into a Works Authorisation Deed with RMS for the proposed works.
- B22. Prior to the commencement of construction of any works associated with the Delhi Road Pedestrian Bridge the Applicant is to provide the following details to RMS for their review and approval:
- a) demonstration that the bridge is designed and will be constructed in accordance with the relevant RMS standards which must be pre-agreed;
 - b) demonstration that the bridge will have a minimum 100year design life;
 - c) demonstration that the bridge is compatible with the RMS publication Bridge Aesthetics Design guideline to improve the appearance of bridges in NSW including full compliance with Chapter 5 with regards to safety screen, signage and light fixtures.
 - d) demonstration that the bridge is complies with Austroads standards particularly Part 6A Pedestrian and Cyclist Paths.
 - e) the ownership and maintenance arrangements for the bridge to the satisfaction of RMS, including maintenance of the proposed hanging garden;
 - f) demonstration of whether the bridge piers are on land wholly owned by RMS or on land leased to Transurban, and if leased to Transurban, then demonstration that arrangements acceptable to Transurban have been entered into for the construction of the piers covered by their lease with RMS; and
 - g) confirmation that the Pedestrian Bridge works do not include any plantings on the footpath on the southern side of Delhi Road.

WORKS IN ROAD RESERVE

- B23. Separate approval must be obtained prior to commencement of any works within a Council or RMS road reserve. Design plans must be submitted to and approved by the appropriate authority prior to commencement of works.

GEOTECHNICAL IMPACTS TO ADJOINING ROADWAYS

- B24. The applicant is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001, with all documentation submitted at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS. Reports and enquiries should be forwarded to Project Engineer, External Works, Roads and Maritime Services, PO Box 973 Parramatta CBD 2124 Ph: 8849 2114 or Fax: 8849 2766.
- B25. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is / are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

SYDNEY TRAINS

- B26. No work is permitted (including bulk excavation works; stormwater detention works, enabling works, civil works, or installation of below ground surfaces) that involve ground penetration or excavation greater than two metres in depth either above, or within 25 metres of the rail corridor until the works have been endorsed in writing by Sydney Trains. Sydney Trains may require submittal of documentation (eg geotechnical, structural, numerical analysis) in order to assess any impacts on the rail tunnel or infrastructure.
- B27. Details are to be provided to the satisfaction of Sydney Trains that no part of the pedestrian / cycle bridge will encroach into the Sydney Trains easement surrounding the substation on Lot 1 DP 1131774.
- B28. No columns / piers of the pedestrian bridge are to be installed above or within 25m of the rail corridor until the following documentation has been submitted to, and endorsed in writing by, Sydney Trains:
- i) final geotechnical and structural report / drawings that meet Sydney Trains requirements. The geotechnical report must be based on actual borehole testing conducting on the site closest to the drainage system;
 - ii) final construction methodology with construction details pertaining to structural support during excavation;
 - iii) final cross sectional drawings showing ground surface, drainage infrastructure, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the drainage system. All measurements are to be verified by a Registered Surveyor; and
 - iv) detailed survey plan showing the relationship of the proposed development with respect to the Sydney Trains drainage system; and
 - v) if required by Sydney Trains, and FE analysis which assess the different stages of loading – unloading of the site and its effect on the rock mass surrounding the rail corridor.

STREET LIGHTING

- B29. Street Lighting plans shall be developed in consultation with Council and approved by the Certifying Authority prior to the commencement of construction and shall comprise of Multi-Function Poles within the site and be compatible with the Council's Public Domain Technical Manual.

LANDSCAPE AND PUBLIC DOMAIN PLAN

B30. Prior to the commencement of open space, public domain and landscaping works, detailed Landscape Plans are to be prepared in consultation with Council and approved by the Certifying Authority addressing the following:

- a) the street trees shall be in accordance with Council's Street Tree Master Plan and should take into account and not compromise the levels of lighting from street lights;
- b) a materials palette for landscaping infrastructure including pavement and pavement treatments; and
- c) the design and materials of any landscape furniture, lighting, landscape infrastructure; playground infrastructure and structures

The surface of any material used or proposed to be used for the paving of public areas must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

The Applicant shall submit a copy of the approved plans to Council, prior to commencement of work.

ROAD DESIGN

B31. Detailed Civil Plans of all internal roads are to be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the commencement of Phase 2B works and are to be designed in accordance with the relevant requirements of Austroads and RMS guidelines.

PRE-CONSTRUCTION DILAPIDATION REPORTS

B32. The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the commencement of any works. A copy of the report is to be forwarded to the Council and each of the affected property owners.

PART C DURING CONSTRUCTION

HOURS OF WORK

- C1. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive;
 - b) between 8.00 am and 4.00 pm, Saturdays;
 - c) no work on Sundays and public holidays; and
 - d) works may be undertaken outside these hours where:
 - i) it is a requirement of the Police or other authorities; or
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; or
 - iii) variation is approved in advance in writing by the Secretary or her nominee.
- C2. Except as otherwise required by the Police or other authorities, the Applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours, unless otherwise approved in the Construction Noise and Vibration Management Plan.
- a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday.

SITE NOTICE

- C3. Site notices shall be prominently displayed at all boundaries of the Subject Site for the purposes of informing the public of project details, including, but not limited to the details of the Builder, PCA, and Structural Engineer. The notices are to satisfy all but not be limited to the following requirements:
- a) Minimum dimensions of the notice are to be 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - b) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - c) The approved hours of work, the name of the site / project manager, the responsible managing company (if any), its address and a 24 hour contact number for any inquiries, including construction noise / complain are to be displayed on the site notice; and
 - d) The notices are to be mounted at eye level on the perimeter hoardings / fencings and are to state that unauthorised entry to the Site is not permitted.

EROSION AND SEDIMENT CONTROL

- C4. All erosion and sediment control measures, are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Soil and water management controls are to be inspected daily and all necessary repairs and maintenance undertaken.

DISPOSAL OF SEEPAGE AND STORMWATER

- C5. Any seepage, groundwater or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage, groundwater or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

PROTECTION OF TREES

- C6. No street trees are to be trimmed or removed unless it forms a part of this Development Consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- C7. All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

CONSTRUCTION NOISE MANAGEMENT

- C8. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.
- C9. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C10. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in the CEMP.
- C11. Any noise generated during the 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 subject site.

VIBRATION CRITERIA

- C12. Vibration caused by construction at any residence or structure outside the site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment; and
 - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

These limits apply unless otherwise outlined in the Construction Noise and Vibration Management Plan, submitted to the Certifying Authority.

HOARDING REQUIREMENTS

- C13. The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

APPROVED PLANS TO BE ON-SITE

- C14. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

WORK COVER REQUIREMENTS

- C15. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS

- C16. Location of the covered well / cistern on the site is to be carried out in accordance with the recommendations of the Archaeological Assessment submitted with the application. Once the well has been located and uncovered, all works within 15 metres of the well should cease. An archaeological assessment of the uncovered well is to be carried out, and is to include recommendations for further investigation and methodology for an assessment and monitoring program. The assessment report and monitoring program is to be submitted to, and approved by Council prior to any further excavation or construction works in the vicinity of the well.
- C17. If any other archaeological relics are uncovered during the course of the works on site, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.

DISCOVERY OF ABORIGINAL HERITAGE

- C18. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

TRAFFIC CONTROL

- C19. All vehicles should enter and leave the site in a forward direction.

ASBESTOS REMOVAL

- C20. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- C21. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with an accredited Site Auditor to determine the procedures to be followed to make the site safe including any remediation. Details are to be forwarded to the Secretary for information.

REHABILITATION OF THE NORTHERN BUSHLAND PARK AND PORTERS CREEK

C22. Rehabilitation of the Northern Bushland Park and Riparian zone is to be carried out in accordance with the recommendations of the Vegetation Management Plan by Ecological dated 30 October 2014, including monitoring and reporting as set out in the plan.

PART D PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

CONDITIONS RELATING TO ANY SUBDIVISION

PART 4A CERTIFICATE

- D1 Part 4A Subdivision Certificates shall be obtained under section 109D(1)(d) of the EP&A Act for each stage (Phase 2A and Phase 4) of the subdivision.

COMPLIANCE WITH CONSENT

- D2 Prior to the issue of any subdivision certificate, the Certifying Authority shall ensure that the relevant approved works have been satisfactorily completed in accordance with the requirements of this consent and any remedial works required to be undertaken have been satisfactorily completed.
- D3 Prior to the issue of any subdivision certificate, certification from an appropriately qualified ecologist shall be submitted to the satisfaction of the Certifying Authority confirming that the riparian zone rehabilitation works set out in the Vegetation Management Plan have been completed.

PAYMENT OF BONDS

- D4 Prior to the issue of any subdivision certificate, a \$50,000 maintenance bond is to be lodged with Council as security for the cost of making good any defects in the works approved in this consent which become apparent within 12 months of the registration of the plan of subdivision.
- D5 The cost of repairing any damage caused to Council or other public authority's or utility provider's assets in the vicinity of the site as a result of works associated with the approved development is to be met in full by the Applicant prior to the issue of any subdivision certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

UTILITIES COMPLIANCE CERTIFICATE

- D6 Prior to the issue of any subdivision certificate, a section 73 Compliance Certificate under the Sydney Water Act 1994 shall be provided to the Certifying Authority showing that the development has met the detailed requirements of the relevant water supply authority.
- D7 Prior to the issue of any subdivision certificate written advice shall 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 provision of adequate services.
- D8 Prior to the issue of any subdivision certificate the sewerage reticulation system (including any main, sewerage pump stations and overflow structures) must be completed to the standard necessary to ensure that it would not compromise Sydney Water Corporation's requirements.

SECTION 88B RESTRICTIONS

- D9 Prior to the issue of any subdivision certificate, any required restrictive covenants and easements shall be created under section 88B of the *Conveyancing Act 1919*.
- D10 All section 88B restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Council.

CONDITIONS RELATING TO THE FIRST (PHASE 2A) SUBDIVISION

RMS APPROVAL

- D11 Prior to the issue of the subdivision certificate for Phase 2A, certified copies (certifying compliance with Austroads Guide to Road Design) of the civil design plans for the Wicks Road / Waterloo Road / Spine Road intersection and certified copies of the civil design plans for the deceleration lane on Epping Road are to be submitted to Roads and Maritime for consideration and approval. The applicant may be required to enter into a works authorisation deed (WAD) for the above mentioned works and should make enquiries with RMS. Any required WAD will need to be executed prior to RMS assessment of the detailed civil design plans

CONDITIONS RELATING TO THE SECOND (PHASE 3) SUBDIVISION

POST-CONSTRUCTION DILAPIDATION REPORT

- D12 Prior to the issue of the subdivision certificate for Phase 3, the Certifying Authority shall ensure that all works within the road reserve have been inspected by Council. The cost of repairing any damage caused to Council or other public utility provider's assets in the vicinity of the site as a result of the works associated with the approved development is to be met in full by the Applicant prior to the issue of the subdivision certificate for Phase 3.

WORKS AS EXECUTED PLANS

- D13 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, the following compliance documentation shall be submitted to the Certifying Authority and to Council, where Council is not the Certifying Authority:
- a) Works As Executed (WAE) drawings for all civil works, including roads, open space, and public domain areas. The WAE drawings shall be marked in red on copies of the stamped construction drawings and signed, certified and dated by a registered surveyor or the design engineer.
 - b) CCTV footage to Council's requirements and a report for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Council.
 - c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - d) Documentation for all road pavement materials used demonstrating compliance with this consent and Council's construction specifications.
 - e) A geotechnical report certifying that all earthworks and road formations have been completed in accordance with AS 3798 and Council's construction specifications.
 - f) Structural engineer's construction certification of all structures.

ROADS

- D14 Road names are to be approved by Council.
- D15 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, details of all regulatory/advisory line marking and signage, shall be lodged with Council. All signage is to be installed prior to issue of the subdivision certificate.
- D16 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, street signs are to be erected at road intersections.

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- D17 All works/regulatory signposting associated with the development shall be at no cost to the relevant roads authority.

PUBLIC DOMAIN ASSETS

- D18 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, the public domain assets consisting of all public internal roads, shall be landscaped and embellished in accordance with the approved landscape plans and details.

DEDICATION TO COUNCIL

- D19 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, the Applicant shall submit to Council a plan listing all assets being dedicated to Council including all public roads and associated infrastructure.

The public domain assets shall be dedicated to Council free of cost as part of the relevant subdivision certificates.

MAINTENANCE AND MONITORING

- D20 Prior to the issue of the subdivision certificate for Phase 3, or prior to the use of the roads and public open space, whichever occurs first, a Maintenance Plan is to be prepared to address the ongoing maintenance of the water quality treatment devices to be installed in the public domain in consultation with Council. The Plan is to include, but not be limited to:
- a) a maintenance manual for the preferred treatment devices;
 - b) a recommended maintenance schedule; and
 - c) monitoring program to assess ongoing performance.
- D21 Prior to the issue of the subdivision certificate for Phase 3, a Maintenance Plan is to be prepared to the satisfaction of Council to address the ongoing maintenance of the public domain, road network, and public open spaces within the site. The Maintenance Plan should include an initial plan where maintenance will be undertaken by the applicant for a period of at least 1 year (or as otherwise agreed with Council), from the date of issue of the subdivision certificate for Phase 3.

PART E CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS FOR STAGE 2

GENERAL

- E1 The determination of any future development applications for Stage 2 is to be generally consistent with the terms of this consent.

NORTH RYDE STATION PRECINCT DCP

- E2 Future Development Applications shall demonstrate that the development has been designed in accordance with the requirements of North Ryde Station Precinct Development Control Plan (NRSP DCP) and achieves the vision for North Ryde Station Precinct as set out in the NRSP DCP.

CIVIL WORKS COMPLETED

- E3 Prior to the issue of any construction certificate for any part of Stage 2, all Stage 1 Civil Works are to be completed in accordance with this development consent, including all works associated with:
- a) Road construction, site access and intersection upgrades;
 - b) open space embellishment;
 - c) pedestrian pathways and cycleways;
 - d) drainage; and
 - e) public domain works
- but excluding the pedestrian / cycle bridge referred to in Condition E4
- E4 The pedestrian / cycle bridge over Delhi Road must be completed in accordance with RMS requirements, dedicated to TfNSW, and open for public use prior to the issue of the first occupation certificate for any residential or commercial development forming part of Stage 2.

DEVELOPMENT CONTRIBUTIONS

- E5 Future Stage 2 Development Applications will be required to make Section 94 contributions towards the provision or improvement of public amenities and services as a condition of consent. The amount of the contribution will be determined in accordance with the requirements of any planning agreement or agreed offsets with Council associated with on-site amenities and services which may include public open space, community facilities, roads and drainage.
- E6 Any planning agreement shall be executed prior to the lodgement of the first Stage 2 Development Application for retail or commercial development

REGIONAL TRANSPORT INFRASTRUCTURE CONTRIBUTIONS

- E7 Prior to the lodgement of the first Stage 2 Development Application to Council for retail or commercial development, a planning agreement in relation to regional transport infrastructure provision must be executed.

PARKING MANAGEMENT STRATEGY

- E8 Prior to the issue of any construction certificate for any part of Stage 2, a parking management strategy for the site developed in consultation with TfNSW and in accordance with the requirements of the NRSP DCP must be submitted to and approved by Council.

TRANSPORT INITIATIVES

- E9 Future Development Applications shall incorporate work place travel plans and car share scheme to be prepared in accordance with the NRSP DCP.
- E10 Future Development Applications within the mixed use precinct shall incorporate high profile bicycle parking at retail nodes and community facilities.

SYDNEY TRAINS REQUIREMENTS

- E11 The lodgement of any future development applications for the development of the newly created allotments which involves ground penetration (eg excavation, piling, etc) deeper than 2 metres either above or within 25 metres of the rail corridor shall be accompanied by the following documentation:
- a) geotechnical and structural report / drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the drainage system;
 - b) construction methodology with construction details pertaining to structural support during excavation;
 - c) cross sectional drawings showing ground surface, drainage infrastructure, sub soil profile, proposed basement excavation and structural design if sub ground support adjacent to the drainage system. All measurements are to be verified by a Registered Surveyor; and
 - d) detailed Survey Plan showing the relationship of the proposed development with respect to the Sydney Trains drainage system.

The above documentation is required by Sydney Trains in order to assess the proposal for concurrence with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007. As part of the Sydney Trains assessment of the above documentation the applicant may be required to provide additional information such as, but not limited to, a numerical analysis which assesses the different stages of loading – unloading on the site and its effect on the rock mass surrounding the rail corridor.

ESD

- E12 Future Stage 2 Development Applications must incorporate ESD principles in the design, construction, and on-going operation phases of the development, including compliance with the Integrated Water Management Plan for the site.

ON SITE DETENTION

- E13 This approval does not exempt future applications from the need for on-site detention (OSD) provision. Future applicants may seek an exemption from OSD provision as part of future applications, having regard to Ryde Council's requirements for stormwater management.

ADVISORY NOTES

APPEALS

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

OTHER APPROVALS AND PERMITS

- AN2 The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

- AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- AN5 Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

- AN6 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. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia 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

AN7

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* 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.
- b) This application has been assessed in accordance with the New South Wales 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 Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.