

CONSOLIDATED CONSENT

Consolidated Development consent

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

As the Minister for Planning, I determine:

- (a) to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.
- (b) pursuant to section 89D(2) of the *Environmental Planning and Assessment Act 1979*, I determine that any subsequent stage of the development having a capital investment value less than \$10 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

The conditions the subject of this approval 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.

The Hon Pru Goward MP

Minister for Planning

Sydney

2015

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.

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SCHEDULE 1

Application No.: SSD 5175

Applicant: Western Sydney Parklands Trust

Consent Authority: Minister for Planning and Environment

Land: Rooty Hill Road South, Rooty Hill (Western Sydney Parklands)

Development: Eastern Creek Business Hub Staged Development Application, including:

- A concept proposal for a new retail centre comprising 52,800 sqm gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses and a development structure including:
 - land uses;
 - site layout;
 - building envelopes; and
 - design parameters.
- Stage 1 subdivision and early works including:
 - super lot subdivision to create three developable allotments and one residual allotment;
 - construction of an access road;
 - bulk and detailed earthworks;
 - stormwater management;
 - civil engineering works;
 - landscaping; and
 - rehabilitation of the existing woodland areas identified for open space/conservation.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 5175 MOD 1	28/4/2016	Director	<ul style="list-style-type: none"> Transfer the Beggs Road easement into Phase 1B and Phase 2 of the development Maintain and incorporate the proposed pedestrian link to Church Street into Phase 2 of the development Reconfigure the stormwater drainage system including provision of a second on-site detention basin Undertake additional bulk earthworks to include remediation, establishing pad sites 1, 2, 3 and 4, reduced retaining walls, and accommodate amended stormwater drainage system Allow any residual large format retail gross floor area (GFA) up to the approved maximum to be used as bulky goods GFA, and a maximum of 500m² of residual supermarket GFA to be used as specialty shops/small business GFA Amend the timing of the Deed of Agreement with RMS.
SSD 5175 MOD 2	21/12/2017	Executive Director	<ul style="list-style-type: none"> Building envelope changes, relocation of the children's playground, parking and loading dock layout changes in Lot 2 Approval for 'child care centre', 'medical centre' and 'indoor recreation facility' (gymnasium) as permissible uses within Lot 2 of the site Provide a new access road within the existing Beggs Road reserve together with the future development of Lot 2 Amendments to the Landscape Masterplan Updated Urban Design guidelines Modification the Stage 1 approval to reflect the proposed change to the Beggs Road access.
SSD 5175 MOD 3	20/7/2018	IPC	Increase the maximum approved gross floor area (GFA) by 2,338 sqm from 53,500 sqm to 55,838 sqm.
SSD 5175 MOD 4	18/7/2019	Director	Amend the stormwater drainage system, construct a new roundabout on the internal access road between Lots 1 and 2, with associated realignment of the lot boundaries and updated design guidelines.
SSD 5175 MOD 5	15/6/2020	IPC	Reconfigure building envelopes, additional land uses, amend the Design Guidelines and landscape masterplan on Lot 1

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SSD 5175 MOD 6	6/9/2019	Director	Transfer 500 m ² of gross floor area (GFA) from large format retail to the child care centre, resulting in a child care centre with a total GFA of 1,200 m ² and re-locate the future building envelope to the south-west corner of Lot 2.
SSD 5175 MOD 7	2/7/2020	Director	Allow vehicles to exit Lot 2 via the roundabout.
SSD 5175 MOD 8	17/2/2020	Director	Deletion of Condition D8, which requires dedication of the internal access road to Council.
SSD 5175 MOD 9	16/12/2020	Director	Additional pad site on Lot 2.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Western Sydney Parklands Trust or anyone else entitled to act on this consent
Application	The staged development application and the accompanying drawings plans and documentation described in Condition A4 of Schedule 2 and Condition A2 of Schedule 3
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Blacktown City Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act
Day Time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment, or its successors
ECBH	Eastern Creek Business Hub
Evening	The period from 6pm to 10pm
Environmental Impact Statement (EIS)	Environmental Impact Statement titled <i>Staged Development Proposal – Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement</i> , prepared by Architectus Group Pty Ltd, dated September 2012
EPA	Environmental Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning and Environment, or nominee
Night Time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successor
Reasonable and Feasible	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

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	improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services, or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Director-General (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Subject Site	Rooty Hill Road South, Rooty Hill (Western Sydney Parklands)

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SCHEDULE 2

PART A TERMS OF APPROVAL FOR CONCEPT PROPOSAL

Development Description

- A1. Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, **associated documents submitted with Modification 1, Modification 2, Modification 3, Modification 4, Modification 6, Modification 5, Modification 7, Modification 9 and Modification 9** and the conditions contained in this development consent.

Determination of Future Development Applications

- A2. In accordance with section 83B(3) of the EP&A Act the subsequent stages are to be subject of future development applications.
- A3. The determination of future development applications is to be generally consistent with the terms of development consent SSD 5175 as described in **Schedule 1** and subject to the conditions in Part B **Schedule 2**.

Development in Accordance with Plans and Documents

- A4. The applicant shall carry out the development generally in accordance with the:
- a) *Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement* prepared by Architectus dated September 2012, as amended by the
 - b) *Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions* prepared by Architectus dated April 2014; and
 - c) **Updated Eastern Creek Business Hub Design Guidelines 6 October 2020**; and
 - d) **S.96(2) SSD Modification 5175 Eastern Creek Business Hub** prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and
 - e) **State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions** prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and
 - f) **SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application** prepared by JBA Urban Planning Consultants, dated March 2017 as amended by the **Response to Submissions** prepared by JBA Urban Planning Consultants, dated 4 July 2017 and additional information submitted on 26 September 2017 and 5 and 14 December 2017
 - g) **SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application** prepared by Ethos Urban Pty Ltd, dated 2 September 2017
 - h) **Statement of Environmental Effects SSD 5175 MOD 4**, dated 8 November 2018, **Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2**, dated 11 April 2019 and **Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2**, dated 3 July 2019, all prepared by Ethos Urban
 - i) **Statement of Environmental Effects SSD 5175 MOD 6**, dated 20 December 2018 and **Response to Submissions SSD 5175 MOD 6**, dated 2 August 2019, prepared by Ethos Urban
 - j) **Statement of Environmental Effects SSD 5175 MOD 5**, dated 10 October 2018, **Response to Submissions Report**, dated 10 October 2019 and **Response to request for Information**, dated 9 January 2020, all prepared by Ethos Urban
 - k) **Modification Report SSD 5175 MOD 7**, dated 6 November 2019, **Response to Request for Information**, dated 17 January 2020, prepared by Ethos Urban and **Additional Information** dated 19 March 2020 and 20 May 2020, prepared by CBRK
 - l) **Modification report SSD 5175 MOD 9**, dated 19 October 2020, **Response to Submissions**, dated 25 November 2020 and **Additional Information** dated 11 December 2020, prepared by Ethos Urban
 - m) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

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Concept Proposal			
Concept Plans prepared by i2C			
Drawing No.	Revision	Name of Plan	Date
SK-30.3		Structure Plan	06.11.2019
SK-30.4		Phasing Plan	06.11.2019
Sk-32		Masterplan	25.09.2020
SK-1 30.5		Enabling Infrastructure Works	06.11.2019
SK-64		Landscape Masterplan	18.09.2020
Landscape Plans prepared by Urbis			
		ECQ Stage 1 Landscape Plan	March 2019
	O	ECQ Stage 2 Concept Landscape Plan	November 2020

Lapsing of Approval

A5. This consent will lapse five (5) years from the date of consent unless the works associated with Stage 1 have physically commenced.

Legal Notices

A6. Any advice or notice to the consent authority shall be served on the Secretary.

Maximum Gross Floor Area (GFA)

A7. The maximum GFA for the total development shall not exceed ~~52,800~~ ~~53,500~~ ~~55,838~~ ~~56,438~~ sqm and the individual land use components shall have a maximum GFA as follows:

Land Use	Maximum GFA (sqm)	
Specialised retail premises	39,400	
Recreation facility (indoor)	3,000	Any residual recreation facility (indoor) or vehicle repair station GFA may be transferred to specialised retail premises GFA, provided the maximum GFA for specialised retail does not exceed 42,800 m ² .
Vehicle repair station	400	
convenience retail	10,754	
- supermarket	3,794	
- specialty shops/small business	6,960	
Child care centre	1,200	
Circulation	1,684	
TOTAL	56,438	

The above GFA is a maximum control and it may not be possible to achieve the maximum GFA within the approved building envelopes. Future applications must demonstrate compliance with both the maximum GFA and the approved building envelopes.

A8. Condition Deleted

Ownership

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A9. Sydney Parklands Trust (WSPT) is to retain ownership of the basins and the internal roads.

Beggs Road Access

A10. Beggs Road is to service the Lot 2 loading area only, no access to any other part of the site or to any other Lot is permitted via Beggs Road.

FOR INFORMATION

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PART B CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS

Building Design

- B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of the ECBH shall have regard to, and be generally consistent with, the Design Guidelines dated **6 October 2020**.
- B2. Details are to be provided with the development application for the detailed design and construction of the ECBH demonstrating compliance with Condition B1 above, unless it can be satisfactorily demonstrated to the approval authority that a superior built form and/or urban design outcome can be achieved.
- B3. Future development applications for the construction of buildings shall include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.
- B4. Future development applications for the construction of buildings shall also include photomontages.

Landscaping

- B5. Future development applications for the construction of buildings shall include detailed landscape plans identifying the vegetation to be removed and the location of any additional landscaping, and must be generally in accordance with the landscape and public domain principles and development guidelines in the Design Guidelines dated **6 October 2020**.
- B6. The detailed landscape plans should include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area) and other soft and hard landscape treatments, including any pavement areas.

Traffic, Access and Car Parking

- B7. Future development applications shall be accompanied by a detailed assessment of the traffic, and transport impacts on the surrounding road network and intersection capacity, and shall detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to RMS's Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of road infrastructure works in the surrounding road network.
- B7A. The future development application for the development of Lot 2 shall include access to the loading dock via Beggs Road. The Beggs Road access shall:**
 - a) generally retain the existing road alignment**
 - b) be restricted to left in/ left out movement with a concrete median island provided to AUSROADS standards along Rooty Hill Road South between Minchinbury Street and Penfold Street, with all existing lane widths on Rooty Hill Road South are to be retained**
 - c) incorporate a 13.5 metre wide carriageway and a 3.5 metre wide footway on the southern side of the road**
 - d) provide a turning circle within the 13.5 metre road alignment**
 - e) not encroach on, or impact the Shale Plains Woodland on the northern side of the road**
 - f) only provide access to the dwelling house fronting the roadway and the Lot 2 loading dock.**
- B7B. Future development applications shall consider pedestrian safety and pedestrian desire lines along Rooty Hill Road South. Where necessary to improve pedestrian safety, a pedestrian fence is to be incorporated along the median of Rooty Hill Road South to prevent pedestrians crossing other than at safe crossing points.**

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- B7C.** Future development applications for the child care centre within Lot 2 are to provide designated car parking spaces within the existing carpark adjacent to the child care centre and provided at a rate of 1 space per 6 children and 1 space per employee in accordance with the Design Guidelines.

Note: The future application may seek that the designated child care parking be available for general use outside of the operating hours of the child care centre and peak morning afternoon drop off/ pick up periods.

Internal access road upgrade

- B7D.** Future development applications for Lot 3 shall include details of the upgrade of the internal access road (between the roundabout and Rooty Hill Road South intersection) from two lanes to three lanes, comprising a right turn lane, shared right turn/ through lane and left turn lane, as shown on Drawing no. 15766_CON_C000, Proposed intersection layout, rev 01, dated 19/5/2020, prepared by Henry & Hyams.

This shall include a Traffic Control Signal plan, concept civil plans, swept paths and updated SIDRA modelling.

The internal road upgrade must be:

- (a) constructed prior to issue of any Occupation Certificate for Lot 3
- (b) approved by TfNSW in accordance with section 87 of the Roads Act 1993
- (c) subject to a Works Authorisation Deed (WAD) with TfNSW.

Operational Noise

- B8.** Future development applications shall include a site specific noise assessment and demonstrate that appropriate acoustic amenity is achieved and include mitigation measures, where necessary.

Construction

- B9.** Future development applications shall analyse and address the impacts of construction and include:
- a) Construction Transport Management Plan, addressing traffic and transport impacts during construction;
 - b) Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction;
 - c) Construction Waste Management Plan, addressing waste during construction;
 - d) Air Quality Management Plan, addressing air quality during construction;
 - e) Water Quality Impact Assessment and an erosion and sediment control plan (including water discharge considerations) in accordance with *Managing Urban Stormwater, Soils and Construction (Landcom 2005)*; and
 - f) Acid Sulphate Soil and Assessment and Management Plan.
 - g) Salinity Assessment Management Plan

Contamination

- B10.** Future development applications for the construction of buildings shall include a Remediation Action Plan addressing the potential contamination of the land including mitigation measures in accordance with *State Environmental Planning Policy No.55 – Remediation of Land*, where necessary.

Ecologically Sustainable Development

- B11.** Future development applications shall demonstrate how the development incorporates the principles of ESD in the design, construction and on-going operation of the development.

Stormwater

- B12.** Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the **Stormwater and Road Design Report, prepared by Henry & Hyams, dated 21 March 2019** and council's *Engineering Guide for Development 2005* and part J of DCP 2015.

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Flooding

- B13. Future development applications for the construction of buildings shall include a detailed flood impact assessment in accordance with the *NSW Floodplain Development Manual (2005)* identifying minimum floor levels for buildings and flood evacuation strategies, where necessary.

Crime Prevention

- B14. Future development applications shall include a *Crime Prevention Through Environmental Design (CPTED)* assessment, including mitigation measures, where necessary.

Bushfire

- B15. Future development applications for the construction of buildings shall demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006* and the Asset Protection Zones recommended in the *Bushfire Protection Assessment – Subdivision and Early Works, Eastern Creek Business Hubs*, prepared by Ecological, dated August 2012.

Disability Access

- B16. Future development applications shall include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the *Disability (Access to Premises - buildings) Standards 2010* (the Premises Standards).

Building Code of Australia

- B17. Future development applications for the construction of buildings shall demonstrate compliance with the *Building Code of Australia*, as relevant.

Waste

- B18. Future development applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.

Outdoor Lighting

- B19. Future development applications shall include details of any outdoor lighting within the site and compliance with *AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting*.

Advertising Signage

- B20. Future development applications shall include details of any external advertising signage to demonstrate compliance with council's requirements for external advertising signage and *State Environmental Planning Policy No. 64 – Advertising and Signage*, as relevant.

Staging Plan

- B21. Future development applications for the construction of buildings shall include a detailed staging plan showing the development being carried out in a sequential manner and the timing for road infrastructure works.

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SCHEDULE 3

CONDITIONS OF CONSENT FOR STAGE 1 SUBDIVISION AND EARLY WORKS

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance criteria established under this approval, 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.

Development in Accordance with Plans and Documents

- A2. The applicant shall carry out the 'Stage 1 subdivision and early works' generally in accordance with the:
- Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement* prepared by Architectus dated September 2012, as amended by the
 - Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions* prepared by Architectus dated April 2014; and
 - Eastern Creek Business Hub Design Guidelines 6 October 2020*; and
 - S.96(2) SSD Modification 5175 Eastern Creek Business Hub* prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and
 - State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions* prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and
 - SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application* prepared by JBA Urban Planning Consultants, dated March 2017 as amended by the *Response to Submissions* prepared by JBA Urban Planning Consultants, dated 4 July 2017 and additional information submitted on 26 September 2017 and 5 and 14 December 2017
 - Statement of Environmental Effects SSD 5175 MOD 4*, prepared by Ethos Urban, dated 8 November 2018, *Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2*, prepared by Ethos Urban, dated 11 April 2019 and *Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2* prepared Ethos Urban, dated 3 July 2019
 - Additional Information dated 11 December 2020, prepared by Ethos Urban*
 - following drawings, except for:
 - any modifications which are 'Exempt' or 'Complying Development'; and
 - otherwise provided by the conditions of this consent.

Stage 1 Subdivision			
Subdivision drawing prepared by Land partners			
Drawing No.	Revision	Name of Plan	Date
SY073106.004.10.13	13	Plan of Proposed Subdivision of Lot 1 DP1267436	09/12/2020
Early works drawings			
	D	Stage 1 Early Works Phasing Plan	30 June 2017
	B	Enabling Infrastructure Works	30 June 2017
Civil Works Plan prepared by Henry & Hyams			
17D83_S96_B E01	02	Cut and Fill Plan	13 April 2018
17D83_S96_C 000	04	Cover Sheet, Drawings Schedule, notes and locality plan	20 March 2019

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17D83_S96_C 100	03	General arrangement plan	20 March 2019
17D83_S96_C 101	03	Detail civil plan, sheet 1 of 7	20 March 2019
17D83_S96_C 102	03	Detail civil plan, sheet 2 of 7	20 March 2019
17D83_S96_C 103	03	Detail civil plan, sheet 3 of 7	20 March 2019
17D83_S96_C 104	03	Detail civil plan, sheet 4 of 7	20 March 2019
17D83_S96_C 105	03	Detail civil plan, sheet 5 of 7	20 March 2019
17D83_S96_C 106	03	Detail civil plan, sheet 6 of 7	20 March 2019
17D83_S96_C 107	03	Detail civil plan, sheet 7 of 7	20 March 2019
17D83_S96_C 110	03	Typical site sections, sheet 1 of 2	20 March 2019
17D83_S96_C 111	03	Typical site sections, sheet 2 of 2	20 March 2019
17D83_S96_C 115	03	Stormwater channels typical sections	20 March 2019
17D83_S96_C 130	03	Access road CL 1 long section and chainages plan	20 March 2019
17D83_S96_C 131	02	Access road CL 2 long section and chainages plan	20 March 2019
17D83_S96_C 200	03	Stormwater miscellaneous details and pit lid schedule	20 March 2019
17D83_S96_C 220	03	Stormwater longitudinal sections sheet 1 of 2	20 March 2019
17D83_S96_C 221	03	Stormwater longitudinal sections sheet 2 of 2	20 March 2019
17D83_S96_C 230	03	North basin plan and sections	20 March 2019
17D83_S96_C 231	03	North basin details	20 March 2019
17D83_S96_C 240	03	South basin plan and sections	20 March 2019
17D83_S96_C 241	03	South basin details	20 March 2019
17D83_S96_C 250	03	Catchment plan – water quantity	20 March 2019
17D83_S96_C 251	03	Catchment plan – water quality	20 March 2019
17D83_S96_C 255	03	Access road catchment plan	20 March 2019

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17D83_S96_C 300	03	Retaining wall overall plan	20 March 2019
17D83_S96_C 301	03	Retaining wall long sections	20 March 2019
17D83_S96_C 302	02	Retaining wall sections	20 March 2019
17D83_S96_S E01	03	Sediment and erosion control plan	20 March 2019
17D83_S96_S E02	03	Sediment and erosion control details	20 March 2019
Road Improvement Works Sketch prepared by J. Wyndham Prince			
8801/SK04	H	Proposed Works Sketch	22 May 2013
Landscape Plans prepared by Urbis			
LA06	00	Phase 1 – Recommended Plant Species	27 August 2012
LA07	00	Phase 1 – Landscape furniture Palette	24 August 2012
LA08	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA09	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA10	00	Phase 1 – Street Tree Planting Works	30 August 2012

Inconsistency between Documents

- A3. 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. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

Lapsing of Approval

- A4. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

Prescribed Conditions

- A5. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Dispute Resolution

- A6. In the event of a dispute between the applicant and a public authority in relation to an applicable requirement in this approval or relevant matter to the Development, either party may refer to the matter to the Secretary for resolution. The Secretary's resolution of the matter shall be binding on the parties.

Long Service Levy

- A7. 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 14 41.

Legal Notices

- A8. Any advice or notice to the consent authority shall be served on the Secretary.

European Archaeological Heritage

- A9. The key recommendations of the Archaeological Assessment Management Plan prepared by Biosis shall be implemented during all stages of the development.

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PART B PRIOR TO COMMENCEMENT OF WORKS

Certified Plans

- B1. Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority prior to commencement of each stage of the works and shall include details required by any of the following conditions.

Biodiversity Offset Strategy

- B2. The applicant shall retire 46.3 ecosystem credits of Grey Box-Forest Red Gum woodland at the Chandos Street West Biobank Site (Biobank Site 70) in accordance with the offset strategy in the ecological assessment prepared by Ecological Australia dated August 2012 to offset the loss of 1.93 hectares of Cumberland Plain Woodland (sub community) on the subject site **prior to any clearing.**

Flood Risk Management

- B3. A detailed flood study prepared by a suitably qualified person in accordance with the NSW Floodplain Manual (2005) providing further flood risk management investigations to address the following:
- a) rare floods between 1 in 100 year event to the probable maximum flood event;
 - b) impact of development on flood behaviour, levels, velocities, duration on adjacent downstream and upstream areas;
 - c) impact of flooding up to the probable maximum flood event on the proposed development; and
 - d) sensitivity analysis to determine the impact from climate change.
- B4. Findings and recommendations from the above investigations should be incorporated in the final stormwater and drainage works design, as relevant.

Stormwater and Drainage Works Design

- B5. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with council's Engineering Guide for Development 2005 shall be submitted to the Certifying Authority 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.

Road Design

- B6. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the commencement of works. The plans shall include kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new access road. The new access road shall be designed in accordance with council's Engineering Guide for Development 2005 and the Roads and Maritime Services.

Cable Place Intersection

- B7. Final intersection design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the commencement of works. The new signalised intersection at Cable Place shall be designed in accordance with Austroads Guide to Road Design Part 3 Geometric Design (2010 edition), Part 4 Intersections and Crossings – General (2009 edition) and Part 4A Unsignalised and Signalised Intersections (2010 edition). The applicant shall obtain section 138 consent under the Roads Act 1993 for all works on Rooty Hill Road South.

Road Closure

- B8. **Prior to the commencement of works relevant to the development of Lot 1 evidence shall be provided to the Certifying Authority demonstrating an application for the closure of Belmore Road easement has been submitted to NSW Trade and Investment Crown Lands.**

Prior to the commencement of works relevant to the development of Lot 2 evidence shall be provided to the Certifying Authority demonstrating an application for the closure of Beggs Road easement (east of the Lot 2 loading dock access) has been submitted to NSW Trade and Investment Crown Lands.

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B9. Condition Deleted in MOD 1

Vegetation Management Plan (VMP)

B10. Prior to the commencement of works, a Vegetation Management Plan (VMP) shall be provided to the Certifying Authority addressing the restoration and rehabilitation of the conservation area including:

- a) the eastern part of the site;
- b) the existing creek channel from channel 01 to basin 1 including endemic riparian native plants'
- c) outside the development area including endemic native plants and additional Cumberland Plains Woodland; and
- d) the retained woodland in the developable areas of the site.

The VMP shall be in accordance with the criteria identified in the *Vegetation Management Plan Guidelines*, prepared by the *Department of Water and Energy*, (February 2008). The VMP is to be prepared by a suitably qualified person and should address but not be limited to, the following:

- a) provide details of vegetation to be retained and measures to protect vegetation during the construction and operation phases of the development;
- b) identify areas to be rehabilitated and details of the vegetation species, composition, planting, layout and densities of plants to re-vegetate these areas;
- c) outline ongoing management arrangements, including but not limited to responsibilities, funding and long term maintenance; and
- d) provide details monitoring and timing of revegetation works within the retained vegetation and the areas to be revegetated.

The plan is to span the entire project duration from pre-construction to through to construction and post construction.

Operational Environmental Management Plan (OEMP)

B11. Prior to commencement of works, an Operational Environmental Management Plan (OEMP) identifying environmental management practices for the conservation area in the eastern part of the site and the retained woodland in the developable areas of the site shall be provided to the Certifying Authority. The Plan shall address but not be limited to, the following matters where relevant:

- a) weed management;
- b) vegetation clearing procedures;
- c) pre-clearing survey procedures to minimise impacts on fauna;
- d) installation of habitat boxes for microbats;
- e) injured animal responses;
- f) retention of hollow-bearing trees;
- g) stop work incidents and procedures;
- h) erosion and sediment control; and
- i) topsoil management.

The plan is to span the entire project duration from pre-construction to through to construction and post construction.

Construction Environmental Management Plan (CEMP)

B12.

- a) Prior to the commencement of works, a 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 Plan shall address, but not be limited to, the following matters where relevant:
 - i) hours of work;
 - ii) 24 hour contact details of site manager;
 - iii) traffic management, in consultation with the council;
 - iv) construction noise and vibration management, prepared by a suitably qualified person;
 - v) management of dust to protect the amenity of the neighborhood;
 - vi) erosion and sediment control;

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- vii) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the subject site;
 - viii) archaeological deposits;
 - ix) salinity assessment management plan; and
 - x) flora and fauna management.
- b) The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- c) The applicant shall submit a copy of the CEMP to council, prior to commencement of work.

Safety Management Study

B13. A Safety Management Study prepared by a suitably qualified person addressing the safety issues associated with the high pressure gas pipeline traversing the western part of the site in accordance with *Australian Standard AS 2885-Pipelines-Gas and Liquid Petroleum* shall be submitted to the Certifying Authority prior to the commencement of any works on the subject site.

Construction Traffic & Pedestrian Management Plan

B14.

- a) Prior to the commencement of any works on the subject site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority and council. The Plan shall address, but not limited to, the following measures:
- i) ingress and egress of vehicles to the subject site;
 - ii) hours of operation;
 - iii) loading and unloading, including construction zones;
 - iv) construction traffic and construction car parking arrangements;
 - v) predicted traffic volumes, types and routes; and
 - vi) pedestrian and traffic management methods.

Sydney Water Notice of Requirements

B15.

- a) An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of any Construction Certificate.
- b) The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- c) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Geo-technical Investigation

B16. Prior to the commencement of work on the subject site, a Geo-technical investigation prepared by a suitably qualified person shall be submitted to the Certifying Authority addressing the following:

- a) subsoil conditions for pavement design;
- b) soil characteristics for retaining wall construction;
- c) salinity parameters; and
- d) groundwater affectation due to the civil works.

Utility Services

B17. Prior to the commencement of work, the applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

B18. Prior to the commencement of works, 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.

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Erosion and Sedimentation Control

B19. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority and council.

Demolition

B20. Any 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.

Remediation

B21. Remediation approved as part of this development consent shall be carried out in accordance with the *Remediation Action Plan Phase 1 Early Works for Eastern Creek Business Hub* prepared by Consara dated 25 June 2013. A site audit must be carried out by a site auditor prior to the commencement of remediation works.

Notice of Commencement of Works

B22. The Certifying Authority and council shall be given written notice, at least 48 hours prior to the commencement of building works on the subject site.

Historical Archaeological Management Plan

B23. Condition Deleted

Historical Interpretation Strategy

B24. The applicant shall consult with the Mount Druitt Historical Society and Council and prepare an interpretation strategy for the former Eastern Creek School and other relevant areas of the site based upon the outcome of the historical monitoring program. Should an interpretation strategy be deemed not necessary by both the Mount Druitt Historical Society and Council, documentary evidence shall be submitted to the Council's satisfaction

Engineering

B25. Once a minimum of 90% of all the upstream building works, retaining walls and driveways have been completed as agreed with Council for each bioretention basin, the filter media and plants are to be installed within 6 months. Once these are installed:

- a) A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 m², *in situ* hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m², an extra test point should be added for every additional 100 m² or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of by 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems; and
- b) After the hydraulic conductivity has been certified by the Geotechnical Engineer, a horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of 5 years demonstrated experience is to certify that the planting within the bio-retention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

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Water Quality

B26. The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity including the approved bioretention plant species:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

Stormwater Drainage

B27. Amended drainage plans by a suitably qualified Civil Engineer, are to be provided to meet the requirements under Councils DCP Part R-2006 J 2015 and Councils Engineering Guide for Development 2005. The plans are to be in accordance with the Civil Engineering Works plans by Henry and Hymas, series 17D83_S96_C, dated 20/03/19 except where amended by this consent. The amended plans must address the following:

- Amend Sections 18 and 19 on drawing C111(03) to have a minimum berm width of 1 m while reducing the external batters to 1V:3H or flatter.
- The rainwater tanks are required to all the developments and are to be designed to achieve a minimum 80% of non-potable demand to be met through rainwater. When sizing the rainwater tank increase the calculated volume by 20 % to account for anaerobic zones, mains water top up levels and overflow levels. Where the 80% demand cannot be met through rainwater alone waterless urinals are to be installed, unless otherwise agreed with Council. Provide a hydraulic plan to detail how the rainwater is distributed throughout the site including water meters on pump flow and mains bypass to determine actual non-potable percentage water use.
- To protect the bioretention systems from harmful sediments and pollutants a Gross Pollutant Trap (GPT) is required for any discharge from future developments in Pads 1, 2, 3, or 4 to the external drainage system, including discharges direct to basin 2. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow. On drawing C251(03) amend the wording for each of the four notes for the Pad Treatments to say "....GPT TO PREVENT SEDIMENT AND HYDROCARBONS ENTERING".
- On drawings C231(03) and C241(03) provide a "TEMPORARY BIO-RETENTION PROTECTION DETAIL-in accordance with the Stage 2 requirements on Council WSUD Drawings A(BS)175M. The temporary details are to be constructed prior to occupation of the first upstream stage of pads 2, 3, or 4;
- Both detention basins are to install a concrete cutoff wall under the full extent of the spillways to minimise risk of seepage flows and failure. Amend drawings C230(03) and C240(03) by extending the cutoff wall a minimum of 400 mm below the bottom of the scour protection.

B28. Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. For bioretention systems these are to include the temporary bio-retention system and ultimate bioretention system replacement. Where these devices are located in roadway/parking areas these are to include traffic management requirements. The existing Henry and Hymas Stormwater Maintenance Manuals are to be amended to include the requirements of Council's "WSUD Inspection and Maintenance Guidelines" available on the Council website. Where there is any conflict the Council provisions shall prevail. The designer of the stormwater treatment system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

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- B29.** A certificate from a Professional Geotechnical Engineer registered with NPER must be obtained and submitted to Council verifying that the detention basin and its embankments can withstand a 1 in 100 year ARI event and a PMF event. The modelling is to consider both independent events and local interaction with floods in the creek. Any requirements of the Geotechnical Engineer as to lining the crest and spillway or other necessary protection is to be incorporated into the design.

Landscaping

- B30.** Amended landscape plans are to be provided to meet the requirements under Councils DCP Part R 2006 and Handbook. The amended plans must address the following:
- a) For the bioretention system include appropriate species in accordance with the BCC Handbook Part 5 - Vegetation Selection Guide (October 2012 or as revised) for the 500 mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 10 different species (including one or more shrubs) is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.
 - b) Provide a turf specie for channel 01 capable of sustaining a 1V: 3H batter. Detail any geogrids or other enhanced support to sustain such a steep batter slope.
 - c) Provide a Vegetation Management Plan for the existing creek channel from channel 01 to basin 1 including endemic riparian native plants.
 - d) Provide a Vegetation Management Plan for the remainder of the site outside the development area including endemic native plants and additional Cumberland Plains Woodland.
 - e) Replace the proposed turf channel 04 with a riparian landscaped channel with Cumberland Plain Woodland surrounds to support and enhance the local environment.

Cut and Fill

- B31.** All cut and fill details are to be provided to the Certifying Authority.

Retaining Walls

- B32.** Details of any retaining walls, including height and material, to be constructed on site as part of the development are to be submitted to the Certifying Authority. Masonry retaining walls (i.e. no timber walls) are to be provided. All retaining walls shall be in maximum 3 metres high sections and stepped with 1 metre wide minimum planting bays which are to be landscaped. Where retaining walls 1.5m or greater are provided, these should not be provided in long expanses.

Roundabout

- B33.** Condition deleted in MOD 7.

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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 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) **it is for non offensive noise-generating works;** and
 - iv) variation is approved in advance in writing by the Secretary or his/her nominee.

Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

C1A Scheduled intra-day 'respite periods' are required for construction activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers, including surrounding residents and schools. These activities generating noise with particularly annoying and/or intrusive characteristics should be subject to regime of intra-day respite periods where:

- a) **they are only undertaken after 8:00am;**
- b) **they are only undertaken over continuous periods not exceeding 3 hours with at least a 1 hour respite every 3 hours; and**
- c) **'continuous' means any period during which there is less than an uninterrupted 60 minutes respite between temporarily halting and recommencing any of the work referred in Interim Construction Noise Guideline (2009).**

Respite periods may be waived subject to approval by the Department. Any waiver request to the Department shall be supported by an acoustic assessment and an acoustic construction management plan demonstrating how construction acoustic impacts may be managed to minimise annoying and/or intrusive noise to nearby residents and schools.

Erosion and Sediment Control

C2. 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.

Site Remediation

C3. The site the subject of the early works is to be remediated in accordance with the *Remediation Action Plan Phase 1 Early Works for Eastern Creek Business Hub* prepared by Coffey 28 July 2015 and as amended from time to time with consent from an NSW Accredited Auditor.

Waste Management Plan

C4.

- a) Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the council, shall be submitted to the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - i) recycling of demolition materials, including concrete; and
 - ii) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

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- b) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- c) The applicant shall submit a copy of the Plan to the council, prior to commencement of work.
- d) The applicant must notify the Roads and Maritime Services Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the subject site, prior to the commencement of the removal of any waste material from the subject site.
- e) All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.
 - i) Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing; and
 - ii) This information is to be made available at the request of an authorised officer of council.

Disposal of Seepage and Stormwater

C5. Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by council.

C5A. Concrete waste and rise water are not to be disposed of on the development site.

Approved Plans to be On-site

C6. 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.

Site Notice

C7.

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

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.

Vibration Criteria

- C9. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;

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- 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;
- 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; and
- d) These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan.

Work Cover Requirements

C10. 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.

Hoarding Requirements

C11. The following hoarding requirements shall be complied with:

- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- 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.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

C12. Archaeological monitoring in accordance with the Archaeological Management Plan is to be carried out in relation to all ground works in areas of high or moderate archaeological potential as outlined in the Historical Archaeological Management Plan. If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch is to be 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

C13. 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 a registered Aboriginal representatives must be contacted to determine the significance of the object(s). 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 applicant must consult with the Aboriginal community representatives, the archaeologist and the OEH to develop and implement management strategies for all objects/sites. Aboriginal heritage Management is to be carried out in accordance with an AHIP applicable to the site.

C14. As part of the on-site demolition works and initial bulk excavation of the site, areas of high and medium archaeological potential within the project area (as identified in the Archaeological Assessment Plan prepared by BIOSYS) are to be subject to a program of monitoring. Should intact archaeological remains be identified, the excavation and recording techniques as detailed in the Archaeological Assessment Management Plan are being undertaken. It is intended to excavate the areas to a maximum depth of 1.2 metres. However, this may need to be revised in the event that deep archaeological structures or deposits are encountered. Should substantial archaeological remains be located the excavations must cease once the nature of the structural and depositional archaeological remains have been established.

Asbestos

C15. All works shall comply with the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'. This shall include consultation with WorkCover NSW concerning the handling of asbestos.

Construction Vehicles

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- C16. Construction vehicles (including concrete agitator trucks) involved in construction and construction-related activities are not to arrive at the site or in surrounding residential precincts outside approved construction hours.

Dust Control

- C17. During all stages of construction, measures and practices shall be in place to:

- a) minimise dust emissions on site; and
- b) prevent dust emissions from the site.

Drainage

- C18 Prior to placement of the filter media layer, certification for the following is to be provided:

- a) A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted)
- b) A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
- c) An Orthophosphate content < 20 mg/kg
- d) A Total Nitrogen content < 1000 mg/kg
- e) Is not hydrophobic.

- C19 The 200 micron Enviropods supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

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PART D PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

Subdivision and Infrastructure Works – Works-As-Executed

- D1. Prior to the issue of a subdivision certificate, detailed "work as executed" drawings shall be prepared and signed by a registered surveyor, which show the finished surface levels of the access road, road shoulder, driveway, inter-allotment drainage and any lot filling, carried out under this consent. The "work as executed" drawing shall be submitted to the certifying authority and council prior to the issue of a subdivision certificate.

On Site Detention – Works-As-Executed

- D2. On completion of the drainage works and prior to the issue of the Engineering Compliance Certificate, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans.

On Site Detention – Registration of Restriction and Covenant

- D3. Prior to the issue of the Engineering Compliance Certificate, proof of the creation of a 'restriction on use of land' and 'positive covenant' over the on-site detention system shall be submitted to the Certifying Authority.

On Site Detention – Certification of Works

- D4. A Certificate shall be issued to the Certifying Authority upon completion of the drainage works and prior to issue of the Engineering Compliance Certificate, certifying the following:
- a) That the On-Site Detention system will function in accordance with the approved drainage design.
 - b) Any variations from the approved drainage design.
 - c) That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

Registration of Easements

- D5. Prior to the issue of a subdivision certificate, the applicant shall provide to the Certifying Authority 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 and Property Information.

Sydney Water Compliance

- D6. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of a subdivision certificate.

Road Damage

- D7. The cost of repairing any damage caused to council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant.

Dedication

- D8. **Condition Deleted in MOD 8.**

Site Remediation

- D9. Upon completion of the remediation works on the subject site, the applicant shall submit to the Certifying Authority and council a final salinity management plan, validation report, notice of completion and site audit statement prepared by a site auditor. The validation report and site audit statement must verify that the land is suitable for the proposed future uses. should be submitted
Note: The applicant must comply with clauses 17 and 18 of *State Environmental Planning Policy No.55 - Remediation of Land*.

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Note: Words and expressions used in these conditions have the same meaning as in the *Contaminated Land Management Act 1997*.

Utilities

D10. Prior to the issue of a subdivision certificate, a certificate from an electricity and telecommunications provider shall be submitted to the Certifying Authority.

Drainage

D11. A positive covenant is to be provided over each lot for future development to achieve a minimum of 80% of the non-potable water uses on-site using rainwater or stormwater.

D12. A positive covenant is to be provided over each lot for future development to provide a Gross Pollutant Trap (GPT) prior to any discharge from future developments in Pads 2, 3, or 4. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow.

D13. A restriction to user and positive covenant is to be provided over the conservation areas for restoration works to be in accordance with the Vegetation Management Plan (VMP).

D14. A restriction to user and positive covenant is to be provided over the On-Site Detention System in Basins 1 and 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The restriction to user and positive covenant must be registered with Land & Property Information.

D15. A restriction to user and positive covenant is to be provided over the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

D16. A horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the basins including bank areas (excluding the bio-retention area), the creek restoration and restoration is of the same quality in type and quantity as per the construction certificate approved landscape plans and Vegetation Management Plan, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

Road Infrastructure Works

D17. Prior to the issue of the first subdivision certificate, the applicant shall provide written evidence to the Certifying Authority that it has entered into a Deed of Agreement with Roads and Maritime Services in accordance with the details outlined in the correspondence from Roads and Maritime Services dated 6 June 2014, and the Proposed Works Sketch prepared by J Wyndham Prince No. 8801/SK04 issue H dated 22 May 2013.

ADVISORY NOTES

Appeals

AN1. The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (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.

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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.

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the council for the erection of any temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) 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

AN5. This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. 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

AN6.

- 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 Environmental Planning & Assessment Act, 1979. 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.

Asbestos Removal

AN7. 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

AN8. 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 the Department.