

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



01/10/2020

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Sydney

1 October 2020

File: EF19/27952

SCHEDULE 1

Application Number:	SSD 10379
Applicant:	Sutherland Shire Council
Consent Authority:	Minister for Planning and Public Spaces
Site:	22 and 30 Eton Street, Sutherland (Lot 1//DP1253156 and Lot 7 Section 46 DP 802)
Development:	Redevelopment of Sutherland Entertainment Centre and Peace Park

DEFINITIONS

Accredited Certifier	The holder of a certificate of accreditation as an accredited certifier under the Building Professionals Act 2005 acting in relation to matters to which the accreditation applies
Applicant	Sutherland Shire Council, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	Means a council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Sutherland Shire Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising redevelopment of Sutherland Entertainment Centre and Peace Park, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Redevelopment of Sutherland Entertainment Centre and Peace Park, prepared by DFP Planning Pty Limited dated 4 May 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW 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>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEI	NSW Office of Environment and Heritage
Operation	The carrying out of the approved purpose of the development upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the

nature and extent of potential improvements.

Response to submissions

The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

RMS

NSW Roads and Maritime Services

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the management and mitigation measures; and
 - (e) in accordance with the approved plans in the table below.

Architectural drawings prepared by NBR Architecture and CHROFI			
Drawing No.	Revision	Name of drawing	Date
-	-	Cover Page	-
18465-NBRS-A-SD-001	5	Location Plan	06/04/2020
18465-NBRS-A-SD-002	5	Site Analysis	06/04/2020
18465-NBRS-A-SD-003	5	Site Photos	06/04/2020
18465-NBRS-A-SD-004	5	Site Plan	09/03/2020
18465-NBRS-A-SD-005	2	Preliminary Construction Management Plan	09/03/2020
18465-NBRS-A-SD-006	5	Demolition & Site Management Plan	09/03/2020
18465-NBRS-A-SD-010	5	Basement Level Demolition Plan	09/03/2020
18465-NBRS-A-SD-011	5	Ground + Stage Floor Demolition Plan	09/03/2020
18465-NBRS-A-SD-012	5	Level 1 Demolition Plan	09/03/2020
18465-NBRS-A-SD-013	5	Level 2 Demolition Plan	09/03/2020
18465-NBRS-A-SD-014	5	Level 3 Demolition Plan	09/03/2020
18465-NBRS-A-SD-015	5	Roof Demolition Plan	09/03/2020
18465-NBRS-A-SD-410	5	Building Sections A-A - Demolition	09/03/2020
18465-NBRS-A-SD-411	5	Building Sections B-B - Demolition	09/03/2020
18465-NBRS-A-SD-412	6	Building Sections C-C - Demolition	06/04/2020
18465-NBRS-A-SD-413	6	Building Sections D-D - Demolition	06/04/2020
18465-NBRS-A-SD-101	7	Ground + Stage Floor Plan	09/03/2020
18465-NBRS-A-SD-102	7	Level 1 Plan	09/03/2020
18465-NBRS-	7	Level 2 Plan	09/03/2020

A-SD-103			
18465-NBRS-A-SD-104	7	Level 3 Plan	09/03/2020
18465-NBRS-A-SD-105	6	Grid Level Plan	09/03/2020
18465-NBRS-A-SD-106	7	Roof Plan	06/04/2020
18465-NBRS-A-SD-300	6	Elevations - North & West	14/04/2020
18465-NBRS-A-SD-301	6	Elevations - South & East	14/04/2020
18465-NBRS-A-SD-401	7	Building Sections A-A	06/04/2020
18465-NBRS-A-SD-402	6	Building Sections B-B	06/04/2020
18465-NBRS-A-SD-403	6	Building Sections C-C	06/04/2020
18465-NBRS-A-SD-404	5	Building Sections D-D	09/03/2020
18465-NBRS-A-SD-501	5	Shadow Analysis - 21st Sept	09/03/2020
18465-NBRS-A-SD-502	5	Shadow Analysis - 21st June	09/03/2020
18465-NBRS-A-SD-503	5	Shadow Analysis - 21st Dec	09/03/2020
18465-NBRS-A-SD-600	5	External Finish Schedule	06/04/2020
18465-NBRS-A-SD-602	5	3D Views	06/04/2020
18465-NBRS-A-SD-701	5	Floor Space Ratio Plans	09/03/2020
Landscape drawings prepared by NBRS Architecture Landscape			
Drawing No.	Revision	Name of drawing	Date
-	-	Cover Page	-
18465-NBRS-LDA-102	3	Vision and Public Domain Principles	17/01/2020
18465-NBRS-LDA-103	3	Design Statement	17/01/2020
18465-NBRS-LDA-104	3	Site Analysis	17/01/2020
18465-NBRS-LDA-105	3	Landscape Site Plan	17/01/2020
18465-NBRS-LDA-106	3	Landscape Detailed Plan	17/01/2020
18465-NBRS-LDA-107	3	Landscape Sections	17/01/2020
18465-NBRS-LDA-108	3	Landscape Sections	17/01/2020
18465-NBRS-LDA-109	3	Landscape Views	17/01/2020
18465-NBRS-	3	Landscape Views	17/01/2020

LDA-1010			
18465-NBRS-LDA-1011	3	Landscape Detailed Plan	17/01/2020
18465-NBRS-LDA-1012	3	Landscape Sections	17/01/2020
18465-NBRS-LDA-1013	3	-	17/01/2020
18465-NBRS-LDA-1014	3	Landscape Views	17/01/2020
18465-NBRS-LDA-1015	3	Materials and Furniture	17/01/2020
18465-NBRS-LDA-1016	3	Ground Floor Planting	17/01/2020
18465-NBRS-LDA-1017	3	Upper Terrace Planting	17/01/2020

- A2. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A2(a)**.
- A3. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A1(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Conditions A1(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LAPSING OF APPROVAL

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

LIMITS ON CONSENT

- A5. This consent does not approve:
- (a) future café and café fit-out on ground level; and
 - (b) signage.

Separate development application(s) must be lodged, and consent obtained for the above works and uses (except where exempt and complying development applies).

DESIGN INTEGRITY

- A6. The Applicant must ensure NBRS Architecture and CHROFI are engaged in the design documentation phase to ensure the integrity design quality of the approved development is maintained through the construction phase to completion of the building works.

PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

STRUCTURAL ADEQUACY

- A11. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

- A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A16. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A17. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A19. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A20. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A21. Within three months of:
- (a) the submission of a compliance report under **Condition C4**;
 - (b) the submission of an incident report under **Condition A16**;
 - (c) the approval of any modification of the conditions of this consent; or

(d) the issue of a direction of the Planning Secretary under **Condition A1** which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

- A22. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

- B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

EXTERNAL WALLS AND CLADDING

- B2. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B3. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B4. The Applicant must provide a copy of the documentation given to the Certifier under **Condition B3** to the Planning Secretary within seven days after the Certifier accepts it.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

- B5. The approved works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
 - (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

REFLECTIVITY

- B6. The visible light reflectivity from building materials used on the facility shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

STRUCTURAL DETAILS

- B7. Prior to the issue of a Construction Certificate, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
 - (b) the development consent.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B8. The building must incorporate all design, operation and construction measures as identified in the ESD Report – Sutherland Shire Entertainment Centre, prepared by Jones Nicholson, dated 30 January 2020. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

SYDNEY WATER REQUIREMENTS

- B9. 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 a Construction Certificate.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)

- B10. All toilets must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of the relevant Construction Certificate being issued for above ground works.
- B11. All taps and shower heads must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to issue of the relevant Construction Certificate for services and finishes works.
- B12. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.
- B13. Systems should include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

SANITARY FACILITIES FOR DISABLED PERSONS

- B14. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

ACCESS FOR PEOPLE WITH DISABILITIES

- B15. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

MECHANICAL PLANT NOISE MITIGATION

- B16. Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Noise Policy for Industry is required to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

MECHANICAL VENTILATION

- B17. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B18. The Applicant must comply with the requirements of any public authorities (e.g. Sydney Trains, Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed development. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

NUMBER OF BICYCLE PARKING SPACES

- B19. The minimum number of bicycle parking spaces to be provided for the development is 27. Details confirming compliance with the parking numbers must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

FACILITIES FOR CYCLISTS

- B20. Bicycle parking facilities are to be installed in accordance with Australian Standard AS2890.3 – Bicycle Parking Facilities (as amended) and Austroads's Guide to Traffic Engineering Practice – Part 14 – Bicycles.
- B21. Details demonstrating compliance with this condition shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

NUMBER OF MOTORCYCLE PARKING SPACES

- B22. A plan showing the provision of nine motorcycle parking spaces within Merton Street shall be prepared and issued to Sutherland Shire Council prior to the issue of the relevant Construction Certificate. The plan must demonstrate that access for emergency vehicles and waste collection vehicles will not be impeded by the proposed motorcycle parking. Details confirming compliance with the parking numbers must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

OUTDOOR LIGHTING

- B23. All outdoor lighting shall comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

CONSTRUCTION AND FIT OUT OF FOOD PREMISES

- B24. The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the *Australian and New Zealand Food Standards Code* under the *Food Act 2003*, all relevant Australian Standards including AS 4674 – 2004: *Design, Construction and Fit-out of Food Premises*, and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifier and Council prior to the construction and fit-out of any food premises.

COOL ROOMS

- B25. Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.

GREASE TRAPS

- B26. A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water.

***Note:** Sydney Water Authority also have requirements for grease arrestors that you need to comply with.*

FLOODING

- B27. The boundary level of the driveway ramp into the basement must be 150 mm above the gutter invert level to prevent the 100 year flood event from entering the basement in accordance with the advice detailed in the Response to Submissions letter, prepared by DFP Planning, dated 18 August 2020. Details confirming compliance with this requirement must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

PRE-CONSTRUCTION DILAPIDATION REPORT

- B28. If not already prepared, 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'. The report shall be submitted to the Certifier prior to issue of a Construction Certificate or any works commencing, whichever is earlier. A copy of the report must be forwarded to Council and each of the affected property owners.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- B29. To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the Crime Prevention Through Environmental Design assessment in Appendix 2 of the EIS, prepared DFP Planning, dated March 2020 and any relevant recommendations from NSW Police shall be demonstrated on the architectural plans (in consistency with **Condition E11**) prior to the issue of the relevant Construction Certificate.

MAXIMUM PATRON CAPACITY

- B30. Prior to the commencement of the relevant Construction Certificate, the Applicant shall submit to the Certifier and Planning Secretary the maximum patron capacity of the building determined in accordance with the requirements of BCA and Liquor Act 2007 and Liquor Regulation 2008.

GEOTECHNICAL

- B31. The development must be designed in accordance with the recommendations in the Geotechnical Investigation, prepared by GeoEnviro Consultancy Pty Ltd, dated 1 November 2019. The recommendations of the report are to be implemented during the course of the works.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

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

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **Condition A1** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMPLIANCE REPORTING

- C4. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- C5. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- C6. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C7. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

COMPLIANCE

- C8. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

COMPLAINTS AND ENQUIRIES PROCEDURE

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

HOARDING

- C10. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect any hoarding and/or scaffolding in a public road and such application is to include:

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

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

BARRICADE PERMIT

- C11. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C12. Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development. The **CEMP** must include, but not be limited to the following:
- (a) describe the relevant stages and phases of construction, including work program outlining relevant timeframes for each stage/phase;
 - (b) include plans demonstrating the boundary of the construction site and any associated areas to be fenced or closed to the public;
 - (c) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - (d) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - (e) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (f) include specific consideration of measures to address any requirements of relevant agencies during site establishment and construction;
 - (g) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - (h) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
 - (i) dangerous goods/chemical waste management;
 - (j) workplace and community health and safety management;
 - (k) stormwater management, including an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:
 - (i) temporary boundary treatment and stormwater overland flow paths;
 - (ii) procedures for management of any spills; and
 - (iii) management of all excess spoil and construction wastes.
 - (l) include waste management measures
 - (m) include tree protection measures outlined in the Arboricultural Impact Assessment, prepared by Rennie Bros Tree Surgeons, dated 14 February 2020
 - (n) include the recommendations in the Hazardous Materials Survey, prepared by Airsafe, dated 13 August 2019
 - (o) include the recommendations in the Geotechnical Investigation, prepared by GeoEnviro Consultancy Pty Ltd, dated 1 November 2019
 - (p) include an unexpected finds protocol for contamination and associated communications procedure
 - (q) include an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
 - (r) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
 - (s) include arrangements for community consultation and complaints handling procedures during construction.

In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition C12 (a)-(s)**) must be submitted to the Certifier. A copy of the **CEMP** must be submitted to the Certifier, Council and the Planning Secretary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- C13. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Plan (CPTMP)** must be prepared by a suitably qualified person. The **CPTMP** shall address, but not be limited to, the following matters:
- (a) location of the proposed work zone;
 - (b) location of any crane(s);
 - (c) haulage routes;
 - (d) construction vehicle access and traffic control arrangements;
 - (e) proposed construction hours;
 - (f) estimated number of construction vehicle movements and detail of vehicle types, noting vehicle movements are to be minimised during peak periods;
 - (g) measures to avoid construction worker vehicle movements;
 - (h) any changes required to on-street parking;
 - (i) construction program;
 - (j) consultation strategy for liaison with surrounding stakeholders;
 - (k) any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction;
 - (l) cumulative construction impacts of the development. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network;
 - (m) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
 - (n) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts;
 - (o) management of loading and unloading of materials;
 - (p) changes to existing car parking provision;
 - (q) measures to encourage public transport use and other non-car travel options by construction workers
 - (r) measures to minimise impacts on Sutherland Public School.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition C13 (a)-(r)**) must be submitted to the Certifier. A copy of the **CPTMP** must be submitted to the Certifier, Council and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- C14. Prior to the commencement of works, a **Construction Noise and Vibration Management Plan (CNVMP)** must be prepared by a suitably qualified person. The **CNVMP** shall address (but not be limited to):
- (a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*;
 - (b) identify nearby sensitive receivers and land uses;
 - (c) identify the noise management levels for the project;
 - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
 - (e) include details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
 - (f) address the relevant provisions of Australian Standard 2436-2010 Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites;
 - (g) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Sutherland Entertainment Centre Redevelopment Project - Noise and Vibration Impact Assessment, prepared by Acoustic Studio, dated 9 March 2020;
 - (h) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer;
 - (i) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded; and
 - (j) include measures to minimise impacts on Sutherland Public School and Sutherland Uniting Church

- (k) scheduling of noisy activities in consultation with Sutherland Public School and Sutherland Uniting Church.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition C14 (a)-(k)**) must be submitted to the Certifier. A copy of the **CNVMP** must be submitted to the Certifier, Council and the Planning Secretary.

WASTE MANAGEMENT PLAN

- C15. Prior to the commencement any construction (including demolition), a **Waste Management Plan (WMP)** must be prepared. The **WMP** must:
- (a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
 - (b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
 - (c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer; and
 - (e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition C15 (a)-(e)**) and a copy of the **WMP** must be submitted to the Certifier.

CONTAMINATION

- C16. Prior to the commencement of any works, an Unexpected Finds Protocol prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and a copy provided to the Certifier.

HAZARDOUS MATERIALS MANAGEMENT PLAN

- C17. Prior to the commencement of demolition works, a **Hazardous Materials Management Plan (HMMP)** prepared by a suitably qualified person, shall be submitted to the Certifier. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The **HMMP** must:
- a) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*;
 - b) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;
 - c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;
 - d) outline the procedures for identification, handling and disposal of hazardous materials;
 - e) include an Asbestos Management Plan;
 - f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;
 - g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;
 - h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and
 - i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates
 - j) be guided by the processes and procedures outlined in the Hazardous Materials Survey, prepared by Airsafe, dated 13 August 2019.

Prior to the commencement of works, details demonstrating compliance with the above requirements (**Condition C17 (a)-(j)**) must be submitted to the Certifier. A copy of the **HMMP** must be submitted to the Certifier, EPA, Safework NSW and the Planning Secretary.

Prior to the commencement of works, a copy of the **HMMP** must be submitted to the EPA, SafeWork NSW and the Department.

- C18. The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- C19. Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

AIR QUALITY AND ODOUR MANAGEMENT PLAN

- C20. Prior to the commencement of works, a **Construction Air Quality and Odour Management Plan (CAQOMP)** must be prepared by a suitably qualified person. Prior to the commencement of works, details demonstrating compliance with this condition must be submitted to the Certifier. A copy of the **CAQOMP** must be submitted to the Certifier, Council and the Planning Secretary.

TREE PROTECTION

- C21. Prior to the commencement of any works, the tree protection measures outlined in the Arboricultural Impact Assessment, prepared by Rennie Bros Tree Surgeons, dated 14 February 2020 must be implemented.

ABORIGINAL HERITAGE

- C22. Prior to the demolition of the water feature, archival recording should be undertaken and be provided to the La Perouse Local Aboriginal Land Council (LALC) and all Registered Aboriginal Parties.

ROAD WORKS

- C23. Prior to the commencement of relevant works, the recommended road modifications identified in the Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering and Road Safety Consultants, dated 10 March 2020 must be approved by Council.

PART D DURING CONSTRUCTION

DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001* - The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

HOURS OF CONSTRUCTION

- D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
 - (b) between 8.00 am and 1.00 pm, Saturdays.
- D3. No work may be carried out on Sundays or public holidays.
- D4. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (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.

IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant shall ensure that the requirements of all environmental management sub-plans required by Part C of this consent are implemented during construction.

NOISE AND VIBRATION MANAGEMENT

- D8. The development must 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 and vibration mitigation measures shall be implemented and any activities that could exceed the construction noise or vibration management levels shall be identified and managed in accordance with the **CEMP** and **CNMP**.
- D9. 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*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- D10. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- D11. 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.
- D12. All work, including demolition, excavation and building work must comply with the *Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'*.
- D13. 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**.
- D14. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings;
 - (b) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure;

- (c) 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
 - (d) these limits apply unless otherwise outlined in the CEMP.
- D15. Wherever practical, high impact construction work should be undertaken outside of school hours and during school holiday periods.
- D16. Sutherland Public School must be notified one week prior to high impact construction work.

TRAFFIC MANAGEMENT

- D17. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.
- D18. All work, including the provision of barricades, fencing, lighting, signage and traffic control, must be carried out in accordance with the NSW Roads and Traffic Authority publication - 'Traffic Control at Work Sites' and Australian Standard AS 1742.3 – Traffic Control Devices for Works on Roads, at all times.
- D19. All conditions and requirements of the NSW Police, TfNSW and Council must be complied with at all times.
- D20. Work zones must not compromise pedestrian and vehicular access to Sutherland Public School and associated school bus zones and drop-off and pick-up spaces.
- D21. Where practical, construction vehicles (including delivery vehicles) should not enter and exit the site during school drop-off and pick-up periods.

APPROVED PLANS TO BE ON-SITE

- D22. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the Certifier.

SITE NOTICE

- D23. A site notice(s) must be prominently displayed at the 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, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) 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;
 - (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 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

CONTAMINATION

- D24. Unexpected contamination must be managed in accordance with the Unexpected Find Protocol (**Condition C16**). Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified, and works must cease. Works must not recommence on site until the Planning Secretary confirms works can recommence.

IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS

- D25. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- D26. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

SAFework NSW REQUIREMENTS

- D27. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

HOARDING/FENCING REQUIREMENTS

- D28. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- D29. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and Heritage NSW must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- D30. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from Heritage NSW is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

WASTE MANAGEMENT

- D31. Notwithstanding the **WMP** referred to in **Condition C15**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
 - (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
 - (c) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; and
 - (d) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises.

COVERING OF LOADS

- D32. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- D33. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

- D34. The Applicant must ensure:
- (a) stockpiles of material do not exceed 4 metres in height;
 - (b) stockpiles of material are constructed and maintained to prevent cross contamination; and
 - (c) suitable erosion and sediment controls are in place for stockpiles.

DISPOSAL OF SEEPAGE AND STORMWATER

- D35. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D36. Details of the proposed connection and or disposal of any site seepage, groundwater or construction site stormwater to Council's stormwater drainage system must be submitted to and approved by Council's Development Engineering Coordinator, prior to commencing these works, in accordance with section 138 of the *Roads Act 1993*.

EROSION AND SEDIMENT CONTROL

- D37. 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.

DUST CONTROL MEASURES

- D38. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways shall be carried out regularly.

PROTECTION OF TREES

D39. Protection of trees in accordance with the recommendations detailed in the Arboricultural Impact Assessment, prepared by Rennie Bros Tree Surgeons, dated 14 February 2020.

NO OBSTRUCTION OF THE PUBLIC WAY

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

DAMAGE TO THE PUBLIC WAY

D41. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

BUNDING

D42. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

CONTACT TELEPHONE NUMBER

D43. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

ROAD OCCUPANCY LICENCE

D44. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

LOADING AND UNLOADING DURING CONSTRUCTION

D45. The following requirements apply:

- (a) all loading and unloading associated with construction must be accommodated on-site;
- (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

DEMOLITION AND CONSTRUCTION VEHICLES

D46. All demolition and construction vehicles must be wholly contained within the site and vehicles must enter the site before stopping.

OUTDOOR LIGHTING

D47. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PROTECTION OF THE ENVIRONMENT

D48. The Applicant must ensure that all activities are undertaken in compliance with the POEO Act and any associated regulations. This includes, but is not necessarily be limited to, the following:

- prevent pollution of waters and air (dust)
- mitigation of construction and operational noise
- ensure activities are carried out in an environmentally satisfactory manner
- notification of pollution incidents that may cause or threaten harm to the environment.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

OCCUPATION CERTIFICATE

- E2. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of the development.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E3. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

OPERATIONAL PLAN OF MANAGEMENT

- E4. Prior to the occupation or commencement of use, the Applicant must update the **Operational Plan of Management (OPM)** in consultation with NSW Police. The **OPM** shall address (but not be limited to):
- (a) community consultation and complaint management;
 - (b) event typologies and venue capacity for each type of event;
 - (c) event scheduling;
 - (d) hours of operation;
 - (e) access arrangements, including ticketing, public transport and parking;
 - (f) measures to minimise traffic impacts on Sutherland Public School;
 - (g) alcohol management;
 - (h) security and staff management;
 - (i) working with stakeholders during events, including emergency services and transport authorities;
 - (j) access;
 - (k) loading and unloading;
 - (l) emergency management/evacuation and incident response protocols;
 - (m) occupational health and safety;
 - (n) waste management;
 - (o) wayfinding and signage; and
 - (p) lighting
 - (q) a detailed Operational Noise and Vibration Management Plan, as outlined in **Condition E5**.

A copy of the final **OPM** must be submitted to the Planning Secretary and Council.

OPERATIONAL NOISE AND VIBRATION MANAGEMENT PLAN

- E5. Within three months of the date of this consent, an **Operational Noise and Vibration Management Plan (ONVMP)** prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The **ONVMP** shall (including but not limited to):
- (a) be prepared in accordance with the EPA's Noise Policy for Industry;
 - (b) identify nearby sensitive receivers and land uses;
 - (c) identify the noise limits applying to the development;
 - (d) identify all key sources of operational noise and vibration;
 - (e) provide details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration;
 - (f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Sutherland Entertainment Centre Redevelopment Project - Noise and Vibration Impact Assessment, prepared by Acoustic Studio, dated 9 March 2020;
 - (g) scheduling of any noisy activities in consultation with Sutherland Public School and Sutherland Uniting Church
 - (h) address community consultation and complaint management; and

- (i) include a suitable proactive noise and vibration monitoring program (including a reporting at a minimum of half-yearly intervals) which aims to ensure the noise and vibration criteria in this approval are not exceeded.

A copy of the approved **ONVMP** must be submitted to Council.

REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)

- E6. Prior to occupation or commencement of use, all public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

DAMAGE TO PUBLIC AUTHORITY ASSETS

- E7. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of an Occupation Certificate (see also **Condition E6**).

MECHANICAL VENTILATION

- E8. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
 - (a) the BCA;
 - (b) Australian Standard AS1668 and other relevant codes;
 - (c) the development consent and any relevant modifications; and
 - (d) any dispensation granted by the New South Wales Fire Brigade.

WATER AUTHORITY COMPLIANCE

- E9. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

UTILITY PROVIDERS

- E10. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, 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.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E11. Prior to the commencement of use, evidence shall be submitted to the Certifier demonstrating the recommendations of the Crime Prevention Through Environmental Design assessment in Appendix 2 of the EIS, prepared DFP Planning, dated March 2020 (**Condition B29**) have been fulfilled.

FIRE SAFETY CERTIFICATION

- E12. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E13. Prior to the issue of the relevant Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the ESD Report – Sutherland Shire Entertainment Centre, prepared by Jones Nicholson, dated 30 January 2020 (see **Condition B8**).

TREE PLANTING, LANDSCAPING AND PUBLIC DOMAIN WORKS

- E14. All tree planting, landscaping and public domain works approved by **Condition A1**, must be completed in accordance with the approved plans, prior to the issue of the relevant Occupation Certificate.

STRUCTURAL INSPECTION CERTIFICATE

- E15. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Planning Secretary and Council after:
 - (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

POST CONSTRUCTION DILAPIDATION REPORT

E16. Prior to occupation or commencement of the use:

- (a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads and;
- (b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Certifier, the Planning Secretary and each of the affected property owners.

TRAVEL PLAN

E17. Prior to the issue of the relevant Occupation Certificate relating to public use of the building, the applicant shall prepare a Framework Travel Plan in consultation with TfNSW for the development which must be approved by TfNSW. The Travel Plan should be aimed at both staff and visitors and include but not be limited to:

- mode share targets for staff and visitors (including students) to the site;
- information about site hours of operation (including for events)
- information regarding site accessibility for staff and visitors, including for those with mobility impairments, and the measures that are in place to address them, including any priority arrangements;
- information regarding existing/proposed bus/coach, point to point and kiss and ride drop off and pick up arrangements for guests (including students);
- strategies that encourage the use of public and active transport and discourage the use of single occupant car travel to access the site for staff and visitors;
- mapping of preferred walking and cycling routes and preparation of a Transport Access Guide that details access arrangements for staff and visitors; and
- a communication strategy for engaging staff, visitors and the local community regarding sustainable transport use to the site.

The Framework Travel Plan shall be updated in consultation with the Sydney Coordination Office within TfNSW by the operator of the SEC to a Green/ Workplace Travel Plan prior to the issue of an occupational certificate.

BICYCLE AND MOTORCYCLE PARKING SPACES CERTIFICATION

E18. Prior to occupation or commencement of use, details shall be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces required under **Condition B19**, and the approved number of motorcycle spaces required under **Condition B22**.

MECHANICAL VENTILATION

E19. Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the Certifier, prior to the use of the development, that the installation and performance of any new mechanical systems complies with:

- (a) the Building Code of Australia;
- (b) Australian Standard AS1668 and other relevant codes;
- (c) the development consent and any relevant modifications; and
- (d) any dispensation granted by the Fire and Rescue NSW.

COMPLIANCE WITH FOOD CODE

E20. Prior to commencement of food handling operations, the Applicant is to obtain a certificate from a suitably qualified person, certifying any food premises within the facility have been fitted in accordance with AS 4674 – 2004: Design, Construction and Fit-out of Food Premises and satisfy Food Safety Standards 3.2.2 (Food Safety Practices and General Requirements) and 3.2.3 (Food Premises and Equipment). The Applicant shall provide evidence of receipt of the certificate to the Certifier prior to the commencement of use.

E21. Prior to commencement of food handling operations, food premises are to be registered with Council.

FOOD PREMISES – HEALTH REGISTRATION DATABASE

- E22. Prior to the commencement of food handling operations, the proprietor/operator of each food premises must notify and register the food premises with Council and the NSW Health Department at www.foodnotify.nsw.gov.au.

SANITARY FACILITIES FOR DISABLED PERSONS

- E23. Prior to commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B14**.

WASTE AND RECYCLING COLLECTION

- E24. Prior to the issue of any Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

ACOUSTIC COMPLIANCE

- E25. Prior to the issue of an Occupation Certificate, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B16** and to ensure the development achieves compliance with the requirements of the NSW Noise Policy for Industry and other guidelines applicable to the development.

COMPLIANCE REPORT

- E26. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifier a report addressing compliance with all relevant conditions of this Part.

SIGNAGE

- E27. A sign, clearly visible to patrons, must be permanently erected immediately adjacent to the entry / exit doors of the premises indicating that patrons are to leave in an orderly fashion and must leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.
- E28. A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building in accordance with clause 98D of the EP&A Regulation.
- E29. A sign must be displayed stating the approved hours of operation.

PART F POST OCCUPATION

FACILITY OPERATION

F1. Operation of the Sutherland Entertainment Centre must be in accordance with the OMP (**Condition E4**).

HOURS OF OPERATION

F2. The hours of operation shall be as specified in the table below:

Activity		Hours of Operation
Administration	Offices	24 hours
	Box Office	8 am to 5 pm Monday to Friday and 45 minutes prior to shows
Performances		7 am to 12 midnight
Bump in/out of performances		7 am to 1 am
Foyer (for functions)		7 am to 12 midnight
Foyer meeting room		7 am to 12 midnight

F3. Deliveries and waste collection including emptying glass bottles in bins is to be conducted during the daytime hours only (7 am to 6 pm Monday to Saturday and 8 am to 6 pm on Sundays and Public Holidays).

MAXIMUM PATRON CAPACITY

F4. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity in the **OPM**.

NOISE CONTROL – PLANT AND MACHINERY

- F5. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- (a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
 - (b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
 - (c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

NOISE LIMITS

F6. The Applicant must ensure that the noise generated by the development does not exceed the noise limits in the table below for the nearest residential receivers. Receivers are identified in the Sutherland Entertainment Centre Redevelopment Project - Noise and Vibration Impact Assessment, prepared by Acoustic Studio, dated 9 March 2020. The ONVMP prepared for **Condition E5** must detail how compliance with this condition will be met in practice.

Period	Plant and Maintenance	Sound systems / patrons	
	NPI PNTL Leq (15-minute), dBA	LGNSW, L10 (15minute), dBA ≤ RBL+ 5dB	Sleep Disturbance L1 (1min), dBA ≤ RBL+ 15dB
Day (7 am to 6 pm)	51 (Residential Receiver) 51 (Commercial Receiver) 48 (Place of Worship Receiver)	51	n/a
Evening (6 pm to 10 pm)	43 (Residential Receiver) 51 (Commercial receiver) 48 (Place of Worship Receiver)	47	n/a

Night (10 pm to 7am)	38 (Residential Receiver) 51 (Commercial Receiver) 48 (Place of Worship Receiver)	42	52 (Sleep Disturbance) 60-65 (Sleep Awakening)								
Period	Sound System LGNSW	Overall dB(A)	Octave band centre frequency, Hz								
10pm to 12am (Night)	Project Criteria, L ₁₀	42	31.5	63	125	250	500	1k	2k	4k	8k
			50	50	46	43	38	39	30	18	17

ANNUAL FIRE SAFETY CERTIFICATE

- F8. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

FIRE SAFETY CERTIFICATION

- F9. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E12** of this consent.

LOADING AND UNLOADING

- F10. All loading and unloading operations associated with the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- F11. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- F12. All vehicles are to be wholly contained on-site before being required to stop.

NO OBSTRUCTION OF THE PUBLIC WAY

- F13. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

OUTDOOR LIGHTING

- F14. All new outdoor lighting (including any signage illumination) shall operate in accordance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting (Condition B23)*.

BUNDING

- F15. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

WASTE MANAGEMENT

- F16. Waste Management shall be undertaken in accordance with the Operational Waste Management Plan Revision D, prepared by Elephants Foot, dated 10 March 2020, and **Condition E24**.

ANTI-GRAFFITI

- F17. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

BUILT STRUCTURES AND OPEN AREAS

- F18. The building and open areas in the site must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PATRON BEHAVIOUR

- F19. Management must accept full responsibility for the behaviour of their patrons while on the premises and in the adjoining streets. Management must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.
- F20. An appropriate queuing system must be established during times when the premises is at its capacity. In times of increased patron traffic where queuing numbers exceed 20, management must make every effort to ensure that the queue does not impact the adjacent pedestrian walkway or adjacent premises.

LIQUOR SUPPLY GENERALLY

- F21. The sale and supply of liquor in the licensed premises must be in accordance with the terms and conditions of an approved liquor licence issued by the Office of Liquor and Gaming NSW.
- F22. Any liquor supplied or sold must be consumed on the premises.
- F23. The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation.
- F24. No patron is permitted to take glasses or open containers of liquor off the premises.
- F25. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in the **OPM**.

CESSATION OF TRADING - ANNOUNCEMENT

- F26. An announcement must be made at the cessation of the entertainment to the effect that patrons must leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.

COMPLAINT RESPONSE

- F27. In the event of a complaint being received by the licensee from a neighbouring resident with respect to a disturbance to the quiet and good order of the neighbourhood, the licensee must notify Council of the complaint for inclusion on the complaints register within 48 hours. It remains the responsibility of the licensee to respond appropriately to complaints.

COPIES OF CONSENTS, REGISTERS AND PLAN OF MANAGEMENT

- F28. A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and the approved **OPM** must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or Office of Liquor Gaming and Racing Authorised Officers.

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.

OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council or the relevant authority for all necessary permits including temporary structures, 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.

REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

TEMPORARY STRUCTURES

AN5. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN6. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN7. 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 BCA 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.

FURTHER APPROVALS

AN8. The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (a) future café and café fit-out on ground level; and
- (b) signage.

USE OF MOBILE CRANES

AN9. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied and submitted to the Certifier:

- (c) (For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
 - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and
 - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.
- (d) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

ROADS ACT 1993

AN10. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- (e) erect a structure or carry out a work in, on or over a public road;
- (f) dig up or disturb the surface of a public road;
- (g) remove or interfere with a structure, work or tree on a public road;

- (h) pump water into a public road from any land adjoining the road; or
- (i) connect a road (whether public or private) to a classified road.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN12. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN13. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

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

ASBESTOS REMOVAL

AN14. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

END OF ADVISORY NOTES

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **Condition A18** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.