

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979 (EP&A Act)

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 so that the approved development contributes to the Objects of the EP&A Act (section 1.3).



Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

Sydney

23 April 2021

SCHEDULE 1

Application Number:	SSD 10472
Applicant:	Department of Premier and Cabinet
Consent Authority:	Minister for Planning and Public Spaces
Site:	2 Green Road and 172 Showground Road, Castle Hill [Lot 102 DP 11302712 & Lot 1 DP 1066281]
Development:	Expansion of the Museums Discovery Centre (MDC) comprising: • removal of vegetation, site preparation and earthworks • demolition of an existing car park area and construction of new car park on the TAFE site • the construction and operation of a new building (Building J) for the storage of the Powerhouse collection and archives, spaces for education and public programs, conservation and research • construction of a new accessway connecting the MDC and TAFE sites • building identification signage, new landscaping, services infrastructure and a roof mounted photovoltaic system • site subdivision and consolidation • implementation of a tree replacement strategy.

DEFINITIONS

Applicant	The Department of Premier and Cabinet, 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>
CEMP	Construction Environmental Management Plan
Certifier	A council or registered certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
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 site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	The Hills Shire Council
CPTMP	Construction Pedestrian and Traffic Management Plan
CNVMP	Construction Noise and Vibration Management Plan
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 approved pursuant to this consent, as defined in Conditions A1, and as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled 'Museum Discovery Centre Environmental Impact Statement' prepared by Milestone Town Planning dated 18 September 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
Feasible	Means what is possible and practical in the circumstances
GFA	Gross floor area (calculated in accordance with The Hills Local Environmental Plan 2019)
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
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
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
LDMP	Loading Dock Management Plan
Management and mitigation measures	The management and mitigation measures identified in the EIS and those required under the conditions of this consent.
Material harm	Is harm that: involves actual or potential harm to the health or safety of human beings or to

the environment that is not trivial, or

- results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
OMP	Operational Management Plan
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
Principal Certifier	The certifier appointed as the principal certifier for building work under section 6.6(1) of the EP&A Act or subdivision work under section 6.12(1) of the EP&A Act.
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.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions (or RtS)	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. The Applicant's response to submissions report and attachments titled '<i>Expansion of Museums Discovery Centre (SSD-104472) Response to Submissions and Additional Information</i>' prepared by Milestone Town Planning dated 3 February 2021.
Response to RFI (or RRFI)	The Applicant's response to requests for information (RFI) from the Department in relation to the development application: - 'Response to Additional Information 1' dated
Sensitive receivers	A location where people are likely to reside, including a dwellings.
Site Auditor, Site Audit Report and Site Audit Statement	As defined in section 4 of the Contaminated Land Management Act 1997
SRtS	The Applicant's supplementary response to submissions reports and documentation prepared by Milestone and including letters titled (including attachments): - 'Response to Request for Additional Information' dated 3 March 2021 - 'Aboriginal Cultural Heritage Assessment Report' dated 9 March 2021 - Further Response to Submissions' dated 24 March 2021
TfNSW	Transport for New South Wales
UFP	Unexpected Finds Protocol
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WMP	Waste Management Plan
Work(s)	Any physical work to construct or facilitate the construction of the development,

including low impact work and environmental management measures.

Year

A period of 12 consecutive months

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 as amended by the RtS, RFI and SRtS;
 - (d) in accordance with the approved plans in the table below (except as amended by the conditions of consent):

Drawing No.	Name of Drawing	Rev	Date
Architectural plans prepared by lahznimmo architects			
A - DA - 1100	Existing Site Plan	07	07/08/2020
A - DA - 1101	Proposed Site Plan	12	07/08/2020
A - DA - 1102	Site Carpark Plan	01	07/08/2020
A - DA - 1200	Site Demolition Plan	01	07/08/2020
A - DA - 1400	Lower Ground Floor Plan	13	17/12/2020
A - DA - 1401	Ground Floor Plan	13	17/12/2020
A - DA - 1402	Level 01 Floor Plan	15	17/12/2020
A - DA - 1403	Level 02 Floor Plan	12	17/12/2020
A - DA - 1404	Roof Plan	06	17/12/2020
A - DA - 2000	Elevations	12	09/03/2021
A - DA - 2001	Elevations	12	09/03/2021
A - DA - 2002	Signage zones	01	24/02/201
A - DA -3000	Sections	15	24/03/2021
Landscape plans prepared by ASPECT studios			
LA 1100	Cover sheet & legend	C	02/02/21
LA 1101	Landscape Plan	D	02/02/21
LA 1102	Landscape Plan – TAFE Car Park	B	08/07/20
LA 1103	Tree Removal Plan	B	05/08/20
LA 1104	Tree Protection Zone Plan	A	02/02/21
LA 3000	Landscape Section	B	05/08/20
Civil plans prepared by Northrop			
DA1.01	Coversheet, drawing schedule and locality plan	3	14.01.21
DA1.11	General Arrangement Plan	3	14.01.21
DA2.01	Concept Sediment and Erosion Control Plan	3	14.01.21
DA2.11	Sediment and Erosion Control Details	3	14.01.21
DA2.21	Bulk earthworks	5	14.01.21
DA3.02	Siteworks and Stormwater Management Plan – Sheet 2	4	14.01.21
DA4.01	OSD Details – Sheet 1	3	14.01.21
DA4.02	OSD Details – Sheet 2	3	14.01.21
Subdivision plans prepared by YSCO Geomatics Land Resource Consultants			
08148/15C	Plan showing proposed acquisition of land at Castle Hill TAFE College, Green Road, Castle Hill, being Lot 102 in DP 1130271 in the Hills Shire L.G.A	Proposed substation & associ. Easements added	08/9/20

- 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 conditions **A2(a)** to **A2(b)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition **A2(b)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A4. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A5. This development consent does not approve or authorise the following:
- (a) signage design, content and associated illumination; within the approved signage zones.

EVIDENCE OF CONSULTATION

- A6. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A7. Consistent with the findings of the Pre-Construction Dilapidation Report (required under **Condition B5**) and Post-Construction Dilapidation Report (required under **Condition E16**) and 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.

STRUCTURAL ADEQUACY

- A8. 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;

COMPLIANCE

- A9. 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.

OPERATION OF PLANT AND EQUIPMENT

- A10. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

PRESCRIBED CONDITIONS

- A11. 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

- A12. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

LEGAL NOTICES

- A13. Any advice or notice to the consent authority must be served on the Planning Secretary.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A14. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A16. The Planning Secretary must be notified within 24 hours after the Applicant becomes aware of any incident. The notification must be made in writing via the Major Projects portal, identifying:

- (a) the development and application number
- (b) details of the incident (including date, time, location, duration, a brief description of the incident and why it is classified as an incident)
- (c) how the incident was detected and when the Applicant became aware of the incident
- (d) any actual or potential non-compliance with conditions of consent
- (e) the immediate steps taken in response to the incident
- (f) further action(s) to be taken in relation to the incident
- (g) a project contact for further communication regarding the incident
- (h) other relevant public authorities this incident was notified.

Within 30 days of the date on which any incident occurred, a detailed report on the incident must be provided to the Planning Secretary and any relevant public authorities (determined by the Planning Secretary), providing:

- (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
- (d) details of any communication with other stakeholders regarding the incident.

NON-COMPLIANCE NOTIFICATION

A17. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

The notification must identify the development (using development application number), the relevant condition(s) of consent, the way in which the development does not comply, the reasons for the non-compliance (if known), the duration of non-compliance (if applicable) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

A18. Independent Environmental Audits, prepared in accordance with the *Independent Audit Post Approval Requirements*, must be submitted to the Planning Secretary:

- (a) within 12 weeks of the commencement of construction
- (b) at intervals no greater than 26 weeks from the initial audit during the construction phase
- (c) at any other time directed by the Planning Secretary, such as following an incident.

SOCIAL IMPACTS

A19. The mitigation and enhancement measures outlined in the Social Impact Assessment prepared by Ethos Urban dated 2 February 2021 shall be implemented throughout, the prior to and during construction and operation of the development.

END OF PART A

PART B PRIOR TO CONSTRUCTION COMMENCING

NOTIFICATION OF COMMENCEMENT

- B1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B2. 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

- B3. At least 48 hours before the commencement of construction and until the completion of all works under this consent, 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 (including 24 hour contact number, postal address and email address) 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
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

PROTECTION OF PUBLIC INFRASTRUCTURE

- B4. Prior the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Certifier and Council.

PRE-CONSTRUCTION DILAPIDATION REPORT

- B5. Prior to construction commencing, a Pre-Construction Dilapidation Report is to be prepared by a qualified structural engineer and submitted to the Certifier, Planning Secretary, Council and any affected property owner. The report is to detail the current structural condition of all retained existing and adjoining buildings, infrastructure, public domain areas and roads within the 'zone of influence'.

Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'.

Should access to undertake a Pre-Construction Dilapidation Report be denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

DEMOLITION

- B6. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001)*. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures (Standards Australia, 2001)* must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

MAXIMUM BUILDING HEIGHT

- B7. The height of the buildings shall not exceed the following approved maximum building height of RL127,685, including plant enclosures and lift overruns and excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance with this condition must be submitted to the Certifier prior to construction of Building J commencing.

COMPLIANCE WITH THE BCA

- B8. Prior to commencement of construction of Building J, structural drawings signed by a suitably qualified practising Structural Engineer, demonstrating compliance with the relevant clauses of the BCA and this development consent, must be submitted to the Certifier.

EXTERNAL WALLS AND CLADDING

- B9. The external walls and cladding must comply with the relevant requirements of the BCA.

Prior to commencement of construction of Building J, evidence must be submitted to the Certifier demonstrating that the products and systems proposed for use in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

The Applicant must submit a copy of the documentation given to the Certifier to the Planning Secretary within seven days after being accepted by the Certifier.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B10. Prior to commencement of construction of Building J, a report prepared by a suitably qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities, including sanitary facilities, for people with a disability in accordance with the BCA, must be submitted to the Certifier.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B11. Prior to commencement of construction of Building J, evidence must be submitted to the Certifier demonstrating that the development has incorporated, all design and construction measures as identified in the ESD report titled '*Sustainability Report Powerhouse Museums Discovery Centre*' revision E prepared by Northrop dated 10.09.2020.

ARCHIVAL RECORDING

- B12. Prior to any tree removal, archival recordings must be undertaken of the trees to be removed. The archival recordings should specifically include a detailed account of the trees and photographs of the trees from within the site, from the street and its surroundings. A copy of the final recordings shall be provided to Council.

TREE REPLACEMENT IMPLEMENTATION PLAN

- B13. Prior to commencement of construction of Building J, a final Tree Replacement Implementation Plan (TRIP) must be developed in consultation with Council and approved by the Planning Secretary. The TRIP must include the final planting locations, species, pot sizes and maintenance of the replacement planting for 674 trees within Council's open space.

TREE MANAGEMENT

- B14. Prior to commencement of construction, an Existing Tree Protection Plan must be prepared in accordance with AS4970- 2009 (Protection of Trees on Development Sites) and AS4373:2007 (Pruning of Amenity Trees) and submitted to Council and the Certifier. These documents must:
- (a) be prepared by a qualified Level 5 Arborist recognised within the Australian Qualification Framework with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance (the Project Arborist)
 - (b) confirm the Project Arborist will supervise all construction works, including demolition and site management, within five metres of any existing tree to be retained.

LANDSCAPE PLAN

- B15. Prior to commencement of construction of the landscape works, a detailed landscape design including plans and details drawn to scale, by a registered landscape architect, is to be prepared in consultation with Council and submitted to and approved by the Planning Secretary. These documents must include:
- (a) location of existing and proposed planting on the site including existing and proposed trees, and planting in natural ground, on structure and in pots.
 - (b) location and details of existing and proposed surface materials and structures on the site including, but not limited to, paved areas, stairs, infill pit lids, timber decking and seating, rain gardens, water features, walls, decorative screens with climbing wires, furniture, , removable bollards, bike racks, light poles, signage, drainage, services, shade structures, other features, and all associated footings.

- (c) details on how the landscape design recognises and reflects the indigenous and non-Aboriginal history of the site and includes interpretation of the former MDC plantation
- (d) coordinated services plan including location and approximate depth of all existing and proposed pits, sign posts etc.
- (e) detailed grading plan with existing and proposed levels, falls, and pits
- (f) details of earthworks and soil depths including finished levels and any mounding. Soil volumes for trees on slab are to be consistent with the Sydney Landscape Code Volume 2.
- (g) planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity. In particular:
 - i. plant shrubs should be roughly 1 plant per 2 m², with ground covers planted around 4 to 8 plants per 1 m²
 - ii. planting for shrub and ground cover should be extended into areas between the existing dam and Green Road
- (h) details of any drainage, waterproofing and watering systems.

BIODIVERSITY

- B16. In accordance with the NSW Biodiversity Offsets Policy for Major Projects and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy, one (1) species credit must be retired prior to the commencement of any vegetation clearing. Details confirming compliance with this condition must be submitted to the Certifier and Planning Secretary.

FLORA AND FAUNA MANAGEMENT

- B17. A Flora and Fauna Management Plan shall be prepared by an appropriately qualified ecologist which addresses mitigation measures to be implemented during construction in accordance with the *Powerhouse Museum Discovery Centre Expansion Project Biodiversity Development Assessment Report* prepared by WSP Revision C dated 21/9/2020. A copy of the Flora and Fauna Management Plan shall be submitted to the Certifier prior to construction commencing.

CAR PARK AND SERVICE VEHICLE LAYOUT

- B18. Prior to commencement of construction of Building J, plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifier:
- (a) all vehicles to enter and leave the site in a forward direction
 - (b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) must be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage
 - (c) the entire length of the driveway to the west of Building J shall be designated as a shared zone, with a maximum speed of 10 km/hr and signage for pedestrian priority
 - (d) all works/regulatory signposting associated with the proposal must be at no cost to the roads authority
 - (e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS
 - (f) the loading and servicing area must be sufficiently designed to accommodate servicing by garbage trucks.

BICYCLE PARKING AND END OF TRIP FACILITIES

- B19. Prior to commencement of construction of Building J, confirmation that the development will comply with the following requirements must be submitted to the Certifier:
- (a) A minimum of five secure bicycle parking spaces will be provided within proximity of Building J;
 - (b) A minimum of two showers (one female and one male) and five lockers within Building J;
 - (c) the bicycle parking spaces. the layout, design and security of bicycle facilities must comply with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance.

MECHANICAL PLANT

- B20. Prior to commencement of installation of the mechanical plant, the following must be submitted to the Certifier:
- (a) evidence that noise mitigation measures for all mechanical plant, as detailed in Acoustic Report for State Significant Development Application Powerhouse Museum Discovery Centre (prepared by Northrop and dated 12.02.2021), are included in the construction drawings
 - (b) certification from an appropriately qualified acoustic engineer that these measures will achieve compliance with the NSW Industrial Noise Policy and other guidelines applicable to the development.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B21. Prior to installation of the substation, the Applicant must comply with the requirements of Endeavour Energy. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

SYDNEY WATER REQUIREMENTS

- B22. Prior to commencement of construction of Building J, an application must be made to Sydney Water for a Certificate under Section 73 of the Sydney Water Act 1994 and the certificate of compliance must be submitted to the Certifier.

REFLECTIVITY

- B23. Prior to commencement of construction of Building J, confirmation that the building façade materials have a maximum normal specular reflectivity of visible light of 20 per cent and any glare will not cause discomfort or threaten the safety of pedestrians or drivers must be submitted to the Certifier.

DRAINAGE EASEMENT WORKS

- B24. Prior to commencement of construction, details of any works within a drainage easement must be submitted to and approved by Council, and include:
- (a) pre and post construction survey and CCTV inspection of all existing piped infrastructure
 - (b) details to show adequate cover is maintained over existing pipes and/or culverts
 - (c) details of the proposed connections to the existing pits, pipes and/or culverts
 - (d) plans to show that the drainage easement will remain clear of any infrastructure not associated with the existing drainage system.

STORMWATER MANAGEMENT AND WATER QUALITY

- B25. Prior to commencement of construction, confirmation that all stormwater runoff from the development will be managed in accordance with Council's requirements must be submitted to the Certifier. The stormwater design shall for the TAFE car park must be updated in consultation with Council to include onsite detention and/or water quality treatment in accordance with Council's requirements.
- B26. Prior to commencement of construction within the vicinity of the drainage easement, confirmation that all new impervious surfaces, including driveways and paved areas, will be drained to the nominated discharge controls must be submitted to the Certifier.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B27. Prior to the commencement of construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Planning Secretary, Council and Certifier. The CEMP must provide / address the following matters:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see **Condition B28**);
 - (c) Construction Noise and Vibration Management Sub-Plan (see **Condition B29**);
 - (d) Construction Soil and Water Management Sub-Plan (see **Condition B30**);

- (e) Construction Waste Management Sub-Plan (see **Condition B31**)
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

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 prevails.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

B28. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network. The CTPMSP shall be prepared in consultation with TfNSW (Sydney Coordination Office) and shall specify, but not be limited to, the following:

- (a) a description of the development;
- (b) location of any proposed work zone(s);
- (c) location of any crane(s);
- (d) haulage routes;
- (e) a detailed plan identifying all construction vehicle access arrangements;
- (f) estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
- (g) construction program;
- (h) proposed construction hours;
- (i) any potential impacts to general traffic, cyclists, pedestrians and buses within the vicinity of the site from the construction of the development; and
- (j) proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMSP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

B29. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) incorporate recommendations of the Acoustic Report for *State Significant Development Application Powerhouse Museum Discovery Centre* revision 6 prepared by Northrop, dated 20.02.2021
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
- (d) hours of construction in accordance with **Conditions C6 to C9**;
- (e) outline regular community liaison with sensitive receivers around the site
- (f) outline how noise and vibration impacts would be monitored during construction
- (g) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers;
- (h) include a complaints management system that would be implemented for the duration of the construction; and
- (i) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.

CONSTRUCTION SOIL AND WATER MANAGEMENT SUB-PLAN

B30. The Construction Soil and Water Management Plan (CSWMSP) must address, but not be limited to the following:

- (a) be prepared by a suitably qualified expert;
- (b) describe all erosion and sediment controls to be implemented during construction as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
- (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site); and
- (d) detail all off-Site flows from the Site.

CONSTRUCTION WASTE MANAGEMENT PLAN

- B31. Prior to the commencement construction, a Waste Management Plan (WMP), prepared in accordance with Appendix A of Council's DCP, must be submitted to the Planning Certifier, Council and Certifier. The WMP must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) identify an appropriate area for the storage of garbage bins and recycling containers for all waste and recyclable material generated by the works
 - (c) demonstrate compliance with 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
 - (d) 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".

CONSTRUCTION WORKER TRANSPORTATION STRATEGY

- B32. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

NO OBSTRUCTION OF PUBLIC DOMAIN WITHOUT APPROVAL

- B33. If required, a Work Zone Permit must be sought and issued by Council to allow any obstructions of the public way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like, prior to the installation of any obstructions.

Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as not to restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works.

WORKS AND STRUCTURES OVER A PUBLIC ROAD

- B34. Prior to the commencement of construction on a public road or public footpath, evidence that the relevant approvals have been obtained under Section 138 of the Roads Act 1993 must be submitted to the Planning Secretary, Council and Certifier. This includes approvals to erect a hoarding and/or scaffolding on or above a public road or footpath, barricade a public road or in order to obtain a road occupancy licence.

TAFE INFORMAL PARKING

- B35. Prior to the commencement of construction of Building J, amended plans shall be submitted to and approved by the Planning Secretary showing the location of informal car parking spaces wholly within the TAFE site, excluding the TfNSW road widening land reservation along Showground Road, in accordance with the requirements of development consent DA 1674/2007.

END OF PART B

PART C DURING CONSTRUCTION

APPROVED PLANS ON SITE

- C1. A copy of the approved and certified plans, specifications and documents, incorporating conditions of approval, modifications and certification must be kept on the Site at all times and must be readily available to view by any officer of the Department, Council or Certifier or a member of the public

SITE NOTICE

- C2. A site notice(s) must be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details, including details of the builder, Certifier and structural engineer. The notice(s) must satisfy the following requirements:
- (a) be able to be read by the general public
 - (b) be rigid, durable and weatherproof and displayed throughout the works period
 - (c) specify 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 and complaints
 - (d) mounted at eye level on the perimeter hoardings/fencing
 - (e) include a statement that unauthorised entry to the Site is not permitted
 - (f) include a map of the Site and the work zone.

CONTACT TELEPHONE NUMBER

- C3. The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.

OPERATION OF PLANT AND EQUIPMENT

- C4. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

SETTING OUT OF STRUCTURES

- C5. The building must be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor must then submit a plan to the Certifier confirming that structural works are in accordance with this development consent.

HOURS OF CONSTRUCTION

- C6. Construction, including the delivery of plant, equipment and any materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 5 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
 - (c) No work may be carried out on Sundays or public holidays.
- C7. Construction activities may be undertaken outside of the hours in **Condition C6**:
- (a) if required by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers.
- C8. Notification of such construction activities as referenced in **Condition C7** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C9. Rock breaking, rock hammering, sheet piling, piledriving 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

- C10. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- C11. The development must achieve 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 must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **CEMP** and **CNVMP**.
- C12. If the noise from a construction activity is substantially tonal or impulsive in nature, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C13. Heavy vehicles and oversized vehicles must not queue or idle on surrounding local roads outside of construction zones.
- C14. 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*.
- C15. Where sensitive receivers may be affected, piling activities are to be completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- C16. 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 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) the above limits, unless otherwise outlined in the **CEMP**.
- C17. 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 noise limits for the site.
- C18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at the sensitive receiver must only be undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than one hour respite between ceasing and recommencing any of the work the subject of this condition.

EROSION AND SEDIMENT CONTROL

- C19. 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.

DISPOSAL OF SEEPAGE AND STORMWATER

- C20. Any seepage or rainwater collected on-site during construction must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater must not be pumped to the street stormwater system unless separate prior approval is issued by Council.

WASTE MANAGEMENT

- C21. Notwithstanding the **WMP** referred to in **Condition B31**, 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 2014*
 - (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) waste (including concrete waste, rinse litter, debris or other matter) are not disposed of on the site and do not enter the waters of Sydney Harbour
 - (d) any vehicle used to transport waste, materials and/or excavation spoil from the site is covered before entering the public roadway
 - (e) the wheels of any vehicle, trailer or mobilised plant are cleaned of debris prior to leaving the site.

DUST CONTROL MEASURES

- C22. Adequate measures must be taken to prevent dust from affecting the neighbouring amenity during construction. In particular, the following measures must be implemented:
- (a) physical barriers erected at right angles to the prevailing wind direction or placed around and over dust sources to prevent wind or activity from generating dust emissions

- (b) earthworks and scheduling activities managed to coincide with the next stage of development to minimise the amount of time the site is left in a cut or exposed
- (c) all materials stored or stockpiled not to exceed 4 meters in height, are constructed and maintained to prevent cross contamination, include suitable erosion and sediment controls, and are covered, if necessary, to control emissions of dust and/or VOCs/odour
- (d) the surface dampened slightly to prevent dust from becoming airborne, but not be wet to the extent that run-off occurs
- (e) all vehicles carrying spoil or rubble to or from the site covered to prevent the dust or other materials escaping
- (f) all equipment wheels washed before exiting the site using manual or automated sprayers or drive-through washing bays
- (g) gates closed between vehicle movements and fitted with shade cloth
- (h) cleaning of footpaths and roadways carried out regularly.

NO OBSTRUCTION OF THE PUBLIC WAY

C23. The public way, footpaths, road reserves and the like, must not be obstructed by any mobile cranes, materials, vehicles, refuse (waste), skips or the like, under any circumstances unless in accordance with a Work Zone Permit (See **Condition B33**). Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

LOADING AND UNLOADING DURING CONSTRUCTION

C24. All loading and unloading associated with demolition and construction must be accommodated on-site, unless in accordance with a Work Zone Permit (See **Condition B33**).

DAMAGE TO THE PUBLIC WAY

C25. Any damage to the public way, footpaths, road reserves and the like, including trees, kerbs, paving, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

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

C26. If non-Aboriginal historical archaeological deposits are discovered unexpectedly during works, the deposits must be dealt with according to the unexpected finds procedure contained in the Unexpected Finds Policy in the Aboriginal Cultural Heritage Assessment Report prepared by Curio Projects dated 21 January 2021

ASBESTOS AND HAZARDOUS WASTE REMOVAL

- C27. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- C28. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- C29. Removal of asbestos and other hazardous building materials must only be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be submitted before waste classification, disposal or site validation is undertaken.

CONTAMINATION (UNEXPECTED FINDS)

C30. The Applicant must implement the Unexpected Finds Protocol for Contamination (see **Condition B27**) for the duration of construction. 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 in the immediate area must cease. Works must not recommence on site until the Planning Secretary confirms works can recommence.

SAFework NSW REQUIREMENTS

C31. 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

- C32. The following hoarding requirements must be complied with:
 - (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing
 - (b) the removal of all graffiti from any hoarding/fencing or the like within the construction area must be removed within 48 hours of its application.

TREE REMOVAL

- C33. Tree removal works must be undertaken in accordance with the Arboricultural Impact Statement prepared by Mackay Tree Management dated September 2020.

END OF PART C

PART D PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

REQUIREMENTS OF EP&A ACT 1979 – APPLICATION FOR THE PART 6 CERTIFICATE

- D1. In undertaking the subdivision approved under the consent, the Applicant must comply with the requirements of Part 6 of the Environmental Planning and Assessment Act 1979 in relation to the issue of a Subdivision Certificate.

SUBDIVISION CERTIFICATE

- D2. In undertaking the subdivision approved under the consent, the Applicant must comply with the requirements of Part 6.15 of the Environmental Planning and Assessment Act 1979 in relation to the issue of a Subdivision Certificate.

EASEMENTS

- D3. Prior to issue of a subdivision certificate, an easement under section 88E of the *Conveyancing Act 1919* must be registered on proposed Lot 101 benefiting Lot 1 DP 1066281, which provides a right of vehicle access from the MDC site through the TAFE site to Green Road. The easement must name the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council.

COMPLIANCE CERTIFICATE – WATER SUPPLY AUTHORITY

- D4. Prior to issue of a subdivision certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and shall be provided to the Certifying Authority demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater. Application must be made through an authorised Water Servicing Coordinator.

ELECTRICAL INFRASTRUCTURE

- D5. The Applicant must liaise with the relevant electricity provider in order to finalise any easements, leases and /or rights of way required for electrical infrastructure.

ADDITIONAL EASEMENTS

- D6. Any other documentary easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919*.

END OF PART D

PART E PRIOR TO COMMENCEMENT OF OCCUPATION OR USE

NOTIFICATION OF OCCUPATION

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

CONSOLIDATION

- E2. Prior to occupation and commencement of use, evidence demonstrating consolidation of newly created Lot 102 (Building J site) with Lot 1 DP 1066281 must be provided to the Certifying Authority.

GFA AND HEIGHT CERTIFICATION

- E3. Prior to occupation and commencement of use, a Registered Surveyor must submit certification that the GFA of the building does not exceed 8,100.85m² and the height of the building does not exceed RL 127,685 m AHD, to the Certifier.

OPERATIONAL PLAN OF MANAGEMENT

- E4. Prior to occupation and commencement of use, a detailed Operational Plan of Management (OPM) must be submitted to and approved by the Planning Secretary. The OPM must be prepared in consultation with Council (or other relevant agency). The OPM must address:
- (a) management of accessible and secured areas
 - (b) public access to the facilities (outside of booked tours/events) during Monday to Friday 10am to 4pm
 - (c) security and staff management, emergency management/evacuation and incident response protocols
 - (d) include all the measures to be implemented on the premises in terms of traffic and parking management, occupational health, wayfinding, signage and lighting
 - (e) details of potential noise impacts and management and mitigations measures
 - (f) procedures for the receiving and redistribution of displays
 - (g) details on the frequency, hours, capacity and procedures for open days including car parking management and operation of the shuttle bus
 - (h) complaint management.

LOADING DOCK MANAGEMENT PLAN

- E5. Prior to occupation and commencement of use, a Loading Dock Management Plan (LDMP) shall be submitted to the Certifying Authority to ensure safe and efficient operation of the proposed loading area and minimise conflicts with other users of the MDC site and potential noise impacts on adjoining and surrounding residential properties. The LDMP shall include the following:
- (a) allocation of sufficient loading spaces
 - (b) procedures to minimise loading/unloading in the evening and night
 - (c) measures to ensure the lighting of loading docks is turned off when the loading areas not in operation
 - (d) procedures to minimise noise on the adjoining and surrounding properties
 - (e) controls on durations of stays
 - (f) measures to ensure that there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - (g) controls on the placements of display items etc
 - (h) procedures for tradesman access and parking
 - (i) truck access routes
 - (j) the loading dock management measures in the Acoustic Report for State Significant Development Application Powerhouse Museum Discovery Centre (prepared by Northrop and dated 12.02.2021)

OPERATIONAL WASTE MANAGEMENT PLAN

- E6. Prior to occupation and commencement of use, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste)*

Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009);

- (c) detail the materials to be reused or recycled, either on or off site;
- (d) procedures for the proposed waste storage and disposal to be integrated into the existing Museum Discovery Museum waste management processes and waste disposal; and
- (e) incorporate the management and mitigation measures included within the document titled '*Museum Discovery Centre Operational Waste Management Plan*', prepared by GTK Consulting and dated September 2020.

TAFE CAR PARKING

- E7. Prior to occupation and commencement of the use, evidence shall be submitted to the Certifier confirming that the 25 car parking spaces on the TAFE site have been constructed in accordance with the approved plans. In addition, all informal parking shall be available in accordance with the approved plans/details submitted in accordance with **Condition B35**.

COMPLETION OF LANDSCAPING

- E8. Prior occupation and commencement of the use, evidence shall be submitted to the Certifier confirming that the landscaping (including trees planting, hard and soft landscaping, furniture, paths and the like) has been installed in accordance with the landscaping drawings (**Condition B15**).
- E9. Prior to occupation and commencement of the use, the Applicant must prepare an Operational Landscape Management Plan (OLMP) relating to the ongoing management and maintenance of the landscaping on-site. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
 - (b) the process for replacing diseased, damaged or dying/dead trees/plants.

TREE REPLACEMENT IMPLEMENTATION PLAN

- E10. Prior to occupation and commencement of use, evidence shall be submitted to the Certifier and the Planning Secretary demonstrating that the Tree Replacement Implementation Plan has been implemented to Council's satisfaction.

INTERPRETATION OF PLANTATION TREES

- E11. Prior to occupation and commencement of use, an interpretation plan shall be prepared and developed outlining opportunities explored and initiatives pursued for removed plantation trees to be displayed and/or reused and interpreted in the MDC. A copy of the interpretation plan shall be submitted to the Planning Secretary prior to occupation and commencement of use.

GREEN TRAVEL PLAN

- E12. The Applicant shall prepare a Green Travel Plan for the development in consultation with TfNSW. The GTP shall be submitted to and endorsed by TfNSW prior to occupation and commencement of the use. The plan is required to:
- (a) Identify strategies and mechanisms, including mode share targets that encourage and promote sustainable transport use such as public transport, walking and cycling and reduce the proportion of single-occupant car journeys to the site, considering all employees and visitors to the development;
 - (b) Detail parking, bicycle parking and end of trip facilities;
 - (c) Include a Transport Access Guide that provides information to visitors and staff about the range of travel modes access arrangements and supporting facilities that service the site; and
 - (d) Nominate the party/parties responsible for implementing the plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets.

ROAD DAMAGE

- E13. The cost of repairing any damage caused to Council or other Public Authority's assets as a result of construction works associated with the approved development are to be met in full by the Applicant prior to occupation and commencement of use.

SYDNEY WATER COMPLIANCE

- E14. Prior to occupation and commencement of use, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation and submitted to the Certifier.

UTILITY SERVICE PROVIDERS

- E15. Prior to occupation and commencement of use, written advice must 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, and submitted to the Certifier.

POST-CONSTRUCTION DILAPIDATION REPORT

- E16. Following completion of all construction works and prior to occupation and commencement of use, a Post-Construction Dilapidation Report must be prepared to identify whether the construction works created any structural damage to adjoining buildings, infrastructure and roads, and be submitted to the Planning Secretary, Council, Certifier and any affected property owner(s) prior to occupation and commencement of use.

In identifying whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:

- (a) compare the post-construction dilapidation report (**Condition E16**) with the pre-construction dilapidation report (**Condition B5**)
- (b) receive written confirmation from the relevant authority that there is no adverse structural damage to their property, infrastructure and roads.

WORKS AS EXECUTED PLANS

- E17. Prior to occupation and commencement of the use, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier and a copy provided to Council.

STORMWATER AND DRAINAGE

- E18. Prior to occupation and commencement of the use, the Applicant must provide evidence to the Certifier that the flooding, stormwater and drainage infrastructure and mitigation measures have been implemented in accordance with **Conditions B25** and **B26**.
- E19. Prior to occupation and commencement of use, a Positive Covenant must be registered on the title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

STRUCTURAL INSPECTION CERTIFICATE

- E20. Prior to occupation and commencement of use, a Structural Inspection Certificate or a Compliance Certificate, with a copy of the final approved drawings, must be submitted to the Certifier, Planning Secretary and Council, once:
- (a) the site has been periodically inspected and the Certifier is satisfied that the Structural Works are deemed to comply with the final design drawings
 - (b) the drawings listed on the Inspection Certificate are consistent with those listed on the final Design Certificate(s).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E21. Prior to occupation and commencement of use, all environmental commitments referred to in the Ecologically Sustainable Development Statement (ESD statement) prepared by Northrop and dated 10.09.2020 and **Condition B11** must be implemented, with evidence demonstrating compliance with this requirement submitted to the Certifier.

MECHANICAL VENTILATION

- E22. Following completion, installation and testing of all the mechanical ventilation systems and prior to occupation and commencement of use, evidence must be submitted to the Certifier demonstrating 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
 - (d) any dispensation granted by Fire and Rescue NSW

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E23. Prior to occupation and commencement of use, evidence must be submitted to the Certifier demonstrating the recommendations of the CPTED Report, prepared by Ethos Urban, dated 26 August 2020, have been implemented.

FIRE SAFETY CERTIFICATION

- E24. Prior to the occupation and commencement of use, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent and submitted to the Fire Commissioner and Certifier and be prominently displayed in the building.

BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION

- E25. Prior to the occupation and commencement of use details must be submitted to the Certifier demonstrating compliance with the approved number of bicycle spaces and facilities for cyclists required under **Condition B19**.

ACOUSTIC COMPLIANCE

- E26. Prior to occupation and commencement of use, evidence must be submitted to the Certifier demonstrating compliance with all noise mitigation measures required in the Acoustic Report for State Significant Development Application Powerhouse Museum Discovery Centre (prepared by Northrop and dated 12.02.2021) and to ensure the development achieves compliance with the requirements of the Noise Policy for Industry (EPA, 2017) and other guidelines applicable to the development.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E27. Prior to occupation and commencement of use, evidence must be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the requirements of the BCA and are consistent with the requirements of **Condition B9**.

OUTDOOR LIGHTING

- E28. Prior to occupation and commencement of the use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

FOOD PREPARATION AREAS

- E29. Prior to occupation of any areas of the buildings used for food for handling food for sale (as defined within the *Food Act 2003*), evidence shall be submitted to the Certifier demonstrating that design, construction, fit-out and on-going operation of these areas comply with all applicable legislation including (but not limited to):
- (a) the Food Act 2003;
 - (b) the Food Regulation 2004;
 - (c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - (d) AS 4674-2004. Design, construction and fit-out of food premises; and
 - (e) AS 1668 'The use of ventilation and air conditioning in buildings'.

VEHICLE ACCESS

- E30. Prior to occupation and commencement of the use, signage must be installed to identify:
- (a) the Showground Road vehicle entrance for use by heavy vehicles only; and
 - (b) the Windsor Road vehicle entrance as the public and staff vehicle access

ABORIGINAL HERITAGE INTERPRETATION PLAN

- E31. Prior to occupation and commencement of use an Aboriginal heritage interpretation strategy be developed and implemented in consultation with the Registered Aboriginal parties to celebrate and acknowledge the significance of the land to the Aboriginal community. The interpretation plan shall address how the operation and programming of Building J is informed by, supports and values Australian Aboriginal and Torres Strait Islander peoples' connection to Country and Culture.

MECHANICAL VENTILATION

- E32. Prior to occupation and commencement of use, all mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the Certifier prior to the commencement of above ground works.
- E33. Prior to construction commencing, evidence demonstrating that all mechanical ventilation systems will be installed in accordance with the BCA and comply with AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, must be submitted to the Certifier.

OUTDOOR LIGHTING

- E34. Prior to occupation and commencement of use, outdoor lighting must be designed, positioned and installed, including appropriate shielding and orientation, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties and must be installed, in accordance with Australian Standard

AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*. Prior to construction commencing for above ground works, details demonstrating compliance with these requirements must be submitted to the Certifier.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- E35. Prior to commencement of construction of the built form of Building J, details of the installation of water efficient fixtures and fittings shall be submitted to the Certifier, including:
- (a) all toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS);
 - (b) all taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the WELS, where available;
 - (c) urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the WELS; and
 - (d) systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.

END OF PART E

PART F POST OCCUPATION – DURING OPERATION

HOURS OF OPERATION

- F1. The general public is only permitted to access Building J between 10:00am to 4:00pm Saturday to Sunday.
- F2. The loading dock is permitted to operate 24 hours 7 days a week.

OPERATIONAL PLANS OF MANAGEMENT

- F3. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following occupation or commence of the use of the development:
 - (a) Operational Plan of Management (**Condition E4**)
 - (b) Loading Management Plan (**Condition E5**);
 - (c) Operational Waste Management Plan (**Condition E6**); and
 - (d) Green Travel Plan (**Condition E12**).
- F4. A bicycle space utilisation survey should be carried out on an ongoing basis and additional bicycle parking capacity shall be provided should it be warranted by demand identified in:
 - (a) the utilisation survey; and
 - (b) the Green Travel Plan (**Condition E12**).

LANDSCAPING

- F5. The landscaping is to be maintained at all times following its installation in accordance with the Operational Landscape Management Plan (**Condition E9**).

FIRE SAFETY CERTIFICATE

- F6. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition E24**.

NOISE CONTROL – OPERATIONAL LIMITS

- F7. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise Report titled '*Acoustic Report for State Significant Development Application Powerhouse Museum Discovery Centre*' prepared by Northrop dated 21.09.2020.
- F8. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- F9. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to and approved by the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.
- F10. The Applicant must ensure that no

LOADING AND UNLOADING

- F11. All loading and unloading operations associated with the development must be carried out:
 - (a) within the site at all times and must not obstruct other properties or the public domain
 - (b) so vehicles enter and exit the site in a forward direction only
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

NO OBSTRUCTION OF THE PUBLIC WAY

- F12. The public way must not be obstructed by any materials, waste, vehicles, refuse, skips or the like under any circumstances.

NO OBSTRUCTION OF DRIVEWAYS, FOOTWAYS AND PARKING AREAS

- F13. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and parking areas must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

CAR PARKING

F14. The car parking on the MDC site must only be used by staff and visitors of the MDC.

F15. No access to TAFE users is permitted through the MDC site.

WASTE MANAGEMENT

F16. No garbage is to be placed on the public way e.g. footpaths or roadways, at any time. In addition:

- (a) Garbage and recycling must be undertaken within the confines of the site within signposted loading spaces at all times
- (b) The collection of waste and recycling must only occur between 9:00am and 5:00pm Monday to Sunday to avoid noise disruption to the surrounding area
- (c) The collection of waste shall occur inside the loading docks

WARM WATER SYSTEMS AND COOLING SYSTEMS

F17. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

END OF PART F

ADVISORY NOTES

Planning Secretary's approval

- AN1. When seeking approval from the Planning Secretary (or nominee), the Department may request additional information if the request for approval is considered incomplete or unsatisfactory.

General

- AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

- AN3. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- AN4. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

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

Utilities and Services

- AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN8. Prior to the commencement of construction written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

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

Road Occupancy Licence

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

SafeWork Requirements

- AN11. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

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

Handling of Asbestos

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

Fire Safety Certificate

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

Survey Infrastructure

- AN15. Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly,

the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Applicability of Guidelines

AN16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to be such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

Appeals

AN17. 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.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN18.

- a) 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.
- b) 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.

Temporary Structures

AN19. 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.

AN20. 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.

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 A16** 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.