

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions 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



Adrian Pilton
Member of the Commission

Soo-Tee Cheong
Member of the Commission

Sydney

15 June 2020

SCHEDULE 1

Application Number:	SSD 8858
Applicant:	Fraser's Property Australia Pty Ltd
Consent Authority:	The Independent Planning Commission
Site:	Lot 2 DP 1069269, Lot 14 DP 882325, Lot 1 DP 1069269, Lot 12 DP 882325, Lot 11 DP 882325, Lot 9 DP 830836, Lot 10 DP 830836 Lot 1, Rooky Hill Precinct, Western Sydney Parklands, Rooky Hill Road South, Eastern Creek
Development:	Construction of a specialised retail centre on approved Lot 1 (GFA 11,398 m ²), including: <ul style="list-style-type: none">• three specialised retail buildings• ancillary uses comprising a recreation facility (indoor), vehicle repair station and café• a future development site• signage zones and content• 355 car parking spaces• landscaping.

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DEFINITIONS

Applicant	Frasers Property Australia Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under section 6.17 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 bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Blacktown City Council
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 the construction and operation of the specialised retail centre, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled <i>SSD 8858 Eastern Creek Business Hub (Stage 2)</i> , prepared by Ethos Urban dated 1 November 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Planning Secretary's approval, agreement or satisfaction	A written approval from the Planning Secretary (or nominee/delegate). Where the Planning Secretary's approval, agreement or satisfaction is required under a condition of this consent, the Planning Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Planning Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
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.
Response to Submissions (RtS)	Response to Submissions titled <i>Response to Submissions Report for MOD 5 SSD 5175 and SSD 858</i> , dated 10 October 2019, prepared by Ethos Urban
Response to Submissions Addendum	Response to Submissions Addendum titled <i>Response to Request for Information for SSD 8858 and SSD 5175 MOD 5</i> , dated 9 January 2020, prepared by Ethos Urban
SSD	State Significant Development
Subject Site	Lot 1, Rooty Hill Precinct, Western Sydney Parklands, Rooty Hill Road South, Eastern Creek (Lot 2 DP 1069269, Lot 14 DP 882325, Lot 1 DP 1069269, Lot 12 DP 882325, Lot11 DP 882325, Lot 9 DP 830836, Lot 10 DP 830836)
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development 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, Response to Submissions and Additional Information;
 - (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by i2C			
Dwg No.	Rev	Name of Plan	Date
DA02	D	Site Analysis & Design Response	17.12.2019
DA04	I	Proposed Site Plan – Stage 2	01.04.2020
DA05	G	Proposed Roof Plan – Stage 2	01.04.2020
DA06	E	Elevations 1 – Stage 2	01.04.2020
DA07	D	Elevations 2 – Stage 2	01.04.2020
DA08	E	Elevations 3 – Stage 2	01.04.2020
DA09	C	Elevations 4 – Stage 2	01.04.2020
DA11	E	Sections – Stage 2	17.12.2019
Landscape Drawings prepared by Arcadia Landscape Architecture			
200	L	Landscape Masterplan	Dec 2019
201	L	Softworks Plan	Dec 2019
202	L	Softworks Plan	Dec 2019
203	L	Softworks Plan	Dec 2019
640	L	Landscape Details	Dec 2019
Signage Plans prepared by i2C			
DA20A	E	Signage – Stage 2	17.12.2019
DA21	D	Signage – Stage 2	17.12.2019
DA22	D	Signage – Stage 2	17.12.2019
DA23	D	Signage – Stage 2	17.12.2019
DA24	D	Signage – Stage 2	17.12.2019
DA25	C	Signage – Stage 2	13.09.2019

- A3. 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** above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LAPSING OF APPROVAL

- A5. This consent will lapse five years after the date of consent unless works have physically commenced.

FIT-OUT OF RETAIL TENANCIES

- A6. The fit-out of individual retail tenancies will be subject to separate approval unless it complies with the exempt development provisions in accordance with State Environmental Planning Policy (Western Sydney Parklands) 2009.

FUTURE DEVELOPMENT SITE

- A7. The consent does not approve the construction, fit out, use or operation of any development on the future development site.

GROSS FLOOR AREA

- A8. The maximum gross floor area (GFA) for the development allowed by this consent is 10,800sqm for specialised retailing and 598sqm for convenience retailing (café, 100sqm and future development site, 498sqm), and shall not exceed an approved total of 11,398 sqm on Lot 1 (Stage 2).

EXTERNAL BUSINESS IDENTIFICATION SIGNAGE

- A9. All external business identification signage, and the content of signs, as shown in the approved Signage – Stage 2 Plans (DA 20A - DA25), prepared by i2C, and identified in the approved plans listed in Condition **A2**, is approved regardless of the name of the tenant or colours on the sign, and as long as it:
- (a) not be greater in size than the sign that it replaces, and
 - (b) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and
 - (c) not involve any alteration to the structure on which the sign is displayed, and
 - (d) not obstruct or interfere with traffic signs.

LEGAL NOTICES

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

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.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A12. Within three months of:
- (a) the submission of a Compliance Report under condition **C4** and **C6**;
 - (b) the submission of an incident report under condition **A19**;
 - (c) the submission of an Independent Audit under condition **C8**;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition **A2** 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.
- A13. 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.*

EVIDENCE OF CONSULTATION

- A14. 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

- A15. 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.

APPLICABILITY OF GUIDELINES

- A16. 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.

- A17. 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

- A18. 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 auditing.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A19. 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.
- A20. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

- A21. 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 PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A22. 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.
- A23. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

STAGING

- A24. The project may be constructed and operated in stages as follows:

Stage	Description
Stage 1	Building 1, carpark, public domain and landscaping
Stage 2	Building 2 and 3

- A25. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A26. A Staging Report prepared in accordance with condition **A25** must:
- if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A27. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A28. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A29. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design 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 (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or 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).
- A30. Any strategy, plan or program prepared in accordance with condition **A13**, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A31. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design 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.
- A32. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

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 Certifying Authority 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 Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

DESIGN OF RAINWATER TANKS AND MAINTENANCE SHED

- B5. The rainwater tanks and maintenance shed (adjacent to Building 1) are to be integrated with the building and landscape design, to maintain the high-quality built form of the specialised retail centre. Prior to the issue of a Construction Certificate, details demonstrating this are to be submitted to the satisfaction of the Planning Secretary for approval.

NATIONAL CONSTRUCTION CODE (NCC) COMPLIANCE

- B6. The proposed works must comply with the applicable performance requirements of the NCC 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).

BUSHFIRE PROTECTION

- B7. Details shall be provided by a qualified bushfire consultant demonstrating compliance with the Bush Fire Safety Authority issued by NSW Rural Fire Service dated 11 March 2019 and *Planning for Bushfire Protection Guidelines 2006* to the satisfaction of the Certifying Authority, prior to the issue of a Construction Certificate.

STRUCTURAL DETAILS

- B8. Prior to the issue of a Construction Certificate, the Applicant must submit to the Certifying Authority, 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.

MECHANICAL VENTILATION

- B9. 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 Certifying Authority prior to the issue of a Construction Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B10. The buildings must incorporate all design, operation and construction measures as identified in the ESD Report, prepared by Frasers Property, dated 10 September 2019. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

SUSTAINABILITY RATING

- B11. The building must be designed to achieve a minimum 5 Star Green Star rating under the Design & As Built (v1.2) Green Building Council of Australia Rating Tool. Prior to the issue of a Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating compliance with this requirement. Minor amendments to the detailed design required to adapt the building to achieve 5 Star Green Star certification may be submitted to and approved by the Planning Secretary prior to the issue of a Construction Certificate. Any minor amendments to the detailed design must be demonstrably associated with the green star certification process.

SYDNEY WATER REQUIREMENTS

- B12. 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.

REQUIREMENTS OF PUBLIC AUTHORITIES

- B13. The Applicant must comply with the requirements of any public authorities (e.g. 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 structure. 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 Certifying Authority prior to the commencement of the relevant works.

REFLECTIVITY

- B14. The visible light reflectivity from building materials used on the facades of any buildings or structures 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

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

CAR PARKING

- B16. The development shall provide car parking in accordance with the following requirements:
- (a) a total of 355 on-site car parking spaces comprising:
 - (i) 307 specialised retail/ ancillary car parking spaces
 - (ii) 11 accessible car spaces
 - (iii) 37 car spaces for the future development site.
 - (b) a total of 18 motorbike spaces
 - (c) The layout of the proposed car parking areas associated with the subject development (including driveways, ramps, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS 2890.6 and AS2890.2- 2002 for heavy vehicles usage.

LOADING AREAS

- B17. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifying Authority prior to the issue of a Construction Certificate:
- (a) all vehicles should enter and leave the site in a forward direction;
 - (b) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - (c) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
 - (d) the swept path of the longest vehicle (including garbage trucks and building maintenance vehicles) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS.

NOISE MITIGATION MEASURES

- B18. Details of noise mitigation measures as recommended in the Noise Impact Assessment prepared by *Acoustic Logic dated 5 December 2019 Revision 1* 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 *Environmental Protection Authority's (EPAs) Industrial Noise Policy* and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

BICYCLE PARKING AND FACILITIES

- B19. The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities*
- B20. 30 bicycle parking spaces are to be provided within the site.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- B21. To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report prepared by Ethos Urban, dated 19 September 2019 must be demonstrated on the architectural plans prior to the issue of a Construction Certificate.

STORMWATER AND DRAINAGE MANAGEMENT

- B22. Prior to the issue of the first Construction Certificate being issued, details of any proposed stormwater disposal and drainage, including rainwater re-use from the development and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All details for the disposal of stormwater and drainage are to be designed in accordance with the relevant requirements under *Blacktown Development Control Plan 2015* and *Blacktown Engineering Guide for Development 2005*, unless otherwise agreed with Council.
- B23. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Documents are to be submitted to Development.Sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

EROSION AND SEDIMENT CONTROL

- B24. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1* (2004) by Landcom. Details are to be included in the Construction Environmental Management Plan (see **Condition C18**) submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

OUTDOOR LIGHTING

- B25. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

STORAGE AND HANDLING OF WASTE

- B26. The design of facilities for the storage and handling of operational waste must comply with the requirements of *Site Waste Management and Minimisation, Part G, Blacktown DCP 2015*. Details are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

MECHANICAL PLANT NOISE MITIGATION

- B27. 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 Certifying Authority prior to the issue of a Construction Certificate.

AMENDMENT TO BUILDING 3

- B28. The eastern elevation of Building 3 fronting Rooty Hill Road South shall be amended to provide more visual interest, such as greater articulation and more variety of materials, within the approved palette, in accordance with the Eastern Creek Business Hub Design Guidelines dated 13 September 2019. The amended drawings are to be submitted to and approved by the Planning Secretary, prior to the issue of a construction certificate.

AMENDMENT TO LANDSCAPE DRAWINGS

- B29. Amended landscape drawings showing all details of finished levels, paving treatments including permeable paving, all species of plants and planting details including swale planting, consistent with the Eastern Creek Business Hub Design Guidelines dated 13 September 2019, are to be submitted to the Certifier prior to the issue of a construction certificate.

FOOTBRIDGE

- B30. The following information on the footbridge proposed on the northern boundary of the site is to be submitted to the Certifier prior to the issue of a construction certificate:
- (a) Drawings and details of the materials and finishes, consistent with the Eastern Creek Design Guidelines dated 13 September 2019, including use of natural colours and earth tones that complement the landscape character of the locality; and
 - (b) engineering specifications and certification of the suitability of the bridge with regards to the overland flow function of the drainage swale.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

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

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition **A2** of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any Independent 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. A Pre-Construction Compliance Report must be prepared for the development and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.
- C5. The Pre-Construction Compliance Report must include:
 - (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.
- C6. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- C7. The Construction Compliance Reports must include:
 - (a) a results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;
 - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - (f) a summary of all incidents notified in accordance with this consent; and
 - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

INDEPENDENT ENVIRONMENTAL AUDIT

- C8. No later than one month before the commencement of construction or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.
- C9. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- C10. The environmental audit program prepared and submitted to the Planning Secretary in accordance with **Conditions C8 and C9** must be implemented and complied with for the duration of the development.
- C11. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- (a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
 - (b) assesses whether the development is complying with the terms of this consent;
 - (c) reviews the adequacy of any document required under this consent; and
 - (d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- C12. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

COMMUNITY CONSULTATION AND ENGAGEMENT PLAN (CCEP)

- C13. A **Community Consultation and Engagement Plan (CCEP)** shall be prepared prior to the commencement of works and shall include how notification of residents and complaints associated with the proposal will be managed.
- C14. The CCEP must be implemented during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- C15. The CCEP must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (d) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- C16. The CCEP must be submitted to the Planning Secretary for information no later than one month before the commencement of any work.
- C17. The CCEP must be implemented for a minimum of 12 months following the completion of construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

- C18. Prior to the commencement of any works, the Applicant shall prepare a **Construction Environmental Management Plan (CEMP)** shall be submitted to the Certifying Authority. The CEMP shall be informed by the Construction Management Plan submitted with the application. The CEMP shall address, but not be limited to, the following matters where relevant:
- a) hours of work
 - b) 24 hour contact details of site manager and details of complaint handling
 - c) traffic management, in consultation with Council and TfNSW
 - d) construction noise and vibration management, prepared by a suitably qualified person
 - e) management of dust to protect the amenity of the neighbourhood
 - f) erosion and sediment control

- g) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site
- h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*
- i) works in accordance with any remedial works plan
- j) air quality management including issues associated with odour, minimising dust on site and prevention of dust from leaving the site during construction works
- k) incorporation of all acoustic management and treatments.

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

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN (CPTMP)

C19. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Sub-Plan (CPTMP)** prepared by a suitably qualified person shall be submitted to the PCA. The **CPTMP** should be prepared in consultation with Council. The CPTMP shall address, but not be limited to, the following matters:

- (a) location of the proposed work zone(s);
- (b) location of any crane(s);
- (c) haulage routes;
- (d) construction vehicle access arrangements;
- (e) proposed construction hours;
- (f) estimated number of construction vehicle movements and detail of vehicle types,
- (g) details of construction activities and timing of these activities;
- (h) consultation strategy for liaison with surrounding stakeholders;
- (i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
- (j) 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 must be clearly identified and included in the CPTMP.

A copy of the final endorsed **CPTMP**, shall be submitted to the Certifying Authority, Council and the Planning Secretary, prior to the commencement of works.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN (CNVMP)

C20. Prior to the commencement of construction activities, a detailed and site specific **Construction Noise and Vibration Management Plan (CNVMP)** shall be prepared by a suitably qualified person (who is eligible for membership of the Australian Acoustic Society, Institute of Engineers Australia or the Australian Association of Acoustic Consultants) in consultation with Council and submitted to the Certifying Authority. The CNVMP shall include, but not be limited to:

- a) identification of each work area, site compound and access route (both private and public)
- b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes
- c) identification of all potentially affected sensitive receivers
- d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009)
- e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d)
- f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts
- g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers
- h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
- i) measures to monitor noise performance and respond to complaints.

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

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

WASTE MANAGEMENT SUB-PLAN (WMP)

- C21. Prior to the commencement of works, a **Construction Waste Management Plan (CWMP)** prepared by a suitably qualified person shall be submitted to the PCA. The CWMP shall address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete
 - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- The Applicant shall submit a copy of the CWMP to the Planning Secretary and Council prior to commencement of work.

AIR QUALITY MANAGEMENT PLAN (AQMP)

- C22. Prior to the commencement of construction works an **Air Quality Management Plan (AQMP)** prepared by a suitably qualified person and shall be submitted to the Certifying Authority to minimise the migration of dust to the surrounding area during the construction phase. The AQMP must be prepared in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (the Approved Methods).
- C23. The Applicant shall submit a copy of the AQMP to the Planning Secretary and Council prior to commencement of work.

CONTACT TELEPHONE NUMBER

- C24. Prior to the commencement of the works, the Applicant shall forward to the Certifying Authority a 24 hour telephone number to be operated for the duration of the construction works

BARRICADE PERMIT

- C25. 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.

HOARDING

- C26. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- a) architectural, construction and structural details of the design as well as proposed artwork
 - 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.

COMPLIANCE

- C27. 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.

UTILITY SERVICES

- C28. Prior to the commencement of the relevant works, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

COMPLAINTS AND ENQUIRIES PROCEDURE

- C29. 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.

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 PCA before the commencement of works.

CONSTRUCTION HOURS

- 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.

WORKS IN ACCORDANCE WITH PLANS

- D7. The Applicant must carry out all works on the site which form part of this development in accordance with:
- (a) CEMP approved under Condition **C18**. The CEMP must document and incorporate all of the following Plans required under this consent
 - (b) CPTMP approved under Condition **C19**
 - (c) CNVMP approved under Condition **C20**
 - (d) CWMP approved under Condition **C21**
 - (e) AQMP approved under Condition **C22**

EROSION AND SEDIMENT CONTROL

- D8. 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.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- D9. The development must comply with the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the CNVMP, approved as part of the CEMP.
- D10. 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.
- D11. Where all control measures within the CNVMP (refer to Condition **C20**) have been implemented and the resultant noise and/or vibration levels at any sensitive receiver continue to exceed applicable criteria in the Construction Hours / Noise Code 1992 or *Interim Construction Noise Guidelines* and giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building Unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. Such periods must be set and agreed to by Council.
- D12. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure

- (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) These limits apply unless otherwise outlined in the CEMP.

SAFEWORK NSW REQUIREMENTS

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

DEMOLITION AND CONSTRUCTION VEHICLES

- D14. All demolition and construction vehicles must be wholly contained within the site. Construction vehicles must enter the site before stopping.

COVERING OF LOADS

- D15. 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

- D16. 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.

APPROVED PLANS TO BE ON-SITE

- D17. 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 PCA.

SITE NOTICE

- D18. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;
 - (b) the notice is to be rigid, 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.

NO OBSTRUCTION OF THE PUBLIC WAY

- D19. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances.

DAMAGE TO THE PUBLIC WAY

- D20. 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.

OPERATION OF PLANT AND EQUIPMENT

- D21. 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.

ROAD OCCUPANCY LICENCE

- D22. A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre, for any works that may impact on traffic flows on Rooty Hill Road South during construction activities.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building.

STRUCTURAL INSPECTION CERTIFICATE

- E2. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate 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 approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifying Authority 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.

GFA AND BUILDING HEIGHT CERTIFICATION

- E3. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the Occupation Certificate for each building.

LOADING DOCK MANAGEMENT

- E4. Prior to the issue of the Occupation Certificate for Building 1, a Loading Dock Management Plan (LDMP) shall be submitted to the Certifying Authority to ensure safe and efficient operation of the proposed loading area. The LDMP shall include the following:
- a) allocation of sufficient loading spaces
 - b) measures to ensure the lighting of loading docks is turned off when the loading areas are not in operation
 - c) restrictions on delivery and operating times
 - d) controls on duration of stays
 - e) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs
 - f) controls on the placement of skips, pallets, etc.
 - g) procedures for tradesman access and parking
 - h) truck access routes
 - i) how the recommended management and physical controls for the loading dock use identified in the Nosie Impact Assessment prepared by Acoustic Logic dated 5 December 2019 Revision 1 will be implemented.
- E5. The Loading Dock Management Plan is to be updated prior to the issue of the Occupation Certificates for Building 2 and 3 to ensure safe and efficient operation of the Building 2 and 3 loading areas.

ACOUSTIC COMPLIANCE

- E6. Prior to the issue of a relevant Occupation Certificate, evidence shall be submitted to the Certifying Authority demonstrating compliance with all recommendations of the *Noise Impact Assessment prepared by Acoustic Logic dated 5 December 2019 Revision 1* and other guidelines applicable to the development.

GREEN TRAVEL PLAN

- E7. Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared. The GTP shall include:
- (a) strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.
 - (b) clear and time bound targets, actions and measurements and monitoring framework

WATER AUTHORITY COMPLIANCE

- E8. 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 Certifying Authority prior to the commencement of use.

UTILITY PROVIDERS

- E9. 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.

LANDSCAPING AND PUBLIC DOMAIN WORKS

- E10. All tree planting, landscaping and public domain works approved by Condition **A2**, must be completed in accordance with the approved plans, prior to the issue of the first Occupation Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E11. Prior to the issue of an Occupation Certificate, evidence shall be submitted to the PCA demonstrating compliance with the recommendations and principles highlighted within the ESD Report, prepared by Frasers Property, dated 10 September 2019 (see Condition **B9**).

MECHANICAL VENTILATION

- E12. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, 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.

FIRE SAFETY CERTIFICATION

- E13. 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 authority and be prominently displayed in the building.

WASTE AND RECYCLING COLLECTION

- E14. 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.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E15. Prior to the issue of any Occupation Certificate, evidence shall be submitted to the PCA demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of Condition **B2**.

COMPLIANCE REPORT

- E16. Prior to the issue of any Occupation Certificate, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E17. 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.

PART F POST OCCUPATION

HOURS OF OPERATION

F1. The retail centre shall operate in accordance with the following hours:

Tenancy	Day	Hours
Specialised retail tenancies/ indoor recreation facility / vehicle repair station	7 days a week	7:00 am to 10:00 pm
Cafe		6:30 am to 6:30 pm

F2. Deliveries to the loading areas are to occur within the following hours:

- a) 7:00 am to 10:00 pm, 7 days a week for Building 1
- b) 7:00 am to 8:30 am and 5:00 pm to 10:00 pm, 7 days a week, for Buildings 2 and 3.

LOADING AND UNLOADING

F3. The loading and unloading of service vehicles and trucks in connection with the use of the premises must be carried out within the signposted loading area/ spaces at all times and must not obstruct other properties or the public domain. The loading and unloading areas must be kept clear of goods and must not be used for storage purposes, including garbage storage.

ILLUMINATED ADVERTISING SIGNAGE

F4. A midnight to dawn curfew shall apply to the illuminated external signage.

UNOBSTRUCTED DRIVEWAYS, PARKING AREAS AND EXTERNAL AREAS

F5. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises. The external areas of the building are not to be used for storage.

WASTE MANAGEMENT

F6. Waste Management shall be undertaken in accordance with the Waste Management Plan, prepared by Frasers Property Australia and dated 11 September 2019.

F7. The storage and handling of waste associated with the premises must comply with Council's *Site Waste Management and Minimisation, Part G, Blacktown DCP 2015*.

ENVIRONMENTAL PERFORMANCE

F8. Prior to the issue of any Occupation Certificate, the Applicant is to provide to the PCA, documentation certifying the development has achieved a minimum 5 star Design & As Built (v1.2) design tool rating as established by the Green Building Council of Australia.

ANNUAL FIRE SAFETY CERTIFICATE

F9. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building 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.

EXTERNAL LIGHTING

F10. External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit evidence from an independent qualified practitioner, to the Certifying Authority, demonstrating compliance in accordance with this condition.

NOISE CONTROL – PLANT AND MACHINERY

F11. 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.

NO OBSTRUCTION OF THE PUBLIC WAY

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

ODOUR COMPLAINTS

- F13. Any potential odour emissions from the site shall comply with relevant requirements under the Protection of the Environment Operations Act 1997 to protect the amenity of the surrounding area. If a substantiated complaint is received by Council in relation to odour emanating from the premises, an odour assessment is to be carried out and recommendations provided to mitigate the emission of odour from the premises. The report shall be prepared by an appropriately qualified consultant and shall be submitted to the Department's Compliance team for consideration.

NOISE COMPLAINTS

- F14. If a substantiated complaint is received by Council in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the *Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy* and recommendations provided to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to the Department's Compliance team for consideration.

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. If required, an approval under *State Environmental Planning Policy (Temporary Structures) 2007* must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.
- AN6. If required, structural certification from an appropriately qualified practicing structural engineer must be submitted to the Certifying Authority with the application under *State Environmental Planning Policy (Temporary Structures) 2007* to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

- 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.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN8. 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.
- AN9. 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 the Environment and Energy 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

- AN10. 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).

SITE CONTAMINATION ISSUES DURING CONSTRUCTION

- AN11. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Planning Secretary.

END OF ADVISORY NOTES

APPENDIX 1 WRITTEN 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 A19** 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.