

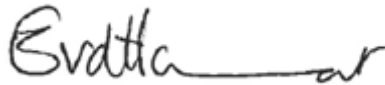
# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



18/02/2021

Erica van den Honert  
**Executive Director**  
**Infrastructure Assessments**

Sydney

2021

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### SCHEDULE 1

<b>Application Number:</b>	SSD-9831
<b>Applicant:</b>	Western Sydney University
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	74 Rickard Road, Bankstown (Lot 15 DP 11266167)
<b>Development:</b>	New Campus Building, including: <ul style="list-style-type: none"><li>• construction of a 19-storey building over two levels of basement parking;</li><li>• use as a University including learning spaces, research, library, administration and ground floor retail;</li><li>• landscaping works, including plantings on terraces within the building and ground level plantings;</li><li>• associated road and public domain works, including upgrade of The Appian Way and upgrade of Rickard Road footpath; and</li><li>• four signage zones.</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
<b>Amended DA/ Response to submissions</b>	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.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Western Sydney University or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BLaKC</b>	Bankstown Library and Knowledge Centre
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the carrying out of works for the purposes of the development, including erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• Archaeological Salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	City of Canterbury Bankstown
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Amended DA/ Response to Submissions, as amended by the additional information submitted on 21 January 2021, and including the works and activities comprising site preparation, construction and use/ operation, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement, Western Sydney University Bankstown City Campus</i> , prepared by Urbis, dated 24 October 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Incident</b>	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 <i>Note: "material harm" is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) 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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Response to submissions</b>	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
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
<b>Site</b>	The land defined in Schedule 1
<b>TfNSW</b>	Transport for New South Wales
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**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) generally in accordance with the EIS, Response to Submissions, and Additional Information provided on 21 January 2021;
  - (d) in accordance with the approved plans in the table below:

<b>Architectural Plans prepared by Lyons</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA00-01		Proposed Site Plan	
DA00-02	3	Plan – main works demolition	17.12.2020
DA30-01	4	Plan – Basement 2	17.12.2020
DA30-02	4	Plan – Basement 1	17.12.2020
DA30-03	6	Plan – Ground Level	20.01.2021
DA30-04	5	Plan – Level 1	17.12.2020
DA30-05	4	Plan – Level 2	17.12.2020
DA30-06	4	Plan – Level 3	17.12.2020
DA30-07	4	Plan – Level 4	17.12.2020
DA30-08	4	Plan – Level 5	17.12.2020
DA30-09	4	Plan – Level 6	17.12.2020
DA30-10	4	Plan – Level 7	17.12.2020
DA30-11	4	Plan – Level 8	17.12.2020
DA30-12	4	Plan – Level 9	17.12.2020
DA30-13	4	Plan – Level 10	17.12.2020
DA30-14	4	Plan – Level 11	17.12.2020
DA30-15	4	Plan – Level 12	17.12.2020
DA30-16	4	Plan – Level 13	17.12.2020
DA30-17	4	Plan – Level 14	17.12.2020
DA30-18	4	Plan – Level 15	17.12.2020
DA30-19	4	Plan – Level 16	17.12.2020
DA30-20	4	Plan – Level 17	17.12.2020
DA30-21	4	Plan – Level 18	17.12.2020
DA30-22	4	Plan – Level 19 (Roof Plan)	17.12.2020
DA40-01	5	Building Elevations – North (Rickard Road)	17.12.2020
DA40-02	6	Building Elevations – East (Appian Way)	17.12.2020
DA40-03	6	Building Elevations – South	17.12.2020

DA40-04	6	Building Elevations – West	17.12.2020
DA41-01	1	Detailed Elevations Podium 1	17.12.2020
DA41-02	1	Detailed Elevations Podium 2	17.12.2020
DA45-01	3	Building Section A	17.12.2020
DA45-02	3	Building Section B	17.12.2020
DA45-03	3	Building Section C	17.12.2020
DA45-04	3	Building Section D	17.12.2020
<b>Civil Drawings prepared by <i>Bonacci</i></b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
C00-05	8	Siteworks and Stormwater Drainage Plan Sheet 1	14.08.2020
C00-40	2	General Site Plan	14.08.2020
C00-41	12	Siteworks and Stormwater Drainage Plan Sheet 1	14.10.2020
C00-42	8	Siteworks and Stormwater Drainage Plan Sheet 2	14.10.2020
C00-42	8	Siteworks and Stormwater Drainage Plan Sheet 2	14.10.2020
C00-43	5	Siteworks and Stormwater Drainage Plan Sheet 3	14.08.2020
C00-44	5	Siteworks and Stormwater Drainage Plan Sheet 2	14.08.2020
C00-45	2	Stormwater Drainage longitude Sheet 1	14.10.2020
C00-60	8	Siteworks and Stormwater Drainage Details Sheet 1	14.08.2020
C00-61	8	Siteworks and Stormwater Drainage Details Sheet 2	14.08.2020
C00-62	4	Typical Site Sections	14.08.2020
C00-65	4	Council Standard Layback	14.08.2020
C00-70	8	Overall Pavement Plan	14.08.2020
C00-75	2	Pavement Details	14.08.2020
C00-80	5	Basement Ramp Longitudinal Sections	14.08.2020
C00-81	3	Road Setout Plan	14.08.2020
C00-82	3	Road Longitudinal Sections	14.08.2020
C00-83	3	Road MC01 Cross Sections Sheet 1	14.08.2020
C00-84	3	Road MC01 Cross Sections Sheet 2	14.08.2020
C00-85	3	Road MC02 Cross Sections Sheet 1	14.08.2020
C00-86	3	Road MC02 Cross Sections Sheet 2	14.08.2020

- 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;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and

- (c) the implementation of any actions or measures contained in any such document referred to in (a) 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) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

A5. This consent lapses five years after the date of consent unless work is physically commenced.

#### **Prescribed Conditions**

A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Planning Secretary as Moderator**

A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

#### **Evidence of Consultation**

- A8. 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 for information or approval as required; 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.

#### **Staging**

- A9. The project may be constructed and operated in stages. 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 satisfaction of the Planning Secretary. 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).
- A10. A Staging Report prepared in accordance with condition A9 must:
- (a) 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;
  - (b) 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);
  - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
  - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. 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**

A13. 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).

A14. 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.

A15. 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.

A16. 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.

### **Structural Adequacy**

A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Notes: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### **External Walls and Cladding**

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

### **Applicability of Guidelines**

A19. 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.

A20. 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**

A21. 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, Site audit report and independent auditing.



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

### **Access to Information**

- A22. 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**

- A23. 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.

### **Incident Notification, Reporting and Response**

- A24. The Planning Secretary must be notified through the major projects portal 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.
- A25. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

### **Non-Compliance Notification**

- A26. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A27. 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.
- A28. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Revision of Strategies, Plans and Programs**

- A29. Within three months of:
- (a) the submission of a compliance report under condition A32;

- (b) the submission of an incident report under condition A25;
- (c) the submission of an Independent Audit under condition C43;
- (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 Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

- A30. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) 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.

### **Compliance Reporting**

- A31. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- A32. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A33. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- A34. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## **PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- B2. If the construction or operation of the development is to be staged, the Planning Secretary 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.

### **Certified Drawings**

- B3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Modifications to Plans and Air Safety**

- B4. Prior to the commencement of construction, the plans are to be modified to the satisfaction of the Certifier to reduce the height of the roof over the lift core to a maximum height of 106.78 AHD unless an updated approval is obtained from the Department of Infrastructure, Transport, Cities and Regional Development which permits a height of up to RL107.03.

### **External Walls and Cladding**

- B5. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Protection of Public Infrastructure**

- B6. Prior to 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 Planning Secretary, Certifier and Council.

### **Pre-Construction Dilapidation Report**

- B7. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works, including the condition of the road reserve (footpath, grass, kerb and gutter and roadway), Civic Drive, Appian Way, the driveway accessing the Bankstown Library and Knowledge Centre (BLaKC), Council's concrete stormwater and recycling tanks to the south and the geothermal bores along the western boundary under the BLaKC driveway, which are adjacent to the property.
- B8. Prior to the commencement of construction, the Applicant must submit to Council, and the Certifier, road pavement condition of designated haul roads between the development site and the State roads recorded on a video. Videos must be provided in a DVD format. The full costs of the Video Survey must be borne by the Applicant.

### **Unexpected Contamination Procedure**

- B9. Prior to the commencement of earthworks associated with this approval, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B15 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

## Community Communication Strategy

B10. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy 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.

## Ecologically Sustainable Development

B11. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:

- (a) registering for a minimum 5 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
- (b) seeking approval from the Planning Secretary for an alternative certification process.

## Outdoor Lighting

B12. Prior to commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

## Demolition

B13. 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.

## Environmental Management Plan Requirements

B14. Management plans required under this consent must be prepared in accordance with relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

*Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>*

*Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

## Construction Environmental Management Plan

- B15. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (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 site;
    - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
    - (vii) community consultation and complaints handling;
  - (b) an unexpected finds protocol for contamination, asbestos or other unexpected finds and associated communications procedure; and
  - (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- B16. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary
- B17. A Construction Traffic and Pedestrian Management Plan (CTPMP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) detail heavy vehicle routes, access and parking arrangements; and
  - (e) detail measures to prohibit construction vehicles from using Civic Drive, the BLaKC driveway, and the Appian Way (excluding areas within the site).
- B18. A Construction Noise and Vibration Management Plan (CNVMP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) describe the measures to be implemented to manage high noise generating works in close proximity to sensitive receivers;
  - (d) include strategies that have been developed with the community for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition B18(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction; and
  - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.
- B19. The Construction Waste Management Plan (CWMP) must be prepared and address, but not be limited to, the following:

- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, 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 construction.
- B20. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMP) and the plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction;
  - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
  - (d) detail all off-Site flows from the Site;
  - (e) prepared in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'; and
  - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).
- B21. A Flood Emergency Response Plan (FERP) must be prepared and must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s) and in consultation with the NSW State Emergency Service;
  - (b) be generally consistent with the details provided in the Amended DA / RtS;
  - (c) address the provisions of the *Floodplain Risk Management Guidelines* (EESG);
  - (d) include details of:
    - (i) the flood emergency responses for both construction and operation phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees and contractors, and students.
- B22. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

### **Soil and Water**

- B23. Prior to the commencement of construction, erosion and sediment controls outlined in the CSWMP must be installed.

### **Construction Parking**

- B24. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

### **Construction Worker Transportation Strategy**

B25. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy (CWTS) to the satisfaction of 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, or public parking facilities and to ensure construction workers do not use the nearby ALDI carpark. A copy of the strategy must be submitted to the Planning Secretary for information.

### **Flood Management**

B26. Prior to the commencement of construction, the Applicant must implement the flood management measures for during construction in the FERP.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- B27. Prior to installation of mechanical plant and equipment, the Applicant must:
- (a) carry out additional background noise monitoring and verification to confirm that the Project Trigger Noise Levels (PTNLs) in the Acoustic Services Report dated 12 August 2020 and prepared by Norman Disney & Young are accurate, and make any adjustment to the PTNLs as necessary; and
  - (b) incorporate the noise mitigation recommendations in the Acoustic Services Report dated 12 August 2020 and prepared by Norman Disney & Young, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Services Report, as amended by the additional monitoring and verification required under (a) above.

### **Aboriginal Heritage**

B28. Prior to the commencement of construction and throughout construction, the Applicant must consult with the Aboriginal Community, including Registered Aboriginal Parties, to determine specific requirements and management measures to be used on site during construction.

### **Landscaping and Public Domain**

B29. Prior to the commencement of landscaping works on the ground level and works within all public domain areas, the Applicant must prepare revised detailed Landscape and Public Domain Plans.

- B30. The revised plans required by condition B29 must be prepared to the satisfaction of Council prior to the commencement of the works and must:
- (a) include all areas of the site within the area marked '1. UWS Bankstown SSSA scope of works' as shown on page 5 of the 'Appian Way Bankstown VPA Scope of Works' prepared by Aspect Studios and dated 27 November 2020 (excluding all landscaped upper levels / terraces);
  - (b) be generally in accordance with the details in the 'Appian Way Bankstown VPA Scope of Works' prepared by Aspect Studios and dated 27 November 2020, as amended by the requirements of this condition;
  - (c) incorporate the recommendations of the Pedestrian Wind Environment Study Memo dated 19 January 2021 and prepared by Windtech;
  - (d) include the planting of at least 21 trees and demonstrate a minimum of 15 per cent canopy cover within the public domain areas of Appian Way and Rickard Road;
  - (e) demonstrate a tree-lined and planted pedestrian-focused streetscape utilising a sub-surface vaulted system for in-ground planting in deep-soil and in raised planters where located on-structure with sufficient surface area and soil volume to allow for optimal root growth ;
  - (f) detail the location, species, maturity and height at maturity of plants to be planted;
  - (g) for ground level and public domain areas, include in-ground tree species that are ornamental natives capable of reaching 20m at maturity, including *Corymbia maculata*,

*Eucalyptus crebra*, *Corymbia citriodora*, *Brachychiton populneus*, *Brachychiton acerifolia* or equivalent where approved by Council. *Acacia longifolia* (and other *Acacia* species (Wattle)), *Ficus opposita* and *Lophostemon conferta* must not be planted;

- (h) include tree species that are not suitable for Australian White Ibis birds and include other management techniques in accordance with Council's Australian White Ibis Management Plan;
  - (i) include the planting of trees with a pot container of 100 litres or greater;
  - (j) provide details to demonstrate that sufficient soil volume, drainage and irrigation will be provided to all plantings to ensure the longevity of those plantings, including detailed plans and cross sections at a scale of 1:20 or 1:50 that demonstrate compliance with the standards described in Section 4P 'Planting on structures' of the Apartment Design Guide;
  - (k) demonstrate provision of irrigation / utilisation of passive watering from stormwater runoff and Water Sensitive Urban Design principles;
  - (l) demonstrate all public domain works, including kerb, pathway and pedestrian works comply with Council standards;
  - (m) provide details of maintenance for the first 12 months and replacement of plant loss during the maintenance period; and
  - (n) incorporate a cabinet or similar structure around the fire boosters to provide suitable screening to the satisfaction of Council.
- B31. Prior to the commencement of landscaping works, including works within the upper level terraces, but excluding those identified in condition B29, the Applicant must prepare revised detailed Landscape Plans.
- B32. The revised plans required by condition B31 must be prepared to the satisfaction of Council prior to the commencement of the works and must:
- (a) be generally in accordance with the landscape plans for the upper level terraces at Appendix K of the Amended DA / RtS as amended by the requirements of this condition;
  - (b) incorporate the recommendations of the Pedestrian Wind Environment Study Memo dated 19 January 2021 and prepared by Windtech;
  - (c) demonstrate a minimum of 5 per cent canopy cover on the podiums and sky terraces;
  - (d) detail the location, species, maturity and height at maturity of plants to be planted;
  - (e) include species (trees, shrubs and groundcovers) indigenous to the local area;
  - (f) demonstrate sufficient planting within the recesses on Levels 3, 8 and 14 along the eastern and northern elevations for urban greenery to be perceptible from the public domain;
  - (g) include tree species that are not suitable for Australian White Ibis birds and include other management techniques in accordance with Council's Australian White Ibis Management Plan;
  - (h) include the planting of trees with a pot container of 100 litres or greater;
  - (i) provide details to demonstrate that sufficient soil volume, drainage and irrigation will be provided to all plantings to ensure the longevity of those plantings, including detailed plans and cross sections at a scale of 1:20 or 1:50 that demonstrate compliance with the standards described in Section 4P 'Planting on structures' of the Apartment Design Guide; and
  - (j) provide details of maintenance for the first 12 months and replacement of plant loss during the maintenance period.

#### **Pick-up and Drop-off in the Public Domain**

- B33. Within six months after the date of this consent, and prior to the commencement of construction of the Public Domain Works, the Applicant must prepare plans to the satisfaction of Council for



works to the public domain in the vicinity of the site to provide a drop-off and pick-up zone that would satisfactorily service the likely demand generated by the development.

- B34. Within six months after the date of this consent, and prior to the commencement of construction of the Public Domain Works, the Applicant must enter into an agreement with Council as to how the works would be delivered to ensure completion prior to occupation. The Applicant is responsible for all costs associated with the delivery of the pick-up and drop-off zone, and the funding for delivery of this infrastructure is a requirement of this approval and separate to funding of other public domain works being delivered through the Planning Agreement entered into pursuant to condition C37.
- B35. Where Council has concerns that the design of the pick-up and drop-off zone required by condition B33 could be insufficient to cater for the demand created by the development, an agreement to monitor the zone and identification of potential remediation measures (such as an enlarged zone or additional facilities in the surrounding public domain or within the site (subject to modification of this approval)) are also to be agreed with Council prior to the commencement of construction of the Public Domain Works.

### **Flooding and Stormwater Management and Design**

- B36. Prior to the commencement of construction, an amended flood impact assessment report must be prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent to support the development in conjunction with proposed works in the public domain. The assessment must be carried out generally in accordance with the Flood Assessment Report, Revision 03, prepared by Meinhardt Bonnacci dated 29 July 2020 and must address aspects including but not limited to vegetation, planter beds and seating within the public domain around the WSU development that may cause adverse hydraulic impacts along major overland flow paths.
- B37. Prior to the commencement of construction, the amended flood impact assessment report required by condition B36 must be submitted to the satisfaction of Council and written acceptance of the report from Council's City Assets Directorate must be provided to the Certifier.
- B38. Prior to the commencement of construction, a certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, or Chartered Structural Engineer (where relevant) must be submitted to the Certifier demonstrating compliance with the following:
- (a) incorporation of and compliance with the recommendations of the updated flood impact assessment report required by condition B36;
  - (b) all habitable floor levels must not be constructed less than the nominated floor levels approved under this development consent;
  - (c) all electrical connections and flood sensitive equipment must be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard;
  - (d) where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations must generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities;
  - (e) the basement carpark must be designed to resist floodwater ingress for up to the 1% AEP event. This includes provision of a minimum 150 mm high crest at the basement carpark entry and protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk;
  - (f) all structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard; and
  - (g) all structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

- B39. Prior to the commencement of construction, the Applicant must submit detailed design drawings and certificates to the satisfaction of Council's City Assets Directorate. The submission must address the following:
- (a) The footings and foundations of all proposed structures adjacent to any existing and proposed Council and Sydney Water pipelines must extend a minimum depth to the angle of repose to the invert level of the existing stormwater pipe, to ensure that no additional load will be placed on the existing infrastructure.
  - (b) Council and Sydney Water pipelines through and in close proximity to the development site must be physically located via non-destructive method, surveyed by a registered surveyor and shown on the final construction drawings (including amended survey, architectural and civil design plans);
  - (c) A minimum horizontal clearance of 1m must be provided from the outside edges of the existing stormwater pipes to the proposed structures. All setbacks of the proposed structures including eaves of roof from the drainage lines must be shown on the plans submitted;
  - (d) Detailed design drawings of the footings and foundations of the proposed structures must be prepared by a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent; and
  - (e) A Structural Engineer's design certificate must be prepared confirming the building structure and its foundations are designed in such a way that no building loads are transmitted to the stormwater pipes and that the conduit can be repaired at any time without affecting the stability of the building structure or its foundations.

#### **Operational Waste Storage and Processing**

- B40. Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

#### **Operational Car Parking and Service Vehicle Layout**

- B41. Prior to the commencement of construction, compliance with the following requirements must be submitted to the Certifier:
- (a) all vehicles must enter and leave the Site in a forward direction;
  - (b) provision of a minimum of 87 on-site car parking spaces for use by staff, students and visitors during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) the swept path of the longest construction vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, must be in accordance with the latest version of AS 2890.2; and
  - (d) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs.

#### **Public Domain Works**

- B42. Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

#### **Ground Level Façade Details**

- B43. Prior to the commencement of the fit-out works, details must be provided to the satisfaction of Council demonstrating designs for digital art creative solutions mounted on the eastern face of the building core within The Appian Way lobby.

## **Security and Operations**

- B44. Prior to commencement of construction, a Plan of Management developed in consultation with Council must be prepared that details security measures incorporated in the building, including CCTV internally and externally with a minimum storage capacity of 28 days.

## PART C DURING CONSTRUCTION

### Site Notice

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) 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 must be displayed on the site notice; and
  - (e) 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.

### Operation of Plant and Equipment

- C2. 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.

### Demolition

- C3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition B13.

### Construction Hours

- C4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 5pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- C5. Construction activities may be undertaken outside of the hours in condition C4 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- C6. Notification of such construction activities as referenced in condition C5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans and Strategies

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP,CTPMP, CNVMP, CWMP, CSWMP, FERP, CWTS, Driver Code of Conduct and Community Communication Strategy.

### **Construction Traffic**

- C9. All construction vehicles (excluding site personnel vehicles) must be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

### **Hoarding Requirements**

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- C12. The Appian Way must remain open for general public vehicles and pedestrians during construction and can only be closed to vehicles once the Public Domain Works commence.
- C13. Any closure of The Appian Way must be undertaken after appropriate consultation with Council, with a notification period of no less than 28 days prior to commencement of relevant works.

### **Construction Noise Limits**

- C14. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 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 management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C15. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding area outside of the construction hours of work outlined under condition C4.
- C16. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- C17. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C18. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C17.
- C19. The limits in conditions C17 and C18 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Planning Secretary.

### **Tree Protection**

- C20. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;

- (b) all street trees / public domain trees immediately adjacent to the proposed works must be protected at all times during construction in accordance with Council's tree protection requirements and in accordance with the recommendations of the Arborist Report dated 11 June 2019 prepared by Archerfield Partners. Any tree which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

### **Air Quality**

C21. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

C22. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Erosion and Sediment Control**

C23. All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, must be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

### **Imported Soil**

C24. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

### **Disposal of Seepage and Stormwater**

C25. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

C26. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

### **Stormwater Management System**

C27. Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

- (a) be designed by a suitably qualified and experienced person(s);

- (b) be generally in accordance with the conceptual design in the Amended DA and Response to Submissions;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

#### **Unexpected Finds Protocol – Aboriginal Heritage**

C28. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works must only recommence with the written approval of EES Group.

#### **Unexpected Finds Protocol – Historic Heritage**

C29. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

#### **Waste Storage and Processing**

- C30. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C31. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C32. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C33. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C34. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

#### **Outdoor Lighting**

- C35. Under awning lighting must be recessed into the soffit of the awning and must meet luminance levels for pedestrians required by AS 1158, 'Lighting for roads and public places', and use Australian Standard for Amenity Lighting 'P' and 'V' category, and artwork 'effect' lighting.
- C36. The Applicant must ensure that all other external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **Planning Agreement**

- C37. Within six months after the date of this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a Planning Agreement (PA) with the Council in accordance with:
  - (a) Division 7.1 of Part 7 of the EP&A Act; and
  - (b) the terms of the offer in the letter dated 30 November 2020 from Walker Bankstown Developments Pty Ltd to the Council.

- C38. If the Applicant and Council do not enter into a PA within six months after the date of this consent:
- (a) the parties must, in good faith, do all things reasonably necessary to expedite finalisation of the PA; and
  - (b) the Applicant must provide to Council a bond equalling the Total Contribution Value in the terms of the offer in the letter dated 30 November 2020 from Walker Bankstown Developments Pty Ltd to the Council and the bond must be returned to the Applicant on the execution of the PA.

#### **Independent Environmental Audit**

- C39. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- C40. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- C41. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the Applicant of the date or timing upon which the audit must be commenced.
- C42. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C40 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- C43. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- C44. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.



## PART D PRIOR TO COMMENCEMENT OF OPERATION

### Notification of Occupation

- D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary 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.

### External Walls and Cladding

- D2. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems 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.
- D3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Post-construction Dilapidation Report

- D4. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report must:
- a) ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - b) be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - c) be forwarded to Council.
- D5. Prior to commencement of operation, a post-construction CCTV report on the Council's infrastructure through the proposed development site must be submitted to Council.
- D6. Prior to commencement of operation, a post-construction CCTV report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) must assess the condition of the existing drainage line adjacent to the site and submit to, and be accepted by, Council's City Assets Directorate.
- D7. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report for designated haul roads at the completion of construction. This report must be submitted to Council, and the Certifier, and must include road pavement conditions of designated haul roads post development between the development site and the State roads recorded on a video. Videos must be provided in a DVD format. The full costs of the Video Survey must be borne by the developer.

### Protection of Public Infrastructure

- D8. 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.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage.*

### Protection of Property

- D9. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

## Road Damage

- D10. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development must be met in full by the Applicant.

## Easements

- D11. Prior to occupation, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority must be registered on title of Lot 15, DP 1256167 and can only be revoked, varied or modified with the consent of the Council.
- D12. The easement or covenant required by condition D11, must provide for pedestrian access or right of way to publicly accessible areas at ground level around the site, including the footpath on the western side of the building.

## Utilities and Services

- D13. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

## Works as Executed Plans

- D14. Prior to the commencement of operation, works-as-executed drawings in both hard and soft copies (AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program) signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed. The Works-as-Executed Plans must note all departures clearly in red on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer must be submitted to support all variations from the approved plans.

## Green Travel Plan

- D15. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with City of Canterbury Bankstown Council and (Sydney Coordination Office) Transport for NSW;
  - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development;
  - (f) include strategies to encourage students to utilise The Appian Way to the Mall and deter unsafe movement across Jacobs Street, including provisions promoting safe movement across Jacobs Street at crossings and signalised intersections; and
  - (g) include consideration of incorporating car share and carpooling parking spaces in the basement carpark.

## Heritage Interpretation Plan

- D16. Prior to the commencement of operation, the Applicant must consult with Registered Aboriginal Parties about the potential of interpretation of the Aboriginal history and cultural heritage values of the Bankstown area on the site.

- D17. The Applicant must submit a Heritage Interpretation Plan based on the above consultation to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by a suitably qualified and experienced expert in consultation with Heritage NSW and Council;
  - (b) include provision for naming elements within the development that acknowledges the site's heritage; and
  - (c) incorporates interpretive information on the site.

#### **Mechanical Ventilation**

- D18. Prior to commencement of operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
  - (b) any dispensation granted by Fire and Rescue NSW.

#### **Operational Noise – Design of Mechanical Plant and Equipment**

- D19. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Acoustic Services Report dated 12 August 2020 and prepared by Norman Disney & Young have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Environmental Noise Assessment and as required by condition B27.

#### **Bicycle Parking and End-of-Trip Facilities**

- D20. Prior to occupation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifier:
- a) the provision of 56 staff and 80 visitor/student bicycle parking spaces on the site and 20 spaces in the public domain adjacent to the site;
  - b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities - Bicycle parking*, and be located in easy to access, well-lit areas that incorporate passive surveillance;
  - c) the provision of end-of-trip facilities for staff; and
  - d) appropriate pedestrian and cyclist advisory signs.
- D21. All works/regulatory signposting associated with the proposed development must be at no cost to the relevant roads authority.

#### **Fire Safety Certification**

- D22. Prior to the commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

#### **Structural Inspection Certificate**

- D23. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **Compliance with Food Code**

- D24. Prior to the commencement of operation, the Applicant must obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *AS 4674 Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

## Stormwater Quality Management Plan

- D25. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) must be submitted to the satisfaction of the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

## Warm Water Systems and Cooling Systems

- D26. The installation 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 1 (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.

## Outdoor Lighting

- D27. Prior to the commencement of operation, 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.

## Signage

- D28. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- D29. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- D30. Prior to the commencement of operation, wayfinding signage must be approved by Council and installed by the Applicant along The Appian Way to encourage students to walk along The Appian Way and The Mall and to cross Jacobs Street at crossings and signalised intersections.
- D31. Prior to the commencement of operation, appropriate line-marking and signage must be approved by Council and installed on the BLaKC driveway to encourage appropriate and safe MRV truck movements.

## Operational Waste Management Plan

- D32. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan 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) incorporate measures to reduce food waste generation (including composting or similar arrangements or innovative food waste collection); and
  - (e) include the Management and Mitigation Measures included in the Amended DA / RtS Appendix U.

## **Landscaping**

- D33. Prior to commencement of operations, all landscape and public domain works must be completed in accordance with the plans approved under conditions B30 and B31.
- D34. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures at Appendix O of the Amended DA / RtS and Appendix E of the additional information submitted on 21 January 2021.
- D35. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

## **Pick-up and Drop-off Zone**

- D36. Prior to commencement of operations, the pick-up and drop-off zone required by condition B33 must be completed.

## **Civic Loading Dock Management Plan**

- D37. Prior to commencement of operations, a Civic Loading Dock Management Plan must be approved by Council. The plan must outline procedures for the management of deliveries and pick-ups within the basement, including provision for advance bookings with the building manager, access hours, details of how restrictions on vehicle size in accordance with this consent will be managed and details of how traffic flow conflicts within the driveway will be managed (noting MRV access will require vehicles to manoeuvre into the path of oncoming vehicles in the driveway).

## **PART E POST OCCUPATION**

### **Operation of Plant and Equipment**

- E1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- E2. 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.

### **Community Communication Strategy**

- E3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **Heritage Interpretation Plan**

- E4. The Applicant must implement the most recent version of the Heritage Interpretation Plan approved under condition D16.

### **Operational Noise Limits**

- E5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Acoustic Services Report dated 12 August 2020 and prepared by Norman Disney & Young, as amended by the requirements of condition B27.
- E6. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data are collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified Acoustic Services Report dated 12 August 2020 and prepared by Norman Disney & Young as amended by the requirements of condition B27. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### **Operational Noise – Use of Outdoor Terraces**

- E7. Outdoor balconies and terraces on the site are not to be used after 10pm.

### **Unobstructed Driveways and Parking Areas**

- E8. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces 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.

### **Deliveries and Service Vehicles**

- E9. All loading and unloading of goods associated with the use of the site must be undertaken within the basement loading dock and in accordance with the Civic Loading Dock Management Plan required by condition D37.
- E10. The Applicant must ensure all service vehicles accessing the site, including waste collection vehicles, are restricted to medium rigid vehicles or smaller with a height of less than 3.4 metres.

### **Green Travel Plan**

- E11. The Green Travel Plan required by condition D15 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

- E12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B11, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Stormwater Operation and Maintenance Plan**

- E13. The SOMP required by condition D25 of this consent must be implemented for the duration of occupation of the development.

### **Outdoor Lighting**

- E14. Notwithstanding condition D27, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **Landscaping**

- E15. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition D34 for the duration of occupation of the development.

### **Dangerous Goods**

- E16. The Applicant must ensure that the quantities of dangerous goods stored and handled at the site or transported to and from the development remain below the screening threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- E17. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

In the event of an inconsistency between the requirements of (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### **Ground Level Façade Details**

- E18. No opaque glass, film or security roller doors are permitted at any time on any retail tenancy facing the public domain.

## **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 provided to the Planning Secretary through the major projects portal 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 A24 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.



## APPENDIX 2 ADVISORY NOTES

### General

AN1. 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

AN2. 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

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Access for People with Disabilities

AN4. 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.

### Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works 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

AN7. 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

AN8. 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

AN9. 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

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN11. 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

AN12. 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.