

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

The Director, Regional Assessments, as delegate of the Minister for Planning under delegation executed on 9 March 2022 and pursuant to clause 5.7 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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



Keiran Thomas

Director Regional Assessments

As delegate for the Minister for Planning and Public Spaces

Sydney

23 June 2023

SCHEDULE 1

Application Number:	DA 23/907
Applicant:	Office of Strategic Lands
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 1-2 DP 87060, 14-278 Old Castlereagh Road, Castlereagh
Development:	Stabilisation works, part demolition and restoration work to the Hadley Park Homestead and associated buildings

DEFINITIONS

Applicant	Office of Strategic Lands or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifier	A person who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Penrith City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the SEE, Response to Submissions and additional information, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974', the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
EMP	Environmental Management Plan

Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or 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)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development titled ' <i>Hadley Park Homestead Works - Request for Addition Information DA 23/907</i> ' prepared by Tract Consulting dated 28 April 2023
SEE	The Statement of Environmental Effects titled ' <i>Revised Statement of Environmental Effects – Hadley Park Homestead</i> ', prepared by Tract Consulting dated 23 January 2023, submitted with the application for consent for the development, including any additional information or reports provided by the Applicant in support of the application.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Supplementary Response to Submissions	The Applicant's additional information titled "Hadley Park Homestead Works - Request for Addition Information DA 23/907" prepared by Tract Consulting dated 31 May 2023
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	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 SEE, Response to Submissions (RtS) and Supplementary (RtS);
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by JPA&D			
Dwg No.	Rev	Name of Plan	Date
WD001	F	Cover Sheet and Notes	14/12/2022
WD100	G	Site Plan	14/12/2022
WD200	H	Main House Plans	14/12/2022
WD201	H	Main House Elevations	14/12/2022
WD202	H	Main House Roof Plan and Laundry Elevations	14/12/2022
WD300	G	Weatherboard Cottage Plans	14/12/2022
WD301	H	Weatherboard Cottage Elevations	14/12/2022
WD302	F	Reference Images – Gate, Chimneys and Render	14/12/2022
WD400	H	Stables and Garage Plans	14/12/2022
WD401	G	Stables and Garage Elevations	14/12/2022
WD500	G	Creamery Plan	14/12/2022
WD501	G	Creamery Elevations	14/12/2022
WD600	G	Dairy and Milk Storage Shed Plans	14/12/2022
WD601	G	Dairy and Milk Storage Shed Elevations	14/12/2022
WD602	F	Race and Fencing Plan	14/12/2022
WD700	G	Feed Store and Cow Bails Plan	14/12/2022
WD701	G	Feed Store and Cow Bails Elevations	14/12/2022
WD702	G	Feed Store and Cow Bails Roof Plan	14/12/2022
WD800	H	Guest House Plan -Existing	14/12/2022
WD801	H	Guest House Elevations - Existing	14/12/2022
WD900	H	Hay Shed Plans Ground and Roof	14/12/2022
WD901	H	Hay Shed Elevations	14/12/2022
Survey Plan prepared by Ducros Design			
Dwg No.	Rev	Name of Plan	Date
1842 – S101	B	Notes	04/08/2022
1842 – S102	B	Ground Floor	04/08/2022
1842 -- S103	B	First Floor Plan, Lower Ceiling Plan, Verandah 2 Roof Plan	04/08/2022

1842 – S104	B	Upper Ceiling Plan, Lower Roof Plan, Verandah 2 Roof Plan	04/08/2022
1842 – S105	B	Elevations	04/08/2022
1842 – S106	B	Sections Details	04/08/2022
1842 – S107	B	Weatherboard Cottage Roof Framing Remedial Work Plan and Details	04/08/2022
1842 – S108	B	Timber Remedial Works Sections and Details Sheet 1	04/08/2022
1842 – S109	B	Timber Remedial Works Sections and Details Sheet 2	04/08/2022
Hydraulic Services Plans prepared by Vos Group			
DWG No.	Rev	Name of Plan	Date
H-01	P3	Site Plan Hydraulic Services	20/12/2022
H-02	P2	Ground & First Floor Stormwater Drainage	20/12/2022
H-03	P3	Ground & First Floor Hydraulic Services	20/12/2022
H-04	P2	Ground & First Floor Trench Drainage	20/12/2022

- (e) generally in accordance with the following documents:
- (i) Revised Statement of Environmental Effects – Hadley Park Homestead prepared by Tract Consulting dated 23 January 2023
 - (ii) Statement of Heritage Impact – Hadley Park prepared by JPA&D dated 8 December 2022
 - (iii) Materials and Methods Statement Hadley Park prepared by JPA&D dated 8 December 2022
 - (iv) S60 Heritage Approval ID: 1638 from Heritage NSW dated 17 November 2022
 - (v) Conservation Management Plan 2020 – Hadley Park prepared by JPA&D dated 9 December 2020
 - (vi) Evidence of Works Ref: 222-0090-00_RFI prepared by Tract Consulting
 - (vii) Hadley Park Homestead Works - Request for Addition Information DA 23/907 prepared by Tract Consulting dated 28 April 2023
 - (viii) Hadley Park Homestead Works Additional Request for Information DA 23/907 prepared by Tract Consulting dated 2 May 2023

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

Limits of Consent

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve the post construction works use or occupation of the site. Separate development application(s) must be lodged, and consent obtained, for the use of the

site (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

Prescribed Conditions

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

Planning Secretary as Moderator

- A8. 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

- A9. 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; 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

- A10. 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).
- A11. A Staging Report prepared in accordance with condition A10 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.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A13. 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

- A14. 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).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees or directs, 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.
- A17. 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

- A18. All alterations or additions to the existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

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. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Monitoring and Environmental Audits

- 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.

Compliance

- A22. 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

- A23. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au, immediately after the Applicant becomes aware of any 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.
- A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A25. The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au, within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they identify any non-compliance.
- A26. 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.
- A27. 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

- A28. Within three months of:
- (a) the submission of an incident report under conditions A23 and A24;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) 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.
- A29. 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 (but only where previously approved by the Certifier and if the condition allows). 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.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

Notification of Commencement

- B1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- B2. If the construction 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.

Access to Information

- B4. 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 and publicly available for 24 months after the commencement of operations.

Protection of Public Infrastructure

- B5. 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 asset owner, Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- B6. 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.

Construction Environmental Management Plan

- B7. Prior to the commencement of any construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) the date of commencement of works;
 - (b) hours of works;
 - (c) contact details of site manager;
 - (d) complaints procedure;
 - (e) traffic and pedestrian management including details on:
 - (i) ingress and egress of vehicles to the site,
 - (ii) loading and unloading, including construction zones,
 - (iii) the location of storage areas,
 - (iv) predicted traffic volumes, types and routes,
 - (v) parking of construction and contractor vehicles,
 - (vi) turning areas of construction and contractor vehicles, and
 - (vii) pedestrian and traffic management methods;
 - (f) noise and vibration management identifying specific activities that would be carried out and associated noise sources and how they will be managed in accordance with Australian Standard AS 2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites and to ensure there is no adverse impact on any neighbouring properties and/or affected tourist accommodation buildings during the construction period;
 - (g) management of dust and odour to protect the amenity of the neighbourhood;
 - (h) waste and recycling management including details on:
 - (i) the location for recycling of building materials,
 - (ii) the identification of any asbestos or other hazardous material,
 - (iii) the location for disposal of building waste, and
 - (iv) the location for disposal of excess spoil;
 - (i) erosion and sediment control measures;
 - (j) flora and fauna management;
 - (k) suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters;
 - (l) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material are appropriately managed;
 - (m) a Construction Flood Emergency Management Sub-Plan (FEMSP), prepared by a suitably qualified and experienced person(s), that must address, but not be limited to, the following
 - (i) provisions of the *Floodplain Risk Management Guidelines* (EHG)
 - (ii) include details of:
 - the flood emergency responses for construction phase of the development;
 - predicted flood levels;
 - flood warning time and flood notification;
 - assembly points and evacuation routes;
 - evacuation and refuge protocols; and
 - awareness training for employees and contractors, and users/visitors.

Works must not commence until the CEMP has been approved by the Certifier. The Applicant must comply with any CEMP approved by the Certifier under this condition. A copy of the

documentation shall be submitted to the Planning Secretary for information prior to the commencement of works. This condition can be satisfied for the whole project or progressively for various sections of the project.

Contamination

- B8. Prior to the commencement of construction, an Unexpected Contamination Finds Protocol (UFP), prepared by a suitably qualified and experienced expert, must be submitted to the satisfaction of Certifier. The UFP must include, but not be limited to, the following:
- (a) detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected contamination finds;
 - (b) details of who will be responsible for implementing the unexpected finds procedure; and
 - (c) details of the roles and responsibilities of all parties involved.
- B9. The UFP approved by the Certifier in Condition B8 must be implemented for the duration of construction works.

Construction Parking

- B10. Prior to commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Soil and Water

- B11. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
 - (b) divert existing clean surface water around operational areas of the site.
- B12. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- B13. Prior to the commencement of construction, a report, prepared by a suitably qualified person, identifying 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, must be prepared to the satisfaction of the Certifier. A copy of the report must be provided to the Planning Secretary for information.

Photographic Archival Record

- B14. Prior to the commencement of construction, a photographic archival record of Hadley Park is to be prepared by a suitably qualified person. The record is to include all internal and external areas of the building. Progressive photos are to be taken during works and post construction to detail the works undertaken.

Demolition

- B15. Prior to the commencement of any construction, a 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.

Electrical Work

- B16. Prior to the commencement of construction, the Certifier shall ensure that all electrical services associated with the development are flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the adopted 1% AEP flood level. The relevant flood planning level can be obtained from Infrastructure NSW.

Heritage Consultant

- B17. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

PART C DURING CONSTRUCTION OR WORKS

Site Notice

- C1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must 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.

Approved Plans to be On-Site

- C3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

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 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- C5. Notwithstanding condition C4, provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
 - (b) between 1pm and 4pm, Saturdays.
- C6. Construction activities may be undertaken outside of the hours in condition C4 and 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.
- C7. Notification of such construction activities as referenced in condition C6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C8. 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 CEMP

- C9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- C10. All construction vehicles are to 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

- C11. 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

- C12. 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.

Construction Noise Limits

- C13. 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.
- C14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C4.
- C15. 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

- C16. 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).

Tree Protection

- C17. 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 immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction; and

- (d) 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

- C18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C19. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (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

- C20. 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, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

Fill/Soil

- C21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the 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.
- C22. Any excavated material to be removed from the site is to be assessed, classified, transported, and disposed of in accordance with the Department of Environment and Climate Changes' (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'

Disposal of Seepage and Stormwater

- C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of 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

- C24. 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.
- C25. A copy of the FEMSP must always be kept and made available onsite during construction.
- C26. During construction or works, temporary emergency exits, and signage must be provided on-site including clearly labelled direction of travel in the event of a flooding emergency.

Unexpected Finds Protocol – Aboriginal Heritage

- C27. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works shall only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

C28. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;
- (b) 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 as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Archaeologist on-site

C29. A suitably qualified archaeologist must be present on the site during any excavation works. Excavation works must be undertaken in accordance with any recommendations given by the archaeologist in relation to protection of Aboriginal archaeological items.

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 assess, 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.

Contamination

- C35. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.
- C36. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the relevant authority.

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.

Post-construction Dilapidation Report

- D2. 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 is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to 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) to be forwarded to Council for information.

Protection of Public Infrastructure

- D3. 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, alter 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

- D4. 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.

Works as Executed Plans

- D5. Prior to the commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the finished floor levels have been constructed as approved, must be submitted to the Certifier.

Structural Inspection Certificate

- D6. 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 Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority 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.

PART E ONGOING CONDITIONS

Operation of Plant and Equipment

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

Use of the Building

- E2. No land use has been approved as part of this Development Consent. Separate approval must be obtained prior to any future use of the building.

APPENDIX 1 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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

Legal Notices

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

Utilities and Services

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN5. 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.

SafeWork Requirements

AN6. 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

AN7. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN8. 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.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A23 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.