

Conditions of Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, 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

Tristan Kell

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Director Precinct Planning and Assessments
Regions, Industry and Key Sites

Sydney

19 December 2023

File: EF23/1635

SCHEDULE 1

Application Number:	DA23/1635
Applicant:	NSW Biathlon Association
Consent Authority:	Planning Secretary
Site:	Lot 101 in DP1019527, 207 Barry Way, Jindabyne
Development:	<p>Concept development application for additions and alterations to the existing recreation facility (outdoor) described as the Jindabyne Sport & Recreation Centre:</p> <ul style="list-style-type: none">• A concept proposal involves a roller ski track to be constructed of bitumen seal (Climb C)• Stage 1 works and use include:<ul style="list-style-type: none">• construction of roller-ski and cycleway tracks, establishment of laser biathlon facilities, and installation of a sports administration office, storage facilities, and amenities;• upgrade and provide new sporting summer cycling, roller-skiing and laser biathlon target facilities to Jindabyne Sport and Recreation Centre;

- development of a bitumen pathway which will service biathlon and cross country roller-skiers, bike riders, roller-bladers across all levels and ages of the local cycling club, schools and the local community;
- an amenities and administration/storage space for Little Athletics, Cycling and Biathlon together with amenities; and
- lighting.

CONTENTS

DEFINITIONS.....	V
PART A ADMINISTRATIVE CONDITIONS	6
Determination of Future Applications	6
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent	6
Limits of Consent.....	7
Structural Adequacy.....	7
Operation of Plant and Equipment	7
Applicability of Guidelines.....	7
Monitoring and Environmental Audits.....	7
Incident Notification, Reporting and Response	8
Non-Compliance Notification	8
PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.....	9
Construction certificate	9
Car Parking, PUDO and Service Vehicle Layout	9
Waste Management Plans.....	9
External Walls and Cladding	9
Payment of levy fee.....	9
PART C PRIOR TO COMMENCEMENT OF WORKS	11
Notification of Commencement.....	11
Pre-Construction Dilapidation Report – Protection of Public Infrastructure	11
Temporary fencing.....	11
Compliances.....	11
Services.....	11
Structural Details	11
Construction Management Plan	11
Vegetation management	12
Outdoor Lighting.....	12
Geotechnical Engineering Report.....	12
Access To Information	12
Compliance	13
PART D DURING CONSTRUCTION.....	14
Approved Plans to be on-site	14
Site Notice.....	14
Construction Hours.....	14
IMPLEMENTATION OF MANAGEMENT PLAN	14
Construction Noise Management.....	14
Construction Dust management.....	15
Safe Work NSW Requirements	15
Hoarding Requirements	15
No Obstruction of Public Way	15
Imported Fill	15
Discovery of Aboriginal Heritage	15
Discovery of European Heritage.....	16
Unexpected Finds Protocol – Burials.....	16
Waste Storage and Processing	16

Outdoor Lighting.....	16
Excavation.....	16
Loading and unloading of construction vehicles	16
Asbestos.....	17
PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE.....	18
External Walls and Cladding	18
Post-Construction Dilapidation Report – Protection of Public Infrastructure.....	18
Utilities and Services	18
Protection of Public Infrastructure	18
Occupation certificate	18
Site Clean Up	18
Removal of site notice.....	18
Fire safety certificate.....	18
Rehabilitation.....	19
PART F – POST OCCUPATION	20
Operating Hours.....	20
Waste management	20
Annual fire safety statement	20
ADVISORY NOTES.....	21
Appeals.....	21
Responsibility for other consents / agreements	21
Other approvals and permits.....	21
Utility services.....	21
Dial before you dig	21
Disability Discrimination Act.....	21
APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS.....	22

DEFINITIONS

Applicant	NSW Biathlon Association, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition and removal of buildings or works, the carrying out of works for the purpose of development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Snowy Monaro Regional Council
Day time	All periods except morning and afternoon twilight and night time
Department	NSW Department of Planning and Environment
Development	The development described in the SEE including the works and activities comprising construction, operation and post commencement of use as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Evening	The period from 6pm to 10pm
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in this development consent.
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 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)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

DETERMINATION OF FUTURE APPLICATIONS

- A1. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future development application(s).
- A2. The determination of future development application(s) is to be generally consistent with the terms of Development Consent DA23/1635 as described in Schedule 1 and subject to the conditions in Part A, Schedule 2.

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A3. 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

- A4. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the approved plans in the table below:

Ref No.	Document	Title/Description	Author / Prepared by	Document Reference
1.	Report	Development Application - Statement of Environmental Effects	Vision Property development	Version 4 05/12/2023
2.	Plan	Site Plan	Vision Property Development	Job No. 132/22 Dwg No. A001 12/7/2023
3.	Plan	Floor Plan	Ausco Designer	DWG No. A-100 Issue No. A 10/11/2022
4.	Plan	Elevations	Ausco Designer	DWG No. A-200 Issue No. A 10/11/2022
5.	Plan	Typical track Cross Section	Vision Property Development	Job No. 132/22 Dwg No. A002 12/7/2023
6.	Plan	Survey	Jack Atkinson Surveying Pty Ltd	Job No. JAS601, 9/6/2023
7.	Plan	Car Park Detail Survey	Jack Atkinson Surveying Pty Ltd	Job No. JAS601, 9/6/2023
8.	Report	Bushfire Risk Assessment	Blackash Bushfire Consulting	Version 1.0 1/9/2023

- A5. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A6. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A7. This consent lapses five years after the date of consent unless work is physically commenced.
- A8. This development consent does not permit any alterations to the location of width / depth of the existing easement, which traverses the site

Prescribed conditions

- A9. All works shall comply with the prescribed conditions of development consent as set out in Part 4, Division 2 of the EP&A Regulation. In particular, your attention is drawn to:
- (a) section 69, Compliance with Building Code of Australia; and
 - (b) section 70, Erection of signs during building and demolition works.

STRUCTURAL ADEQUACY

- A10. All new buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A11. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A12. 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.
- A13. 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

- A14. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A15. The Department must be notified via the Major projects website 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.
- A16. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A17. The Department must be notified via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A18. 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.
- A19. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

END OF PART A

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

CONSTRUCTION CERTIFICATE

- B1. Building and demolition works must not commence until a relevant construction certificate has been issued. Prior to the issue of the construction certificate, the Principal Certifier must be satisfied that the documentation for the construction certificate demonstrates compliance with the conditions in Part B of this consent.

If the Department is not appointed as the Certifier, the Applicant must provide a copy of the construction certificate to the Department within 2 days of it being issued by the Certifier.

CAR PARKING, PUDO AND SERVICE VEHICLE LAYOUT

- B2. Prior to the issue of any relevant construction certificate for car parking, evidence must be submitted to and approval obtained from the Certifier demonstrating that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
 - (b) car parking spaces in accordance with the number specified on the approved plans are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6:

WASTE MANAGEMENT PLANS

- B3. Waste Management Plans that must be submitted with development applications are contained in Chapter A2 Development Application Requirements. In summary, the Waste Management Plan must identify:
- (a) Estimated volume of general waste, recyclables, garden waste and bulky waste likely to be generated by the development.
 - (b) Required type, size and number of bins and location and dimensions of areas for the storage of bins and bulky waste.
 - (c) Details of on-going management arrangements, including responsibility for cleaning, transfer of bins between storage facilities and collection points and maintenance of storage facilities.

EXTERNAL WALLS AND CLADDING

- B4. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B5. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B6. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

PAYMENT OF LEVY FEE

- B7. Payment of the prescribed Long Service Levy Fee is to be made to Council prior to the issue of a Construction Certificate.

BUSHFIRE MANAGEMENT

- B8. Fire hydrants is located near the amenity building for fire fighting purposes.
- B9. The amenities building is to be designed in accordance with BAL-29 of Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas (AS 3959-2018)

END OF PART B

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

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

PRE-CONSTRUCTION DILAPIDATION REPORT – PROTECTION OF PUBLIC INFRASTRUCTURE

- C3. Prior to the commencement of any construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non- residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

TEMPORARY FENCING

- C4. Prior to works commencing which are part of the Development, the construction works area must be fenced with temporary fencing. This fencing is to clearly delineate the construction area and shall keep the disturbance area to a minimum. This is to restrict access and also prevent unauthorised persons entering the work area.

COMPLIANCES

- C5. 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.

SERVICES

- C6. The Applicant shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the development. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Where areas are disturbed as a result of the provision of services to the development, these areas should be restored to the satisfaction of the asset owner.

STRUCTURAL DETAILS

- C7. Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the TfNSW engineers structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:
 - (a) any relevant clauses of the BCA;
 - (b) the development consent; and
 - (c) approved drawings and specifications
 - (d) approved drawings and specifications as part of the Crown Certification Process.

CONSTRUCTION MANAGEMENT PLAN

- C8. Prior to the commencement of works, a Construction Management Plan (CMP) shall be prepared in consultation with Council and submitted to the Planning Secretary for information. The CMP shall address, but not be limited to, the following matters where relevant:

- (a) environmental and safety risk assessment;
- (b) noise management in accordance with the Interim Construction Noise Guidelines (Department of Environment and Climate Change, 2009)
- (c) hours of work (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
- (d) contact details of site manager;
- (e) safety, including preparation of a safe work method statement;
- (f) traffic management, including details of the location of any site compound, haulage routes and parking for vehicles associated with the construction (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
- (g) waste management;
- (h) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting; and
- (i) flora and fauna management.

C9. The CMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CMP, the consent shall prevail.

VEGETATION MANAGEMENT

C10. Where existing vegetation is to be trimmed or removed in order to comply with this consent, discussions involving an onsite inspection are to occur between the Applicant and Council prior to vegetation works being carried out. Details demonstrating compliance with the above are to be provided to the Principal Certifier.

OUTDOOR LIGHTING

C11. Prior to the installation of outdoor lighting, evidence must be submitted to 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.

SEDIMENT AND EROSION

C12. Prior to commencement of work on the site for each stage of the development, erosion and sedimentation control measures are to be installed and operational.

GEOTECHNICAL ENGINEERING REPORT

C13. A Geotechnical Engineering Report being submitted to the Certifier for approval prior to works indicating the suitability of the land for the proposed development and detailing any special building practices required for construction of the proposed development. A copy of the approved Geotechnical Engineering Report is to be submitted to the Department

ACCESS TO INFORMATION

C14. 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

- C15. 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.

END OF PART C

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of consent and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority, Structural Engineer and contact details, including contact phone number.
- D3. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A 1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

CONSTRUCTION HOURS

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 7:00am to 1.00pm on Saturdays, with no work allowed on Sunday or gazetted public holidays in New South Wales, or as otherwise approved by the Secretary.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLAN

- D8. The Applicant must carry out the construction of the development in accordance with the approved CEMP.

CONSTRUCTION NOISE MANAGEMENT

- D9. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).
- D10. Any noise generated during the construction of the development must not be offensive noise within the meaning of *the Protection of the Environment Operations Act, 1997*.

CONSTRUCTION DUST MANAGEMENT

- D11. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (a) all materials shall be stored or stockpiled at the best locations.
 - (b) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs.
 - (c) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials.
 - (d) cleaning of footpaths and roadways shall be carried out regularly.
 - (e) rumble grids being installed at access points to the site.

SAFE WORK NSW REQUIREMENTS

- D12. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Safe Work NSW requirements.

HOARDING REQUIREMENTS

- D13. The following hoarding requirements shall be complied with:
- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
 - (b) the construction site manager shall 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

- D14. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

IMPORTED FILL

- D15. 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.

DISCOVERY OF ABORIGINAL HERITAGE

- D16. 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 may only recommence with the written approval of the Planning Secretary.

DISCOVERY OF EUROPEAN HERITAGE

D17. 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.

UNEXPECTED FINDS PROTOCOL – BURIALS

D18. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of Heritage NSW.

WASTE STORAGE AND PROCESSING

- D19. 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.
- D20. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D21. 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.
- D22. 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.
- D23. 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

- D24. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

EXCAVATION

- D25. Where excavation works are to take place on the site, control measures in accordance with the document Managing Urban Stormwater - Soils & Construction Volume 1 (2004) by Landcom are to be undertaken to prevent erosion of soil

LOADING AND UNLOADING OF CONSTRUCTION VEHICLES

- D26. All loading and unloading associated with demolition and construction work which is part of the Development must be restricted to those areas approved and these conditions.

BUSHFIRE MANAGEMENT

- D27. At the commencement of building works and in perpetuity, the area around the building is managed as an Asset Protection Zone. The APZ shall be established and maintained as an inner protection area as outlined within *Planning for Bushfire Protection 2019* and the NSW RFS document 'Standards for Asset Protection Zones'. The APZ is East 12m, South 11m, West 10m.

ASBESTOS

D28. The removal of any asbestos or other hazardous material found on the Subject site must be carried out in accordance with current SafeWork NSW guidelines and only by an appropriately qualified and licensed contractor.

Any asbestos or other hazardous materials must be disposed of at an authorised waste facility. Receipts must be provided to the Principal Certifier by the Applicant as evidence of appropriate disposal.

END OF PART D

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

EXTERNAL WALLS AND CLADDING

- E1. Prior to the issue of the occupation certificate, 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 (as relevant to this consent) comply with the requirements of the BCA.
- E2. 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 – PROTECTION OF PUBLIC INFRASTRUCTURE

- E3. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
 - (a) (ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

UTILITIES AND SERVICES

- E4. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

OCCUPATION CERTIFICATE

- E6. Prior to the occupation of the building or the commencement of use which are part of the Development, an occupation certificate must be obtained from the Principal Certifier. A copy of the occupation certificate must be furnished to the Secretary prior to the occupation of the relevant buildings or commencement of use which are part of the Development.

SITE CLEAN UP

- E7. Prior to commencement of use which are part of the Development, the Subject site must be cleaned and made good to the satisfaction of the Principal Certifier.

REMOVAL OF SITE NOTICE

- E8. Any site notices or other site information signs must be removed upon completion of the works which are part of the Development and prior to the commencement of use.

FIRE SAFETY CERTIFICATE

- E9. Prior to the issue of the relevant occupation certificate, a fire safety certificate conforming to the Regulations must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary or nominee with the copy of the occupation certificate.

REHABILITATION

- E10. If ground disturbance occurs, prior to the issue of any occupation certificate, any disturbed ground shall be rendered erosion resistant and rehabilitated with native grasses in disturbed areas.

END OF PART E

PART F – POST OCCUPATION

OPERATING HOURS

- F1. The operating hours of the premises are restricted to the existing approved hours of operation for the site or otherwise agreed to by the Planning Secretary.

WASTE MANAGEMENT

- F2. All waste generated by the development must be managed in accordance with the approved Waste Management Plan

ANNUAL FIRE SAFETY STATEMENT

- F3. An annual fire safety statement conforming to the Regulations must be provided to the Department and the NSW Fire Brigade every 12 months commencing within 12 months after the date on which the Department received the initial fire safety certificate for the Development.

END OF PART F

ADVISORY NOTES

APPEALS

The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

The Applicant is solely responsible for ensuring that all additional approvals, licenses, consents and agreements are obtained from other authorities, as relevant. No condition of this consent removes any obligation to obtain, renew or comply with such additional approvals, licenses, consents and agreements.

OTHER APPROVALS AND PERMITS

The Applicant must apply to the relevant authority for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

UTILITY SERVICES

- (a) The Applicant must liaise with the relevant utility authorities for electricity, gas (if relevant), water, sewage, telecommunications on the Subject site:
 - (i) to locate all service infrastructure on the Subject site; and
 - (ii) negotiate relocation and/or adjustment of any infrastructure related to these services that will be affected by the construction of the Development.
- (b) The Applicant is responsible for costs associated with relocating any services.

DIAL BEFORE YOU DIG

Underground assets may exist in the area that is the Subject site. In the interests of health and safety and in order to prevent damage to third party assets please contact the Dial Before You Dig service at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the Development upon contacting the Dial Before You Dig service, an amendment to this consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

DISABILITY DISCRIMINATION ACT

The Applicant has been assessed in accordance with the *Environmental Planning and Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. AS 1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* (Cth) currently available in Australia.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be notified to the Department via the Major Projects website 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 this consent or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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.

INCIDENT REPORT REQUIREMENTS

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.

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.