

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, 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



Keiran Thomas

Director

Regional Assessments

As delegate for the Minister for Planning and Public Spaces

Sydney

2 April 2024

SCHEDULE 1

Application Number:	DA 23/9236
Applicant:	Stimson Urban & Regional Planning obo Sydney Helicopters Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 2 in DP 1013504 100 Old Castlereagh Road, Castlereagh
Development:	The change of use of a dwelling for the purpose of a café and wine bar, involving the installation of a commercial kitchen.

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DEFINITIONS

Applicant	Stimson Urban & Regional Planning obo Sydney Helicopters Group Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation
Council	Penrith City Council
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the SEE and Response to Submissions.
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	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i> (NSW)
EP&A (DCFS) Regulation	<i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> (NSW) (as amended).
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
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
EHG	The Environment and Heritage Group within the Department of Planning and Environment (now the NSW Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science Group)
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
Principal Certifier	The principal certifier, and has the same meaning as in Part 6 of the EP&A Act.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
SEE	Statement of Environmental Effects prepared by Stimson Urban & Regional Planning dated June 2023.

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the Response to Submissions;
 - (d) in accordance with the approved plans in the table below;

Architectural Plans prepared by Alpha Catering Equipment			
Drawing number	Rev	Name of Plan	Date
100	1	Site Plan	7 August 2023
110	1	Café	7 August 2023
111	1	Café Elevations	7 August 2023
120	1	Kitchen	7 August 2023
121	1	Kitchen Elevations	7 August 2023
BCA Assessment prepared by Urban Approvals			
Drawing number	Rev	Name of Plan	Date
-	1	Use of Current Building Facilities for Proposed Use as a Restaurant	10 February 2024
Statement of Access Design Compliance prepared by Ergon Consulting			
Drawing number	Rev	Name of Plan	Date
-	1	Statement of Access Design Compliance	29 January 2024

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition 0(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 condition A2, 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, within the meaning of section 4.53 of the EP&A Act.

HOURS OF OPERATION

- A6. The café and wine bar shall operate from Mondays to Sundays, from 7 am to 10 pm only.

EVIDENCE OF CONSULTATION

- A7. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken, including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the unresolved matters.

STRUCTURAL ADEQUACY

- A8. All new buildings and structures, and any alterations or additions to existing buildings and structures, which are part of the development, must be constructed in accordance with the relevant requirements of the BCA, and with the requirements of Condition B1.

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.

APPLICABILITY OF GUIDELINES

- A9. 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.
- A10. 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 any of them.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A11. The Department must be notified in writing, to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development, if it has one), and set out the location and nature of the incident.
- A12. Subsequent notification must be given, and reports submitted, in accordance with the requirements set out in Appendix 1 of the consent.

NON-COMPLIANCE NOTIFICATION

- A13. The Department must be notified in writing, to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- A14. The notification required by Condition A13, must identify the development and its application number, set out the condition of consent with which the development is non-compliant, the way in which it does not comply, the reasons for the non-compliance (if known), and what actions have been, or will be, undertaken to address the non-compliance(s).
- A15. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance under Condition A13.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A16. Within three months of:

- (a) the submission of an incident report under Condition A11;
- (b) the approval of any modification of the condition(s) of this consent; or
- (c) the issue of a direction by the Planning Secretary under Condition A2 of the consent, which requires a review,

the strategies, plans and programs required under this consent, must be reviewed, and the Department must be notified in writing that a review is being carried out.

A17. If necessary to, either improve the environmental performance of the development, cater for a modification, or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where any such revisions are required, the revised document must be submitted to the Planning Secretary for approval, within six weeks of the applicant's 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.*

GAS INSTALLATION

A18. No gas installation and service works are permitted under this consent. The future use or provision of gas services on site must be undertaken with any necessary, separate approval and in accordance with the relevant provisions and Australian Standards.

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 relevant construction certificate, the Certifier must be satisfied that the documentation for the relevant construction certificate demonstrates compliance with this consent.

The Applicant must provide a copy of the construction certificate to the Department within two days of it being issued by the Certifier.

DOCUMENTATION FOR THE CONSTRUCTION CERTIFICATE

- B2. The relevant Construction Certificate must demonstrate that the proposed works comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity, for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
 - (b) formulating a performance solution which:
 - (i) complies with the performance requirements;
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (i) and (ii) above.

STRUCTURAL ADEQUACY

- B3. Prior to the issue of the relevant construction certificate, the Applicant must submit structural drawings and a design statement, prepared and signed by an appropriately qualified, practising structural engineer, to the Certifier, which includes the following items:
- (a) an appraisal of the building by an appropriately qualified, practising structural engineer, which verifies the structural adequacy of the existing structure for the intended, approved use. The appraisal must account for the age of the existing building on the site, and the existing condition of load bearing elements of the building and their state of repair. The appraisal must make reference to AS 1170.1 *Structural design actions - Part 1: Permanent, imposed and other actions* and AS 1170.2 *Structural design actions - Wind actions*.

AMENDED DRAWINGS

- B4. Prior to the issue of the relevant construction certificate, the Applicant must submit amended drawings which comply with the following requirements:
- (a) Identify an accessible car parking space on an amended site plan.
 - (b) Provide the requisite bicycle and motorcycle spaces on an amended site plan in accordance with the requirements provided in Section 4.9.2 of the *Penrith Lakes Development Control Plan*.

FIRE SAFETY MEASURES

- B5. Prior to the issue of the relevant construction certificate, the Applicant must provide to the Certifier a fire safety schedule outlining fire safety measures provided in relation to the land, or any existing building on the land.

Note: Section 14(3) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (NSW) provides that a certifier must not issue a construction certificate for alteration building work, unless, on completion of the building work, the fire protection and structural capacity of the building will not be reduced.

PUBLIC HEALTH

- B6. The design, construction, fit out and finishes of the commercial kitchen, must comply with the requirements of the *NSW Food Act 2003*, the *NSW Food Regulation 2015*, the Australia New Zealand Food Standards Code, and AS4674-2004 *Design, construction and fit-out of food premises*.

A copy of the written endorsement must be submitted to the Certifier prior to the issue of the relevant construction certificate.

- B7. The waste storage area must be constructed in accordance with the following requirements:
- (a) Smooth and impervious surfaces (walls and floors) must be provided.

- (b) Floor areas must be graded and drained to a floor waste gully connected to the sewer.
 - (c) Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer or any on-site sewer treatment system.
 - (d) Waste storage rooms must be adequately ventilated and proofed against pests.
 - (e) The area or room must be provided with water service hose connectors to enable easy cleaning.
- B8. Bins, hoppers, and other containers used for storing garbage or recyclable material, must be constructed in accordance with the following requirements:
- (a) constructed with impervious materials, such as metal or plastic.
 - (b) have tight fitting lids.
 - (c) bins that cannot be lifted for draining after cleaning, must have drainage bungs at the base.

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 of the development to be carried out in that stage.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction, until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved), publicly available on its website:
 - (i) the documents referred to in Condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) contact details to enquire about the development or to make a complaint;
 - (v) a complaints register;
 - (vi) any other matter required by the Planning Secretary; and
 - (b) keep all of the information up to date, to the satisfaction of the Planning Secretary.

COMPLIANCE

- C4. 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 which they carry out in respect of the development.

ENVIRONMENTAL PERFORMANCE

- C5. Prior to the commencement of works, details to address the following must be submitted to the satisfaction of the Principal Certifier for all new plumbing fixtures and fittings that are to be installed:
 - (a) Water Efficiency – All water associated fixtures, fittings and appliances installed in accordance with this consent, must have a minimum, three (3) star Water Efficiency Labelling and Standards (WELS) rating.
 - (b) Energy Efficiency – Energy efficiency must be maximised within the development, including, but not limited to, the following:
 - (i) energy efficient options for lighting installed in all cases, where possible;
 - (ii) all classes of appliances that are available with an energy label, or a Minimum Energy Performance Standard, to be installed within the premises must have an energy star rating of 4 stars or more (excluding gas water heaters, which are to have a rating of 5 stars or more).

PART D DURING CONSTRUCTION

CONSTRUCTION HOURS

- D1. Construction, including the delivery of materials to and from the site, may be carried out only between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays, inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
- D2. No work may be carried out on Sundays or public holidays.
- D3. Activities may be undertaken outside of the hours specified in Conditions D1 and D2, 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.
- D4. Notification of such activities specified in Condition D3, must be given to affected residents before undertaking the activities, or as soon as is practical afterwards.

WASTE

- D5. All waste must be contained in receptacles and covered daily, or removed from the site every day, so as not to escape by wind, water, or scavenging fauna. Those receptacles must only be located in previously disturbed areas, and not beneath the canopy, or over roots of any trees. The receptacles must be cleaned regularly.

SAFework NSW

- D6. The Applicant must ensure that all works which are part of the development are carried out in accordance with relevant current, SafeWork NSW guidelines.

SITE NOTICE

- D7. The Applicant must ensure that site notice(s) are prominently displayed at the boundaries of the site for the purposes of informing the public of the development. The notice(s) is/are to satisfy all, but not be limited to, the following requirements:
- (a) The notice must be durable and weatherproof and displayed throughout the construction phase of the development.
 - (b) The notice(s) must list the approved hours of work, the name of the principal contractor (if any) for the work, and include a 24 hour contact phone number for any inquiries, including construction and noise complaints.
 - (c) The notice(s) must be mounted at eye level on the perimeter hoardings/fencing, and state that unauthorised entry to the site is not permitted.
 - (d) The name, address and phone number of the Principal Certifier must be identified on the notice(s).

SAFETY DEMARCATION

- D8. During the construction phase of the development, the Applicant must ensure that the site is clearly identified and signed, to prevent access by unauthorised persons.

NOISE AND VIBRATION MANAGEMENT

- D9. Excavation and construction works must be managed in accordance with Australian Standard *AS 2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites*, and ensure that there is no adverse impact on any neighbouring/affected tourist accommodation buildings, during the construction phase of the development.

MAINTENANCE OF SERVICES

- D10. The Applicant must be responsible for costs associated with relocating any services on the site.

PLUMBING AND DRAINAGE WORKS

- D11. All plumbing and drainage work which are part of the development, must comply with the Plumbing Code of Australia, and Australian Standard AS/NZS 3500 *Plumbing and drainage*; and must be carried out by an appropriately licensed plumber.

STORAGE OF MATERIALS

- D12. During the construction phase of the development, the Applicant must ensure that no storage or disposal of materials takes place beneath the canopy of any trees, or on native heath vegetation.

ASBESTOS

- D13. The removal of any asbestos or other hazardous material found on the site, must be carried out in accordance with current, SafeWork NSW guidelines, by an appropriately qualified and licensed contractor.
- D14. 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.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. 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.

The Applicant must provide a copy of the occupation certificate to the Department, prior to the occupation of the relevant buildings or commencement of use, which are part of the development.

SITE CLEAN UP

- E2. Prior to commencement of use which are part of the development, the site must be cleaned and made good, to the satisfaction of the Principal Certifier.

REMOVAL OF SITE NOTICE

- E3. Any site notices, or other site information signs, must be removed upon completion of the development works and prior to the commencement of use.

ON-SITE SEWAGE MANAGEMENT SYSTEM

- E4. Prior to the issue of the relevant occupation certificate, an on-site sewage management system must be approved for the treatment of effluent. The sewage management system must be capable of servicing the demands of the development (including its associated patronage) and must be approved by Penrith City Council in accordance with section 68 of the *Local Government Act 1993* (NSW).

FIRE SAFETY CERTIFICATE

- E5. Prior to the issue of an occupation certificate, a fire safety certificate conforming to the EP&A (DCFS) Regulation must be submitted to the Principal Certifier. A copy of the fire safety certificate must be submitted to the Secretary, or nominee, with a copy of the occupation certificate.

WATER SUPPLY SERVICES

- E6. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the Principal Certifier that arrangements have been made for water supply to the development, and the Certifier must confirm that they are satisfied with the arrangements. A copy of such confirmation must be submitted to the Secretary, or nominee, with the occupation certificate documentation.

PUBLIC HEALTH

- E7. Prior to the issue of the occupation certificate, in relation to the food preparation and storage areas approved under this consent:
- (a) The Applicant must arrange for an inspection of the completed works by the Council's Health Officer.
 - (b) Following the inspection, the Applicant must obtain written confirmation that the works have been completed to the satisfaction of the Council's Health Officer.
 - (c) A copy of the written confirmation, as required by (b), must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate. A copy of the written confirmation must be submitted to the Department with the Occupation Certificate.
- E8. Prior to the issue of an occupation certificate and commencement of operation of the business, the exhaust system must be certified by an appropriately qualified person, to comply with the National Construction Code and *Australian Standard AS1668 Parts 1 & 2*. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department, if Council is not the Principal Certifying Authority.

PLAN OF MANAGEMENT

- E9. Prior to the issue of an occupation certificate and commencement of operation of the business, the draft Plan of Management must be finalised to include:
- (a) an outline of waste storage on site, including provisions for various waste streams;
 - (b) an overview of the arrangements for the waste collection service and the grease arrestor.

- E10. The Plan of Management must be finalised prior to the issue of an occupation certificate. A copy of the Plan of Management must be submitted to the Secretary, or nominee, with a copy of the occupation certificate.

EXTERNAL LIGHTING

- E11. Prior to the issue of an occupation certificate, general and security lighting must be provided for external areas on the site to improve the safety, security and amenity of the site. The external lighting design must comply with the following criteria:
- (a) AS4282 *Control of the obtrusive effects of outdoor lighting*; and
 - (b) Principles of 'Safer by Design – Crime Risk Assessment (NSW Police Force)', having regard to the operating hours.

STRUCTURAL CERTIFICATION

- E12. Following the completion of structural works, a structural engineer's certificate must be submitted to the Principal Certifier, prior to issue of the relevant occupation certificate. The certificate must verify that structural works, which are part of the development, have been completed in accordance with the approved plans and specifications, and comply with the provisions of the BCA and relevant standards. A copy of the certificate must be submitted to the Secretary, or nominee, with the occupation certificate documentation.

PART F POST OCCUPATION

F.1. Annual fire safety statement

An annual fire safety statement which conforms with the EP&A (DCFS) Regulation, must be provided to the Department and the NSW Fire Brigade. The first annual fire safety statement must be submitted within 12 months after the date on which the Department received the initial fire safety certificate for the development.

F.2. Garbage storage

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australia New Zealand Food Standards Code, and the *Protection of the Environment Operations Act 1997* (NSW), to prevent the harbourage of vermin and generation of odours.

F.3. Helipad Noise

Noise generated on the site from the helipad, or other uses, must not exceed the 85 dB(A) Laeq (8 hours) limit provided under the *Code of Practice – Managing noise and preventing hearing loss at work*, under the *Work Health and Safety Act 2011* (NSW).

F.4. Vibration

Any concerns about vibration must be addressed through a complaints management and response procedure as per the requirements of Appendix A1.

F.5. Flood Evacuation Management Plan

The approved Flood Evacuation Management Plan (FEMP), prepared by J Wyndham Prince, dated 8 September 2023, must be updated to:

- (a) take into consideration the recommendations, requirements and flood levels, of the endorsed updated *Hawkesbury-Nepean Regional Flood Study (NSW Reconstruction Authority)* when it is published; and
- (b) take into consideration of the requirements of the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 and supporting guidelines, including the Support for Emergency Management Planning.

Within six months of the *Hawkesbury-Nepean Regional Flood Study (NSW Reconstruction Authority)* being published, the updated FEMP must be submitted to the Secretary for approval.

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 requirement regardless of whether the Applicant fails to give the notification required under Condition A13, or, having given such notification, the Applicant 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 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 of the incident, addressing all of the 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.

ADVISORY NOTES

AN.1 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* (NSW), and the *Environmental Planning and Assessment Regulation 2021* (NSW) (as amended).

AN.2 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.

AN.3 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* (NSW), or section 138 of the *Roads Act 1993* (NSW).

AN.4 Utility services

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

AN.6 Disability Discrimination Act

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* (NSW). No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992* (Cth). The Applicant is responsible to ensure compliance with that, and other anti-discrimination legislation. The *Disability Discrimination Act 1992* (Cth) covers disabilities not catered for in the minimum standards 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.