

ATTACHMENT 1 – CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

A. GENERAL CONDITIONS

The terminology within these conditions should be interpreted as defined and/or implied in the IPG Badgerys Creek Master Plan (WSA_WP01) in particular to Comply Development Controls in the Appendix of the WSA_WP01- 18.1.11 Public Art.

Approved Plans/Documents

1. Development of this determination notice must be carried out in accordance with the following approved plans/reports marked as follows, except were modified by the undermentioned conditions.

Document Name	Dated	Reference	Prepared by
Public Art Concept Development Application – Statement of Environmental Effects			
IPG Bradfield Masterplan Public Art Concept DA	13 December 2024	A	Site Image Landscape Architects
IPG Bradfield Masterplan Public Art Strategy	11 February 2025	A	Site Image Landscape Architects
Western Sydney Aerotropolis Precinct Plan	11 July 2025	Version 4	Department of Planning, Housing and Infrastructure
IPG Badgerys Creek Master Plan (WSA_WP01)	9 th May 2025	Version 5	Urbis
Designing with Country Framework	March 2025		Yerrabingin

Environmental Planning and Assessment Act 1979

2. In accordance with section 4.22(4) of the EP&A Act all developments under the Concept Proposal must be subject of future Development Application(s) or Complying Development Certificate Application(s). This consent does not permit the carrying out of any work.

Planning



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3. No *use* is approved, expressed or implied for the site under this application.

Public Art

4. Public art is not to be incorporated into signage.
5. Public art needs to account for the safety of motorists, pedestrians, cyclists and other road users.
6. Public art is to be visible from identified locations for the lifespan of development.
7. Ingham Property Group will retain ownership of the artworks and maintain them in perpetuity.
8. Local First Nations artist/s engaged to design artwork for creek motif in paving within the Local Park in the Local Centre to reflect Water Country is to be reflected in accordance with the Designing with Country Framework under WSA_MP01.
9. The trigger for private lots to deliver Public Art, is when the commencement of the concept design stage occurs. Artworks are to be completed and installed prior to Occupation Certificate.
10. For artworks located in the Public Domain and in Riparian Corridors, the design and development of artworks will be triggered at the commencement of the concept design of any area that contains an artwork as identified within the Masterplan. Artworks are to be installed and completed prior to award of PC (Practical Completion) for that area of public domain or riparian corridor.
11. Public art installations must provide activation, visual amenity and soften the built form interface with the public domain subject to the artwork and intent under the IPG Bradfield Masterplan Public Art Strategy.
12. Celebrate Aboriginal culture and language through Public Art and Placemaking across the site, in accordance with the Designing with Country Framework under WSA_MP01.
13. In line with the Public Art Concept Development Application Statement of Environmental Effects local artists are to be engaged to collaborate with a suitable senior artist, who is endorsed by the public art panel, on locations B1, C1, C6 and D3 at a minimum.



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PART B - CONDITIONS TO BE SATISFIED PRIOR TO THE SUBMISSION OF COMPLYING DEVELOPMENT CERTIFICATE

Public Art

14. Prior to the submission of an application for the installation of or construction of public art, the proposal must address standards outlined within **Attachment 1** which is derived from the submitted and approved documentation identified within Condition 1 of this consent.

PART C - CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS or COMPLYING DEVELOPMENT APPLICATIONS

Public Art

15. Prior to the installation or finalisation of any application, a Statement of Consistency in line with the standards outlined within **Attachment 1**, is to be prepared by the Public Art Consultant engaged to design the public art submitted to Liverpool City Council Public Arts Officer and then endorsed by Public Art Panel.

Recognise Country

16. Any future application be it for a Development Application or Complying Development Certificate is required to respond and incorporate recommendations within the approved Designing with Country Report under WSA_MP01 Approval..
17. The application must provide a statement demonstrating how the Recognise Country requirements are being met in respect to identified design outcomes which translate into the public art design in the submission of either a Development Application or Complying Development Certificate.

D. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section



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8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- g) “DIAL BEFORE YOU DIG”

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 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 contact the Dial before You Dig service, an amendment to the development 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.

- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect



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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.



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Attachment A – Complying Development Standards

Complying Development Standards Table 1					
Stage	Location	Visible From	Audiences with Sightlines	Trigger commencement for of Public Art Design	Completed Prior To
1	B1	Badgerys Creek Road	• Motorists • Pedestrians • Cyclists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Riparian Corridor 1	• Pedestrians • Visitors		
		Road 2	• Pedestrians • Cyclists		
		Associated Pedestrian Path and Shared Path	• Pedestrians		
		Road 3	• Motorists		
		Associated Pedestrian Path	• Pedestrians		
		Super Lot 3 and 4	• Staff • Customers • Visitors		
		Natural Watercourse/Stream	• Pedestrians		
	B2	Eastern Ring Road	• Motorists • Pedestrian • Cyclists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to
		Associated	• Pedestrian		



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		Pedestrian and Cycle Paths	• Cyclists		Occupation Certificate (OC).
		Riparian Corridor 2	• Pedestrians • Visitors		
		Super Lot 3 and 7	• Staff • Customers • Visitors		
		Connection Under Road	• Pedestrian • Cyclists		
		Informal Path/maintenance access	• Pedestrians • Staff		
		Watercourse	• Pedestrians on approach		
2	C1	Road 2	• Motorists • Pedestrians • Cyclists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian Path and Shared Path	• Pedestrians		
		Road 3	• Motorists • Pedestrians • Cyclists		
		Associated Pedestrian Path	• Pedestrians		
		Riparian Corridor 1	• Pedestrians • Visitors		
		Active Transport Link	• Cyclists • Pedestrians		



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		Super Lot 4	• Staff • Customers • Visitors		
		Super Lot 5	• Staff • Customers • Visitors		
		Riparian Corridor 1 Park	• Pedestrians • Visitors		
		Riparian Corridor 1 Outdoor Amenities	• Visitors • Pedestrians		
		Public amenity node	• Staff • Visitors • Customers		
	C2	Road 2	• Motorists • Pedestrians • Cyclists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian Path and Shared Path	• Pedestrians		
		Riparian Corridor 2	• Pedestrians • Visitors		
		Active Transport Link	• Pedestrians • Cyclists		
		Super Lot 4	• Staff • Visitors • Customers		
		Super Lot 5	• Staff • Visitors • Customers		
		Approach to Natural	• Pedestrians		



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		watercourse/ stream			
		Pedestrian Paths	• Pedestrians		
		Informal Path/ maintenance access	• Pedestrians • Staff		
	C4	Road 2	• Motorists • Pedestrians • Cyclists	Concept design stage of public domain and riparian corridor area.	Award of PC (Practical Completion)
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		
		Road 3	• Motorists • Pedestrians • Cyclists		
		Associated Pedestrian Path	• Pedestrians		
		Road 4	• Motorists • Pedestrians • Cyclists		
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		
		Road 10	• Motorists • Pedestrians • Cyclists		
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		



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		Riparian Corridor 2	• Pedestrians • Visitors		
		Active Transport Link	• Pedestrians • Cyclists		
		Super Lot 3	• Staff • Visitors • Customers		
		Super Lot 4	• Staff • Visitors • Customers		
		Approach to Natural watercourse/ stream	• Pedestrians		
3	A1	Eastern Ring Road	• Motorists entering site • Pedestrian • Cyclists	Concept design stage of public domain and riparian corridor area.	Award of PC (Practical Completion)
		Eastern Ring Road Pedestrian & Cycle Path	• Pedestrians • Cyclists		
		Riparian Corridor 1	• Pedestrians • Visitors		
		Playground	• Park users		
		Super Lot 3	• Staff • Customers • Visitors		
	D1	Road 1	• Motorists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to
		Associated Pedestrian & Cycle	• Pedestrians • Cyclists		



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		Path			Occupation Certificate (OC).
		Road 5 Active Transport Link	• Pedestrians • Cyclists		
		Riparian Corridor 2 Active transport link	• Pedestrians • Cyclists		
		Park	• Pedestrians • Park users • Visitors		
		Public amenities	• Staff • Visitors • Customers		
		Super Lot 2	• Staff • Visitors • Customers		
4	C3	Road 2	• Motorists entering site • Pedestrian • Cyclists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		
		Road 4	• Motorists entering site • Pedestrian • Cyclists		
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		



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		Road 6	• Motorists entering site • Pedestrian • Cyclists		
		Associated Pedestrian Path	• Pedestrians • Cyclists		
		Riparian Corridor 2	• Pedestrians • Visitors		
		Active Transport Link	• Pedestrian • Cyclists		
		Super Lot 6	• Staff • Customers • Visitors		
		Super Lot 7	• Staff • Customers • Visitors		
		Super Lot 4	• Staff • Customers • Visitors		
		Approach to Natural watercourse/ stream	• Pedestrians		
	C5	Road 3	• Motorists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian Path	• Pedestrians		
		Road 4	• Motorists		
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		



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		Road 10	• Motorists		
		Associated Pedestrian Path and Shared Path	• Pedestrians • Cyclists		
		Active Transport Corridor	• Pedestrians • Cyclists		
		Public Amenity Node	• Staff • Visitors • Customers		
		Riparian Corridor 2	• Pedestrians • Visitors		
		Super Lot 6	• Staff • Customers • Visitors		
		Super Lot 7	• Staff • Customers • Visitors		
5	B3	Eastern Ring Road	• Motorists entering site	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian & Cycle Path	• Pedestrians • Cyclists		
		Road 6	• Motorists		
		Associated Pedestrian Path	• Pedestrians • Cyclists		
		Intersection of	• Motorists		



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6		Eastern Ring Road, Road 6 and Road 7	• Pedestrians • Cyclists		
		Super Lot 7 and 8	• Staff • Customers • Visitors		
	B4	Eastern Ring Road	• Motorists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian & Cycle Path and Pedestrian Path	• Pedestrians • Cyclists		
		Road 7	• Motorists		
		Associated Pedestrian Path	• Pedestrians • Cyclists		
		Intersection of Eastern Ring Road, Road 6 and Road 7	• Motorists • Pedestrians • Cyclists		
		Super Lot 7 and 8	• Staff • Customers • Visitors		
		Shared Path	• Pedestrians • Cyclists		
	C6	Road 7	• Motorists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Associated Pedestrian & Cycle Path and Pedestrian	• Pedestrians • Cyclists		



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		Path			
		Road 8	• Motorists		
		Associated Pedestrian & Cycle Path and Pedestrian Path	• Pedestrians • Cyclists		
		Active Transport Corridor	• Pedestrian • Cyclists		
		Riparian Corridor 3	• Pedestrian • Cyclists		
		Super Lot 9	• Staff • Customers • Visitors		
		Approach to Natural watercourse/ stream	• Pedestrians		
7	A2	Eastern Ring Road	• Motorists	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Eastern Ring Road Pedestrian & Cycle Path and Pedestrian Path	• Pedestrians • Cyclists		
		Bradfield Metro Link Road	• Metro users (North & South)		
		Associated Pedestrian & Cycle Path	• Pedestrians • Cyclists		



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		Intersection on Eastern Ring Road and Bradfield Metro Link	• Motorists • Metro users		
		Promenade Plaza	• Pedestrians		
		Open Lawn Area	• Users of lawn area • Pedestrians		
		Lot 24	• Staff • Customers • Visitors		
	D2	Promenade	• Pedestrians • Cyclists • Staff • Customers • Visitors	Concept design stage of private lot or public domain and riparian corridor area.	Dependent on final location of Public artwork, the public art must either be completed either at PC (Practical Completion) or prior to Occupation Certificate (OC).
		Road 1	• Motorists		
		Associated Pedestrian & Cycle Path	• Pedestrians • Cyclists		
		Road 5	• Motorists		
		Associated Pedestrian Path	• Pedestrians • Cyclists		
		Super Lot 11	• Staff • Customers • Visitors		
		Super Lot 12	• Staff • Customers		



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			• Visitors		
		Link to Riparian Corridor	• Pedestrians • Cyclists • Staff • Customers • Visitors		
		Feature water / Symbolic Elements	• Pedestrians • Staff • Customers • Visitors		
		Open Lawn Areas for Community Use	• Pedestrians • Staff • Customers • Visitors		
		Seating spaces for small gatherings	• Pedestrians • Staff • Customers • Visitors		
	D3	Park	• Park Users • Pedestrians • Visitors • Staff • Customers	Concept design stage of public domain and riparian corridor area.	Award of PC (Practical Completion)
		Road 5	• Motorists		
		Associated Pedestrian Path	• Pedestrians		
		Super Lot 11	• Staff • Customers • Visitors		
		Super Lot 12	• Staff		



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			• Customers • Visitors		
		Promenade	• Pedestrians • Cyclists • Staff • Customers • Visitors		
		Through Site Links	• Pedestrians • Cyclists • Staff • Customers • Visitors		
		Pedestrian Path	• Pedestrians • Cyclists • Staff • Customers • Visitors		
		Communal Picnic Area	• Pedestrians • Staff • Customers • Visitors		
		Nature Play Area	• Play area users • Pedestrians • Staff • Customers • Visitors		
		Passive Use Lawn Area	• Pedestrians • Staff • Customers • Visitors		



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		Community Gardens	• Pedestrians • Staff • Customers • Visitors		
		Water feature / Creek Motif	• Play area users • Pedestrians • Staff • Customers • Visitors		

Complying Development Standards Table 2

Stage	Location	Narrative	Site Specific	Local Artist Collaboration	Local Dharug Traditional Knowledge Holder Approval
1	B1	Convergence of 3 Clans	Y	Y	Y
	B2	Immersing in Nature	Y		
2	C1	Convergence of 3 Clans	Y	Y	Y
	C2	Immersing in Nature	Y		
	C4	Connecting Waterways	Y		
3	A1	Innovation and Creativity	Y		
	D1	Immersing in Nature	Y		
4	C3	Immersing in Nature	Y		
	C5	Connecting Waterways	Y		



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6	B3	Innovation and Creativity	Y		
	B4	Innovation and Creativity	Y		
	C6	Convergence of 3 Clans	Y	Y	Y
7	A2	Innovation and Creativity	Y		
	D2	Civic Pride / Evolution of Cultures and Landscape	Y		
	D3	Civic Pride / Evolution of Cultures and Landscape	Y	Y	



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