

# **ATTACHMENT 2 – CONDITIONS**

## **2 – 8 Lanceley Place and 14 Campbell Street, Artarmon**

**Note:** Additional conditions are also identified in the submission at Attachment 1 and are not included in this list.

### **Council proposed engineering conditions**

#### ***Prior to issue of the Construction Certificate***

##### **Stormwater to Street Drainage**

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Lanceley Place in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. The connection point to the Council system is to be the existing pit in the centre of Lanceley Place, immediately to the south of the intersection with Campbell Street.

##### **Detailed Stormwater Management Plan (SWMP)**

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS/NSZ3500.3 – *Plumbing and Drainage Code* and National Construction Code. The system shall include:

- An on-site stormwater detention system (OSD) with a minimum volume of 533m<sup>3</sup> and a peak discharge from the site during the 1%AEP storm event of 252L/s.
- Minimum invert level of OSD tank to be above the downstream 1%AEP water level (minimum RL 70.50m)
- An overflow from the OSD tank that discharges to ground, either through the side or top of the tank. Piped overflows or overflow to an overflow pit are not permitted.
- A minimum of 300mm of freeboard between the overflow from the tank and the adjacent internal floor level.
- A water quality improvement system for the site, which achieves the targets in Table 12 of Technical Standard 1.

##### **Design of Works in Public Road (Roads Act Approval)**

Prior to issue of any Construction Certificate, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- (a) Construction of a new vehicular crossing in Campbell Street in accordance with Council's specification and Standard Drawing SD105. The crossing is to have a separate entry and exit, with a separate layback for the entry and exit

and sufficient width between to provide a safe waiting space for pedestrians and cyclists on the shared path. The crossing widths are to comply with AS/NZS 2890.2 and be the minimum width to provide access for the design service vehicle. The crossing, including layback is to be located a minimum of 1m from any Council stormwater pit.

- (b) Reconstruction of existing kerb and gutter for the full frontage of the development site in Lanceley Plan in accordance with Council's specifications and Standard Drawing SD105.
- (c) Reconstruction of the footpath / shared path at redundant vehicular crossings, 2m each side of redundant vehicular crossings and 2m each side of new vehicular crossings. The reconstructed path is to in accordance with Council's specification with a maximum 2.5% crossfall towards the kerb. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the *Roads Act 1993* for any proposed works in the public road prior to the issue of any Construction Certificate.

(Reason: Ensure compliance)

### **Vehicle Access and Manoeuvring – Engineer's Certification**

Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That all driveway grades comply AS/NZS 2890.1 and AS 2890.2, with the grade measured along the inside curve.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (e) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities, including spaces for adaptable units, for compliance with Section 2.7 of AS 2890.6.
- (f) That the 4.5m headroom clearance required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.

- (g) Simultaneous manoeuvrability of a the largest vehicle using the site and a B99 passenger vehicle including clearance in accordance with AS/NZS 2890.1 and AS2890.2, is provided between the frontage road and the loading bay.  
(Reason: Ensure compliance)

### **Damage Deposit**

Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of **\$320,000** (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$320,000 + \$260 = \$320,260**

(Reason: Protection of public asset)

### ***Prior to issue of an Occupation Certificate***

#### **Inspection of Drainage Connection to Council's Drainage Line**

Prior to the issue of any Occupation Certificate, inspection of drainage connection works to the existing Council's pipeline/pit shall be carried out by Council's Engineer. Written confirmation shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifier. For the purpose of inspections carried out by Council Engineer, the corresponding fees set out in Council's current Fees and Charges Schedule are payable to Council.

(Reason: Ensure compliance)

#### **On-site Water Management System**

Prior to the issue of any Occupation Certificate, the stormwater runoff from the site shall be collected and disposed of to the Council system in Albert Avenue via an approved OSD system with a minimum volume of 533m<sup>3</sup> in accordance AS/NZS3500.3, Part I of the Willoughby DCP and Technical Standard 1. The construction of the stormwater drainage system of the proposed development shall be in accordance with the approved detailed stormwater drawings required under this development consent and Council's specification (AUS-SPEC).

(Reason: Prevent nuisance flooding)

#### **Sign for On-site Stormwater Detention System**

Prior to the issue of any Occupation Certificate pertaining to any works requiring an On-Site Detention System (OSD), an aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD tank or basin.

The wording for the plaque shall state *"This is the on-site stormwater detention system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*.

(Reason: Prevent unlawful alteration)

### **S88B/S88E(3) Instrument**

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built on-site stormwater detention (OSD) system and stormwater treatment system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the *Conveyancing Act 1919* for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the *Conveyancing Act 1919* using Form 13PC and 13RPA respectively. The size and relative location of the OSD system and stormwater treatment system, in relation to the building footprint and property boundary, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested. Council's costs, including legal fees associated with reviewing, approving and executing the Positive Covenant and Restriction of Use together with associated PEXA fees must be paid by the Applicant. The Applicant is responsible for any stamp duty payable in respect of the dealing.

Documentary evidence of registration of these instruments with the NSW Land Registry Services shall be submitted to the Certifier and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

### **Construction of Works in Road Reserve and Public Domain**

Prior to the issue of any Occupation Certificate, construct the following works:

- New kerb and gutter together with any necessary associated pavement restoration for the full frontage of the development site in Lanceley Plan and to replace any redundant vehicle crossings in Campbell Street.
- New footpath / shared path to replace redundant vehicle crossings and 2m each side of the new vehicular crossing.
- New vehicular crossing for the site.

The works are to be in accordance with Council's specification and the approved Public Domain Drawings.

(Reason: Public amenity)

### **Vehicle Access and Manoeuvring – Construction & Certification**

Prior to the issue of any Occupation Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the construction of vehicular access and manoeuvring for the development. This certification must be based on a site inspection of the constructed vehicle access, manoeuvring and vehicle accommodation areas, with dimensions and measurements as necessary, and must make specific reference to the following:

- (a) That the as-constructed carpark complies with the approved Construction Certificate plans.
- (b) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.

- (e) That the constructed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (g) That headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (h) That headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS/NZS 2890.6.
- (i) That the headroom clearance of 4.5m required in AS 2890.2 for the largest vehicle using the site has been provided for the loading area and the path to and from the loading area.
- (l) Simultaneous manoeuvrability of the largest vehicle using the site and a passenger vehicle including clearances in accordance with AS/NZS 2890.1 and AS 2890.2 is achieved.

(Reason: Ensure compliance)

### **Stormwater Maintenance Plan**

Prior to the issue of an Occupation Certificate, submit to the certifying authority approval a Maintenance Plan for the stormwater management system. The plan is to be in accordance with recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure operation of system complies)

### **Certification of Water Quality Improvement System**

Prior to the issue of an Occupation Certificate, a suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as built water quality improvement system is in accordance with the approved plans and complies with the requirements of Technical Standard 1.

(Reason: Legal requirement)

### **Replacement Trees**

Prior to the issue of an Occupation Certificate, replacement trees shall be provided at a rate of 3 trees for every tree removed.

(Reason: Protect environment)

## ***Ongoing conditions***

### **Stormwater Treatment System – Ongoing Maintenance**

The registered proprietor of the land shall take full responsibility for the ongoing maintenance of the Stormwater Treatment System constructed on the land. The maintenance of the system is to be undertaken in accordance with the recommendations of "Guidelines for the Maintenance of Stormwater Treatment Measures" published by Stormwater NSW or other relevant guidelines or publications.

(Reason: Ensure compliance)

**Appropriate conditions from SSD – 48478458 Development Consent approved 21 December 2023**

**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- 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, and any rehabilitation required under this consent.

**LIMITS OF CONSENT      Lapsing**

- This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies prior to that date.

**NOTIFICATION OF COMMENCEMENT**

- The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month prior to that date, or as otherwise agreed with the Planning Secretary:
  - (a) construction; and
  - (b) operation. A8. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one month prior to the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

**EVIDENCE OF CONSULTATION**

- 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 matters not resolved.

**UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE**

**General Requirements**

- Prior to the commencement of construction of the development, the Applicant must:
  - (a) consult with the relevant owner and provider of services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including substation sites, Ausgrid Depot, roads, gutters and footpaths). Necessary access arrangements and

- permissions must be obtained from Ausgrid to assist with obtaining entry to the substations and Depot when preparing the dilapidation report; and
- (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- 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;
    - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
    - (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

### **Sydney Water**

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

### **Fibre-Ready Facilities**

- Prior to the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
  - (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- Prior to the issue of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

### **DEMOLITION**

- All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).

### **STRUCTURAL ADEQUACY**

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

#### **Note:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

## **EXTERNAL WALLS AND CLADDING**

- Prior to the issue of:
  - (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,

the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.

- The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## **COMPLIANCE**

- 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.

## **CONTRIBUTIONS TO COUNCIL**

- Under Section 7.12 of the EP&A Act and in accordance with the Willoughby Local Infrastructure Contributions Policy and Plan 2019, the Applicant must pay of a levy of 1% of the proposed cost of carrying out the development to Council.

## **OPERATION OF PLANT AND EQUIPMENT**

- 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.

## **WORK AS EXECUTED PLANS**

- Prior to the issue of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **APPLICABILITY OF GUIDELINES**

- 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.
- 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.

## **ADVISORY NOTES**

- All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

## **PART B      SPECIFIC ENVIRONMENTAL CONDITIONS TRAFFIC AND ACCESS**

### **Construction Traffic Management Plan**

- Prior to the commencement of construction of the development, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
    - (a) be prepared by a suitably qualified and experienced person(s);
    - (b) be prepared in consultation with Council and Ausgrid;
    - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
    - (d) include details of:
      - (i) heavy vehicle routes, access and parking arrangements;
      - (ii) strategies that would be implemented to minimise the number of construction workers who will drive to the site;
      - (iii) and potential overflow construction worker parking area(s) to be utilised;
    - (e) include a Driver Code of Conduct to:
      - (i) minimise the impacts of earthworks and construction on the local and regional road network;
      - (ii) minimise conflicts with other road users;
      - (iii) minimise road traffic noise; and
      - (iv) ensure truck drivers use specified routes;
    - (f) include a program to monitor the effectiveness of these measures; and
    - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
  - The Applicant must:
    - (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
    - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.
- Roadworks and Access

- Prior to the commencement of operation, the Applicant must complete the Lanceley Place and Campbell Street civil works, including access driveways, to the satisfaction of Council. The works are to:
  - (a) be in accordance with the development plans at Appendix 1; and
  - (b) demonstrate the proposed accesses to the development are designed to accommodate the turning path of a 20 m Articulated Vehicle.
- The Applicant must obtain approval from Council for Lanceley Place and Campbell Street civil works under section 138 of the Roads Act 1993.

### **Parking**

- The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- Five (5) % of parking spaces are to be provided with electric vehicle charging facilities.

### **Operational Traffic Management Plan**

- Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) include a Green Travel Plan detailing measures to promote public transport usage and describing pedestrian and bicycle linkages and end of trip facilities available on-site.
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency;
  - (d) detail heavy vehicle routes, access, and parking arrangements; and
  - (e) include an Operational Driver Code of Conduct to:
    - (i) minimise the impacts on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) inform truck drivers of the site access arrangements and use of specified haul routes;
    - (v) include a program to monitor the effectiveness of these measures.
- The Applicant must:
  - (a) not commence operation until the OTMP is approved by the Planning Secretary; and
  - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of operation.

## **Operating Conditions**

- The Applicant must ensure:
  - (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 Parking facilities Off-street car parking (Standards Australia, 2004), AS 2890.2:2018 Parking facilities Offstreet Commercial Vehicle Facilities (Standards Australia, 2018) and AS 2890.6.2009 Parking facilities Off-street parking for people with disabilities (Standards Australia, 2009)
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on-site;
  - (g) all on-site turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## **SOILS, WATER QUALITY AND HYDROLOGY**

### **Imported Soil**

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

### **Erosion and Sediment Control**

- Prior to the commencement of any construction or other surface disturbance for the development, the Applicant must install suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP.
- The Applicant must maintain the erosion and sediment control measures installed on-site for the duration of construction of the development.

### **Groundwater**

- The development must carry out the construction of the basement in accordance with the recommendations in the Groundwater Assessment Report. This includes, but is not limited to implementing basement inspections and monitoring of groundwater inflows and water levels during the construction phase of the development.

### **Discharge Limits**

- The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

### **Stormwater Management System**

- Prior to the commencement of construction of the development, the Applicant must finalise the detailed design of the stormwater management system for the development. The system must:
  - (a) be designed by a suitably qualified and experienced person(s);
  - (b) be designed in consultation with Council;
  - (c) be generally in accordance with the conceptual design in the EIS and RTS;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2019) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.
- Prior to the commencement of operation, the Applicant must install the stormwater management system in accordance with the finalised detailed design and ensure the system is operational.
- The Applicant must maintain the stormwater management system installed on the site for the duration of the development.

## **AIR QUALITY**

### **Dust Minimisation**

- The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- During construction of the development, the Applicant must ensure that:
  - (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Air Quality Discharges**

- The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2022.

### **Odour Management**

- The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

## **NOISE**

### **Hours of Work**

- The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

*Table 1 Hours of Work*

| Activity     | Day             | Time         |
|--------------|-----------------|--------------|
| Construction | Monday – Friday | 7 am to 6 pm |
|              | Saturday        | 8 am to 1 pm |
| Operation    | Monday – Sunday | 24 hours     |

- Works outside of the hours identified may be undertaken in the following circumstances:
  - (a) works that are inaudible at the nearest sensitive receivers;
  - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

### **Construction Noise Limits**

- The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Construction Noise and Vibration Management Plan.

### **Construction Noise and Vibration Management Plan**

- The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP and must:
  - (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) be prepared in consultation with Ausgrid and other surrounding affected owners;
  - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);
  - (d) incorporate the mitigation measures listed within the Appendix D of the Noise Impact Assessment by SLR dated 17 August 2023
  - (e) describe the measures to be implemented to manage high noise generating works, in close proximity to sensitive receivers;

- (f) include strategies developed in consultation with adjacent properties in order to meet the vibration limits such as any alternative construction methods with lower source vibration levels and respite periods;
  - (g) include strategies for managing high noise generating works, such as during vegetation clearing, demolition, earthworks, excavation of hard rock and piling that have been developed in consultation with the properties identified in the Noise Impact Assessment as having exceedances during construction, including the childcare centres and surrounding commercial receivers;
  - (h) describe the consultation undertaken with directly adjoining sites and nearby properties;
  - (i) describe the community consultation undertaken
  - (j) include a complaints management system that would be implemented for the duration of the development; and
  - (k) include a Vibration Monitoring system to be installed during demolition, excavation and construction works.
- The Applicant must:
    - (a) not commence construction of any relevant stage of the development until the Construction Noise and Vibration Management Plan is approved by the Planning Secretary; and
    - (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

### Operational Noise Limits

- The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2 Noise Limits (dB(A))**

| Location                         | Day<br>L <sub>Aeq</sub> (15 minute) (dB(A)) |                   |
|----------------------------------|---|-------------------|
|                                  | South <sup>a</sup>                          | East <sup>a</sup> |
| Surrounding commercial premises  | East <sup>a</sup>                           | 62                |
|                                  | West <sup>a</sup>                           | 63                |
| Childcare in commercial premises |   | 55                |
|                                  |   | 50                |

**a. Properties to the east, south and west of the site**

- Note Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

### Operational Noise Verification Report

- Within three months of the completion of commencement of operation of the development, the Applicant must prepare and submit a noise verification report for the development. The noise verification report must:

- (a) be prepared to the satisfaction of the Planning Secretary;
- (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);
  - (iii) the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017);
- (c) include:
  - (i) an analysis of compliance with noise limits;
  - (ii) an outline of management actions to be taken to address any exceedances of the limits specified; and
  - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## **VIBRATION**

### **Vibration Criteria**

- Vibration caused by construction at any residence or structure outside the site must be limited to:
  - (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).
- The limits apply unless otherwise outlined in the development's Construction Noise and Vibration Management Plan.

### **Dilapidation Reports**

- The Applicant must offer and prepare (if the offer is accepted) a pre-dilapidation and post-dilapidation survey at the adjacent properties:
  - (a) prior to the commencement of construction; and
  - (b) within one month of the conclusion of construction, or as otherwise agreed with the Planning Secretary.

The surveys must be submitted to the Planning Secretary and the relevant property owners prior to construction works commencing on the site.

- Should the survey identify any damage, the Applicant must discuss the repairs to be undertaken with the relevant property owners, and repair or pay the full costs

associated with repairing any part of the building that is determined to be damaged by the carrying out construction works associated with the development.

## **SHORING**

- The Applicant must, at its own expense:
  - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

## **ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

- If any item or object of Aboriginal heritage significance is identified on site:
  - (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
  - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
  - (c) Heritage NSW must be contacted immediately.
- Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.

## **NON-ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

- If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:
  - (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately;
  - (b) Heritage NSW must be contacted immediately; and
  - (c) the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.
- Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.

## **HAZARDS AND RISK**

### **Requirements**

- The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
  - (a) the requirements of all relevant Australian Standards; and



- (b) for liquids, the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual'.
- In the event of an inconsistency between the requirements of conditions, the most stringent requirement must prevail to the extent of the inconsistency.

### **Dangerous Goods**

- The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.

### **Emergency Services Information Package**

- From the commencement of construction and for the life of the development, an Emergency Services Information Package, developed in accordance with the FRNSW Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans, must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

## **WASTE MANAGEMENT**

### **Construction and Demolition Waste Management**

- Prior to the commencement of construction of the development, the Applicant must prepare a Construction and Demolition Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP in accordance with condition C2 and must:
  - (a) detail the quantities of each waste type generated during demolition and construction and the proposed reuse, recycling and disposal locations; and
  - (b) be implemented for the duration of construction works.
- The Applicant must:
  - (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Planning Secretary.
  - (b) implement the most recent version of the Construction and Demolition Waste Management Plan approved by the Planning Secretary.

### **Waste Storage and Processing**

- Waste 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.
- The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

## **Pests, Vermin and Priority Weed Management**

- The Applicant must:
  - (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
  - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, priority weed has the same definition of the term in the Biosecurity Act 2015.

## **CONTAMINATION**

### **Unexpected Finds**

- Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

### **Asbestos**

- The Applicant must ensure that any asbestos encountered during the remediation and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
  - (a) Work Health and Safety Regulation 2017;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace December 2022;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos December 2022; and
  - (d) Protection of the Environment Operations (Waste) Regulation 2014.

## **VISUAL AMENITY**

### **Landscaping**

- Prior to the commencement of operation of the development, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:
  - (a) any planting must use a mix of local provenance species (trees, shrubs and groundcovers) from the relevant native vegetation community (or communities) that once occurred in the locality;
  - (b) tree planting must use advanced and established trees with a minimum plant container pot size of 100 litres or greater for species which are commercially

available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pregrown from provenance seed;

- (c) demonstrate sufficient space is provided around trees to allow growth to maturity;
- (d) describe the monitoring and maintenance measures to manage landscaping works
- (e) The Landscape Plan must be prepared and implemented by an appropriately qualified bush regenerator and include details on:
  - (i) the proposed plant species from the native vegetation community (or communities) that once occurred in this locality including BGHF
  - (ii) seed collection - identify the location of all native seed sources
  - (iii) the type, species, size at maturity, pot size, quantity, and location of trees
  - (iv) the species, quantity and location of trees, shrubs and groundcover plantings
  - (v) the area/space required to allow the planted trees to grow to maturity
  - (vi) plant maintenance regime. The planted vegetation must be regularly maintained and
  - (vii) watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.
- The Applicant must:
  - (a) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by this consent for the life of the development.

### **Lighting**

- The Applicant must ensure the lighting associated with the development:
  - (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2019); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage and Fencing**

- All signage and fencing must be erected in accordance with the development plans included in the EIS.

Note: This condition does not apply to temporary construction and safety related signage and fencing.

## **PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

## **ENVIRONMENTAL MANAGEMENT**

### **Management Plan Requirements**

- Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
  - (a) a condition compliance table;
  - (b) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (h) a protocol for periodic review of the plan.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development and to the satisfaction of the Planning Secretary.
- As part of the CEMP required under this consent, the Applicant must include the following:
  - (a) Construction Traffic Management Plan;
  - (b) Erosion and Sediment Control Plan;

- (c) Construction Noise and Vibration Management Plan;
- (d) Construction and Demolition Waste Management Plan; and
- (e) Community Consultation and Complaints Handling.
- The Applicant must:
  - (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

### **OPERATIONAL COMPLAINTS HANDLING PROTOCOL**

- Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:
  - (a) detail how complaints would be received by the Applicant;
  - (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
  - (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
  - (d) be submitted to the Planning Secretary upon request.

Note: Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.

- The Applicant must:
  - (a) not commence operation until the OCHP is submitted to the Planning Secretary; and
  - (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of the development.

### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

- Within three months of:
  - (a) the submission of an incident report;
  - (b) the approval of any modification of the conditions of this consent; or
  - (c) the issue of a direction of the Planning Secretary which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.
- 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 revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review, or such other timing as agreed by the Planning Secretary.

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.

## **REPORTING AND AUDITING**

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

- The Planning Secretary must be notified in writing 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. Subsequent notification requirements must be given, and reports submitted in accordance with this consent.

### **Non-Compliance Notification**

- The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- A non-compliance 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.
- A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.

### **Monitoring and Environmental Audits**

- 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, compliance reporting and independent auditing.

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

## **ACCESS TO INFORMATION**

- At least 48 hours prior to commencement of construction of the development and for the life of the development (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 this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent with the exception of any hazard and risk related studies;
  - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - (v) a summary of the current stage and progress of the development;
  - (vi) contact details to enquire about the development or to make a complaint;
  - (vii) a complaints register, updated quarterly;
  - (viii) any other matter required by the Planning Secretary; and (
- b) keep such information up to date, to the satisfaction of the Planning Secretary.