

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces 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

Amy Watson
A/Director
State Significant Acceleration

Sydney

11 December 2023

SCHEDULE 1

Application Number:	SSD-45024776
Applicant:	Principal Healthcare Finance Pty Limited
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot C DP 403467e, Lot D DP 403467, Lot 2 DP 518877, Lot 2 DP 16063, Lot 3 DP 16063, 59-67 Karne Street North, Narwee
Development:	A residential care facility comprising: • site preparation works including demolition, remediation, excavation and tree removal • construction of a residential care facility comprising of ○ 163169 beds within a single building over three storeys; ○ Communal facilities including kitchens, dining rooms, lounge rooms and activity rooms on each level; ○ 2728 spaces of basement car parking and one, at grade, ambulance bay; ○ the ancillary use of a café and salon; • landscaping works, inground building services works and utility works, and ancillary and associated works.

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-45024776-Mod-2	18 December 2024	Team Leader	Internal reconfigurations to provide six additional aged care beds and one additional car space, architectural facade changes, redesign of the porte cochere, reconfiguration of external landscaped and communal areas.
SSD-45024776-Mod-3	19 May 2026	Team Leader	Update of Condition B4 to enable a Site Audit Report and Site Audit Statement to be prepared prior to issue of an occupation certificate, rather than prior to commencement of construction.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Principal Healthcare Finance Pty Limited (Opal), the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	City of Canterbury-Bankstown Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	The Environmental Impact Statement titled Environmental Impact Statement Narwee Parklands Care Community, prepared by Ethos Urban, dated 23 January 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
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>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

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Management and mitigation measures	The management and mitigation measures set out in Attachment 3 of the EIS.
Material harm	Is harm that: - involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
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.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act.
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land identified in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SSD	State Significant Development
TfNSW	Transport for NSW
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
Year	A period of 12 consecutive months

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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 must only be carried out:

- in compliance with the conditions of this consent;
- in accordance with all written directions of the Planning Secretary;
- in accordance with the EIS, RtS and any RRFI;
- in accordance with the management and mitigation measures;
- in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural drawings prepared by Group GSA			
Drawing Number	Rev	Name of Plan	Date
DA1100	C D	SITE PLAN	29/06/2023 09/08/2024
DA1200	B	DEMOLITION PLAN	29/06/2023
DA2000	E F	BASEMENT PLAN	29/06/2023 09/08/2024
DA2001	F G	GROUND FLOOR PLAN	18/08/2023 09/08/2024
DA2002	G H	LEVEL 1 PLAN	30/10/2023 09/08/2024
DA2003	G H	LEVEL 2 PLAN	30/10/2023 09/08/2024
DA2004	G H	ROOF PLAN	30/10/2023 09/08/2024
DA3000	E F	ELEVATION	30/10/2023 09/08/2024
DA3001	G D	ELEVATION	29/06/2023 09/08/2024
DA3002	A	EXTERNAL FINISHES BOARD	29/06/2023
DA3010	B C	FENCE ELEVATIONS	30/10/2023 09/08/2024
DA3100	E F	SECTIONS	18/08/2023 09/08/2024
DA3101	E F	SECTIONS	18/08/2023 09/08/2024
DA3102	B F	SECTIONS 01	18/08/2023 09/08/2024
DA3103	B C	SECTIONS 02	18/08/2023 09/08/2024
DA3104	B C	SECTIONS 03	18/08/2023 09/08/2024
DA3105	B C	SECTIONS 04	18/08/2023 09/08/2024
DA3106	G D	DETAIL SECTIONS 01	30/10/2023 09/08/2024
DA3107	A B	DETAIL SECTIONS 02	29/06/2023 09/08/2024

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DA3108	A B	DETAIL SECTIONS 03	29/06/2023 09/08/2024
DA3109	A B	DETAIL SECTIONS 04	29/06/2023 09/08/2024
DA3110	B C	DETAIL SECTIONS 05	29/06/2023 09/08/2024
DA3111	A C	DETAIL SECTIONS 06	29/06/2023 09/08/2024
DA3112	A B	DETAIL SECTIONS 07	29/06/2023 09/08/2024
DA4101	E F	GFA CALCULATIONS	30/10/2023 09/08/2024
DA4102	B C	COMPLIANCE DIAGRAM	29/06/2023 09/08/2024
DA4103	D E	DEEP SOIL DIAGRAM	18/08/2023 09/08/2024
DA4104	G D	LANDSCAPE DIAGRAM	29/06/2023 09/08/2024
DA4105	D E	COMMUNAL OPEN SPACE DIAGRAM	30/10/2023 09/08/2024
DA4106	B C	SITE SETBACK	29/06/2023 09/08/2024
Landscape Plans prepared by Taylor Brammer Landscape Architects			
DA200	D F	LANDSCAPE MASTERPLAN	25/08/2023 14/10/2024
DA201	D F	ENTRY/ TOWN CENTRE	25/08/2023 14/10/2024
DA202	D F	TURPENTINE FOREST - MCN COURTYARD	25/08/2023 14/10/2024
DA203	G E	IRONBARK RE-ENABLEMENT/ WELLNESS COURTYARD	25/08/2023 14/10/2024
DA204	D E	FERN CARPET - COMMUNITY COURTYARD	25/08/2023 30/08/2024
DA205	G D	EXISTING TREE RENTENTION AND REMOVAL PLAN	25/08/2023 30/08/2024
DA301	G E	SECTIONS - NORTH BOUNDARY	25/08/2023 14/10/2024
DA302	B C	SECTIONS -EASTERN BOUNDARY	25/08/2023 30/08/2024
DA303	G D	SECTIONS - SOUTH WESTERN BOUNDARY	25/08/2023 30/08/2024
DA304	B C	SECTIONS - WESTERN BOUNDARY	25/08/2023 30/08/2024
DA305	B	SECTIONS – FOR COORDINATION	06/07/2023
DA400	D F	PLANTING PLAN	25/08/2023 14/10/2024
DA401	B	DETAILS	06/07/2023
DA402	A	DETAILS	06/07/2023
DA500	C	CANOPY COERAGE DIAGRAM	14/10/2024
Architectural drawings prepared by Group GSA			
Drawing Number	Rev	Name of Plan	Date

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DA1100	C	SITE PLAN	29/06/2023
DA1200	B	DEMOLITION PLAN	29/06/2023
DA2000	E	BASEMENT PLAN	29/06/2023
DA2001	F	GROUND FLOOR PLAN	18/08/2023
DA2002	G	LEVEL 1 PLAN	30/10/2023
DA2003	G	LEVEL 2 PLAN	30/10/2023
DA2004	G	ROOF PLAN	30/10/2023
DA3000	E	ELEVATION	30/10/2023
DA3001	C	ELEVATION	29/06/2023
DA3002	A	EXTERNAL FINISHES BOARD	29/06/2023
DA3010	B	FENCE ELEVATIONS	30/10/2023
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DA3104	B	SECTIONS 03	18/08/2023
DA3105	B	SECTIONS 04	18/08/2023
DA3106	C	DETAIL SECTIONS 01	30/10/2023
DA3107	A	DETAIL SECTIONS 02	29/06/2023
DA3108	A	DETAIL SECTIONS 03	29/06/2023
DA3109	A	DETAIL SECTIONS 04	29/06/2023
DA3110	B	DETAIL SECTIONS 05	29/06/2023
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DA4103	D	DEEP SOIL DIAGRAM	18/08/2023
DA4104	C	LANDSCAPE DIAGRAM	29/06/2023
DA4105	D	COMMUNAL OPEN SPACE DIAGRAM	30/10/2023
DA4106	B	SITE SETBACK	29/06/2023

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Landscape Plans prepared by Taylor Brammer Landscape Architects			
DA200	D	LANDSCAPE MASTERPLAN	25/08/2023
DA201	D	ENTRY/ TOWN CENTRE	25/08/2023
DA202	D	TURPENTINE FOREST - MCN COURTYARD	25/08/2023
DA203	C	IRONBARK RE-ENABLEMENT/ WELLNESS COURTYARD	25/08/2023
DA204	D	FERN CARPET - COMMUNITY COURTYARD	25/08/2023
DA205	C	EXISTING TREE RETENTION AND REMOVAL PLAN	25/08/2023
DA301	C	SECTIONS - NORTH BOUNDARY	25/08/2023
DA302	B	SECTIONS -EASTERN BOUNDARY	25/08/2023
DA303	C	SECTIONS - SOUTH WESTERN BOUNDARY	25/08/2023
DA304	B	SECTIONS - WESTERN BOUNDARY	25/08/2023
DA305	B	SECTIONS – FOR COORDINATION	06/07/2023
DA400	D	PLANTING PLAN	25/08/2023
DA401	B	DETAILS	06/07/2023
DA402	A	DETAILS	06/07/2023

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

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- (a) the fit out and operation (including hours of operation) of the café; and
 - (b) the installation of signage.
- Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

PRESCRIBED CONDITIONS

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

- A8. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

- A10. 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 information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A11. 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 NCC.

Notes:

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

OPERATION OF PLANT AND EQUIPMENT

- A12. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A13. 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.
- A14. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

- A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

COMPLIANCE

- A16. 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.

NON-COMPLIANCE NOTIFICATION

- A17. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A18. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A19. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A20. 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.

A21. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A22. Within three months of:

- (a) the submission of a compliance report under this consent;
- (b) the submission of an incident report under this consent;
- (c) the submission of an Independent Audit under this consent;
- (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
- (e) the issue of a direction of the Planning Secretary under this 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.

A23. 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.

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.*

INDEPENDENT ENVIRONMENTAL AUDIT

A24. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

A25. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A26. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

A27. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under this consent;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

A28. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.

A29. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

PART B REMEDIATION

REMEDIAL ACTION PLAN

- B1. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

UNEXPECTED FINDS PROTOCOL

- B2. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

SITE AUDITOR

- B3. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- B4. Upon completion of the remediation works and prior to the **issue of an Occupation Certificate**, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- B5. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

PART C PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

DESIGN AMENDMENTS

- C1. Prior to the issue of the first Construction Certificate, the Applicant is to undertake root mapping of the trees described in Table C1 and confirm that they would be retained to the satisfaction of the Certifier.

TABLE C1 – Trees to be retained	
Tree No.	Species Name
Tree 1	Spotted gum (<i>Corymbia aculate</i>)
Tree 2	Spotted gum (<i>Corymbia aculate</i>)
Tree 3	Spotted gum (<i>Corymbia aculate</i>)

The root mapping is to assess the cumulative encroachment into the tree protection zones and inform the location and design of stormwater services, bulk earthworks and the substation. The trees are not authorised for removal.

- C2. Where impacts to the trees described in Table C1 require the redesign or relocation of stormwater services, earthworks or the substation, revised plans must be submitted to and approved by the Planning Secretary prior to issue of the first Construction Certificate.

MATERIALS AND FINISHES

- C3. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

MAXIMUM BUILDING HEIGHT

- C4. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 36.00 AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

GROSS FLOOR AREA CERTIFICATION

- C5. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 7077.74m².

LONG SERVICE LEVY

- C6. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy.

NOTE: For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

DEVELOPER CONTRIBUTIONS

- C7. The development proposal triggers the requirement for Section 7.12 Contributions in accordance with Section 7.12 and Section 7.13 of the Environmental Planning and Assessment Act 1979. Prior to the issue of a Construction Certificate, Section 7.12 development contributions must be paid to Canterbury Bankstown Council.

NOTE: Please contact Council on (02) 9707 9000 or council@cbc.city.nsw.gov.au following receipt of the development consent to obtain the invoice. Please note the invoice has a payment term of 10 days and development contributions paid are non-refundable in accordance with the Canterbury Bankstown Infrastructure Contributions Plan 2022.

STRUCTURAL DETAILS

- C8. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

EXTERNAL WALLS AND CLADDING

- C9. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- C10. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier 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 NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- C11. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC and in accordance with applicable Australian Standards for Design and Access Mobility, and taking into consideration the Disability Discrimination Act. Dwelling entries must comply with clauses 4.3.1 and 4.3.2 of AS4299-1995 for Adaptable Housing.

MECHANICAL VENTILATION

- C12. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- C13. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

- C14. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

SITE STABILITY AND CONSTRUCTION WORK

- C15. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
 - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work
 - (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

RETAINING WALLS

- C16. Prior to the issue of the first Construction Certificate for above ground works the Applicant must provide the Certifier with certification from a qualified structural engineer that the retaining wall at the northern boundary of the site can withstand the hydraulic forces of flood water, debris and buoyancy up to and including the probable maximum flood (PMF) in accordance with the Flood Assessment prepared by TTW (NSW) Pty Ltd dated 3 July 2023.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- C17. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Ethos Urban dated, 23 January 2023.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- C18. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the ESD Report, prepared by JHA, dated 28 November 2022.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- C19. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:
- (a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)
 - (b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available
 - (c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.
 - (d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

MECHANICAL PLANT NOISE MITIGATION

- C20. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- C21. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Impact Assessment, prepared by PWNA, dated 22 November 2022 and the Acoustic Memorandum prepared by PWNA, dated 5 July 2023.

SYDNEY WATER ASSETS

- C22. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html>

CAR PARKING

- C23. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority; and
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.

BICYCLE PARKING AND FACILITIES

- C24. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

- (a) a minimum of 5 on-site bicycle parking spaces
- (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
- (c) the provision of end-of-trip facilities for staff.

LANDSCAPING

- C25. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Landscape Plan. The plan must be generally consistent with the Landscape Plans prepared by TaylorBrammer dated 25 August 2023 and include:
- (a) details of tree planting, including pot sizes;
 - (b) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (c) demonstrate adequate drainage and watering systems for the planters,
 - (d) details of plant maintenance and watering for the first 12 months and
 - (e) a commitment to replace plants with the same species if any plant loss occurs within the maintenance period

STORMWATER MANAGEMENT SYSTEM

- C26. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the EIS;
 - (c) be in accordance within Council's stormwater requirements and specifications;
 - (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, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

ROADWORKS, ACCESS AND PUBLIC DOMAIN WORKS

- C27. Prior to the issue of any construction certificate for roadworks, access or any other works within the public domain, the Applicant must obtain approval from the relevant roads authority.

Note: Approval must be obtained for roadworks under section 138 of the Roads Act 1993. All costs associated with the proposed road upgrade works must be borne by the Applicant. In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.

- C28. The Applicant shall obtain the required regulatory approvals from the applicable authority for the following:
- (a) construction of new kerb and gutter along the Karne Street North frontage; and
 - (b) upgrade the entire frontage of the development on Karne Street North, including streetscape pavements, footpaths, street tree planting and lighting in accordance with Council's standard technical requirements.

OPERATIONAL WASTE STORAGE AND PROCESSING

- C29. Prior to the issue of any Construction Certificate for waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold-water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

DEWATERING MANAGEMENT PLAN

- C30. If take of groundwater is to be greater than 3ML per year, the Applicant must prepare a Dewatering Management Plan (DMP) in consultation with DPE Water, which must be prepared by a suitably qualified person(s) prior to the issue of any Construction Certificate. The DMP will need to include an assessment against the requirements of the *NSW Aquifer Interference Policy (2012)*.

TRAFFIC NOISE FROM M5 MOTORWAY

- C31. The proposed development must be designed such that road traffic noise from the M5 Motorway is mitigated by durable materials to satisfy the requirements for habitable rooms under clause 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Prior to the issue of any construction certificate an appropriately qualified noise and air quality expert must certify the mitigation measures and must be noted on the plans.

PART D PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- D1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

- D3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in Condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

SURVEY CERTIFICATE

- D4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —
- (a) All footings/ foundations
 - (b) At other stages of construction – any marks that are required by the principal certifier.
- D5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
- D6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- D7. Prior to the commencement of works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

UTILITIES AND SERVICES

- D8. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- D9. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

DIAL BEFORE YOU DIG SERVICE

- D10. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- D11. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- D12. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.
- D13. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- D14. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- D15. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- D16. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- D17. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work
 - (ii) 24 hour contact details of the site manager
 - (iii) community consultation and complaint handling procedure
 - (iv) traffic management
 - (v) noise and vibration management, prepared by a suitably qualified person
 - (vi) management of dust and odour to protect the amenity of the neighbourhood
 - (vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site
 - (viii) contamination management, including any unexpected contamination finds protocol
 - (ix) waste management
 - (x) external lighting in compliance with applicable Australian Standards
 - (xi) flora and fauna management.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan
 - (c) Construction Noise and Vibration Management Sub-Plan

- (d) Air Quality Management Sub-Plan
- (e) Construction Waste Management Sub-Plan
- (f) Construction Soil and Water Management Sub-Plan
- (g) an unexpected finds protocol for contamination and associated communications procedure
- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure
- (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

- D18. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with Council. The CPTMP needs to specify matters including, but not limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s) and a crane movement plan;
 - (d) haulage routes;
 - (e) proposed construction hours;
 - (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - (g) construction vehicle access arrangements;
 - (h) construction program and construction methodology, including any construction staging;
 - (i) a detailed plan of any proposed hoarding and/or scaffolding;
 - (j) measures to avoid construction worker vehicle movements within the precinct;
 - (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
 - (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
 - (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- D19. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:
- (a) identification of the specific activities that will be carried out and associated noise sources at the site.
 - (b) identification of all potentially affected sensitive residential receiver locations;
 - (c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
 - (d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
 - (g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
 - (h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;

- (i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
- (j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
- (k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
- (l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (m) measures to monitor noise performance and respond to complaints;
- (n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
- (o) procedures to allow for regular professional acoustic input to construction activities and planning; and
- (p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

- D20. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
 - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
 - (c) mission statement;
 - (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.
- D21. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.
- D22. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- D23. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;

- a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
- the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- D24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site)
 - (c) detail all off-Site flows from the Site
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

SOIL AND WATER

- D25. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
 - (b) divert existing clean surface water around operational areas of the site.
- D26. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

CONSTRUCTION WORKER TRANSPORT STRATEGY

- D27. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

COMPLIANCE

- D28. Prior to the commencement of any earthwork or construction, 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.

BARRICADE PERMIT

- D29. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

- D30. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:
- (a) architectural, construction and structural details of the design as well as any proposed artwork
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

OUTDOOR LIGHTING

- D31. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PUBLIC LIABILITY INSURANCE

- D32. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

TREE PROTECTION

- D33. Prior to the commencement of any demolition, earthwork or construction, the Applicant must engage a Project Arborist with a minimum AQF Level 5 qualification with a minimum of 5 years experience to supervise any works within the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any

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adjacent sites and ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

- D34. Prior to the commencement of any works, all tree protection zones for each individual tree shall be established in accordance with the Arboricultural Impact Assessment prepared by Arboricultural Impact Assessment Report by Moore Trees dated November 2022 provided with the EIS, and the updated Arboricultural Impact Memorandum by Moore Trees dated 14 August 2023 provided with the RTS and AS4970-2009 (Protection of trees on Development Sites).
- D35. Prior to the commencement of any works, all tree projection measures as identified on the Arboricultural Impact Assessment prepared by Arboricultural Impact Assessment Report by Moore Trees dated November 2022 provided with the EIS, and the updated Arboricultural Impact Memorandum by Moore Trees dated 14 August 2023 provided with the RTS.

PART E DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- E1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- E2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the principal certifier for the work
 - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints
 - (c) state the approved hours of work
 - (d) state that unauthorised entry to the work site is prohibited
 - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size
 - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

DEMOLITION

- E3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by under this consent.

HOURS OF CONSTRUCTION

- E4. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- E5. No work may be carried out on Sundays or public holidays.
- E6. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- E7. Notification of activities undertaken in the circumstances in Condition E6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- E8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

SAFework REQUIREMENTS

- E9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

- E10. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part D of this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

- E11. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be

implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.

- E12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- E13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- E14. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- E15. Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.

VIBRATION CRITERIA

- E16. 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);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- E17. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- E18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (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.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- E19. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

TREE PROTECTION

- E20. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- E21. Trees 1-3, 6, 22-34, 40 and 42 as identified in the Arboricultural Impact Assessment Report by Moore Trees dated November 2022 provided with the EIS, and the updated Arboricultural Impact Memorandum by Moore Trees dated 14 August 2023 provided with the RTS must be retained and protected at all times.
- E22. The Project Arborist must provide certification that all works have been undertaken in accordance with Australian Standard 4970:2009 Protection of trees on development sites and the recommendations of Arboricultural Impact Assessment Report by Moore Trees dated November 2022 provided with the EIS, and the updated Arboricultural Impact Memorandum by Moore Trees dated 14 August 2023 provided with the RTS. A copy of this certification shall be submitted to the Department within 14 days of completion of the works. The certification report is to

document the activities supervised, any impacts to trees/tree roots and any additional tree protection measures implemented during construction.

- E23. Retained trees are to be protected in accordance with the recommendations of the Arboricultural Impact Assessment Report by Moore Trees dated November 2022 provided with the EIS, and the updated Arboricultural Impact Memorandum by Moore Trees dated 14 August 2023 provided with the RTS and Australian Standard 4970:2009 – Protection of Trees on Development Sites.

EROSION AND SEDIMENT CONTROL

- E24. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

- E25. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- E26. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- E27. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- E28. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- E29. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- E30. The Applicant must ensure that any asbestos encountered on site 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 September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

CONSTRUCTION TRAFFIC

- E31. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

ROAD OCCUPANCY LICENCE

- E32. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

- E33. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

HOARDING REQUIREMENTS

- E34. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and

- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

CONTACT TELEPHONE NUMBER

- E35. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

- E36. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- E37. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- E38. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

WATER LICENSING

- E39. Should groundwater be intercepted a Water Access Licence (WAL) under the *Water Management Act 2000* must be obtained unless an exemption applies under the *Water Management (General) Regulation 2018*.

PART F PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

OCCUPATION CERTIFICATE

- F1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- F2. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) All stormwater drainage systems and storage systems
- F3. The Certifier must provide a copy of the plans to consent authority with the Occupation Certificate.

NOTIFICATION OF OCCUPATION

- F4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- F5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

GFA AND BUILDING HEIGHT CERTIFICATION

- F6. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

SCREENING OF SERVICING EQUIPMENT

- F7. Prior to the issue of an Occupation Certificate, the Certifier must be satisfied that all plant and equipment has been appropriately screened.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- F8. Prior to the issue of an Occupation Certificate, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- F9. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

MECHANICAL VENTILATION

- F10. Prior to the issue of an Occupation Certificate, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent
 - (b) the NCC
 - (c) any applicable Australian Standards
 - (d) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL WASTE MANAGEMENT PLAN

- F11. Prior to the issue of an Occupation Certificate, the Applicant must provide a statement confirming the details of the private operator collecting the waste generated by the development to the Certifier.

WASTE AND RECYCLING COLLECTION

- F12. Prior to the issue of an Occupation Certificate, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

POST-CONSTRUCTION DILAPIDATION REPORT

- F13. Prior to the issue of an Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
 - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and

- (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

F14. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

F15. Before the issue of an Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the adjoining property owner(s).

REPAIR OF PUBLIC INFRASTRUCTURE

F16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

ROAD DAMAGE

F17. Prior to the issue of an Occupation Certificate, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

FIRE SAFETY CERTIFICATION

F18. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

F19. Prior to the issue of an Occupation Certificate, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

RESIDENT TRANSPORT SERVICE

F20. Prior to the commencement of operations, the Applicant must provide evidence to the satisfaction of the Certifier, that a suitable operator has been engaged to provide a resident transport service as required under section 94 of *State Environmental Planning Policy (Housing) 2021*.

PUBLIC DOMAIN AND ROAD WORKS

F21. All works within the road reserve associated each respective stage, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of the relevant approval authority prior to issue of any Occupation Certificate.

OUTDOOR LIGHTING

F22. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

STORMWATER

- F23. Prior to the issue of an Occupation Certificate, the Applicant must submit a copy of the stormwater drainage design plans approved with the Construction Certificate to the Certifier. The stormwater drainage design plans must be prepared by a Practising Professional Engineer experienced in the design of stormwater drainage systems.
- F24. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

FLOOD RISK MANAGEMENT

- F25. Prior to the issue of an Occupation Certificate, a Flood Risk Management Plan and Emergency Response Plan, must be prepared by a suitably qualified professional to ensure the safety of residents during a flood. The plan must be consistent with the NSW Government's Flood Prone Land Policy as set out in the *Flood Risk Management Manual 2023*

SYDNEY WATER COMPLIANCE

- F26. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- F27. Before the issue of an Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- F28. Before the issue of an Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

ENVIRONMENTAL PERFORMANCE

- F29. Prior to the issue of an Occupation Certificate, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

GREEN TRAVEL PLAN

- F30. Prior to the issue of an Occupation Certificate, the Applicant must update the Green Travel Plan in consultation with Council. The Plan must include a mechanism to monitor the effectiveness of the measures of the Plan. The Applicant must submit a copy of the updated Green Travel Plan to the satisfaction of the Certifier.
- F31. The Plan must be reviewed and updated annually and include an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The plan (as reviewed and updated annually) must be implemented by the Applicant for the life of the development.
- F32. The Plan must be made available to the Planning Secretary upon request.

PUBLIC DOMAIN AND ROAD WORKS

- F33. All works within the road reserve associated each respective stage, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of the relevant approval authority prior to issue of any Occupation Certificate.

TRANSPORT ACCESS GUIDE

- F34. The Applicant must prepare a Transport Access Guide, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier prior to the issue of an Occupation Certificate for the site/use:
- The Transport Access Guide is to include (but not be limited to) the following:
- (a) Information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;
 - (b) Suitable nearby drop-off/pick-up locations;
 - (c) Identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and
 - (d) Suitable nearby Taxi Zones.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

F35. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a detailed Car Parking, Loading and Servicing Management Plan. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Plan must specify, but not be limited to, the following:

- (a) details of the development's typical loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
- (b) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
- (c) details of how vehicles larger than a 6.4m SRV delivering to the site must be managed.

The Car Parking, Loading and Servicing Management must be implemented by the Applicant following the issue of the Occupation Certificate.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

F36. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:

- (a) the provision of a minimum 5 bicycle parking spaces;
- (b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;
- (c) appropriate pedestrian and cyclist advisory signs are to be provided; and
- (d) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

F37. Prior to the operation or commencement of use, bicycle way-finding signage must be installed within the Site to direct cyclists from footpaths to designated bicycle parking areas

LANDSCAPE PRACTICAL COMPLETION REPORT

F38. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

STREET NUMBERING

F39. Prior to the issue of an Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

LETTERBOXES

F40. Letterboxes are to be provided within a secure area within the development prior to the issue of an Occupation Certificate.

RESTRICTION AS TO USER

F41. Prior to issue of an Occupation Certificate, the Applicant must provide to the Certifier evidence that a restriction is registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting use of any accommodation of the residential aged care facility to be occupied only by:

- (a) Seniors
 - (i) People who are at least 60 years of age,
 - (ii) People who are resident at a facility at which residential care is provided,
 - (iii) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.
- (b) People with a disability
 - (i) People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.
- (c) people who live in the same household with seniors or people who have a disability,
- (d) staff employed to assist in the administration and provision of services to housing provided under this Part.

The restriction must nominate the Council as the authority to release, vary or modify the restriction.

FIT OUT OF PREMISES

- F42. The catering kitchen and food storage room is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the Certifier.

COMPLIANCE WITH FIRE SAFETY PROVISIONS OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

- F43. The development shall be provided with a fire sprinkler system in accordance with Clause 91 of *State Environmental Planning Policy (Housing) 2021*.

PLAN OF MANAGEMENT

- F44. A Plan of Management (POM) is to be prepared and submitted to and approved by the Planning Secretary, prior to the issuing of an Occupation Certificate.

The POM must include:

- (a) Details of the social elements of the facility's operations, including any on-site or offsite management;
- (b) Provision of information to residents which includes details and outlines village issues and procedures (including how residents have the opportunity to participate in decision making processes, or raise issues, and how these are addressed);
- (c) Provision of personal care services associated with domestic duties and accessing other services;
- (d) Housekeeping / cleaning services;
- (e) Provision of home delivered meals as required;
- (f) Provision of transport services;
- (g) Provision of safety and security across the site;
- (h) How communal spaces are proposed to be managed (including operating hours);
- (i) Activity / social programs available to the residents to build relationships between new and existing residents;
- (j) Maintenance and management of communal / public areas within the site; and
- (k) Emergency response / assistance processes and procedures.

PART G OCCUPATION AND ONGOING USE

ANNUAL FIRE SAFETY STATEMENT

- G1. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

FIRE SAFETY CERTIFICATION

- G2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- G3. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- G4. All waste collection services must be undertaken in accordance with this consent.
- G5. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- G6. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- G7. Trade or commercial waste materials must not be disposed of via council's domestic garbage service.
- G8. Medical wastes shall be disposed of by an authorised waste disposal contractor. Clinical waste, waste containers and storage areas must be managed to comply with the NSW Health Policy Directive Clinical and Related Waste Management for Health Services 2017, Protection of the Environment Operations Act 1997 and Regulations.

LOADING/UNLOADING

- G9. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Loading Management Plan approved under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality

The service vehicle docks, car parking spaces and repo driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

USE AND MANAGEMENT OF PARKING SPACES

- G10. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- G11. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises. The car spaces must not be leased to any person/company that is not an occupant of the building.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- G12. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- G13. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- G14. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

WARM WATER SYSTEMS AND COOLING SYSTEMS

- G15. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and AS/NZS

CONSOLIDATED CONSENT

3666.2:2011 'Air handling and water systems of buildings – Microbial control – Operation and maintenance' and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

G16. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

OPERATION OF PLANT AND EQUIPMENT

G17. All plant and equipment used in the development, or used 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.

GREEN TRAVEL PLAN

G18. The Green Travel plan approved under this consent shall be implemented following occupation of the development. The Green Travel Plan is to be reviewed and updated annually.

LANDSCAPING

G19. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by under this consent for the duration of occupation of the development.

ADVISORY NOTES

APPEALS

- AN1. The Applicant has the right to appeal to the NSW Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

- AN2. 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.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

ROAD OCCUPANCY LICENCE

- AN4. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SAFework REQUIREMENTS

- AN5. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

HOARDING REQUIREMENTS

- AN6. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

HANDLING OF ASBESTOS

- AN7. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

DISABILITY DISCRIMINATION ACT

- AN8. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.
- AN9. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

- AN10. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- AN11. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

- AN12. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or; having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a contact person for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.