

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- protect the amenity of the surrounding location; and
- ensure appropriate amenity for future occupants.

Minister for Planning and Public Spaces

Sydney 16 February 2025

File: SSD-71454709

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:	SSD-71454709
Application lodged by:	The Trustee for Padstow Parade Unit Trust on behalf of Homes NSW
Consent Authority:	Minister for Planning and Public Spaces
Site:	30-34 Padstow Parade and 10 Faraday Road, Padstow (Lots 1-4 DP 35028)
Development:	Mixed-use development including in-fill affordable housing

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-71454709 MOD 1	16 February 2025	Team Leader, Key sites and TOD Assessments	Minor design amendments to the development to meet the operational requirements of Homes NSW, and for the entire residential component to be delivered as social and affordable housing.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides 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.
Council	Canterbury-Bankstown.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled <i>Mixed-use Development including Affordable Housing – 30-34 Padstow Parade & 10 Faraday Road, Padstow</i> , prepared by CW Strategic Planning Services, dated November 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
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.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.

Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Response to RFI	The report titled <i>Response to Request for Information - Mixed-use Development including Affordable Housing – 30-34 Padstow Parade & 10 Faraday Road, Padstow</i> , prepared by CW Strategic Planning Services, dated May 2025.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
Submissions Report	The Submissions Report titled <i>Mixed-use Development including Affordable Housing – 30-34 Padstow Parade & 10 Faraday Road, Padstow</i> , prepared by CW Strategic Planning Services, dated February 2025.

SCHEDULE 2
PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the EIS, the Submissions Report, and the Response to RFI; ~~and~~
 - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent; ~~and~~
 - (d) generally in accordance with the following modification application:
 - (i) Section 4.55 (1A) Modification Application (SSD-71454709-Mod 1) and accompanying appendices prepped by CW Strategic Planning Services dated November 2025.

Architectural drawings prepared by Bonus and Associates			
Drawing Number	Rev	Name of Plan	Date
DA1.03	A3 <u>B1</u>	Demolition Plan	24/09/2024 <u>27/10/2025</u>
DA1.04	A6 <u>B1</u>	Site Plan	04/04/2025 <u>27/10/2025</u>
DA1.05	B <u>B1</u>	Site Sections	04/04/2025 <u>27/10/2025</u>
DA2.01	A8	Basement 2	04/04/2025
DA2.02	A9 <u>B1</u>	Basement 1	04/04/2025 <u>27/10/2025</u>
DA2.03	A9 <u>B1</u>	Ground Floor Plan	04/04/2025 <u>27/10/2025</u>
DA2.04	A10 <u>B1</u>	Level 1 Plan	04/04/2025 <u>27/10/2025</u>
DA2.05	A8 <u>B1</u>	Level 2 Plan	04/04/2025 <u>27/10/2025</u>
DA2.06	A8 <u>B1</u>	Level 3 Plan	04/04/2025 <u>27/10/2025</u>
DA2.07	A8 <u>B1</u>	Level 4 Plan	04/04/2025 <u>27/10/2025</u>
DA2.08	A8 <u>B1</u>	Level 5 Plan	04/04/2025 <u>27/10/2025</u>
DA2.09	A9 <u>B1</u>	Level 6 Plan	04/04/2025 <u>27/10/2025</u>

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DA2.10	A8 B1	Level 7 Plan	04/04/2025 <u>27/10/2025</u>
DA2.11	A6 B1	Roof Plan	04/04/2025 <u>27/10/2025</u>
DA3.01	A6 B1	East Elevation Padstow Parade	04/04/2025 <u>27/10/2025</u>
DA3.02	A7 B1	South Elevation Faraday Road	04/04/2025 <u>27/10/2025</u>
DA3.03	A7 B1	West Elevation	04/04/2025 <u>27/10/2025</u>
DA3.04	A6 B1	North Elevation	04/04/2025 <u>27/10/2025</u>
DA4.01	A7 B1	Section AA	04/04/2025 <u>27/10/2025</u>
DA4.02	A6 B1	Section BB	04/04/2025 <u>27/10/2025</u>
DA4.03	A6 B1	Section CC	04/04/2025 <u>27/10/2025</u>
DA4.04	A5 B1	Section DD	04/04/2025 <u>27/10/2025</u>
DA4.05	A3 B1	Section EE	04/04/2025 <u>27/10/2025</u>
DA5.01	A3 B1	Design Detail, Section F & Elevation	04/04/2025 <u>27/10/2025</u>
DA5.02	A4 B1	Ramp Plans	30/08/2024 <u>27/10/2025</u>
DA5.02	A4 B1	Ramp Section	30/08/2024 <u>27/10/2025</u>
DA6.02	A7 B1	GFA Plans and Schedule	04/04/2025 <u>27/10/2025</u>
DA6.03	A9 B1	Compliance Plans and Schedule	04/04/2025 <u>27/10/2025</u>
DA6.04	A2	Compliance Plans and Schedule Future Context	04/04/2025
DA6.05	A5	ARH GFA Plans and Schedule	04/04/2025
DA7.03	A3	Roof and Site Survey Plan Overlay	04/04/2025
20_15	BC	Schedule of Materials, Colours & Finishes	01/05/2025 <u>27/10/2025</u>
Landscape Plans prepared by LANDFX			

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-	GH	Landscape Plan – Ground Floor	16/04/2025 <u>26/10/2025</u>
-	GH	Detail Plan – Ground Floor COS	16/04/2025 <u>26/10/2025</u>
-	GH	Planting on Structure Diagram – Ground Floor COS	16/04/2025 <u>26/10/2025</u>
-	GH	Landscape Plan – Level 06	16/04/2025 <u>26/10/2025</u>
-	GH	Landscape Sections A & B	16/04/2025 <u>26/10/2025</u>
-	GH	Landscape Section C	16/04/2025 <u>26/10/2025</u>
-	GH	Landscape Sections D	16/04/2025 <u>26/10/2025</u>
24_331 400	GH	Planting Schedule	16/04/2025 <u>26/10/2025</u>
24_331 401	GH	Planting Plan – Ground	16/04/2025 <u>26/10/2025</u>
24_331 402	GH	Planting Plan – Level 06	16/04/2025 <u>26/10/2025</u>
24_331 701	GH	General Details	16/04/2025 <u>26/10/2025</u>
24_331 801	GH	Landscape Specification	16/04/2025 <u>26/10/2025</u>

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition A1(c).
- A3. 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 that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- (a) the fit-out and operation of any commercial and retail premises
 - (b) the installation of any external signage

PLANNING SECRETARY AS MODERATOR

- A6. In the event of a dispute between the Applicant and a public authority, in relation to an applicable 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 must be binding on the parties.

CONTRIBUTIONS

DEVELOPMENT CONTRIBUTIONS

A7. ~~Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of the Canterbury-Bankstown Local Infrastructure Contributions Plan 2022 has been paid to Council. Council must be contacted for calculation of required contributions.~~

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

A8. Prior to the issue of the first Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Total housing and productivity contribution	\$963,488.91 <u>15,841.41</u>

Note: The contribution amount is subject to indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

MATERIALS AND FINISHES

- B1. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including final specifications of colour, material and, where relevant, manufacturer.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B2. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) 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;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
 - (f) 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).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B3. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Report, prepared by Jensen Hughes, dated ~~13 September 2024~~ **27 October 2025**.

STRUCTURAL DETAILS

- B4. Prior to the issue of the relevant Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B5. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the Submissions Report and any Council stormwater requirements and specifications which are consistent with that conceptual design;
 - (b) in accordance with applicable Australian Standards; and
 - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

SYDNEY WATER ASSETS

- B6. Prior to the issue of the relevant Construction Certificate, the plans approved under this consent 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/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

LANDSCAPING

- B7. Prior to the issue of the relevant Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by LANDFX, dated ~~16 April 2025~~ **26 October 2025** as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B8. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car 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;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; ~~and~~
 - (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (ii) provisions to enable future electric vehicle (EV) charging infrastructure to be installed in accordance with the NCC;
 - (iii) provision of ~~149~~ **73** car parking spaces including **at least** 4 accessible parking spaces in accordance with the architectural plans; and
 - (iv) provision of ~~44~~ **13** bicycle parking spaces;
 - (h) **provision of a pedestrian path between commercial tenancy 'commercial 5' and the commercial waste room; and**
 - (i) **a convex mirror must be located on the wall opposite the top of the ramp on the ground floor.**

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B9. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the EIS report prepared by CW Strategic Planning, dated November 2024.

WIND MITIGATION MEASURES

- B10. Prior to the issue of the relevant Construction Certificate, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Statement, prepared by Windtech, dated 17 September 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B11. Prior to the issue of the relevant Construction Certificate, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 12 September 2024.

COMPLIANCE WITH REMEDIAL ACTION PLAN

- B12. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier demonstrating compliance with the recommendations contained in the Remedial Action Plan, prepared by Sydney Environmental Group, dated 26 July 2024.

COMPLIANCE WITH ABORICULTURAL IMPACT ASSESSMENT

- B13. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier demonstrating compliance with the recommendations contained in the Aboricultural Impact Assessment report, prepared by Canopy Consulting, dated 7 May 2024.

ADAPTABLE UNITS

- B14. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B15. Prior to the issue of the relevant Construction Certificate, BASIX Certificate No. ~~1766494M-02~~ **1766494M 06** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

RELOCATION OF SEWER MAIN

- B16. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier details of consultation with Sydney Water seeking approval for the relocation of the existing sewer main and associated easements across the site.

COLLECTION OF WASTE

- B17. Prior to the issue of any relevant Construction Certificate, a design certificate and detailed plans are to be submitted to the Certifier that confirms waste can be directly collected from the building as detailed in the Operational Waste Management Plan by Elephants Foot Consulting Revision **FH** dated ~~9-September-2024~~ **27 October 2025**. The design certificate is to confirm that the:
- (a) Waste collection vehicle is able to access the building, adequately manoeuvre into the position, load bins and exit the building, as per AS2890.2.
 - (b) Adequate vertical clearance is provided along the route of travel to/from external entry/exit points to collection area.
 - (c) The collection vehicle must be able to manoeuvre in the building with limited need for reversing.
 - (d) The floor of the building has been designed to carry the load of the vehicle.
 - (e) The turntable to be used by the waste vehicle can be operated via a back-up generator.

BIN STORAGE AREA

- B17A. The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.**

COMMUNAL BIN STORAGE ROOM

- B17B. The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the communal bin storage room that comply with the following requirements:**

- (a) **Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting;**
- (b) **Floors must be finished so as to be non-slip with a smooth and even surface;**
- (c) **A designated room or enclosure and is to have a roof, with a minimum 2.1m unobstructed room height.**
- (d) **Must be compatible with the overall design of the development;**
- (e) **Walls must be constructed of solid impervious material;**
- (f) **Ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;**
- (g) **Walls, ceiling and floors must be finished in a light colour;**
- (h) **An adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock is to service the room;**

- (i) A self-closing door openable from within the room;
- (j) Must be constructed to prevent the entry of birds and vermin;
- (k) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- (l) Any doorways for bins being taken to the collection point must be 2 metres wide and open outwards; and
- (m) Designed to fit the following bin allocations:

<u>Number</u>	<u>Bin Size</u>	<u>Bin Type</u>
<u>8</u>	<u>1,100L</u>	<u>Garbage (Red)</u>
<u>7</u>	<u>1,100L</u>	<u>Recycling (Yellow)</u>
<u>8</u>	<u>240L</u>	<u>Garden (Green)</u>

BULKY WASTE STORAGE ROOM

B17C. The certifier must not issue a construction certificate unless provided with detailed plans that form part of the construction certificate for the bulky waste storage room that comply with the following requirements:

- (a) Caged or walled area within the bin room as shown on the plans B1 Ground floor
- (b) A self-closing door openable from within the room;
- (c) Any doorways must be 2 metres wide and open outwards; and
- (d) Designed to a minimum size of 15m².

ON-SITE WASTE COLLECTION

B17D. Before the issue of any construction certificate, the certifier must receive written confirmation from Council, that Council has been provided to its satisfaction with the following:

- (a) Detailed plans showing that the waste storage rooms identified on stamped plans will be capable of being accessed from the designed access roadway by a Heavy Rigid Vehicle (HRV) in accordance with AS2890.2, and that a loading area is available for the vehicle when collecting waste that meets the following requirements:
- (b) Within 5 metres of the all waste storage rooms or temporary holding area;
- (c) A separate parking area for the collection vehicle; and
- (d) Certification from a suitably qualified engineer that the route of travel, loading area and entry and exit points will be constructed so as to support the following loading requirements:
 - (i) Heavy Rigid Vehicle can enter and exit the site in a forward position;
 - (ii) 30 tonne waste collection vehicles;
 - (iii) Length of 12.5 metres; and
 - (iv) Clearance height of 4.5 metres.
- (e) Detailed plans, specifications and other relevant information showing that the turntable identified on stamped plans:
 - (i) Complies with required dimensions for an HRV as per AS2890.2, including the diameter for the turntable and required clearance heights;
 - (ii) Includes two drive motors and a manual override winch system;
 - (iii) Three-year pre-paid maintenance plan has been put in place
 - (iv) Will always be available to waste collection vehicles; and
 - (v) Will be installed, operated and serviced on an ongoing basis, at no cost to Council.

WORKS ZONE

B18. Prior to the issue of the relevant Construction Certificate, if required, the applicant can apply to the Canterbury-Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage in Faraday Road, 8 weeks in advance of when construction is scheduled to begin, including payment of the relevant fees & charges. This is subject to recommendation by the Traffic Committee.

VEHICLE CROSSOVERS – PADSTOW PARADE AND FARADAY ROAD

B19. Prior to the issue of any relevant Construction Certificate, the applicant shall prepare a plan showing the redundant driveways on the Padstow Parade and Faraday Road frontages to be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with Council

requirements. Detailed design plans of the proposed access crossover are to be submitted to Council for approval prior to the issue of the relevant Construction Certificate and commencement of any road works.

ON-STREET PARKING RESTRICTIONS

- B20. Prior to the issue of any relevant Construction Certificate the Applicant shall prepare a plan showing the existing situation and proposed changes to the existing parking restrictions on Faraday Road and Padstow Parade. This shall include details of the proposed kerb extension, which shall be squared to avoid illegal parking. The parking spaces shall be a minimum of 5.5m. The Applicant must contact Council 8 weeks prior to occupation, and a report is to be prepared and be subject to recommendation by the Traffic Committee and approved and paid for by the Applicant prior to occupation of the property.

GROUND FLOOR PLAN

- B21. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the Certifier revised ground floor plan showing, where possible, the relocation of the columns at ground floor level, including, but not limited to, the columns in the vehicle accessway, the fire pump room, adjacent to the turntable, in fire corridors, and adjacent to the main pedestrian access doors.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition C2;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition C3;
 - (d) Air Quality Management Sub-Plan in accordance with Condition C4;
 - (e) Construction Waste Management Sub-Plan in accordance with Condition C5;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with Condition C6;
 - (g) an unexpected finds protocol for remediation in accordance with Condition C17;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D28;
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) location of proposed work zone(s);
 - (b) construction vehicle access arrangements and haulage routes;
 - (c) predicted number and timing of construction vehicle movements and vehicle types;
 - (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);

- (d) 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;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
- (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must 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 and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces.
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement 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) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that 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 within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) 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

- (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (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 during construction; and
 - (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.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. Prior to the commencement of works, the Applicant must ensure the building is set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and ensure the Registered Surveyor submits a plan to the Certifier certifying that structural works are in accordance with this consent.
- C8. The Applicant must ensure a Registered Surveyor measures and marks:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier,
- and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C9. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, 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', prior to construction.
- C10. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C11. 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 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.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. 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.
- C14. 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.

STREET TREES

- C15. Prior to the commencement of any work, the Applicant must provide documentation and/or plans to the Certifier demonstrating that the proposed street trees will be planted and maintained in accordance with the requirements of Canterbury-Bankstown Council.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C16. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will 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; and
- (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

REMEDICATION

UNEXPECTED FINDS PROTOCOL

- C17. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C18. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C19. If the construction or operation of the Development is to be staged, the Applicant must notify the Department 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.

UTILITIES AND SERVICES

- C20. 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 provision of adequate services.

DIAL BEFORE YOU DIG SERVICE

- C21. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

PART D DURING CONSTRUCTION**SITE NOTICE**

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- D2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday
 - (b) 8am to 1pm, Saturday.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm, Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. 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.
- D10. 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 Sensitive Receivers.
- D11. 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.
- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016);

- (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).

D13. 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

D14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D15. 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 Applicant must:
- (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,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D16. 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.

TREE PROTECTION

D17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of 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.

EROSION AND SEDIMENT CONTROL

D18. 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 are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

- D19. 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.
- D20. 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

- D21. 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*.
- D22. 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.
- D23. 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*.

CONSTRUCTION WASTE

- D24. The Applicant must retain evidence of tipping dockets for all demolition and construction waste generated from the Development.
- D25. The Applicant must ensure all waste receptacles are covered when not in use.

ASBESTOS

- D26. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any 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*, including Part 7 – ‘Transportation and management of asbestos waste’.

CONTACT TELEPHONE NUMBER

- D27. 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 construction.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D28. If a Relic (as defined in the *Heritage Act 1977*) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) 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; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D29. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D30. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D31. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D32. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, 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.

NOTIFICATION OF OCCUPATION

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- E4. Prior to the occupation or commencement of use, 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.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E5. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E7. Prior to the occupation or commencement of the use, 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.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but 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) in the vicinity of the Development that is damaged by carrying out the Development.
- E9. Prior to the occupation or commencement of the use of the Development, any damage identified in Condition E5 as being caused by the carrying out of the Development not subject to Condition E8 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E10. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development;
 - (b) works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage plan has been constructed as approved with the Construction Certificate; and
 - (c) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating 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.

COMPLIANCE WITH BASIX CERTIFICATE

- E12. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E13. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

PRIVACY SCREENS

- E14. Prior to the issue of an Occupation Certificate, the privacy screens and louvres shown on the approved plans shall be installed to the north-facing windows and balconies of the units identified on the plans to the satisfaction of the Certifier. The screens and louvres shall be maintained for the life of the development.

ACOUSTIC COMPLIANCE

- E15. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B11.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E16. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under Condition B3.

VEHICLE CROSSOVERS – PADSTOW PARADE AND FARADAY ROAD

- E17. Prior to the issue of any Occupation Certificate, the Applicant must complete all works associated with the removal of the redundant crossovers and the creation of a new crossover in accordance with the plan as required under Condition B19.

STRUCTURAL INSPECTION CERTIFICATE

- E18. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E19. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:

- (a) verifies 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;
- (b) verifies that a maintenance program under the Landscape Plan required under Condition B7 has been commenced;
- (c) includes details of plant maintenance and watering for the first 12 months; and
- (d) includes details of plant maintenance and watering for the life of the Development.

FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- E22. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E23. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
 - (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
 - (c) 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.

SYDNEY WATER COMPLIANCE

- E24. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E25. Prior to the issue of any 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.
- E26. Prior to the issue of any Occupation Certificate, the Applicant must ensure the relocation of the Sydney Water sewer main and any associated easements across the site, is completed to the satisfaction of Sydney Water.
- E27. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E28. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence the secure bicycle parking and end-of-trip facilities have been provided in accordance with Condition B8.
- E29. Prior to the operation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E30. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E31. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
 - (a) details of the managing agent;
 - (b) management of communal areas and open spaces;

- (c) loading and unloading;
- (d) security and staff management;
- (e) emergency management/ evacuation and incident response protocols;
- (f) waste management;
- (g) tenant induction and behaviour/ house rules;
- (h) complaint procedures.

E32. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed annually and updated as necessary.

OPERATIONAL WASTE MANAGEMENT

- E33. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan (OWMP)** for the Development and submit it to the Certifier. The OWMP must:
- (a) describe the key personnel responsible for implementing the OWMP;
 - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (e) detail the type and quantity of waste to be generated during operation of the Development; and
 - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA). **All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.**
 - (g) confirm the turntable to be used by the waste vehicle can be operated via a back-up generator.
 - ~~(h) confirm the bin tug is suitable for the use and is provided to management to be able to relocate the bins from the bin room to the collection point.~~

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

WASTE AGREEMENT

E33A. Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.

STORMWATER

- E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information;
 - (iv) Work Health and Safety requirements.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

- (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation;
- ~~(iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed; and~~
- ~~(iv) measures to limit servicing activities undertaken in the communal open space areas to minimise conflicts with residents.~~

REGISTRATION OF EASEMENTS

E37. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

~~E38. Prior to the issue of any Occupation Certificate, a positive covenant registered under section 88B of the Conveyancing Act 1919 must be obtained, which can only be revoked, varied or modified at the request of the registered proprietor where it can be demonstrated to the Department's reasonable satisfaction that the property can accommodate a residential waste service to Council's requirements at the relevant time and with the consent of the Prescribed Authority, and which requires the registered proprietor or managing entity of the Burdened Lots to provide all waste and recycling services for the Development, is registered on title of Lots 1-4 DP 35028 (or any subsequent lots).~~

E39. Prior to the issue of any Occupation Certificate, a positive covenant registered under section 88B of the Conveyancing Act 1919 must be obtained, which can only be revoked, varied or modified at the request of the registered proprietor where it can be demonstrated to the Department's reasonable satisfaction that the burdened property can accommodate a future residential building that provides adequate building separation, privacy or amenity between itself and the subject site at the relevant time and with the consent of the Prescribed Authority, is registered on title of Lot 1 DP 740614.

The restriction shall require any future development to not be located within the following distance of the southern boundary of the burdened property (for avoidance of doubt the boundary shared with Lot 4 DP 35028):

- (a) 5.4 m at ground floor level (up to 3 m) if the proposed ground floor use of the burdened property is not residential, 6 m if the facing wall is non-habitable residential, or 9 m if the facing wall is habitable residential.
- (b) 8 m at levels 1 to 3 (between 3 m and 12 m in height) if the facing wall is non-habitable residential, or 11 m if the facing wall is habitable residential; and
- (c) 11 m at levels 4 and above (over 12 m) if the facing wall is non-habitable residential, or 17 m if the facing wall is habitable residential.

PART F OCCUPATION AND ONGOING USE**MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE**

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the SOMP; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- F2. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- F3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left anywhere on the site that is not an endorsed waste storage location as defined in the OWMP;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves;
 - (c) waste, recycling and bulky waste are collected on-site from the ground floor loading bay by a private contractor; and
 - (d) waste collection vehicles enter and exit the site in a forward direction as per AS2890.2.

TRAFFIC AND PARKING

- F4. 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;
 - (c) so it does not obstruct other properties or the public way; and
 - (d) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F6. 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.

LANDSCAPING

- F7. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B7.

FIRE SAFETY CERTIFICATION

- F8. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

- F9. 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.
- F10. 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.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F11. 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.
- F12. The use and operation of the premises must not give rise to an environmental health or public nuisance.

- F13. 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.

BASIX CERTIFICATION

- F14. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. ~~1766494M_02~~ **1766494M_06** and any updated certificate issued if amendments are made.

HOUSING

IN-FILL AFFORDABLE HOUSING

- ~~F15. A minimum of 6 dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and State Environmental Planning Policy (Housing) 2021.~~
- ~~F16. For a minimum period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates. The Applicant must provide to the Certifier evidence that:~~
- ~~(a) the affordable housing component must be used for affordable housing;~~
 - ~~(b) the affordable housing component must be managed by a registered community housing provider;~~
 - ~~(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and~~
 - ~~(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.~~
- ~~F17. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:~~
- ~~(a) the affordable housing component is complete and ready for occupation;~~
 - ~~(b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:~~
 - ~~(i) all dwellings within the Development to be used for the purposes of affordable housing as defined by the EP&A Act and the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years; and~~
 - ~~(ii) the affordable housing component must be managed by a registered community housing provider;~~
 - ~~(c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and~~
 - ~~(d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.~~
- ~~F18. The Applicant must use best endeavours to ensure that the affordable housing units are at full occupancy and by 30 June of each year, must submit to the Secretary a report relating to the previous 12 month period as to:~~
- ~~(a) the occupancy rate of the affordable housing units for that year; and~~
 - ~~(b) compliance with the requirement in this condition to use best endeavours.~~

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. 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* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.
- AN7. Council will not accept any responsibility or liability for any supplier of waste collection services that cannot service the building, or any risks associated with waste collection due to the ramp grade and changes of rate grade on the ramp being outside the maximums listed in Australian Standard AS 2890.2 (Tables 3.2 and 3.3).

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D30 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D30), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D31):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident; and
 - (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, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.