

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, 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
- ensure appropriate amenity for future occupants.



Ben Lusher
Executive Director
Housing and Key Sites Assessment

Sydney: 30 April 2026

File: SSD-79709963

SCHEDULE 1

Application Number:	SSD-79709963
Application lodged by:	Anglican Church Property Trust Diocese of Sydney
Consent Authority:	Minister for Planning and Public Spaces
Site:	459-461 Chapel Road, Bankstown (Lots 26A, 27A, 28A in DP 7058)
Development:	Redevelopment of St Paul's Anglican Church involving the construction of a 20-storey mixed-use development, including: <ul style="list-style-type: none">• two levels (ground and first floors) as a dual-use place of public worship and multi-purpose community facility;• a centre-based child care facility;• 185 affordable housing apartments;• one dwelling ancillary to the place of public worship (rectory);• 37 car parking spaces;• communal open space areas;• landscaping and public domain works; and• services and infrastructure improvements.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act. There is no right of appeal against a decision of the Independent Planning Commission as consent authority in relation to the carrying out of any development that is made after a public hearing by the Commission into the carrying out of that development.

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	Means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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	City of Canterbury-Bankstown Council.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	The development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement, Mixed-Use Social and Affordable Housing Development, 459-461 Chapel Road, Bankstown</i> prepared by Beam Planning Pty Ltd, dated 23 June 2025, 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> .
HPC Order	<i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024</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: <ul style="list-style-type: none"> • 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> .
PEO Act	<i>Protection of the Environment Operations Act 1997</i>
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.

Report	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.
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>Response to Submissions, SSD-79709963 Mixed Use Development, 459-461 Chapel Road, Bankstown</i> , prepared by Beam Planning Pty Ltd, dated 27 February 2026, including any additional information provided by the Applicant in support of the application.

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 Applicant's Submissions Report, and the Applicant's response to requests for further information; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Plus Architecture			
Drawing Number	Rev	Name of Plan	Date
PLA-DA-0004	C	Proposed Site Plan	22/01/2026
PLA-DA-10B1	C	Basement	22/01/2026
PLA-DA-1000	C	Ground	22/01/2026
PLA-DA-1000M	C	Mezzanine	22/01/2026
PLA-DA-1001	C	Level 01	22/01/2026
PLA-DA-1002	C	Level 02	22/01/2026
PLA-DA-1003	C	Level 03-16	22/01/2026
PLA-DA-1017	C	Level 17	22/01/2026
PLA-DA-1018	C	Level 18	22/01/2026
PLA-DA-1019	C	Roof	22/01/2026
PLA-DA-2000	C	Elevations – Sheet 1	22/01/2026
PLA-DA-2001	C	Elevations – Sheet 2	22/01/2026
PLA-DA-2002	C	Elevations – Sheet 3	22/01/2026
PLA-DA-2003	C	Elevations – Sheet 4	22/01/2026
PLA-DA-3000	C	Sections – Sheet 1	22/01/2026
PLA-DA-3001	C	Sections – Sheet 2	22/01/2026
PLA-DA-3002	C	Sections – Sheet 3	22/01/2026
PLA-DA-4200	C	Solar Amenity Diagrams – Sheet 1	22/01/2026
PLA-DA-4300	C	Cross Ventilation Diagrams – Sheet 1	22/01/2026
PLA-DA-5000	C	GFA Diagrams – Sheet 1	22/01/2026
PLA-DA-5001	C	Communal Open Space Calculations	22/01/2026
PLA-DA-5002	C	Childcare Outdoor Area Calculations	22/01/2026

PLA-DA-5003	C	Community Area Calculations	22/01/2026
PLA-DA-6000	C	Typologies – Sheet 1	22/01/2026
PLA-DA-6001	C	Typologies – Sheet 2	22/01/2026
PLA-DA-7000	C	External Finishes – Sheet 1	22/01/2026
PLA-DA-9000	C	Development Schedule – Sheet 1	22/01/2026
Landscape Plans prepared by Arcadia			
L-400	D	Planting Schedule	05/02/2026
L-401	D	Softworks Plan – Ground Floor	05/02/2026
L-402	D	Softworks Plan – Level 1	05/02/2026
L-403	D	Softworks Plan – Level 2	05/02/2026
L-404	D	Softworks Plan – Level 18	05/02/2026
L-700	D	Landscape Specification	05/02/2026

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:
- the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - 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:
- the fit-out of the centre-based child care facility
 - the installation of signage
 - subdivision.

GROSS FLOOR AREA CERTIFICATION

- A6. Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 11,944 m², measured in accordance with the definition provided in the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP).

MAXIMUM BUILDING HEIGHT

- A7. Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum building height does not exceed RL 98.1 m AHD, measured in accordance with the definition provided in the CBLEP.

PLANNING SECRETARY AS MODERATOR

- A8. 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.

INFRASTRUCTURE CONTRIBUTIONS

LOCAL INFRASTRUCTURE CONTRIBUTIONS

- A9. 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

- A10. Prior to the issue of any Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$10,704.29
Transport project component	Nil
Strategic Biodiversity Component	Nil
Total housing and productivity contribution	\$10,704.29

- A11. The HPC must be paid using the NSW planning portal.
- A12. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).
- A13. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A 1979 agrees.
- A14. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A 1979 to the development, or the HPC Order exempts the development from the contribution.

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.

AGENCY CONDITIONS

CONTROLLED ACTIVITY APPROVAL

- A15. The Applicant must comply with the conditions stipulated on the Controlled Activity Approval issued by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, dated 24 February 2026.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

MATERIALS AND FINISHES

- B1. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.
- B2. The external roofing, glazing and walls of the proposed dwelling are to target less than 20% specular reflectivity so as to avoid nuisance in the form of glare or reflections to the occupants of nearby buildings, pedestrians and/or motorists. Details demonstrating compliance are to be submitted prior to the issue of the first Construction Certificate for above ground works.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B3. Prior to the issue of any 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).

STRUCTURAL DETAILS

- B4. Prior to the issue of any Construction Certificate, 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.

CHILD CARE PLANNING GUIDELINES

- B5. Prior to the issue of the first Construction Certificate for the child care facility, the Applicant must submit to the Certifier detailed plans demonstrating that full compliance with all applicable controls and requirements of the Department's Child Care Planning Guideline dated September 2021 can be achieved. The detailed plans must include the following details:
- (a) delineation of function areas;
 - (b) provision of the required minimum unencumbered indoor and outdoor play areas; and
 - (c) provision of administrative spaces.

LANDSCAPING

- B6. Prior to the issue of the first 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 Arcadia, as referenced in Condition A1 and 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

- B7. Prior to the issue of any 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, pedestrian sight lines/triangles, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards. Any departure from those standards shall be adequately justified by a qualified traffic engineer;
 - (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 AUSTRROADS; 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 of 37 car parking spaces which include accessible and residential visitor spaces in accordance with the architectural plans referenced in Condition A1;
 - (iii) provision of a loading bay in accordance with the architectural plans; and
 - (iv) provisions of 91 bicycle parking spaces within the building.

STORMWATER

- B8. Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Chapel Road Highway in accordance with Council's specifications. All proposed stormwater pits, pipes and connections are to be designed and constructed in accordance with Council's relevant standards and specifications.
- B9. Pre- and post-construction CCTV inspections of Council's existing drainage assets adjacent to, or impacted by, the proposed works shall be undertaken. These inspections are required to assess the condition of existing pits and pipes and to ensure that no damage occurs to Council's assets as a result of the proposed works, including the new stormwater connection.
- B10. Prior to the issue of any 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 EIS and any Council stormwater requirements (including Technical Standard 1) 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.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B11. Prior to the issue of the first Construction Certificate for above ground works, 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 Ecologically Sustainable Design (ESD) Report, prepared by Jones Nicholson dated 4 April 2025.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B12. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that the design of the development has incorporated Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures.

WIND MITIGATION MEASURES

- B13. Prior to the issue the first Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures and recommendations contained within the document titled Pedestrian Wind Environment Statement, prepared by Windtech, dated 12 February 2026.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B14. Prior to the issue of the first Construction Certificate for above ground works, 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 SLR Consulting Australia, dated 4 February 2026.

ADAPTABLE UNITS

- B15. Prior to the issue of the first Construction Certificate for above ground works, 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

- B16. Prior to the issue of the first Construction Certificate for above ground works, BASIX Certificate No. 1790715M_03 and any updated certificate issued if amendments are made, must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

ACCESSIBILITY

- B17. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier reviewed by a qualified access consultant demonstrating that the locations of accessible parking spaces and access path widths between and to/from lifts are compliant with the Disability (Access to Premises – Building) Standards 2010 and Building Code of Australia 2022 (or the relevant edition at the time of application).

WORKS ZONE

- B18. If required, the Applicant can apply to the Canterbury Bankstown Traffic Committee for the installation of a Works Zone at the site's frontage on Chapel Road and/or French Avenue, 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 and must be approved and paid for prior to issuance of a Construction Certificate.

SERVICES AND FIRE HYDRANT ENCLOSURE

- B19. Prior to the issue of the first Construction Certificate for above ground works, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of E1P3 & E1P4 of the BCA.

ELECTRIC VEHICLE CHARGING

- B20. Prior to the issue of the first Construction Certificate for above ground works, details must be provided to the satisfaction of the Certifier that the basement car park will be provided with electrical distribution boards dedicated to electric vehicle charging with the following minimum capacity:
- (a) for the non-residential car parking component of the development the minimum requirements under the National Construction Code.
 - (b) for residential car parking component of the development, 100% of the car parking must satisfy the requirements under the National Construction Code (Part J9D4).

WASTE

- B21. Prior to the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.
- B22. Prior to the issue of a Construction Certificate, details must be provided to the satisfaction of the Certifier demonstrating that the waste chutes comply with the following requirements, as well as the requirements of Council's "Waste Management Guide for New Developments":
- (a) chutes, service openings and charging devices are constructed of metal or a smooth-faced surface which is fire resistant and of impervious material;
 - (b) chute is cylindrical in section, vertical and without bends as it passes through the floors;
 - (c) chutes must terminate in the waste storage room and discharge into a waste bin; and
 - (d) comply with manufactures technical specifications and operational limitations.
- B23. 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.
- B24. Prior to the issue of the first Construction Certificate for above ground works, details must be provided to the satisfaction of the certifier demonstrating that the recycling cupboards comply with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":
- (a) maximum distance of 30 metres from all dwellings;
 - (b) access is to be in accordance with AS 1428 (Set): 'Design for access and mobility';
 - (c) located directly adjacent to the chute hopper and contain only recycling bins;
 - (d) must be of adequate size to accommodate enough recycling bins, which allows for three days of recycling generated by the number of dwellings on that floor;

- (e) designed to fit 240L bins facing forward;
- (f) designed so the doors are of sufficient width to allow the transfer/rotation of 240L bins; and
- (g) the floor is to be constructed of a durable and impervious material with a smooth finish.

B25. Prior to the issue of the first Construction Certificate for above ground works, details must be provided to the satisfaction of the certifier demonstrating that the communal bin storage room complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

- (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 2.1 m 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 must be 2 metres wide and open outwards; and
- (m) designed to fit the following bin allocations:

Number of bins	Bin size	Bin type
12	1,100L	Garbage (Red)
11	1,100L	Recycling (Yellow)
19	240L	FOGO (Green)

B26. Prior to the issue of the first Construction Certificate for above ground works, details must be provided to the satisfaction of the certifier demonstrating that the bulky waste storage room complies with the following requirements as well as the requirements of Council's "Waste Management Guide for New Developments":

- (a) floors must be finished to be non-slip with a smooth and even surface;
- (b) a designated room or enclosure and is to have a roof, with a minimum 2.1 m unobstructed room height;
- (c) must be compatible with the overall design of the development;
- (d) walls must be constructed of solid impervious material;
- (e) ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned;
- (f) walls, ceiling and floors must be finished in a light colour;
- (g) a self-closing door openable from within the room;
- (h) must be constructed to prevent the entry of birds and vermin;
- (i) Be provided with adequate light and ventilation. Light source must be through controlled light switches located both outside and inside the room;
- (j) any doorways must be 2 metres wide and open outwards; and
- (k) designed to a minimum size of 12 m².

B27. Prior to the issue of the first Construction Certificate for above ground works, 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:
 - (i) within 5 metres of the all waste storage rooms or temporary holding area;
 - (ii) a separate parking area for the collection vehicle; and
 - (iii) include an extra 2 metres at the rear of the vehicle loading area;

- (b) 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.

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;
 - (xii) site security, including fencing or hoarding;
 - (xiii) mitigation and management measures identified in the Biodiversity Development Assessment Report by Land Eco Consulting dated 30 April 2025; and
 - (xiv) tree protection management measures for all protected and retained trees.
 - (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 C16;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D27;
 - (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; and
 - (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 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, EPA's Assessing Vibration: Technical Guideline and relevant standards;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures; and
 - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), 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 sensitive receivers 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; and
- (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* (PEO Act); 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 cause the building to be 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 cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C8. The Applicant must cause a Registered Surveyor to measure and mark:
- (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 Certifier; and
 - (c) provide information on the positions to the 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.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C15. 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 (50 m) 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.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C16. 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.

REMEDIAL ACTION PLAN

- C17. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Detailed Site Investigation prepared by Reditus Consulting Pty Ltd, dated 9 April 2025 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997* (CLM Act). Remediation works must be undertaken by a suitably qualified and experienced consultant(s).
- C18. 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 Detailed Site Investigation and relevant guidelines produced or approved under the CLM Act.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C19. 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.
- C20. 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

- C21. 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

- C22. 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.

ADJUSTMENTS TO STREET LIGHTING

- C23. Prior to commencement of work, consult with utility authorities to determine the requirements of relocation/adjustment of electricity supply and street lighting services fronting the property as necessary for the proposed development. Such street lighting shall also conform to Council's standard specifications.

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; and
 - (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 m 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.

STREET SIGNAGE

- D18. The Applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the Applicant.

EROSION AND SEDIMENT CONTROL

- D19. 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

- D20. 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.
- D21. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the PEO Act or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D22. 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 PEO Act.
- D23. 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.
- D24. 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

- D25. 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

D26. 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

D27. 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.

D28. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

UNDERGROUNDING

D29. All existing aerial cables which may include for electricity, communications and other cables connecting to street poles and buildings around the site shall be removed and installed underground in accordance with the requirements of the relevant service authorities. Ausgrid lighting poles are to be provided to the requirements of Ausgrid for street lighting and shall be positioned compatible to the landscaping design around the site.

WASTE MANAGEMENT

D30. The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

- (a) the disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the PEO Act;
- (b) all waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the PEO Act;
- (c) generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW;
- (d) all waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it;
- (e) records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/details are also to be kept of person removing the waste;
- (f) all materials and resources that are to be stored on site during construction works are contained on the site;
- (g) the provisions of the PEO Act must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
- (h) the storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D31. 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.

D32. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D33. 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.

OBSTACLE LIGHTING

- E5. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating that the building is obstacle lit by low intensity steady red obstacle lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius in accordance with Section 9.31 of the Civil Aviation Safety Regulations 1998 – Part 139 (Aerodromes) Manual of Standards.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E6. Prior to the issue of the final Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- 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;
 - 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; and
 - whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E7. 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

- E8. 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.

STREET SIGNAGE

- E9. Prior to the issue of any Occupation Certificate, the Applicant shall apply to Council's Local Transport Forum to relocate street signed as required by the development. The existing No Parking (L) and 2 Hour Parking (8:30am-6pm, Monday to Friday, 8:30am to 12:30pm Saturday) signs on the powerpole on French Avenue, to the west of the exiting driveway are to be relocated further west to be adjacent to the new driveway

Note: the person with the benefit of this consent is to submit a written application to Council in regards to the relocation of the signs – council@cbciry.nsw.gov.au. All costs are to be borne by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E10. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
 - 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.

- E11. Prior to the occupation or commencement of the use of the development, any damage identified in Condition E6 as being caused by the carrying out of the development not subject to Condition E10 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E12. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- E13. Prior to the issue of the final 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.
- E14. Upon completion of the development, work-as-executed plans, based on the approved plans, shall be prepared by a registered surveyor and submitted to Council. The plans shall show the extent of works and finished ground levels within the overland flow path. Any minor changes or variations to the approved plans shall be highlighted in red.

COMPLIANCE WITH BASIX CERTIFICATE

- E15. Prior to the issue of the final Occupation Certificate for residential use, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent and any updated certificate issued if amendments are made have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E16. Prior to the issue of the final 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.

ACOUSTIC COMPLIANCE

- E17. 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 B15 .

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 the final 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 B6 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 provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

CAR PARKING, BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E27. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence of compliance demonstrating that all car parking and bicycle parking spaces along with end-of-trip facilities (as relevant) have been provided in accordance with Condition B7.
- E28. 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

- E29. 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.

REDUNDANT DRIVEWAYS

- E30. Prior to the issue of the final Occupation Certificate, the Applicant must demonstrate to the Certifier that:
- (a) all redundant driveways and stormwater pipes have been removed; and
 - (b) the redundant driveways and pipes (as applicable) have been replaced with new kerb and gutter and the footway with turf and a concrete path.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E31. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures set out in Condition B13.

WIND MITIGATION MEASURES

- E32. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the Certifier evidence demonstrating that the design of the development has incorporated the wind mitigation measures set out in Condition B14.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E33. Prior to the issue of the final 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 B11.

WASTE

- E34. No occupation certificate may be issued until such time as written confirmation has been received from Council that all waste management facilities and associated access have been constructed in accordance with the requirements of this consent. The waste management facilities include the path of travel for all waste, from unit to point of waste collection, waste storage room sizing, access to water and sewer connections, finished materials, access and doorway dimensions, truck turntables, bin tugs and bin lifting equipment.
- E35. Prior to the issue of any Occupation Certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.
- E36. Prior to the issue of an Occupation Certificate:
- (a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan
 - (b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLANS OF MANAGEMENT

- E37. Prior to the issue of any Occupation Certificate, 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) car parking allocation and management;
 - (d) loading and unloading;
 - (e) security and staff management;
 - (f) emergency management/ evacuation and incident response protocols;
 - (g) waste management;
 - (h) tenant induction and behaviour/ house rules;
 - (i) noise management of communal open space areas, loading docks, and recreation uses;
 - (j) community consultation and complaint procedures;
 - (k) noise management measures for communal open space.
- E38. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a final Operational Plan of Management specific to the child care facility prepared in consultation with Council, which includes (but not be limited to):
- (a) maximum number of patrons and staff;
 - (b) hours of operation;
 - (c) access (from car park, from external entrances, and internal building access);
 - (d) management of car parking;
 - (e) bicycle, scooter and pram storage;
 - (f) noise management measures of indoor and outdoor spaces including the outdoor play area; and
 - (g) deliveries and servicing.
- E39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a final Operational Plan of Management specific to the community facility and place of public worship prepared in consultation with, and approved by Council, which includes (but not be limited to):
- (a) maximum number of patrons and staff;
 - (b) hours of operation;
 - (c) management and booking of spaces;
 - (d) management of car parking to avoid conflicts of uses and over-demand;
 - (e) management of shared spaces;
 - (f) management of larger events (e.g. during Easter and Christmas periods);
 - (g) noise control; and
 - (h) deliveries and servicing.
- E40. The Operational Plans of Management approved under this consent shall be implemented following occupation of the development and must be reviewed and updated annually in consultation with Council. The updated plans shall be provided to Council.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E41. 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) has been prepared in consultation with Council; and
 - (c) specifies, but is not limited to, details of:
 - (i) details of parking spaces allocated to each use, including times of use, signage, booking systems, access controls
 - (ii) 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;
 - (iii) scheduling servicing or loading activities involving an HRV to be outside the peak operating hours of the child care facility to minimize potential conflicts with visitors and ensure safety;
 - (iv) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (v) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

OPERATIONAL WASTE MANAGEMENT

- E42. Prior to the occupation or commencement of use of the development, the Applicant must prepare an **Operational Waste Management Plan** for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
 - (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;
 - (f) provide details to demonstrate that the waste and recycling handling and storage systems for residential waste and commercial waste are separate and self-contained;
 - (g) provide confirmation that would separate the waste collection times for the residential waste and commercial waste;
 - (h) provide details of a bulky waste storage area for residents;
 - (i) confirm that the bin carting routes do not have any steps;
 - (j) describe the handling, storage and disposal of all waste streams generated on site, consistent with the PEO Act, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA).

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

STORMWATER

- E43. 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.
- E44. 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; and
 - (iv) Work Health and Safety requirements.

REGISTRATION OF EASEMENTS, POSITIVE COVENANTS AND RESTRICTION ON THE USE OF LAND

- E45. Prior to the issue of the final Occupation Certificate, all matters required to be registered on title including easements, positive covenants and restrictions on the use of land required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

INFILL AFFORDABLE HOUSING

- E46. A minimum of 185 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.
- E47. In perpetuity from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) the affordable housing component must be used for affordable housing; and
 - (b) the affordable housing component must be managed by a registered community housing provider; and
 - (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.
- E48. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure the affordable housing component is at full occupancy and, by 30 June each year, must submit to the Planning Secretary a report relating to the previous 12-months period as to:
- (a) the occupancy rates of the affordable housing component for that year; and
 - (b) compliance with the requirement in this condition to use best endeavours to achieve full occupancy.
- E49. Prior to the issue of the final 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) minimum of 185 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 in perpetuity from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates;
 - (ii) specifically nominating those units to be allocated and used for affordable housing; and
 - (iii) 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.

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 required by Condition E44; 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 required by Condition E42.
- F3. The Applicant must ensure that at all times during the life of the development:
- (a) waste is not placed or left on the site; and
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan required by Condition E41;
 - (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
- 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 or visitors of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

FOOD HANDLING

- F7. All kitchens where food is handled, including the child care facility and the community facilities must be designed and constructed in accordance with AS 4674-2004 Design, Construction and Fit-out of Food Premises.

GREASE ARRESTOR

- F8. Provision shall be made in the design of the development in the Construction Development Application for a grease arrestor tank of adequate dimensions to pre-treat oil, grease and fats prior to discharge to Sydney Water's sewer in accordance with that authority's requirements. The grease arrestor tank shall be located somewhere in the development that facilitates easy access by waste contractor vehicles.

LANDSCAPING

- F9. The owner of the premises is to maintain the landscaping as approved by this consent in accordance with approved landscape plans cited in condition A1 and as modified by any condition of this consent.
- Any replacement plants required shall be advanced in growth and be selected to maintain the anticipated mature height, canopy density and nature of those plant species as originally approved.
- Should plants be substituted which are not of the same mature height, canopy density and nature (particularly flowering for non-flowering, native for exotic, deciduous for non-deciduous or the reverse of any these) a modification to this consent will be required.

FIRE SAFETY CERTIFICATION

- F10. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F11. If any outdoor lighting results 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.

BASIX CERTIFICATION

- F12. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1790715M_03 and any updated certificate issued if amendments are made.

WASTE

WASTE AND RECYCLING POLICY

F13. The development must operate in full compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".

MANAGEMENT OF WASTE

F14. The Applicant is required to maintain compliance with the Operational Waste Management Plan approved under Condition E31.

F15. Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone's role and responsibility. This is to include:

- (a) Responsibility for cleaning and maintaining waste storage bins and containers.
- (b) Responsibility for cleaning, securing and maintaining waste storage rooms.
- (c) Responsibility for the transfer of bins to the nominated collection point.
- (d) Responsibility for ensuring safe and unimpeded access for collection staff to and within the waste storage rooms.
- (e) Method of communication to new tenants and residents concerning the developments waste management system.
- (f) Cleaning up and management of bulky waste.
- (g) Responsibility for maintaining any compost bin or worm farm.

WASTE AND RECYCLING SIGNAGE

F16. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

WASTE CHUTE CONTINGENCY

F17. Where the waste management system incorporates the use of a waste chute system, a contingency plan should be in place for the development to allow for the continual disposal and collection of waste if the chute cannot be operated.

ON-SITE COLLECTION POINT(S)

F18. The nominated on-site collection point(s) are to be utilised to facilitate the collection of waste for the development, including any bin contents, bulky waste and any other waste. Each on-site collection point is:

- (a) to be kept clear of obstructions at all times so not to restrict the collection of waste;
- (b) to be located within 2 m of the applicable collection holding room; and
- (c) include a safe unobstructed rear clearance of 2 m behind the truck for loading of bin contents and bulky waste.

WASTE STORAGE

F19. Waste storage containers must not be located or placed outside the approved waste storage areas at any time except for collection purposes.

F20. Waste storage containers must be adequately maintained in full working order without damage (without splits, with all components in-tact and with all wheels operational). Bin lids must be able to be closed shut at all times.

F21. Any waste facilities approved under this consent must be maintained in a proper and workmanlike state at all times and must be kept clear and accessible to Council to undertake waste collection services. The facilities must not be altered without prior Council approval.

CHILD CARE FACILITY, COMMUNITY FACILITY AND PLACE OF PUBLIC WORSHIP

OPERATIONAL PLANS OF MANAGEMENT

F22. The operation of the child care facility, community facilities and place of public worship must be in accordance with the Operational Plans of Management detailed in Conditions E37, E38, E39 and E41.

RECTORY DWELLING

F23. The apartment on Level 2 of the development identified as 'Rectory 02.08' on plan PLA-DA-1002, Revision C, must only be used for the purposes of residential accommodation ancillary to the place of public worship, and must not be sold or leased as a stand-alone market residential apartment.

CHILD CARE FACILITY

F24. The centre-based child care facility may cater for a maximum of sixty (60) children.

HOURS OF OPERATION

F25. The hours of operation of the community centre and place of public worship shall be limited to between 8:00am – 10:00pm, 7 days per week.

F26. The hours of operation of the centre-based child care facility shall be limited to between 7:00am – 6:00pm, Monday to Friday.

NOISE

F27. Noise emanating from the development must not give rise to any of the following:

- (a) the cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz) by more than 5dB between 7am and 10pm at the boundary of any noise sensitive commercial premise or residential premise.
- (b) the cumulative, broadband $L_{Aeq, 10 \text{ minute}}$ noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz) between 10pm and 7am at the boundary of any noise sensitive commercial premise or residential premise.
- (c) transmission of 'offensive noise' as defined in the PEO Act to any place of different occupancy.

F28. Noise from commercial plant must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry 2017* (NPfI). Further:

- (a) background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI
- (b) commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

F29. An $L_{Aeq, 15 \text{ minute}}$ (noise level) emitted from the commercial plant associated with the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

- (a) the noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
- (b) background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

Note: Corrections in *Fact Sheet C* of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial plant noise.

F30. Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the premises at all times.

F31. Speakers and/or noise amplification equipment must not be installed outdoors and music must not be played in any of the outdoor areas associated with the premises. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

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 Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
 - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. 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.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

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;
 - (e) a summary of the Incident;
 - (f) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (g) 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
 - (h) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.