

Our ref: SSD-49472213

Mr Stephen Barry
Planning Director
Independent Planning Commission
Suite 15.02, Level 15, 135 King Street
Sydney NSW 2000

Via email: [REDACTED]

31 March 2025

Subject: Pathways Cremorne – Seniors Housing (SSD-49472213) – Request for Comment –
Recommended Conditions of Consent

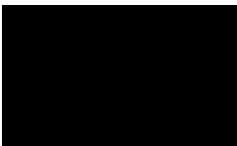
Dear Mr Barry

I refer to your letter dated 24 March 2025, seeking the Department of Planning Housing and Infrastructure's (the Department) advice on the workability, enforceability and any potential unintended consequences of the proposed conditions for the proposed Pathways Cremorne – Seniors Housing State significant development application.

In response to the Independent Planning Commission's request, the Department advises that it is generally supported of the proposed amendments to the draft conditions of consent, subject to consideration of the comments provided in **Attachment A**.

Please do not hesitate to contact Peter McManus, Team Leader on [REDACTED] if you require any further information or clarification on these matters.

Yours sincerely,



Paulina Wythes
Director
Social and Diverse Housing Assessments

Pathways Cremorne Seniors Housing (SSD-49472213)

Changes to Conditions of Consent

Notes:

1. Not all conditions in the table below are replicated in full, only necessary parts of the conditions to demonstrate changes.
2. As a result of new conditions, re-numbering of conditions will be required/undertaken.
3. Minor grammatical, typographical and condition cross-reference corrections to conditions are not included in the table below.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)				Comments DPHI
DEFINITIONS NEW AND/OR AMENDED DEFINITIONS	Update to EIS definition to capture additional information provided by the applicant. Additional definitions to reflect terms in the consent.	EIS	The Environmental Impact Statement titled Pathways Cremorne Seniors Housing, prepared by Gyde Consulting, dated 4 August 2023, submitted with the application for consent for the Development, including the Fire Sprinklers Statement prepared by GHD, Revision 0, dated 4 March 2025 , any additional information provided by the Applicant in support of the application.			Accepted.
		GFA	Gross Floor Area			
		SEPP Housing	State Environmental Planning Policy (Housing) 2021			
TERMS OF CONSENT A1.	Update table to include revised plans provided by the applicant.	DA10.01	DA17 6	Basement Plan	03.03.2025 07.11.2024	Accepted.
		DA10.02	DA21 0	Lower Ground Floor Plan	03.03.2025 07.11.2024	
		DA10.03	DA16 5	Ground Floor Plan	03.03.2025 07.11.2024	
		DA10.04	DA14 3	Level 1 Floor Plan	03.03.2025 07.11.2024	
		DA10.05	DA12 2	Level 2 Floor Plan	03.03.2025 07.11.2024	
		DA10.06	DA12 4	Level 3 Floor Plan	03.03.2025 07.11.2024	
DESIGN AMENDMENTS B2.	Minor update to wording.	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier that details have been submitted to and approved by the Planning Secretary demonstrating that the design for the slot window of Bedroom 2 of UG01 within the ground floor of Building 2 has been treated with included an appropriate privacy measure to ensure visual privacy is achieved between UG01 and the living room of Bedroom RG08 of 78 Parraween Street of the residential aged care facility.				Accepted.
SITE STABILITY B4.	Including 'experienced and practicing' when referring to an Engineer.	Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report prepared by from an experienced and practicing Engineer, which includes the following: (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development (including the buildings to be retained at 78-88 Parraween Street) and adjacent land;				Accepted.
STRUCTURAL DETAILS B6.	Including 'experienced and practicing' when referring to an Engineer.	Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report prepared by an experienced and practicing Structural Engineer demonstrating that structural drawings comply with:				Accepted.
HERITAGE B10.	Minor update to wording to capture the proposed adaption works.	Prior to the issue of the first Construction Certificate and commencement of any demolition works at 78-88 Parraween Street, the Applicant must submit to the Certifier evidence of approval by the Planning Secretary confirming that a suitably qualified heritage conservation architect has been engaged for the duration of the project, to guide the conservation works, including adaptations , and ensure the appropriate resolution of all matters relating to the heritage conservation and adaptation of the properties at 78-88 Parraween Street.				Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strike through)	Comments DPHI
HERITAGE B11.	Inclusion of a statement from suitably qualified and experienced heritage architect.	Prior to the issue of the first Construction Certificate and commencement of any demolition works at 78-88 Parraween Street, the Applicant must submit to the Certifier evidence of approval by the Planning Secretary that of a Statement that the proposed adaptation works have been found to be sympathetic to the heritage values of the buildings and a detailed and comprehensive Schedule of Conservation Works. The Statement and Schedule of Conservation Works must be prepared by a suitably qualified and experienced heritage architect and approved in writing by the heritage conservation architect engaged in accordance with Condition B10, with specifications of materials, finishes and workmanship.	Accepted.
LANDSCAPING B12.	Additional subclause to capture existing vegetation on the site that will be retained and specifying a 12 month maintenance period.	(d) includes details of maintenance all vegetation to be retained on-site during construction; (g) includes a commitment to replace plants with the same species if any plant loss occurs within the 12 month maintenance period.	Accepted.
MICROBATS B13.	Updated to ensure any microbat management plan is endorsed by BCS and provided to the certifier prior to the issue of any Construction Certificate.	Prior to the issue of the first Construction Certificate or any demolition works, the Applicant must submit to the Certifier: (a) surveys prepared by a suitably qualified ecologist of potential threatened specific habitat in human made structures on the site. Should any threatened microbats be identified within existing structures on site, a microbat management plan is to be prepared and submitted to BCS for review and comment endorsement. The plan must detail the findings of the survey and measures that will be implemented to minimise any adverse impacts prior to and during construction; and (b) a copy of the BCS endorsed microbat management plan, if required by Condition B13(a).	The Department requests that condition B13(a) be further amended to incorporate an avenue for dispute resolution through the Planning Secretary (e.g., similar to the Commission's proposed drafting of condition D30) in the event that an 'endorsement' cannot be obtained by the Applicant. Note: condition B13(a) was drafted consistent with the recommended condition provided by BCS in its advice on the proposal. Proposed condition 13(b) is accepted.
RESIDENTIAL AGED CARE FACILITY FIRE SPRINKLER SYSTEM B20.	Removing 'aged' from the heading and condition to be consistent with SEPP Housing terms.* Including 'experienced and practicing Engineer' and reference to additional information provided. <i>*All conditions where 'aged' is included to be amended</i>	Prior to the issue of the Construction Certificate for above ground works , the Applicant must submit to the satisfaction of the Certifier plans and a report from an experienced and practicing Engineer, suitably qualified consultant that the entirety of the residential aged care facility will be fitted with a comprehensive fire sprinkler system as included in the SSD Application and that complies with the applicable Australian Standards and guidelines.	Accepted.
HOUSING SEPP HOUSING SCHEDULE 4 B21.	Change 'Housing SEPP' to SEPP Housing	Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified consultant confirming that a development relating to the ILUs complies with the relevant building and layout design standards of Schedule 4 of the Housing SEPP Housing .	Accepted.
FOOD PREPARATION / PREMISES B22.	Minor update to refer to most recent version of the standard.	Prior to the issue of the first Construction Certificate for the 'fit-out' of on-site communal amenities (club / lounge and multi-purpose room), in which food is to be prepared and served, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction satisfies the relevant requirements of the <i>Food Act 2003, the Australia New Zealand Food Standards Code and Australian Standard AS 4674- (2004) - Design, construction and fit-out of food premises (or its latest version)</i> .	Accepted.
FOOD PREPARATION / PREMISES B23.	The Commission finds the condition to be redundant in light of condition B22 which requires compliance with relevant legislation.	Delete entire condition	Noted and accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strike through)	Comments DPHI
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN C1.	To provide a mechanism for community consultation during construction.	(iv) community consultation procedures, including details of how the community will be informed of construction milestones, construction program changes (including delays), and traffic management matters;	Accepted.
PRE-CONSTRUCTION DILAPIDATION REPORTS AND PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES C9.	Including 'experienced and practicing' when referring to an Engineer and introducing the need for	(a) submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an experienced and practising Engineer, and an Arborist (if the case of trees and vegetation) , 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';	Accepted. DPHI questions whether the proposed addition should read as "...an Arborist (if in the case of trees..."
PRE-CONSTRUCTION DILAPIDATION REPORTS AND PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES C13.	This condition is replicated at condition D16 and is considered more appropriate as a 'During Construction' condition.	Delete entire condition	Noted and accepted.
TREE PROTECTION AND VEGETATION CLEARING C 15 to become C14.	Minor updates to reinforce the rehabilitation. 'Protection' removed from heading as condition relates to removal only.	Trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the "grab" attachment of a machine. During tree removal and vegetation clearing (including the removal of exotic weeds), an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and re-habilitated, then released on site or an appropriate nearby location. when re-habilitated.	Accepted.
REMEDIATION C17.	Minor update.	Upon completion of the remediation works and prior to the commencement of construction of the development , a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.	Accepted.
DEMOLITION C24 to become C23.	Minor update to refer to most recent version of the standard.	Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001) or its most recent version , and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person that work plans comply with the safety requirements of the Australian Standard.	Accepted.
SITE NOTICE D1.	Minor update.	The Applicant must erect and maintain site notices in prominent positions on the site informing the public of project details including, but not limited to:	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strike through)	Comments DPHI
SHORING AND ADEQUACY OF ADJOINING PROPERTY D16.	Minor update to ensure repairs are undertaken as soon as possible.	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 as soon as possible and to the satisfaction of the public authority responsible for the public way.	Accepted.
HERITAGE D17.	Additional subclause to include the need to establish a formal protection zone.	While site or building works being carried out, the significant original fabric of the heritage listed cottages at 78-88 Parraween Street must be protected in accordance with the following requirements: (a) a protection zone must be defined by a suitably qualified heritage professional with a details of the protection zone held on site and a copy provided to the Principal Certifier; (b) significant original fabric must not be removed and must be protected at all times; (c) construction equipment laydown areas and contractor vehicles must be located away from the heritage listed cottages and outside the defined protection zone required by D17(a); and (d) contractor vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged.	Accepted.
UNCOVERING RELICS OR ABORIGINAL OBJECTS, AND ABORIGINAL PROTECTION D30.	Amendments to make only Heritage NSW the authority (as the relevant authority) to confirm works may proceed. Planning Secretary included as a dispute resolution mechanism in the event of a disagreement between Heritage NSW and the Applicant.	Building work may recommence at a time confirmed by either the Heritage Council of NSW. in the case of a dispute on the recommencement of building work, the matter can be referred to or the Planning Secretary for resolution.	Accepted.
POST-CONSTRUCTION DILAPIDATION REPORT E5.	Including 'experienced and practicing Engineer'	Before the issue of any Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) prepared by an experienced and practicing Engineer to the Certifier.	Accepted.
POST-CONSTRUCTION DILAPIDATION REPORT E6.	Copy to also be provided to Council.	The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary, Council and to the relevant adjoining property owner(s).	Accepted.
STRUCTURAL INSPECTION CERTIFICATE E15.	Including 'experienced and practicing Engineer'	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 prepared by an experienced practicing Structural Engineer must be submitted to the Certifier.	Accepted.
STRUCTURAL INSPECTION CERTIFICATE E16.	Minor updates.	A copy of the Structural Inspection Certificate or a Compliance Certificate required by Condition E15 with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:	Accepted.
BICYCLE PARKING AND END-OF-TRIP FACILITIES E24.	Minor updates.	Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Principal Certifying Certifier Authority evidence of compliance demonstrating that bicycle parking spaces have been provided in accordance with Condition B14. Error! Reference source not found.	Accepted.
STREET NUMBERING E26.	Minor updates.	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 s of the each building.	Accepted.
HOUSING SEPP HOUSING SCHEDULE 4 E28.	Minor updates.	Prior to the issue of the first Occupation Certificate, the Principal Certifier shall be satisfied that the building layout and design is consistent with the relevant requirements of Schedule 4 of the Housing SEPP Housing (Condition B21).	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strike through)	Comments DPHI
FOOD PREPARATION / PREMISES E29.	Minor updates to ensure Occupation Certificate on other parts of the development are not tied to food compliance matters associated with the RCF.	Prior to the issue of the first Occupation Certificate relating to the RCF, the Principal Certifier must be ensure the premises has must be inspected by the the NSW Food Authority to ascertain compliance with relevant Food Safety Standards, and the the written approval of The The NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.	Accepted. DPHI recommends the proposed drafting of condition E29 be amended to read: "Prior to the issue of the first Occupation Certificate relating to the RCF, the Principal Certifier must be ensure the premises has must be have been inspected by the NSW..."
FOOD PREPARATION / PREMISES E30.	Minor updates.	Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards. And for a Any commercial food premises must be registered with Council.	Accepted.
OPERATIONAL PLAN OF MANAGEMENT E31.	Updated for the Operational Plan of Management to be finalised prior to an Occupation Certificate	Prior to the issue of an an Occupation Certificate Certificate or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the D D development and submit it to the <u>Principal</u> Certifier, which includes (but not be limited to):	Accepted.
OPERATIONAL WASTE MANAGEMENT E33.	Minor updates.	(e) detail the type and quantity of waste <u>expected</u> to be generated during operation of the Development;	Accepted.
STORMWATER E34.	Minor updates.	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 <u>practicing</u> Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.	Accepted.
FOOD PREPARATION / PREMISES F15 – F22.	The Commission finds this conditions to be unnecessary. Construction Certificate documentation is required to demonstrate compliance with condition B22 and subsequently, compliance with relevant legislation, standards etc must be met and checked by the Principal Certifier.	Delete all conditions.	Noted and accepted.