

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse social and environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Juliet Grant (Chair)  
Member of the  
Commission



Elizabeth Taylor AO  
Member of the  
Commission



Michael Chilcott  
Member of the  
Commission

Sydney

13 September 2024

### SCHEDULE 1

<b>Application Number:</b>	SSD-33631237
<b>Applicant:</b>	BaptistCare
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	3 Martins Lane and 3A Homelands Avenue, Carlingford [Lot 2 DP 1284882 and Lot 1 DP 26212]
<b>Development:</b>	Carlingford seniors housing development comprising: <ul style="list-style-type: none"><li>• demolition, removal of vegetation, bulk earthworks and remediation works;</li><li>• construction of seven, single to six storey buildings providing for:<ul style="list-style-type: none"><li>○ a 96 bed residential aged care facility, 130 independent living units and a respite day centre;</li><li>○ ancillary amenities including fire sprinkler system, kitchen and laundry facilities, cafés, salon, gym, multi-purpose and function rooms, pool, library, cinema, allied health, dining areas and administration / offices;</li><li>○ 277 seniors housing and five respite day centre car parking spaces, together with service vehicle, ambulance, motorcycle and bicycle parking spaces;</li></ul></li><li>• provision of communal and public open spaces, ecological zone, pedestrian links and hard and soft landscaping;</li><li>• tree removal, replacement, retention and protection;</li><li>• stormwater and utility infrastructure works; and</li><li>• installation of one illuminated sign.</li></ul>

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	BaptistCare, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
<b>AQF</b>	Australian Qualification Framework
<b>AS</b>	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
<b>AHD</b>	Australian Height Datum
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCS</b>	NSW Department of Climate Change, Energy the Environment and Water, Biodiversity, Conservation and Science Group
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Construction Certificate</b>	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
<b>Council</b>	City of Parramatta Council
<b>CPTED</b>	Crime Prevention Through Environmental Design Assessment
<b>CWMP</b>	Construction Waste Management Sub-Plan
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The destruction and removal of buildings, sheds and other structures on the site.
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development approved pursuant to this consent, as defined in condition A2 and as modified by the conditions of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Environmental Impact Statement BaptistCare Carlingford – Seniors Housing, Version 2.0</i> ', prepared by Ethos Urban and dated 19 January 2023 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>ILU</b>	Independent Living Unit
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that:

	<ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate).
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of approved land uses upon completion of construction
<b>Owner</b>	Means the registered proprietor of the Property from time to time.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>RCF</b>	Residential Care Facility
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Practitioner</b>	A person and/or entity registered under the Design and Building Practitioners Scheme in New South Wales.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information
<b>RtS</b>	The Applicant's response to submissions report titled ' <i>Response to Submissions Report, Version 4.0</i> ', prepared by Ethos Urban and dated 3 October 2023 received in relation to the application for this development consent under the EP&A Act.
<b>RRFI</b>	<p>The Applicant's responses to requests for information received in relation to the application for this development consent under the EP&amp;A Act from Ethos Urban and titled:</p> <ul style="list-style-type: none"> <li>'<i>Response to request for further information – BaptistCare Carlingford (SSD-33631237)</i>' and dated 15 February 2024; and.</li> <li>'<i>Response to BCS Submission – BaptistCare Carlingford (SSD-33631237)</i>' and dated 29 May 2024.</li> <li>'<i>Addendum to Clause 4.6 Variation to Development Standard</i>', dated 6 September 2024.</li> </ul>
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
<b>Site</b>	The land identified in Schedule 1
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>Work(s)</b>	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

#### TERMS OF CONSENT

- A2. The development must only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, RtS and any RRFI;
  - (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

<b>Architectural plans prepared by DKO Architecture</b>			
<b>Plan No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA000	K	Cover Page	23/08/2024
DA101	C	Demolition Plan 1:500	07/09/2023
DA102	C	Tree Demolition Plan 1:500	07/09/2023
DA104	D	Overall Site Plan 1:500	28/09/2023
DA105	D	Overall Site Plan 1:250	28/09/2023
DA106	C	Staging Plan 1:500	07/09/2023
DA200	G	Ground Level 1:250	23/08/2024
DA201	G	Level 1 Floor Plan 1:250	23/08/2024
DA202	F	Level 2 Floor Plan 1:250	23/08/2024
DA203	F	Level 3 Floor Plan 1:250	23/08/2024
DA204	E	Level 4 Floor Plan 1:250	17/05/2024
DA205	E	Level 5 Floor Plan 1:250	17/05/2024
DA206	E	Level 6 Floor Plan 1:250	17/05/2024
DA207	E	Level 7 Floor Plan 1:250	17/05/2024
DA208	E	Level 8 Floor Plan 1:250	17/05/2024
DA209	E	Roof Plan 1:250	17/05/2024
DA210	E	Site Plan 1:250	17/05/2024
DA300	C	Elevation - North 1:200	07/09/2023
DA301	D	Elevation - East 1:200	01/02/2024
DA302	D	Elevation - South 1:200	07/09/2023
DA303	C	Elevation - West 1:200	07/09/2023
DA310	E	RACF Elevation - North & South 1:200	23/08/2024
DA311	D	RACF Elevation - East & West 1:200	23/08/2024
DA320	C	ILU Elevation - North 1:200	07/09/2023
DA321	C	ILU Elevation - South 1:200	07/09/2023
DA322	D	ILU Elevation - East 1:200	01/02/2024
DA323	C	ILU Elevation - West 1:200	07/09/2023
DA330	C	Respite Centre Elevation - North 1:100	07/09/2023
DA351	C	Section AA	07/09/2023
DA352	C	Section BB	07/09/2023
DA353	D	Section CC	23/08/2024
DA354	D	Section DD	23/08/2024

DA355	D	Section EE	23/08/2024
DA356	D	Section FF	23/08/2024
DA357	E	Section GG	23/08/2024
DA358	D	Section HH	23/08/2024
DA360	C	Sectional Perspective	07/09/2023
DA370	C	Section II - ILU	07/09/2023
DA371	C	Section JJ - ILU	07/09/2023
DA372	C	Section KK - ILU	07/09/2023
DA373	E	Sections LL - MM - NN - RACF	23/08/2024
DA450	D	RFI - GFA Plans	28/09/2023
DA451	D	RFI - GFA Plans	28/09/2023
DA457	D	VPA Areas	07/02/2024
DA510	C	ILU Facade Type 1	07/09/2023
DA511	C	ILU Facade Type 2	07/09/2023
DA515	C	ILU Facade - North & West	07/09/2023
DA516	C	ILU Facade - East	07/09/2023
DA517	C	ILU Facade - South	07/09/2023
DA530	C	RACF Facade Type 1	07/09/2023
DA531	C	RACF Facade Type 2	07/09/2023
DA560	C	Materials Palette	07/09/2023
DA570	D	Signage	17/05/2024
DA610	A	Typical Apartments 2B-A	20/05/2024
DA611	A	Typical Apartments 2B-B	20/05/2024
DA612	A	Typical Apartments 2B-C	20/05/2024
DA613	A	Typical Apartments 2B-D	20/05/2024
DA614	A	Typical Apartments 2B-E	20/05/2024
DA615	A	Typical Apartments 3B-A	20/05/2024
DA616	A	Typical Apartments 3B-B	20/05/2024
DA617	A	Typical Apartments 3B-C	20/05/2024
DA618	A	Typical Apartments 3B-D	20/05/2024
DA619	A	Typical Apartments 3B-E	20/05/2024
DA620	A	Typical Apartments 3B-F	20/05/2024
DA621	A	Typical Apartments 3B-G	20/05/2024
DA622	A	Typical Apartments 3B-H	20/05/2024
DA623	A	Typical Apartments 3B-I	20/05/2024
DA624	A	Typical Apartments 3B-J	20/05/2024
DA625	A	Typical Apartments 3B-K	20/05/2024
DA626	A	Typical Apartments 3B-L	20/05/2024
DA627	A	Typical Apartments 3B-M	20/05/2024
DA628	A	Typical Apartments 3B-N	20/05/2024
DA629	A	Typical Apartments 3B-O	20/05/2024
DA630	A	Typical Apartments 3B-P	20/05/2024
DA631	A	Typical Apartments 3B-Q	20/05/2024
DA632	A	Typical Apartments 3B-S	20/05/2024
DA633	A	Typical Apartments 3B-T	20/05/2024
DA634	A	Typical Apartments 3B-U	20/05/2024

DA635	A	Typical Apartments 3B-V	20/05/2024
DA636	A	Typical Apartments 3B-W	20/05/2024
DA637	A	Typical Apartments 3B-X	20/05/2024
DA638	A	Typical Apartments 2B-A	20/05/2024
DA639	A	Typical Apartments 2B-B	20/05/2024
DA640	A	Typical Apartments 2B-C	20/05/2024
DA641	A	Typical Apartments 3B-A	20/05/2024
DA642	A	Typical Apartments 3B-B	20/05/2024
DA643	A	Typical Apartments 3B-C	20/05/2024
DA644	A	Typical Apartments 3B-D	20/05/2024
DA645	A	Typical Apartments 3B-E	20/05/2024
DA650	C	Adaptable Apartment 2B - Apt A201	07/09/2023
DA651	C	Adaptable Apartment 2B - Apt A301	07/09/2023
DA652	C	Adaptable Apartment 2B - Apt A401	07/09/2023
DA653	C	Adaptable Apartment 2B - Apt A202	07/09/2023
DA654	C	Adaptable Apartment 2B - Apt A302	07/09/2023
DA655	C	Adaptable Apartment 2B - Apt A402	07/09/2023
DA656	C	Adaptable Apartment 2B - Apt E101	07/09/2023
DA657	C	Adaptable Apartment 2B - Apt E201	07/09/2023
DA658	C	Adaptable Apartment 2B - Apt E301	07/09/2023
DA659	C	Adaptable Apartment 3B - Apt B104	07/09/2023
DA660	C	Adaptable Apartment 3B - Apt C601	07/09/2023
DA661	C	Adaptable Apartment 3B - Apt C602	07/09/2023
DA662	C	Adaptable Apartment 3B - Apt D602	07/09/2023
DA670	C	Typical Apartment Storage 2B - A	07/09/2023
DA671	C	Typical Apartment Storage 2B - B	07/09/2023
DA672	C	Typical Apartment Storage 2B - C	07/09/2023
DA673	C	Typical Apartment Storage 2B - D	07/09/2023
DA674	C	Typical Apartment Storage 2B - F	07/09/2023
DA675	C	Typical Apartment Storage 3B - A	07/09/2023
DA676	C	Typical Apartment Storage 3B - B	07/09/2023
DA677	C	Typical Apartment Storage 3B - D	07/09/2023
DA678	C	Typical Apartment Storage 3B - E	07/09/2023
DA679	C	Typical Apartment Storage 3B - F	07/09/2023
DA681	C	Typical Apartment Storage 3B - H	07/09/2023
DA685	D	Apartment Storage Schedule	28/09/2023
DA701	C	Typical Roof Detail	07/09/2023
<b>Landscape plans prepared by <i>Oculus</i></b>			
<b>Plan No.</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
L001	6	Legend Sheet	25.05.23
L002	5	Materials Schedule	25.05.23
L003	8	Planting Schedule	17/05/24
L004	17	Site Plan Ground Floor	17/05/24
L005	15	Site Plan Rooftops	17/05/24
L006	4	Deep Soil Area Diagram	01/06/23
L010	13	Eastern Boundary – Martins Lane	17/05/24

L011	9	Western Boundary	17/05/24
L012	4	Art Strategy	01/06/23
L100	12	Tree Retention and Removal Plan	17/05/24
L200	9	Surface Finishes Ground Floor – Respite Centre	07.02.24
L201	14	Surface Finishes Ground Floor – RACF	17/05/24
L202	10	Surface Finishes – Level 1 – Dementia Courtyard	29/11/23
L203	11	Surface Finishes – Level 2 – Lower Courtyard	07.02.24
L204	13	Surface Finishes – Level 3 – Upper Courtyard	17/05/24
L205	13	Surface Finishes – Level 4 (East West Road)	17/05/24
L206	7	Surface Finishes – Level 5	25.05.23
L207	7	Surface Finishes – Level 6	25.05.23
L208	7	Surface Finishes – Level 7	25.05.23
L209	7	Surface Finishes – Level 8	25.05.23
L500	5	Planting Ground Floor – Respite Centre	25.05/24
L501	7	Planting Ground Floor – RACF	17/05/24
L502	5	Planting - Level 1 – Dementia Courtyard	25.05.23
L503	6	Planting - Level 2 – Lower Courtyard	25.05.23
L504	7	Planting - Level 3 – Upper Courtyard	15.04.24
L505	9	Planting - Level 4 (East West Road)	17/05/24
L506	5	Planting - Level 5	25.05.23
L507	5	Planting - Level 6	25.05.23
L508	5	Planting - Level 7	25.05.23
L509	5	Planting - Level 8	25.05.23
L700	6	Sections	01/06/23
L701	6	Sections	25.05.23
L702	6	Sections	25.05.23
L703	7	Sections	13.12.23
L850	6	Details – Softscape	25.05.23
L851	6	Details – Softscape	25.05.23
<b>Civil plans prepared by Stantec</b>			
Plan No.	Rev	Name of Plan	Date
CI-007-001	D	General Notes	01.06.2023
CI-050-001	D	Existing Conditions Plan Sheet 1 of 2	01.06.2023
CI-050-002	B	Existing Conditions Plan Sheet 2 of 2	01.06.2023
CI-060-001	I	General Arrangement Plan Sheet 1 of 2	12.04.2024
CI-060-002	C	General Arrangement Plan Sheet 2 of 2	01.06.2023
CI-070-001	G	Erosion and Sediment Control Plan Sheet 1 of 2	14.05.2024
CI-070-002	C	Erosion and Sediment Control Plan Sheet 2 of 2	01.06.2023
CI-076-001	D	Erosion and Sediment Control Details	01.06.2023
CI-100-001	J	Bulk Earthworks Plan	18.04.2024
CI-103-001	F	Bulk Earthworks Section	19.04.2024
CI-402-001	B	Roadworks Driveway Long Section	18.12.2023
CI-500-001	D	Stormwater Catchment Plan Existing	01.06.2023
CI-500-022	F	Stormwater Catchment Plan Proposed Sheet 1 of 2	12.04.2024
CI-500-023	C	Stormwater Catchment Plan Proposed Sheet 2 of 2	01.06.2023
CI-520-001	H	Stormwater Drainage Plan Sheet 1 of 2	12.04.2024

CI-520-002	C	Stormwater Drainage Plan Sheet 2 of 2	01.06.2023
CI-526-001	D	Stormwater Details Sheet 1 of 3	01.06.2023
CI-526-002	B	Stormwater Details Sheet 2 of 3	01.06.2023
CI-526-003	B	Stormwater Details Sheet 3 of 3	01.06.2023
CI-526-011	C	Stormwater OSD Tank 1 Details	01.06.2023
CI-526-012	C	Stormwater OSD Tank 2 Details	01.06.2023
CI-526-013	B	Stormwater OSD Tank 3 Details	01.06.2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - the implementation of any actions or measures contained in any such document referred to in **condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- the detailed fit out and operation (including hours of operation) of the Building A (ILU) and Building F (RCF) cafés and any outdoor dining areas fronting Martins Lane and the southern ecological zone associated with these cafes;
  - the use or hire by the public of the ancillary amenity spaces including kitchen and laundry facilities, salon, gym, multi-purpose and function rooms, pool, library, cinema, allied health, dining areas and administration / offices;
  - line marking / pedestrian crossing across the Martins Lane driveway illustrated on plan DA200 (Rev F);
  - any planting of trees north of the Building F (RCF) vehicle entrance fronting Martins Lane which conflict with the TPZ and SRZ of Trees 5 or 6 (refer to **condition B20**); and
  - the installation of signage other than signage shown on the approved drawings.
- A7. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

#### PRESCRIBED CONDITIONS

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

#### PLANNING SECRETARY AS MODERATOR

- A9. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

#### LEGAL NOTICES

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

#### EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - provide details of the consultation undertaken including:
    - the outcome of that consultation, matters resolved and unresolved; and



- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **STRUCTURAL ADEQUACY**

A12. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

**Note:** Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

**Note:** Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

### **REMEDIATION ACTION PLAN**

A13. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the *'Remediation Action Plan (Project 92284.09) Revision 1'*, prepared by Douglas Partners and dated 20 October 2022 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

### **OPERATION OF PLANT AND EQUIPMENT**

A14. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

### **APPLICABILITY OF GUIDELINES**

A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **MONITORING AND ENVIRONMENTAL AUDITS**

A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

### **COMPLIANCE**

A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

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

A19. Within three months of:

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

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A20. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### COUNCIL APPROVED MARTINS LANE FOOTPATH

- B1. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the satisfaction of the Certifier that a separate application has been submitted to Council seeking to modify previous Council approval DA/242/2020 to amend the footpath to avoid impacts to structural root/s within the SRZ of T4 in accordance with recommendation 7.2.4 of the 'Arboricultural Impact Assessment Revision D', prepared by Creative Planning Solutions and dated 20 May 2024.

### AMENDMENTS TO LANDSCAPING

- B2. Prior to the issue of the first Construction Certificate, the Applicant must provide evidence to the Certifier that revised landscape plans have been submitted to and approved by the Planning Secretary. The revised landscape plans must:
- (a) be generally consistent with the Landscape Plans listed in **condition A2**, except as amended by the requirements of this consent;
  - (b) include details and construction methodology of the proposed elevated, permeable footpaths / boardwalks within the eastern setback fronting Martins Lane and through the southern ecological zone. The footpaths / boardwalks must:
    - (i) be designed in consultation with the Project Arborist to minimise any impacts on existing trees;
    - (ii) not include edging, excavation or regrading within the existing natural ground of the Tree Protection Zones (TPZ);
    - (iii) consider the feasibility of implementing both or one of the following options in relation to trees T3 and T4:
      - relocate the 1:22 path to Building B, away from tree T3, to minimise impact to the tree root system. And by working with the existing grades, delete the unnecessary steps to building B and create a DDA compliant access walkway / ramp.
      - delete the additional path and steps shown between trees T3 and T4 from Building A to minimise impact to the tree root system as per AS4970-2009 Protection of Trees on development Sites.
  - (c) include details on the *TF01 Natural turf on structure* within the TPZ of trees T9 and T8 is to be detailed above grade, using non-destructive construction method to elevate the slab and to have nil impact to the surrounding trees and be prepared conjunction with the Project Arborist;
  - (d) delete the proposed planting mix *MP01- BGHF* within the Structural Root Zone (SRZ) of existing trees to avoid severing the roots and to reduce planting competition to the existing trees. Show only 50-75mm bark mulch within the SRZ;
  - (e) include details of planting actual rootball size, soil profile, the planter walls and path;
  - (f) relocate trees a minimum 1.5m away from walls and paths to ensure the rootball sizes fit. Tree rootballs must not be 'cut to fit';
  - (g) include details of planting on-structure, including within the courtyards and over the underground On-Site Detention tanks, which shall be consistent with the following soil depth and volume requirements:
    - (i) typical tree planting on structure to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size);
    - (ii) typical shrub planting on structure detail to show minimum 500-600mm soil depth;
    - (iii) typical turf planting on structure to show minimum 200-300mm soil depth;
  - (h) to ensure pedestrian and user safety, include details of all required retaining and/or finished ground level battering works associated with pedestrian pathways where interfacing with proposed landscaping elements. Details must ensure trip hazards and associated impacts to pathways are mitigated, with potential tree and tree root impacts also addressed in consultation with the project arborist;
  - (i) demonstrate adequate drainage and watering systems for on-structure planting;
  - (j) include details of plant maintenance and watering for the first 12 months;
  - (k) include a commitment to replace plants with the same species if any plant loss occurs within the maintenance period (being 5 years following initial planting);
  - (l) Existing trees shall be numbered as per the Arboricultural Impact Assessment Report by CPS E765 rev D dated 20.05.2024. Plans are to also include the TPZ and SRZ radiuses for coordination;
  - (m) Provide a typical detail showing both the turf planting and shrub planting within the Tree Protection Zone (TPZ) of existing trees to show minimal excavation, cultivation and compaction and to ensure the root system will be adequately retained and protected; and

- (n) All non-destructive construction details within the TPZ of the trees to be retained and protected are to be prepared in conjunction with the Project arborist to ensure the trees will be adequately protected during the works.

#### **AMENDMENTS TO BUILDINGS A TO E**

- B3. Prior to the issue of the first Construction Certificate for above ground works for Buildings A to E, the Applicant must submit evidence to the Certifier that revised plans relating to the internal design and layout of Buildings A to E, have been submitted to and approved by the Planning Secretary. The revised plans must:
- (a) demonstrate all bathroom and bedroom windows facing internal corridors and/or communal sitting areas located between Buildings A/B, B/C, C/D and D/E and on all levels are windows designed to:
    - (i) for bathrooms, be high-level, fixed shut and fitted with translucent glazing; and
    - (ii) for bedrooms, be high-level and fitted with translucent glazing.
  - (b) include the redesign of the layout of ILUs A501, A502 and D102 so that all habitable rooms are provided with a primary window on an external wall, with a clear glass area not less than 10% of the floor area. In addition:
    - (i) amend the unit layout and/or window location/design of ILUs A501 and A502 so that bedroom windows are not directly and obliquely overlooked from windows to adjoining communal sitting areas;
    - (ii) amend the layout and/or design of ILU D102 so that the study room is deleted, or reduced in size to an area equal to or less than 6 m<sup>2</sup>, so not to be classified as a habitable room; and
  - (c) amend the window location/design and/or provide privacy screens to the two south facing living / dining room windows of ILUs E204 and E304, to prevent overlooking of the private open space of ILU F107.

#### **MATERIALS AND FINISHES**

- B4. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details of final materials and finishes. The details must:
- (a) be generally consistent with the Materials Palette plan DA560 Rev C, dated 7 September 2023;
  - (b) include final specifications of colour, material, and where relevant, manufacturer; and
  - (c) include sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

#### **MAXIMUM BUILDING HEIGHT AND GFA**

- B5. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming:
- (a) the maximum height of the building does not exceed RL 110.07m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like; and
  - (b) the gross floor area of the development does not exceed 23,455 m<sup>2</sup>.

#### **PUBLIC DOMAIN CONSTRUCTION AND ALIGNMENT DRAWINGS**

- B6. Prior to the issue of a Construction Certificate for any construction work relating to the ground floor, including slab pour, the public domain works, any publicly accessible internal site works, or any other above-ground structure, the Applicant must submit evidence to the certifier that the following plans/details have been submitted to and approved by Council:
- (a) Detailed Public Domain Construction Drawings as per chapter 2 of the Parramatta Public Domain Guidelines (PPDG). The drawings shall address, but not be limited to, the following areas:
    - (i) all the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
    - (ii) any publicly accessible areas;
    - (iii) any works in carriageway;
    - (iv) works to integrate with adjacent public amenities; and
    - (v) onsite landscape work.
  - (b) Development application standard Public Domain Alignment Drawings in accordance with Parramatta Public Domain Guidelines 2017 Section 2.3 - Design and submission requirements.

Important - Coordination with services: The Public Domain Construction Drawings must be prepared after test pits have been dug and inspected within the public domain, and it is confirmed that all proposed street trees are able to be planted and there are no clashes with any services, existing or proposed.

## FOOTWAY SPECIFICATIONS

B7. The following requirements must be included in the Public Domain Construction Drawings:

- (a) Footpath:
  - (i) The standard concrete paving, as per the PPDG and Council Standard detail DS3, shall be applied to the East-West Street. Martins Lane (except for a wire mesh footpath) detailed in the approved VPA construction drawings approved by Council earlier and to the full length of the development site and extending from Wulaba Place to Homelands Avenue and to the publicly accessible footpaths in the western and southern setbacks. Detailed design spot levels are required. The width of the footpaths is to be as per the approved public domain alignment drawings. New kerb and gutter and new verge installation is required as part of these works.
  - (ii) A copy of the Design Standard (DS) Drawings referenced above is available on the Council Website (<https://www.cityofparramatta.nsw.gov.au/sites/council/files/2023-02/SD-INDEX-FINAL.pdf>) or can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).
  - (iii) Grading of the pedestrian footway:
    - Localised flattening of public footpath levels at building doorways is not permitted. Any level change required to provide compliant access to the building must be achieved behind the property boundary line.
    - Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with the Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.
- (b) Kerb Ramps:
  - (i) Council's standard kerb ramp detail is to be provided. Refer to Council's design standard DS4. Kerb ramps are to be aligned to kerb ramps on the opposite side of the road.
- (c) Vehicle Crossing:
  - (i) Council's standard vehicle crossing is to be provided. Refer Council's design standards DS9 and DS 10. Detailed plans showing how the driveways can be delivered without impacting existing trees is required to be submitted prior to the release of any construction certificate.
- (d) Pit Lids, Frames and Grates:
  - (i) All pit lids and grates in paved areas of the public domain should be level with the paving around and aligned with the paving pattern as per the PDG. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.
  - (ii) All pit lids, frames and covers in the public domain must be of Class 'C' load bearing capacity as per AS 3996 and DS 25 in all pedestrian areas and Class 'D' for all shared zones.
  - (iii) Drainage grates on an accessible path of pedestrian travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.
- (e) Tactile Ground Surface Indicators (TGSIs):
  - (i) TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines and the latest versions of AS1428.1 and AS1428.4. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.
- (f) Steps, Handrails and Ramps:
  - (i) Any steps, handrails and ramps in public domain or publicly accessible private spaces must comply with the latest version of AS1428.1 and AS1428.4.
  - (ii) Where ramps are concerned, preference is to achieve ramps which do not require handrails (i.e. make them flatter than 1:20).
  - (iii) All steps, handrails and TGSIs required to access the private property, must not protrude into the public footway.
- (g) Slip Resistance:
  - (i) For non-council Standard Pavements, the applicant shall provide test results (after applying paving sealant) to prove applicable pavement material and finishes used in the publicly accessible areas are non-slip surfaces that comply with a P4 or P5 rating as per AS4586:2013. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.
- (h) Lighting:
  - (i) Pedestrian and Council-owned Street lighting shall comply with City of Parramatta Street Lighting Guidelines 2019 and all relevant Australian Standards, including but not limited to AS1158. All publicly accessible paths should be lit to above standards and should be accessible 24/7.

- (ii) All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new lighting designs shall be carried out and certified by a full member of IESANZ.
- (iii) Streetlights in the public domain to located at the back of kerb within the furniture zone as per the PDG.
- (i) Electrical Reticulation:
  - (i) Electrical design shall comply with AS/NZS3000 and, if any electricity distributor assets are involved, all requirements of the electricity distributor.
  - (ii) All electrical designs shall be undertaken by a competent practising electrical engineer.
  - (iii) For Council's owned lighting, electrical design shall be submitted to Council for review and approval.
  - (iv) The location of any distribution board is to be in a position off the public street, wherever possible, and out of the main path of travel. The location must be approved by Council.
  - (v) Electrical Design Certificate must be signed as compliant by ASP Level 3 designer.
- (j) Construction and General:
  - (i) All new LED luminaires shall include 7pin NEMA socket.
  - (ii) All assets handed over to Electrical Distributor must meet their relevant standards (Ausgrid Network Standard NS119 & Endeavour Energy Network Standard).
  - (iii) All assets handed over to Council must meet City of Parramatta Street Lighting Guidelines 2019.
  - (iv) The Developer shall be responsible to reimburse Council for any residual values for assets removed prematurely.
- (k) Electrical Pillars:
  - (i) Green Pillars for electrical connections, where required, should be coordinated with public domain elements, be outside the clear path of travel, shown on drawings, and must be neatly located 100mm away from the face of the building/property boundary wall (as applicable) and be installed square and plumb. Any existing green pillars must be moved and relocated as necessary to achieve the above.
  - (ii) Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

## STREET TREE SPECIFICATIONS

B8. The following street tree specifications must be implemented and adhered to as part of the development:

- (a) The required street tree species, quantities and supply stocks must be as per **Table 1** below for Martins Lane and Wulaba Place:

**Table 1** Street Tree Requirements

Botanical Name	Common Name	Pot Size	Quantity	Average spacing
To be confirmed	To be approved by Council	Per PPDG	As per approved drawings or average spacing, whichever is greater	Typically 8-10m or as shown on the approved drawings or as agreed to by Council.

*Note:*

- Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.
  - Evidence of the order for trees, must be submitted to the DTSU with the Public Domain Construction Drawings.
  - Tree grates may be required depending on context. For tree pit finish requirements, details and locations refer to Chapter 4 of the PPDG.
  - When the construction drawings are submitted, it is assumed that all tree locations in the public domain have been coordinated with existing and proposed services. Reduction in number of trees as shown on the construction drawings is not permissible and Council will not entertain any changes to the tree numbers (or agreed soil volumes) once drawings have been approved.
- (b) All street trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use), or its latest / in force version. Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018, or its latest / in force version. A copy of this certification is to be forwarded to Council prior to the installation of the trees.
  - (c) The requirements for height, calliper and branch clearance for street trees must be in accordance with AS2303:2018), or its latest / in force version. Consistent tree pit size and construction is to be used

throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard drawings with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

- (d) A quality structural soil system is required around proposed street trees in paved areas and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata vaults. The proposed product must be approved by Council. Granular structural soil systems are not preferred because they significantly reduce soil volume available to trees.
- (e) The base of all tree pits shall incorporate a drainage layer and subsoil pipe that connects to the nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits and the level of connection point must also be shown on the Public Domain Construction Drawings
- (f) Calculations demonstrating tree pit and soil volume compliance as per the PPDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum soil media depth of 1.2m excluding any drainage layers.
- (g) Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings and submitted to and approved by Council prior to the issue of a Construction Certificate for above ground works.

#### **LONG SERVICE LEVY**

- B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

#### **STRUCTURAL DETAILS**

- B10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by an experienced, registered practitioner who is a Professional Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
  - (b) this development consent.

#### **EXTERNAL WALLS AND CLADDING**

- B11. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- B12. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

#### **ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES**

- B13. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified and experienced Access Consultant demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

#### **MECHANICAL VENTILATION**

- B14. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B15. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details and certification that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by an experienced, registered practitioner who is a Professional Engineer, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

#### **SITE STABILITY AND CONSTRUCTION WORK**

- B16. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from an experienced registered practitioner/s who are Professional Engineer/s, which includes the following:

- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
- (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
- (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
- (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work; and
- (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

B17. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the *'Crime Prevention through Environmental Design (CPTED) Assessment Version 3.0'* prepared by Ethos Urban and dated 26 September 2022.

#### **MECHANICAL PLANT NOISE MITIGATION**

B18. Prior to the issue of the Construction Certificate for any works involving mechanical plant, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from a suitably qualified and experienced professional Acoustic Engineer / consultant that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

#### **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

B19. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the *'Operational Noise and Vibration Impact Assessment, Revision 4'*, prepared by Acoustic Logic dated 14 May 2024.

#### **WIND MITIGATION MEASURES**

B20. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all wind mitigation measures contained within *'Pedestrian Wind Environment Study Revision 1'*, prepared by Windtech and dated 17 October 2022 (PWES), excluding the PWES recommended tree planting on Martins Lane (see note below).

**Note.** The PWES recommendation to plant five '3-5m high and wide densely foliage evergreen trees' north of the Building F (RCF) vehicle entrance fronting Martins Lane is not approved as it conflicts with the TPZ and SRZ of T5 and T6.

#### **UTILITY ASSETS**

B21. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

**Note:** Sydney Water's Tap in™ in online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

B22. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to Endeavour Energy to determine whether the development will affect Endeavour Energy assets and/or easements, and if any further requirements need to be met. Any asset relocation / modifications, easement requirements and connections must be carried out in accordance with the requirements of Endeavour Energy.

#### **PARKING ALLOCATION AND INFRASTRUCTURE**

B23. Prior to the issue of the Construction Certificate for below ground works, evidence must be submitted to the satisfaction of the Certifier demonstrating compliance with the following:

- (a) provision of a maximum of 277 ILU and RCF car parking spaces, including:
  - (i) 209 ILU resident car parking spaces;
  - (ii) 26 ILU visitor car parking spaces
  - (iii) 22 RCF visitor car parking spaces;
  - (iv) 20 RCF staff car parking spaces;

- (b) of the 235 ILU spaces, provide a minimum of 26 accessible ILU spaces (24 ILU resident and two ILU visitor) in accordance with the relevant Australian Standard. No accessible car parking spaces shall be designed / laid out as tandem car parking spaces;
- (c) provision of a minimum of six motorcycle parking spaces;
- (d) provision of an ambulance bay and one pick-up/drop-off bay within the RCF porte-cochere;
- (e) provision of three service vehicle parking bays (two for the RCF and one for the ILUs); and
- (f) provision of infrastructure for electric vehicles (EV) in accordance with the NCC 2019 version and the requirements of the BASIX Certificate No. 1321715M\_02;
- (g) all vehicles must be capable of:
  - (i) entering and leaving the subject site in a forward direction;
  - (ii) being wholly contained on site before being required to stop;
- (h) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards; and
- (i) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTRROADS.

B24. Prior to issue of a Construction Certificate for the respite day centre, evidence must be submitted to the satisfaction of the Certifier demonstrating that:

- (a) five car parking spaces, including two accessible surface level car parking spaces are provided in accordance with the relevant Australian Standard;
- (b) all vehicles must be capable of:
  - (i) entering and leaving the subject site in a forward direction;
  - (ii) being wholly contained on site before being required to stop;
- (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards; and
- (d) the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTRROADS.

B25. Prior to the issue of the Construction Certificate for access works evidence must be submitted to the satisfaction of the Certifier demonstrating that triangular spays associated with pedestrian sight lines at the Martins Lane access driveways are consistent with Clause 3.2.4 (b) and Figure 3.3 of the Australian Standard AS 2890.1- 2004.

#### **BICYCLE PARKING AND END OF TRIP FACILITIES**

B26. Prior to the issue of the Construction Certificate for below ground works, the public domain and Building F (as relevant), the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

- (a) provision of a minimum of 30 ILU bicycle parking spaces;
- (b) provision of a minimum of 20 RCF staff bicycle parking spaces;
- (c) provision of a minimum of 6 visitor bicycle parking spaces within the public domain; and
- (d) provision of RCF staff bicycle end of trip facilities within the RCF building (Building F) comprising:
  - (i) separate male and female changing rooms
  - (ii) a minimum of 40 personal lockers and four showers.
- (e) the layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

#### **BIODIVERSITY**

B27. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the Planning Secretary that two ecosystem credits consistent with the classes of ecosystem credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix E of the *'Addendum Biodiversity Development Assessment Report, Versions 2'*, prepared by Cumberland Ecology and dated 30 May 2023 have been retired in accordance with the NSW Biodiversity Offsets Scheme of the Biodiversity Conservation Act 2016.

B28. Prior to the issue of the first Construction Certificate, the Applicant must submit a Construction Biodiversity Impact Management Plan prepared by the Project Ecologist to the Certifier demonstrating that all construction mitigation and management measures contained in Chapter 8.5 of the *'Addendum Biodiversity Development Assessment Report, Version 2'*, prepared by Cumberland Ecology and dated 30 May 2023 will be implemented during construction.



- B29. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier that a Vegetation Management Plan (VMP) has been submitted to and approved by the Planning Secretary. The VMP must:
- (a) be prepared by a suitably qualified and experienced professional ecologist in consultation with Council
  - (b) expand the VMP 'ecological zone' site boundary (as shown at Figure 1, on page 7 of letter titled '*Response to RFI for SSD03363127 22182-Let8*', prepared by Cumberland Ecology and dated 17 May 2024 to apply to, and contain all land and vegetation within the whole of the eastern setback fronting Martins Lane, being the 'eastern ecological zone' and including trees T1 to T6.
  - (c) incorporate the management and mitigation measures identified in Chapter 8.5 of the '*Addendum Biodiversity Development Assessment Report, Versions 2*' prepared by Cumberland Ecology and dated 30 May 2023;
  - (d) include details of the monitoring program to be undertaken, which must occur annually, for the life of the development and include an assessment of conditions to determine any indirect impacts, including monitoring of Blue Gum High Forest (BGHF) trees to determine whether there is any decline in tree health, increase in soil moisture levels or increase in weed abundance; and
  - (e) include details of reporting requirements, including any adaptive management / mitigation measures required to appropriately mitigate any impacts observed during the monitoring program under **condition B29(d)**. Appropriate management and mitigation measures to address the identified impacts may include:
    - (i) measures contained in the '*Response to RFI for SSD03363127 22182-Let8*', prepared by Cumberland Ecology and dated 17 May 2024;
    - (ii) additional and replacement planting in response to site conditions and their effects on the BGHF; and
    - (iii) alternative management and mitigation measures to address the identified impact(s).

#### TREE RETENTION AND REMOVAL

- B30. Prior to the issue of the first Construction Certificate, the Applicant must submit a Tree Protection Management Plan (TPMP), prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5). The TPMP must:
- (a) identify specific tree protection measures to be implemented for the trees located within the site and adjacent to the site during demolition and construction and the expected future health of the trees;
  - (b) outline the specific non-destructive construction method to minimise the impact and encroachment and the specific protection measures required throughout the demolition and construction works;
  - (c) cover all stages of the works and cover any works to be supervised by the Project Arborist;
  - (d) be consistent with the tree numbers identified in the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024;
  - (e) identify the specific tree protection type and location required for each tree inclusive of canopy, trunk and tree root protection in accordance with AS 4970- 2009 – Protection of Trees on Development Sites;
  - (f) demonstrate the approved works retain and protect the calculated Tree Protection Zones;
  - (g) provide guidance on the approved services, retaining wall etc to be installed within the TPZ of trees, to ensure non-destructive construction techniques are used to minimise the construction impact (i.e. bridging of roots, hydrovac);
  - (h) provide details of the construction of any structure which requires a modified footing (i.e. pier & beam);
  - (i) provide details on landscaping (i.e. minimise cultivation, excavation planting techniques within the TPZ & SRZ), noting that all landscape elements within the TPZ of the trees are to be designed in conjunction with the Landscape Architect to ensure the design has minimal impact to the trees; and
  - (j) include details of any other stages that the Project Arborist deems necessary.

#### SENSITIVE CONSTRUCTION

- B31. Prior to the issue of the first Construction Certificate, all structures which are documented within the Tree Protection Zone (TPZ) of the following tree(s) T1, T2, T3, T4, T5, T6, T8, T9, T21, T22, T34 are to be modified using non-destructive construction methods (NDC) to minimise the cumulative construction impacts within the TPZ to ensure they are a minor encroachment as per the AS4970-2009: Protection of Trees on Development Sites. They are to be designed in conjunction with, and with written approval of, the Project Arborist.

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B32. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the '*ESD Assessment Report – Site B, 1 Martins Lane, Carlingford NSW Revision 3*', prepared by Jones Nicholson and dated 14 October 2022.

- B33. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the relevant elements of the development will achieve a minimum 7 Star NatHERS rating.

#### **BASIX CERTIFICATION**

- B34. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. No. 1321715M\_02 and any updated certificate issued if amendments are made. Prior to the issue of the Construction Certificate for above ground works the BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

#### **FLOODING AND STORMWATER MANAGEMENT**

- B35. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational flood and stormwater management system for the development. The system must:
- (a) demonstrate that it has incorporated all requirements, infrastructure, performance parameters, engineering assumptions and the recommendations contained in:
    - (i) the *'BaptistCare Carlingford – Flood Impact Assessment Revision 04'*, prepared by WMS Engineering and dated 27 March 2024; and
    - (ii) the *'Integrated Water Management Plan Revision 002'*, prepared by Stantec and dated 7 December 2022, as subsequently updated by the *'Civil and Stormwater Addendum Report'* dated 19 May 2023 and 5 December 2023
  - (b) be designed by an experienced, registered practitioner who is a Professional Engineer;
  - (c) be in accordance within Council's stormwater requirements and specifications;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

#### **PUBLIC DOMAIN AND ACCESS**

- B36. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit Public Domain Construction Drawings relating to the following public pedestrian through site links to Council for its approval:
- (a) Wulaba Place to Martins Lane link along the southern side of Wulaba Place;
  - (b) Martins Lane to Homelands Avenue link along the western side of Martins Lane;
  - (c) Wulaba Place to Grace Street / Azile Court link through the western setback; and
  - (d) Martins Lane to Grace Street / Azile Court link through the southern ecological zone.
- B37. The Public Domain Construction Drawings (**condition B36**) must demonstrate the through site links:
- (a) are consistent with the requirements of Council's 2017 Public Domain Guidelines;
  - (b) provide public access 24 hours a day, 7 days a week;
  - (c) have pedestrian lighting to Australian Standards to provide safe 24/7 access without reflecting into residential properties;
  - (d) would be passively overlooked by the buildings approved pursuant to this consent; and
  - (e) meet relevant Australian Standards for gradient and design where they cross the two proposed vehicle driveways at Martins Lane.

#### **PUBLIC ART PLAN**

- B38. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Public Art Plan (PAP) to the satisfaction of the Certifier that demonstrates:
- (a) the PAP has been prepared in consultation with Council;
  - (b) the PAP is consistent with Council's *Interim Public Art Guidelines for Developers* and includes consideration of:
    - (i) contemporary expressions of public art;
    - (ii) sufficient details around the artwork's connection to the Strategy's conceptual premise and thematic vision;
    - (iii) clear identification of the locations of the public artwork on site; and
    - (iv) detail on the artist selection and procurement process including a budget and program outline.
  - (c) a public art budget comprising no less than 0.5% of the proposed cost of the Capital Investment Value of the development shall be use for the installation / implementation of public art on the site.

#### **ADAPTABLE UNITS**

- B39. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified and experienced Access Consultant that the adaptable ILUs specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

#### **RESIDENTIAL CARE FACILITY SPRINKLER SYSTEM**

- B40. 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, registered practitioner who is a Professional Engineer that the residential care facility will be fitted with the comprehensive sprinkler system as included in the SSD Application and that complies with the applicable Australian Standards and guidelines.

#### **OPERATIONAL WASTE STORAGE**

- B41. Prior to the issue of a Construction Certificate for above ground works, evidence must be submitted to the Certifier from a relevant experience, registered practitioner that the design of the operational waste storage area:
- (a) has been amended in layout and / or size to provide sufficient space to allow for access to all waste receptacles and so that no bins are stacked one in front of the other;
  - (b) is constructed using solid non-combustible materials;
  - (c) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
  - (d) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (e) is naturally ventilated or an air handling exhaust system must be in place; and
  - (f) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins
  - (g) floor is graded and appropriately drained to the sewer.

#### **HOUSING SEPP SCHEDULE 4**

- B42. 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 and experienced Access Consultant that development relating to the Independent Living Units complies with the relevant building and layout design standards of section 85 / Schedule 4 of the Housing SEPP, which were in force at the time of lodgement of this SSDA.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
  - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **condition A2** of this consent (excluding floor plans);
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated as complaints are resolved;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
  - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

### SURVEY CERTIFICATE

- C4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier:
  - (a) All footings/ foundations; and
  - (b) At other stages of construction – any marks that are required by the Certifier.
- C5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the Certifier which demonstrates that:
  - (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
- C6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

### TEMPORARY TRANSPLANT OF EIGHT JUVENILE *EUCALYPTUS SALIGNA* TREES

- C7. Prior to the commencement of any vegetation clearance or excavation works, eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' regrowth trees on the site (identified in the '*Addendum Biodiversity Development Assessment Report, Versions 2*' prepared by Cumberland Ecology and dated 30 May 2023) must be extracted from their current location and temporarily transplanted in an appropriate and safe location on or off the site or in suitably sized pots with adequate soil depth and volume. The trees:
  - (a) must be supervised by an AQF Level 5 Arborist during the transplant process to ensure a maximum potential of success;
  - (b) must be provided with adequate sunlight, water and protected from wind damage and other threats for the duration of their temporary relocation; and
  - (c) monitored for the duration of the period of their temporary transplant to ensure their health is maintained.

**Note:** The final transplant location for the eight *Eucalyptus saligna* 'Sydney Blue Gum' regrowth trees must be accordance with the requirements **condition E43**.

## **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C8. Prior to the commencement of works, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) as outlined in **conditions C18 and C19**; and
  - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standard being AS4970-2009 Protection of Trees on Development Sites.

## **TREE PROTECTION MEASURES**

- C9. Prior to the commencement of any demolition, earthwork or construction, the Applicant must engage a Project Arborist to ensure all tree protection measures and works are carried out in accordance with the conditions of this consent.
- The Project Arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience. Details of the arborist including name, business name and contact details shall be provided to the Certifier.
- C10. Prior to the commencement of any works, tree protection works shall be carried out in accordance with the approved tree protection plans referenced in **condition A2** and the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024, except where amended by other conditions of this consent.
- C11. Prior to the commencement of works, the Project Arborist is to inspect the tree protection measures and verify that they comply with all relevant conditions of this consent. The Project Arborist (AQF Level 5) shall certify that the protection measures have been carried out in accordance with the approved plans and specifications for tree protection for the site. Certification shall include a statement on the condition of the retained trees, details of any deviation from the tree protection plan and any impacts this may have upon the retained trees. Copies of the tree protection, along with date stamped photographic evidence, shall form part of the certification and the final tree protection report.

## **PUBLIC DOMAIN – PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**

- C12. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors. The following must be implemented and adhered to all public domain works:
- (a) A pre-work site meeting is required with Council's Road Asset Planning Team before the start of any works in the public domain on site to confirm the works as per the approved CC drawing set and to discuss any critical issues that may arise.
  - (b) A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact Group Manager Development Traffic Services Unit for each inspection listed below. At least 48-hour notice must be given for all inspections, except tree inspections which require a 7 days notice.
  - (c) The inspections, where necessary, include the following:
    - (i) Commencement of public domain works including tree protection measures installed and set out of tree pits.
    - (ii) Subgrade inspection following excavation for footings, drainage and pavements, tree pits, structural soil cell, sub-surface drainage and irrigation system as required.
    - (iii) Installation of required underground conduits.
    - (iv) Formwork inspection for all footpaths and footpath crossings.
    - (v) Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments.
    - (vi) Completion of concrete blinding layer before any paver to be laid and set out/location of furniture installation.
    - (vii) Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection.
    - (viii) Completion of paving sealant application and tactile indicator installation as per Council's specification.
    - (ix) Delivery of street trees to site.

- (x) Installation of street trees including required sub-drainage layer installed as specified. Council's City Arborist and Tree Operations team should be notified 7 days prior to installation to enable inspection at the time of installation.
- (xi) Trees shall be installed within 24hrs of delivery; and
- (xii) Practical completion - defects inspection following completion of all public domain works has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings

*Note: Additional daily inspections by Council Officers may occur to view progressive paving set out and construction.*

- (d) During the construction of all public area civil and drainage works, a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's construction standards. The civil engineer is to provide certification of the above prior to achieving the Occupation Certificate.

#### **UTILITIES AND SERVICES**

- C13. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C14. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

#### **POOL EXHAUST**

- C15. Prior to the commencement of construction, the Applicant must demonstrate to the Certifier that the pool exhaust has been designed by an experienced registered practitioner who is a Professional Engineer in accordance with the most recent / in force version of Australian Standard 1668.2.

#### **DIAL BEFORE YOU DIG SERVICE**

- C16. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

#### **DEMOLITION**

- C17. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified and experienced licenced professional that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

#### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- C18. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by an experienced registered practitioner who is a Professional Engineer. The Applicant must submit a copy of the report to Council and provide a copy to the Planning Secretary, when requested.
- C19. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C20. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C21. 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.
- C22. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C23. Prior to the commencement of any earthworks or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:

- (a) Details of:
  - (i) hours of work in accordance with conditions **D4** to **D7**;
  - (ii) site management;
  - (iii) 24 hour contact details of the site manager;
  - (iv) community consultation and complaint handling procedure;
  - (v) traffic management;
  - (vi) demolition;
  - (vii) noise and vibration management, prepared by a suitably qualified and experienced Acoustic Engineer / consultant;
  - (viii) management of dust and odour to protect the amenity of the neighbourhood;
  - (ix) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (x) contamination management, including any unexpected contamination finds protocol;
  - (xi) waste management;
  - (xii) external lighting in compliance with applicable Australian Standards;
  - (xiii) flora and fauna management, in particular where works are proposed within 5 metres of any existing tree to be maintained, and supervision is required by an AQF Level 5 Arborist;
- (b) Construction Biodiversity Impact Management Plan (**condition B28**);
- (c) Construction Pedestrian and Traffic Management Sub-Plan (**condition C24**);
- (d) Construction Noise and Vibration Management Sub-Plan (**condition C25**);
- (e) Air Quality Management Sub-Plan;
- (f) Construction Waste Management Sub-Plan (**condition C28**);
- (g) Construction Soil and Water Management Sub-Plan (**condition C29**);
- (h) an unexpected finds protocol for contamination and associated communications procedure; and
- (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.

## CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

C24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with Council and TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

- (a) a description of the development;
- (b) location of any proposed work zone(s);
- (c) details of crane arrangements including location of any crane(s) and crane movement plan;
- (d) haulage routes;
- (e) proposed construction hours;
- (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
- (g) construction vehicle access arrangements;
- (h) construction program and construction methodology, including any construction staging;
- (i) a detailed plan of any proposed hoarding and/or scaffolding;
- (j) measures to avoid construction worker vehicle movements within the precinct;
- (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from all development related vehicles, including contractors and sub-contractors during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and

- (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

#### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN**

- C25. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must:
- (a) demonstrate compliance with the recommendations in the Construction Noise and Vibration Impact Report prepared by Acoustic Logic dated September 2022; and
  - (b) include:
    - (i) identification of the specific activities that will be carried out and associated noise sources at the site.
    - (ii) identification of all potentially affected sensitive residential receiver locations;
    - (iii) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
    - (iv) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
    - (v) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
    - (vi) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
    - (vii) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
    - (viii) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
    - (ix) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
    - (x) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
    - (xi) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
    - (xii) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
    - (xiii) measures to monitor noise performance (including and real-time monitoring which may be required) and respond to complaints;
    - (xiv) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
    - (xv) procedures to allow for regular professional acoustic input to construction activities and planning; and
    - (xvi) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

#### **AIR QUALITY MANAGEMENT SUB-PLAN**

- C26. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
  - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);
  - (c) mission statement;
  - (d) dust and VOCs/odour management strategies consisting of:
    - (i) objectives and targets;
    - (ii) risk assessment;
    - (iii) suppression improvement plan;



- (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
- (v) communication strategy; and
- (vi) system and performance review for continuous improvements.

C27. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C28. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
  - (c) procedures for minimising the movement of waste material around the site and double handling;
  - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
  - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
  - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
  - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
    - a traffic plan showing transport routes within the site;
    - a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
    - the name and address of each licensed facility that will receive waste from the site (if appropriate).

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

- C29. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified professional with experience in preparing a CSWMSP, in consultation with Council and address, but not be limited to the following:
- (a) Describe all erosion and sediment controls to be implemented during construction;
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site);
  - (c) detail all off-Site flows from the Site; 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.

#### **FLOOD MANAGEMENT**

- C30. Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction works on the site; and
  - (b) evacuation and refuge protocols.
- C31. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

#### **GROUNDWATER MANAGEMENT**

- C32. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the *Water Management (General) Regulation 2018* applies.

#### **CONSTRUCTION PARKING**

- C33. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- C34. Prior to the commencement of any earthwork or construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient

parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

#### **COMPLIANCE**

- C35. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **OUTDOOR LIGHTING**

- C36. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

#### **PUBLIC LIABILITY INSURANCE**

- C37. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

#### **REMEDICATION – SITE AUDITOR**

- C38. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- C39. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced environmental consultant(s) in accordance with the approved Remediation Action Plan (**condition A13**) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### **REMEDICATION**

- C40. Prior to the commencement of any earthworks or remediation works, the Applicant must conduct the additional site investigation works recommended by the Remediation Action Plan (**condition A13**) to confirm the full nature and extent of the potential contamination on the site and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*; and
  - (b) the recommendations of the *'Remediation Action Plan (Project 92284.09) Revision 1'*, prepared by Douglas Partners and dated 20 October 2022 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
  - (c) In the event that material is to remain in-situ and capped on the site, describe the location, nature and the extent of the remaining contamination and prepare a Long-Term Environmental Management Plan (LTEMP). The LTEMP shall detail the maintenance and management of the identified contamination to ensure it does not have adverse impact on human health or the environment.

#### **REMEDICATION – UNEXPECTED FINDS PROTOCOL**

- C41. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

#### **REMEDICATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT**

- C42. 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.

#### **REMEDICATION – VALIDATION REPORT**

- C43. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

## PART D DURING CONSTRUCTION

### APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

### SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the Certifier for the work;
  - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
  - (c) state the approved hours of work;
  - (d) state that unauthorised entry to the work site is prohibited;
  - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period; and
  - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

### DEMOLITION

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified and experienced licenced professional as required by under this consent.

### HOURS OF CONSTRUCTION

- D4. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours of construction listed at **condition D4** if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- 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 / work that generates high noise impact (i.e. work exceeding a NML of Laeq 75dBA) 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.

### CONSTRUCTION NOISE MANAGEMENT AND MITIGATION

- D8. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- 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, vehicle movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D11. The Applicant must ensure that idle plant and machinery is switched off when not in use and that plant and machinery is located as far away from sensitive receivers as is practical.

D12. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

#### **VIBRATION CRITERIA**

- D13. Vibration caused by construction at any residence or structure outside the Site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration – Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D14. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D15. The Applicant must notify the Department and any other relevant agencies within 24 hours of becoming aware of an incident. The notification must be made via the Department's Major Projects website 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.
- D16. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 1.

#### **NON-COMPLIANCE NOTIFICATION**

- D17. 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 Department's Major Projects Website. 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, or will be, undertaken 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.

#### **IMPLEMENTATION OF MANAGEMENT PLANS**

- D18. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction and Operational Biodiversity Impact Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part C of this consent are implemented during construction.

#### **AIR QUALITY**

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- D20. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage.
- This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

## TREE RETENTION

- D21. All trees not specifically identified on the approved plans for removal are to be retained and protected. Retained trees are to be protected in accordance with:
- (a) the recommendations of the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024;
  - (b) Australian Standard 4970:2009 – Protection of Trees on Development Sites; and
  - (c) the Tree Retention and Removal Plan L100-12 prepared by Oculus dated 17 May 2024.

## PROJECT ARBORIST – CERTIFICATION

- D22. A Diploma qualified Arborist (AQF Level 5) must be on-site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites. The project arborist's details must be provided to the Certifier prior to any works occurring on the site.
- D23. The Project Arborist (AQF Level 5) must:
- (a) provide certification that all works have been undertaken in accordance with:
    - (i) Australian Standard 4970:2009 Protection of trees on development sites;
    - (ii) the recommendations of the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024; and
    - (iii) the approved Tree Retention and Removal Plan L100-12 prepared by Oculus dated 17 May 2024.
  - (b) undertake a final tree inspection to certify that the completed works within the TPZ and tree protection measures have been carried out in accordance with the approved plans and specifications for tree protection for the site. Certification shall include a statement on the condition of the retained trees, details of any deviation from the tree protection plan and any impacts this may have upon the retained trees. Copies of the tree protection and monitoring documentation recorded throughout the entire development works, shall form part of the final tree protection report and certification. The report shall be submitted to the written satisfaction of the certifying authority.

## SENSITIVE CONSTRUCTION

- D24. Tree sensitive construction measures, as prescribed by Australian Standard 4970-2009, must be implemented within the Tree Protection Zones of all retained trees and in accordance with the recommendations of the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024.
- D25. Footpath construction detail must be included in the construction documentation showing the location of the subject path and demonstrate how it will be built above the natural grade to bridge over the root system. The modified path design must show that the sub-base and all formwork will be built above the existing grade to avoid excavation within any TPZ. The detail shall state there is to be no compaction, edging, excavation, or re-grading to occur within the natural ground to ensure the tree roots will be adequately retained and protected. The construction detail is to be designed in conjunction with and to the written satisfaction of the Project Arborist to ensure the path design has been satisfactorily modified to not impact the tree root system.
- D26. The detailed design of the decking and location of the posts and supports will be designed around all major roots (>50mm diameter) within the TPZ of the trees numbered T3, T4T21, T22 & T34. A specific non-destructive construction detail showing the tree and Natural Ground Level (NGL) must clearly demonstrate how this structure will be constructed above the NGL (i.e. without any re-grading within the TPZ). It is to be designed in conjunction with and to the written satisfaction of the Project Arborist.

## TRENCHING AND EXCAVATION WITHIN TREE PROTECTION ZONES

- D27. No trenching or excavation within the tree protection zone of trees to be retained is hereby approved, except for those works shown on the approved plans (**condition A2**).
- D28. Any approved trenching and excavation within the tree protection zone of trees to be retained must be undertaken under the supervision of a Diploma qualified (AQF Level 5) Arborist using minimally destructive techniques. The underground services approved to be installed within the TPZ of existing trees must be installed using non-destructive construction techniques (NDC) such as hydro-vac on the lowest setting, or careful hand-dig to create the trench and retain all roots >50mm in diameter. Pipes are to be threaded through the major roots. All relevant infrastructure plans are to be modified to clearly show the location of the NDC and the specific methodology included in the construction documentation. It is to be pre- approved in writing by the Project Arborist and provided to the Certifying Authority.

## TREE CANOPY / ROOT PRUNING

- D29. No roots greater in diameter than 30mm shall be severed and where these roots are identified the arborist is to document their diameter, location and depth and provide advice on their retention and protection.

- D30. Any approved canopy and/or root pruning shall be undertaken by an experienced arborist, with a minimum AQF Level 5 qualification. All pruning works shall be undertaken as specified in current version of Australian Standard AS 4373 – Pruning of Amenity Trees.
- D31. Where approved, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly using sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment by an experienced arborist with a minimum AQF Level 5 qualification. The arborist shall provide a report to the Certifier confirming compliance with this condition.

#### **TREE PROTECTION**

- D32. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the tree protection management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within the Tree Protection Zone (TPZ) of trees to be retained and protected, at any time. This is a No Access Zone. The following activities are prohibited within the specified Tree Protection Zones:
- (a) All activities involving soil level changes and soil disturbance; such as re-grading, excavation, compaction and any additional fill material (unless with written approval from the Project Arborist)
  - (b) All types of cleaning activities;
  - (c) Refuelling;
  - (d) Trenching;
  - (e) Ripping or cultivation of soil;
  - (f) Mechanical removal of vegetation;
  - (g) Access and storage of plant, equipment & vehicles;
  - (h) Erection of site sheds;
  - (i) Cleaning;
  - (j) Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil, and other toxic liquids;
  - (k) And any other activity likely to cause damage to the tree.

#### **EROSION AND SEDIMENT CONTROL**

- D33. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

#### **CUT AND FILL**

- D34. 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.
- D35. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

#### **DISPOSAL OF GROUNDWATER, SEEPAGE AND STORMWATER**

- D36. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D37. 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.
- D38. 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*.
- D39. Contaminated groundwater must not be discharged into Council's / Sydney Water's stormwater drainage or sewer systems.

## **ASBESTOS**

- D40. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## **CONSTRUCTION TRAFFIC**

- D41. All construction vehicles (including contractor and sub-contractor vehicles) are to be contained wholly within the Site, except if located in an approved on-street work zone. Construction vehicles must not stand outside of an approved on-street work zone.

## **ROAD OCCUPANCY LICENCE**

- D42. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

## **NO OBSTRUCTION OF PUBLIC WAY**

- D43. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

## **CONTACT TELEPHONE NUMBER**

- D44. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

## **COVERING OF LOADS**

- D45. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **VEHICLE CLEANSING**

- D46. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## **STOCKPILES**

- D47. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council. All stockpiles of soil or other materials:
- (a) must be placed away from drainage lines, gutters or stormwater pits or inlets; and
  - (b) likely to generate dust or odours must be covered.
- D48. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

## **HOARDING REQUIREMENTS**

- D49. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings/fencing or the like within the construction area within 48 hours of its application.

## **WATER LICENSING**

- D50. Should groundwater be intercepted a Water Access Licence (WAL) under the *Water Management Act 2000* must be obtained, unless an exemption under the *Water Management (General) Regulation 2018* applies.

## **ABORIGINAL CULTURAL HERITAGE AND RELICS**

- D51. Construction must be undertaken in accordance with the recommendations of the '*Aboriginal Cultural Heritage Assessment Report Revision 3*', prepared by APEX Archaeology and dated 11 November 2022.
- D52. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council

of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

**Note:** In this condition:

- "relic" means any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance; and
- "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.



## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

- E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

### WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E2. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) all stormwater drainage systems and storage systems
  - (b) public domain works including footpaths and associated infrastructure
- E3. The Certifier must provide a copy of the plans to Council with the Occupation Certificate.

### NOTIFICATION OF OCCUPATION

- E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- E5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

### COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- E6. Prior to the occupation or commencement of use, the Applicant must submit evidence to the satisfaction of the Certifier confirming consistency with the requirements of the Voluntary Planning Agreement applying to the site executed August 2019.

### PUBLIC DOMAIN – OCCUPATION CERTIFICATE REQUIREMENTS

- E7. The following public domain Occupation Certificate requirements must be implemented and adhered to:
- (a) Prior to the issue of the Occupation Certificate, the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction and final defects rectified, with a final approval obtained from Council's Road Asset Planning, Catchment Management & Environment Manager.
  - (b) Any defects raised by Council officers during the above construction and defects period inspections, will be notified in writing. Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-compliances with the approved plans, longitudinal sections and specifications or the public domain guidelines.
  - (c) All defects raised by Council officers during the construction period and at final inspection need to be rectified prior to and signed off at the final defects inspection by Council officers to achieve Occupation Certification.
  - (d) A 52-week defects period will commence with the issue of an Occupation Certificate.
  - (e) Further signoff of defects will again be needed prior to final handover.
  - (f) The Certificate of Completion shall not be issued until Council's final approval is obtained.
  - (g) The Work-as-Executed (WAE) Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of an Occupation Certificate. The WAE drawings shall be submitted to Council as both CAD and PDF drawings.
  - (h) A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying the required plant establishment to be provided by the applicant following the issue of an Occupation Certificate.
  - (i) Maintenance of plant material to commence following the issue of an Occupation Certificate for plant establishment period of:
    - (i) 52 weeks plant establishment & maintenance period for street trees
    - (ii) A two-year (104 weeks) plant establishment and maintenance period for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc; and
    - (iii) A five-year plant establishment and maintenance period for all soft works for any park area
    - (iv) Important – If any trees have been replaced (due to death or damage of the previous tree) within 3 months of the handover, the maintenance period for those trees will be extended to suit the above time requirements.

### GFA AND BUILDING HEIGHT CERTIFICATION

- E8. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height (**condition B5**). Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

## EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E9. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- E10. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- E11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
  - (c) infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

## MECHANICAL VENTILATION

- E12. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent;
  - (b) the NCC;
  - (c) any applicable Australian Standards; and
  - (d) any dispensation granted by Fire and Rescue NSW.

## NOISE AND VIBRATION

- E13. Prior to the issue of the first occupation certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the operational noise management and mitigation measures required under this consent (**condition B19**).

## OPERATIONAL WASTE MANAGEMENT PLAN

- E14. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) be consistent with the approved design of operational waste storage areas approved under **condition B41**;
  - (b) be prepared in consultation with Council;
  - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
  - (d) provide confirmation of the engagement of a qualified waste collection contractor;
  - (e) detail the type and quantity of waste to be generated during operation of the development;
  - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA);
  - (g) detail the materials to be reused or recycled, either on or off site; and
  - (h) include the Management and Mitigation Measures listed at Attachment 3 of the EIS.

## WASTE AND RECYCLING COLLECTION

- E15. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

## POST-CONSTRUCTION DILAPIDATION REPORT

- E16. Prior to the issue of any Occupation Certificate, an experienced, registered practitioner who is a Professional Engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
  - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
  - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

E17. Prior to the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

E18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

E19. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

#### **PROTECTION OF PROPERTY**

E20. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

#### **ROAD DAMAGE**

E21. 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.

#### **FIRE SAFETY CERTIFICATION**

E22. Prior to the issue of the 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. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

E23. Prior to the issue of an Occupation Certificate, the Applicant must prepare an Emergency Response Plan (ERP) and Emergency Services Information Package (ESIP) in consultation with Fire and Rescue NSW and in accordance with Fire and Rescue NSW's requirements.

**Note:** Guidance on the preparation of the ERP and ESIP can be found at:  
[https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines\\_ESIP\\_and\\_TFP.pdf](https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines_ESIP_and_TFP.pdf)

#### **STRUCTURAL INSPECTION CERTIFICATE**

E24. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate prepared by an experienced registered practitioner who is a Professional Engineer must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:

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

#### **SIGNAGE ILLUMINATION**

E25. Prior to the commencement of use of the illuminated sign fronting Martins Lane, the Applicant must submit a sign illumination report from a suitably qualified and experienced lighting professional to the Certifier that demonstrates the business identification signage is of a design, illumination intensity and operation that is consistent with the requirements of the latest version of AS 4282-2019 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997).

#### **OUTDOOR LIGHTING**

E26. Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified and experienced lighting professional to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

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

#### **STORMWATER AND FLOODING**

E27. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated all flood and drainage management and mitigation measures required under this consent (**condition B35**).

- E28. Prior to the issue of the first occupation certificate, the Applicant must submit to the satisfaction of the Certifier an updated Flood and Emergency Response Plan (FERP). The updated FERP must:
- (a) be prepared by an experienced, registered practitioner who is a Professional Engineer;
  - (b) be based on the 'BaptistCare, Carlingford – Flood Emergency Response Plan Revision 2', prepared by WMS Engineering and dated 04 December 2024; and
  - (c) incorporate all of the NSW State Emergency Services' recommended FERP amendments outlined in its letter titled 'State Significant Development Application for BaptistCare Carlingford Seniors Housing Ref: ID 2319' and dated 5 March 2024.
- E29. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Stormwater Operation and Maintenance Plan (SOMP) prepared by an experienced registered practitioner who is a Professional Engineer to ensure the proposed stormwater quality measures remain effective. The SOMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

#### UTILITY PROVIDERS

- E30. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.
- E31. 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.
- E32. Prior to the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

#### WIND MITIGATION

- E33. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated the wind mitigation measures required under this consent (**condition B20**).

#### CPTED

- E34. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated the crime prevention through environmental design management and mitigation measures required under this consent (**condition B17**).

#### PUBLIC ART

- E35. Prior to the issue of any Occupation Certificate, the public art within the site must be installed / completed in accordance with the approved Public Art Plan (**condition B38**).

#### ENVIRONMENTAL PERFORMANCE AND BASIX

- E36. Prior to the occupation or commencement of use, the Applicant must 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 (**condition B32 and B33**).
- E37. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented (**condition B34**).

#### GREEN TRAVEL PLAN

- E38. Prior to the issue of any Occupation Certificate, the Applicant must prepare a Green Travel Plan (GTP) in consultation with TfNSW to promote the use of active and sustainable transport modes by residents, visitors and staff. The GTP must be endorsed by TfNSW and:
- (a) be prepared by a suitably qualified traffic consultant;
  - (b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP;

- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP; and
- (f) include an Implementation Strategy that commits to specific management actions, including travel surveys to identify travel behaviours of users of the development, operational procedures to be implemented along with timeframes.

**Note:** information on preparing GTP can be found on TfNSW's website <https://www.mysydney.nsw.gov.au/travelchoices/tdm>

### TRANSPORT ACCESS GUIDE

- E39. Prior to the issue of the Occupation Certificate, the Applicant must prepare a Transport Access Guide (TAG) in consultation with TfNSW. The TAG must be implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The TAG must be submitted to the satisfaction of the Certifier and is to include (but not be limited to) the following:
- (a) provide information about service routes and timetables for public transport as available on the Trip Planner [transportnsw.info/](http://transportnsw.info/)
  - (b) provide information advising that information about walking routes is available via the Trip Planner [transportnsw.info/](http://transportnsw.info/)
  - (c) update number and location of bicycle parking and End of Trip (EoT) facilities (showers, lockers, irons, ironing boards, towels, change rooms etc) and locate on map.
  - (d) promote and provide information about any car-pooling or parking management options.
  - (e) details which demonstrate that staff have safe and reliable transport options available to them outside of normal daytime business hours.

### PARKING, LOADING AND UNLOADING

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the parking and infrastructure requirements of **conditions B23 and B23(g)**. In addition:
- (a) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (b) signs must be erected within the loading / unloading areas confirming the service vehicle parking is for service vehicles only; and
  - (c) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority.

### BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E41. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the bicycle parking and facility requirements of **condition B26**. In addition:
- (a) bicycle parking is to be located in easy to access, well-lit areas that incorporate passive surveillance;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided and bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas; and
  - (c) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

### LANDSCAPE PRACTICAL COMPLETION REPORT

- E42. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- E43. Prior to the issue of any Occupation Certificate, the eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' trees temporarily extracted from the site and transplanted in accordance with **condition C7**, must be transplanted back onto the site in accordance with the transplanted tree locations indicated in the Landscape Plan (**condition A2**) and monitored for a period of 5 years (**condition F24(b)**).

### STREET NUMBERING

- E44. 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. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

## SWIMMING POOL

- E45. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the swimming pool has been constructed in accordance with the relevant legislation and complies with section 120 of the POEA Act, which prohibits the pollution of waters.

## MARTINS LANE FOOTPATH

- E46. Prior to the issue of any Occupation Certificate, the Certifier shall be satisfied that the Applicant has completed the footpath works along the western side of Martins Lane connecting Wulaba Place to Homelands Avenue. The footpath must align with the timing requirements of the voluntary planning agreement with regard to the land dedication and footpath works and all other requirements of the relevant consent.

## SPRINKLER SYSTEM

- E47. Prior to the issue of an Occupation Certificate for the residential aged care facility the sprinkler system must be installed / completed in accordance with the requirements of **condition B40**.

## HOUSING SEPP SCHEDULE 4

- E48. Prior to the issue of any Occupation Certificate, the Certifier shall be satisfied that the building layout and design is consistent with the relevant requirements of section 85 / Schedule 4 of the Housing SEPP, which were applicable at the time of lodgement of this SSDA (**condition B42**).

## REGISTRATION OF EASEMENTS

- E49. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E50. Prior to the issue of any Occupation Certificate, an easement under section 88A and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for 24/7 public access within the southern ecological zone and through the Martins Lane footpath connecting Wulaba Place to Homelands Avenue, must be registered on the Certificate of Title. Responsibilities for the ongoing maintenance of the southern ecological zone must also be included.
- E51. Prior to the issue of any Occupation Certificate, details of any capping / containment of contaminated land and the Long Term Environmental Management Plan (**condition C40**) must be registered on the Certificate of Title for the subject land under section 88 of the Conveyancing Act 1919.

## RESTRICTION ON OCCUPATION (SENIORS HOUSING)

- E52. Prior to the issue of any Occupation Certificate the Applicant must create a restriction as to the user under section 88E of the Conveyancing Act 1919 restricting the occupation of each Independent Living Unit and residential care unit approved under this consent to be solely used for the accommodation of:
- seniors or people who have a disability as defined by the State Environmental Planning Policy (Housing) 2021;
  - people who live within the same household with seniors or people who have a disability; and
  - staff employed to assist in the administration and provision of services to housing provided under this policy.

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

- E53. The instrument creating the restriction as to user required pursuant to **condition E52** shall be prepared by the Applicant at its own expense and proof of registration of the Instrument upon the title of the subject property must be submitted to the Certifier prior to the issue of any Occupation Certificate.

## FOOD ACT 2003

- E54. The catering kitchen is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the Certifier.

## PLAN OF MANAGEMENT

- E55. A Plan of Management (POM) is to be prepared and submitted to and approved by the Planning Secretary, prior to the issuing of an Occupation Certificate. The POM must include:
- details of the social elements of the facility's operations, including any on-site or offsite management;
  - provision of information to residents which includes details and outlines issues and procedures (including how residents have the opportunity to participate in decision making processes, or raise issues, and how these are addressed);
  - provision of personal care services associated with domestic duties and accessing other services;

- (d) housekeeping / cleaning services;
- (e) provision of home delivered meals as required;
- (f) provision of transport services, including the shuttle bus (**condition F10**);
- (g) provision of safety and security across the site;
- (h) how communal spaces are proposed to be managed (including operating hours);
- (i) activity / social programs available to the residents to build relationships between new and existing residents;
- (j) maintenance and management of communal / public areas within the site; and
- (k) emergency response / assistance processes and procedures.

## PART F OCCUPATION AND ONGOING USE

### ANNUAL FIRE SAFETY STATEMENT

- F1. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

### FIRE SAFETY CERTIFICATION

- F2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F3. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

### WARM WATER SYSTEMS AND COOLING SYSTEMS

- F4. 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.

### STORAGE AND HANDLING OF WASTE

- F5. All waste collection services must be undertaken in accordance with this consent.
- F6. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F7. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F8. Trade/commercial waste materials must not be disposed via Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

### RESIDENTIAL CARE FACILITY

- F9. The residential care facility must be staffed and managed by suitably qualified personnel 24 hours a day, seven days a week.
- F10. A daily shuttle bus service must be available for residents of the development connecting the development to local shops, services, facilities and recreation areas on a daily basis. The bus service frequency (each day) and destination(s) shall be provided in order to meet demands of residents.

### USE AND MANAGEMENT OF PARKING SPACES

- F11. The car spaces within the development are for the exclusive use of the occupants of the building and their visitors in accordance with the car parking tenure outlined at **condition B23**. The car spaces must not be leased to any person/company that is not an occupant of the building.

### AMBULANCE ACCESS

- F12. Staff of the residential care facility must be available on-site 24 hours a day seven days a week to manage the arrival and departure of any ambulance or emergency vehicle arriving / departing from the site, including operating the two car park security roller shutters to allow vehicles to turn around and exit the site in a forward direction.

### UNOBSTRUCTED DRIVEWAYS, PARKING AREAS AND LOADING DOCKS

- F13. All loading and unloading operations associated with the site must be carried out:
- (a) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.
- F14. All driveways, car parking spaces, service vehicle docks and parking bays must be kept clear of goods and unobstructed at all times. These spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips / waste storage or any other equipment and must be used solely for their intended purpose (i.e parking, servicing, vehicular and/or pedestrian access) associated with the use of the premises.



## USE OF COMMUNAL OPEN SPACE AND ANCILLARY AMENITIES

- F15. The use of the communal open space and the ancillary amenities (excluding cafés), may only be carried out between 7 am and 10 pm Monday to Sunday.
- F16. No amplified music shall be played within the central outdoor communal courtyard which gives rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.
- F17. The communal open space and the ancillary amenities (excluding cafes) shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.

## ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F18. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F19. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F20. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

## MECHANICAL PLANT AND EQUIPMENT

- F21. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- F22. All plant and equipment used in the development, or used to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
  - operated in a proper and efficient manner.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F23. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, certification must be obtained demonstrating the relevant elements of the development, operating in accordance with this consent achieves a minimum 7 Star NatHERS rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

## TREE MANAGEMENT

- F24. The following trees are to be monitored for a period of 18 months following the completion of works by a Diploma qualified (AQF Level 5) Arborist. The arborist must inspect the trees at a minimum, every 6 months and undertake any remedial works required to maintain tree vitality. The tree monitoring inspections, findings and any remedial works undertaken must be documented and provided to the satisfaction of the Planning Secretary upon completion of the monitoring period. In the event the subject trees die or substantially decline, they are to be replaced by advanced replacement tree of the same species (minimum pot size of 200L):
- Trees T1, T2, T3, T4, T5 and T6 identified in the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024;; and
  - the eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' trees required to be transplanted in accordance with **condition E43**.

## THROUGH SITE PEDESTRIAN ACCESS FROM MARTINS LANE TO BUILDING F

- F25. Pedestrian access shall be provided 24 hours a day, seven days a week for the life of the development from Martins Lane, through Building A and via the Level 2 courtyard to the Building F courtyard lift for all residents of the ILUs located on the top floor of Building F.

## PUBLIC ACCESS

- F26. The following pedestrian through site links shall be publicly accessible 24 hours a day, 7 days a week for the life of the development. The through site links are to include lighting which meets the external Australian Standards:
- Wulaba Place to Martins Lane link along the southern side of Wulaba Place;
  - Martins Lane to Homelands Avenue link along the western side of Martins Lane;
  - Wulaba Place to Grace Street / Azile Court link through the western setback; and
  - Martins Lane to Grace Street / Azile Court link through the southern ecological zone.

## OUTDOOR LIGHTING

- F27. All external lighting must:
- comply with AS/NZS 4282: 2019: Control of the obtrusive effects of outdoor lighting; and

- (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces.

#### **BUSINESS IDENTIFICATION SIGN**

- F28. The business identification sign approved by this development consent shall be installed in accordance with the design / specifications as shown on the architectural drawings listed at **condition A2** and must be continuously maintained in a structurally sound and tidy manner for the duration of the development.
- F29. The sign illumination must:
  - (a) be consistent with the requirements of **condition E25**
  - (b) be reduced in intensity / dimmed between 10 pm and 7 am;
  - (c) be reduced in intensity / dimmed, in the event that complaints are received by adjoining neighbours about the impact of light spill during the above noted illumination hours of operation.
  - (d) comply with the latest version of AS 4282-2019 – *Control of the obtrusive effects of outdoor lighting*.

#### **HOUSING SEPP SENIORS LIVING ADVERTISING**

- F30. All advertising, signage, marketing or promotion of the sale or rental of the Independent Living Units (ILU) in this development shall make clear reference to the fact that this is a State Environmental Planning Policy (Housing) 2021 development and that at least one occupier of each ILU shall be aged 60 years or over or have a disability.

#### **LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

- F31. Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under **condition C40** and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

#### **VEGETATION MANAGEMENT PLAN**

- F32. The VMP approved under this consent (**condition B29**) must be implemented following occupation of the development and in perpetuity after that. The VMP must be kept consistent and reviewed and updated every 4 years in consultation with Council.

#### **GREEN TRAVEL AND TRANSPORT ACCESS PLANS**

- F33. The Green Travel Plan (GTP) and Transport Access Guide (TAG) approved under this consent (**conditions E38** and **E39**) shall be implemented following occupation of the development. The GTP and TAG are to be reviewed and updated annually and made available to TfNSW and the Planning Secretary upon request.

#### **IMPLEMENTATION OF THE VARIOUS OTHER OPERATIONAL MANAGEMENT PLANS**

- F34. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:
  - (a) Operational Waste Management Plan (**condition E14**);
  - (b) Emergency Response Plan and Emergency Services Information Package (**condition E23**);
  - (c) Flood Emergency Response Plan (**condition E28**); and
  - (d) Stormwater Operation and Maintenance Plan (**condition E29**).

## ADVISORY NOTES

### APPEALS

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

### OTHER APPROVALS AND PERMITS

AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

### ROAD OCCUPANCY LICENCE

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

### SAFEWORK REQUIREMENTS

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

### BARRICADE PERMIT

AN6. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

### HOARDING

AN7. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- (a) architectural, construction and structural details of the design as well as any proposed artwork; and
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

### HANDLING OF ASBESTOS

AN8. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### DISABILITY DISCRIMINATION ACT

AN9. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

AN10. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 – Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN12. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

## **BUILDING PLAN APPROVAL**

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

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

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department's Major Projects website.
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **condition D15** 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 D15**), the Applicant is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Applicant became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.