

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation dated 12 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.



Brendon Roberts
Acting Director
Regional Assessments

Sydney 15 July 2020

File: EF20/1292

SCHEDULE 1

Application Number:	DA 10132
Applicant:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 30 DP 1250970 56 Beane Street, Gosford
Development:	Construction of a part 7 / part 8 storey residential flat building (as in-fill affordable housing under <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>) containing 41 apartments, 19 basement level car parking spaces and tree removal, stormwater infrastructure and landscaping works.

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the Building Professionals Act 2005 acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	NSW Land and Housing Corporation, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BFEMEP	Bush Fire Emergency Management and Evacuation Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown building work
Certifier (or private certifier)	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	Central Coast Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the SEE, accompanying documents and Response to Submissions, as modified by the conditions of this consent.
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former Office of Environment and Heritage)
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974', the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the

Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent

Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	The Planning Secretary of the Department of Planning, Industry and Environment, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
SEE	Statement of Environmental Effects titled <i>Proposed Residential Flat Building (In-fill Affordable Housing) 56 Beane Street, Gosford</i> prepared by Michael Leavey Consulting dated December 2019, submitted with the application for consent for the development, including additional reports and documentation provided by the Applicant in support of the application.
Subject site / site	Land referred to in Schedule 1
TfNSW	Transport for New South Wales

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 may 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 SEE, RtS and BASIX Certificate No 1060964M_05;
 - (d) in accordance with the management and mitigation measures;
 - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural drawings prepared by Stanton Dahl Architects			
Drawing No.	Revision	Name of Plan	Date
A001	05	Perspective Images (1 of 2)	31/03/20
A002	05	Perspective Images (2 of 2)	31/03/20
A003	04	Site & Block Analysis	17/01/20
A004	04	Building Envelope Diagram	17/01/20
A005	05	Site & External Works Plan	31/03/20
A006	05	Development Data	31/03/20
A007	04	Lower Ground Car Park Plan	17/01/20
A008	05	Floor Plan (Level 1)	31/03/20
A009	04	Typical Floor Plan (Level 2-4)	17/01/20
A010	04	Floor Plan (Level 5)	17/01/20
A011	02	Floor Plan (Level 6)	17/01/20
A012	02	Floor Plan (Level 7)	17/01/20
A013	05	Roof Plan	31/03/20
A014	04	Elevation (Sht 1 of 4)	17/01/20
A015	05	Elevation (Sht 2 of 4)	31/03/20
A016	05	Elevation (Sht 3 of 4)	31/03/20
A017	04	Elevation (Sht 4 of 4)	17/01/20
A018	04	Section (Sht 1 of 2)	17/01/20
A019	04	Section (Sht 2 of 2)	17/01/20
A020	04	Shadow Diagrams (Sht 1 of 3)	17/01/20
A021	04	Shadow Diagrams (Sht 2 of 3)	17/01/20
A022	04	Shadow Diagram (Sht 3 of 3)	17/01/20
A023	04	Shadow Analysis (view from sun – sht 1 of 2)	17/01/20
A024	04	Shadow Analysis (view from sun – sht 2 of 2)	17/01/20
A025	04	Shadow Analysis (view from sun – sht 1 of 2)	17/01/20
A026	04	Shadow Analysis (neighbour – sht 1 of 2)	17/01/20
A027	04	Shadow analysis (neighbour – sht 2 of 2)	17/01/20
A028	04	ADG Diagrams (Sht 1 of 3)	17/01/20
A029	04	ADG Diagrams (Sht 2 of 3)	17/01/20
A030	04	ADG Diagrams (Sht 3 of 3)	17/01/20
A031	05	SEPP Height Plane	31/03/20

A032	05	External & Internal Colour Selections	17/01/20
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Landscape drawings prepared by Site Image Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
C101	B	Landscape Colour Composite Plan	05/12/19
101	B	Landscape Composite Plan	05/12/19
102	B	Landscape Plan	05/12/19
501	B	Landscape Details	05/12/19
502	B	Landscape Specifications & Plant Schedule	05/12/19

Stormwater drawings prepared by Quantum Engineers			
Drawing No.	Revision	Name of Plan	Date
D1	A	Details, Notes & Legend	06/12/19
D2	A	Lower Ground Floor Plan & Details	06/12/19
D3	A	Site/Level 1 Floor Plan	06/12/19
D4	A	Roof Plan	06/12/19
D5	A	Combined Stormfilter/ OSD & Rainwater Tank Details/ Calculations	06/12/19
D6	A	Water Quality Catchment Details & Calculations	06/12/19
D7	A	Sediment Control Plan	06/12/19
D8	A	Stormwater & Sediment Control Details	06/12/19

Driveway drawings prepared by Quantum Engineers			
Drawing No.	Revision	Name of Plan	Date
D1	B	Notes & Site Map	06/12/19
D2	B	Driveway Longitudinal Section & Council Standard Drawing	06/12/19
D3	B	Council Standard Drawing	06/12/19

- 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) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

EVIDENCE OF CONSULTATION

- A5. 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 for information or approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and
 - details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A6. 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 BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to have building works certified prior to construction as complying with the Building Code of Australia.
- Part 13 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A7. 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

- A8. 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.
- A9. 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

- A10. 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 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

- A11. 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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A12. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A13. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A14. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A15. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

LIMITS ON CONSENT

- A17. This consent lapses five years after the date of consent unless work is physically commenced.

SUBDIVISION

- A18. No strata subdivision of the building is permitted as part of this consent.

PRESCRIBED CONDITIONS

- A19. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

A20. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payment Corporation Helpline on 131 441.

SECURITY DEPOSITS

A21. The following deposit must be provided to Council as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work and for remedying any defect on such public works, in accordance with section 4.17 of the EP&A Act:

- \$50,000 – Damage / Civil Works Security Deposit

The deposit may be provided by way of cash, cheque, credit card payment or another way agreed by Council and is refundable upon a satisfactory inspection by Council upon the completion of civil works and confirmation that there has been no damage to Council's infrastructure.

The Applicant shall advise Council in writing and/or through photographs of any signs of existing damage to the roadway, footway, or verge prior to the commencement of any building/demolition works.

PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION

AMENDMENT TO RAMP DESIGN AND FAÇADE DESIGN

- B1. Prior to the commencement of construction, the Applicant is to prepare amended plans, having regard to relevant standards, to the satisfaction of the Planning Secretary, showing the relocation of the disabled access ramp (from within the Beane Street front setback) to elsewhere on the site or an alternative design or mechanical solution, that does not separate the building elevation and façade from the road reserve.

AMENDMENTS TO APARTMENT STORAGE

- B2. Prior to the commencement of construction, the Applicant is to prepare amended plans and documents, prepared by a suitability qualified Architect and submitted to the satisfaction of the Certifier, demonstrating:
- (a) that each one bedroom apartment has a minimum of 6m³ of storage and each two bedroom apartment has a minimum of 8m³ of storage, with at least 50% of the required storage located within the apartment. The remaining 50% may be located within the storage cages provided in the basement and ground level. The storage cages must be designed to ensure each unit meets the minimum storage requirements of this condition; and
 - (b) the total amount of storage provided for each apartment including a breakdown of the storage located within, and external to, each of the apartments in accordance with (a) above.

ACOUSTIC PRIVACY

- B3. Prior to the commencement of construction, an acoustic report shall be prepared by a suitability qualified and experienced Acoustic consultant:
- (a) assessing the acoustic impacts (including at night-time) of the operation of the lift on the bedrooms of apartments 208, 308, 408, 604 and 704 and the operation of the driveway on the habitable rooms of apartments 103 and 104; and
 - (b) recommending and implementing noise mitigation measures required to ensure the amenity of the apartments from lift and driveway operation meets relevant standards.
- B4. A copy of the acoustic report and (if required) updated plans incorporating the recommendations of the acoustic report, shall be submitted to the satisfaction of the Certifier prior to the commencement of construction.

RELOCATION OF COUNCIL'S STORMWATER PIPE

- B5. Prior to the commencement of construction, engineering plans and hydraulic calculations, prepared by a suitably qualified and experienced engineer and having regard to advice from consultation with Council, showing the relocation of the stormwater drainage pipeline on the site and:
- (a) identify a new location for the stormwater pipe within the drainage easement along the western site boundary;
 - (b) increase the size of the pipe from 750mm to 900mm diameter; and
 - (c) identify any works required to connect the relocated stormwater pipe to Council's stormwater system.
- B6. Should Trees 15 and 16, as identified in the Arboricultural Impact Assessment, prepared by Koala Arbor Consulting Arborists dated 26/02/2020, be required to be removed, established replacement trees must be provided on-site. The tree species selected shall be selected in consultation with Council.
- B7. A copy of the engineering plans, hydraulic calculations, Council's correspondence and (if required) updated Landscaping Plans must be submitted to the satisfaction of the Certifier prior to the commencement of construction.
- B8. The relocation and enlargement of the stormwater pipeline and connection to Council's stormwater system must be undertaken at no cost to Council.

Note: Further approval under section 68 of the Local Government Act 1993 may be required to undertake the relocation of the stormwater pipeline works.

OTHER MINOR AMENDMENTS TO PLANS

- B9. Prior to commencement of construction, amended plans prepared by a suitability qualified Architect, must be submitted to the satisfaction of the Certifier showing:
- (a) that front fencing addressing Beane and Gertrude Streets is not constructed of sheet metal;
 - (b) the courtyard front fence to Unit 104 has a maximum overall height of 1.8m as measured from finished footpath level with any part of the fence above 1.5m (measured from footpath level) being constructed of transparent or permeable material;
 - (c) the front fence on Beane Street located between the disabled access ramp and Unit 101/the bin storage room must be deleted and replaced with landscaping;

- (d) a convex mirror, located at the intersection of the main lobby hallway and hallway leading to the window / storage area, is provided at Levels 2 to 7 to ensure a blind spot is not created;
- (e) all uncovered parts of the driveway are constructed of semi-pervious materials;
- (f) the materials and finishes of the mailbox are consistent with the appearance of the building and that the mailbox is large enough to accommodate newspapers;
- (g) the location of antenna on the roof so as not to be visible to surrounding public areas; and
- (h) the location of water and drainage facilities in the bin storage room.

NOTIFICATION OF COMMENCEMENT

- B10. The Department must be notified in writing of the date of commencement of physical work at least 48 hours prior to commencement.
- B11. 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.

CERTIFIED DRAWINGS

- B12. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with the relevant clauses of the BCA and this development consent.

EXTERNAL WALLS AND CLADDING

- B13. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B14. Before commencement of construction, the Applicant must provide the Certifier with 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 BCA.
- B15. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

PRE-CONSTRUCTION DILAPIDATION REPORT

- B16. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

SITE STABILITY, EXCAVATION AND CONSTRUCTION WORK

- B17. A report must be obtained from a suitability qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifier for the development:
 - (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 excavation, support and construction are suitable for the site and should 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 always be adequately supported throughout the demolition, excavation and building work;
 - (e) written approval must be 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) and details must be provided to the Certifier.

UNEXPECTED CONTAMINATION PROCEDURE

- B18. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition B25 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

OUTDOOR LIGHTING

- B19. Before commencement of lighting installation, evidence must be submitted to the satisfaction of the Certifier demonstrating that all outdoor lighting has been designed to comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

MECHANICAL VENTILATION

- B20. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B21. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitability qualified person and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifier prior to commencement of construction.

REFLECTIVITY

- B22. The visible light reflectivity from the building materials used on the facades of any building or structures shall not exceed 20% and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifier prior to commencement of construction.

ACCESS FOR PEOPLE WITH DISABILITIES

- B23. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant work, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the satisfaction of the Certifier.

ENVIRONMENTAL MANAGEMENT PLAN REQUIRMENTS

- B24. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environment performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce the levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and report any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) compliant;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B25. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;

- (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B27);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition B28);
 - (d) Construction Waste Management Sub-Plan (see condition B29);
 - (e) Construction Soil and Water Management Sub-Plan (see condition B30);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- B26. The Applicant must not commence construction until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- B27. The Construction Traffic and Pedestrian Management Sub-Plan must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and (if relevant) TfNSW(RMS);
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- B28. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition B26(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B22(d).
- B29. The Construction Waste Management Sub-Plan must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- B30. The Applicant must prepare a Construction Soil and Water Management Plan and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and

- (e) 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.

B31. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:

- (a) minimise the impacts of earthworks and construction on the local and regional road network;
- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

SOIL AND WATER

B32. Prior to the commencement of construction, the Applicant must install erosion and sediment controls on the site to manage wet weather events.

B33. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

FLOOD MANAGEMENT

B34. Prior to the commencement of construction, the Certifier must be provided with evidence to be satisfied that all floor levels are no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.

B35. Prior to the commencement of construction, the Certifier must be provided with evidence to be satisfied that any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard are constructed from flood compatible building components.

B36. Prior to commencement of construction, plans and documents demonstrating compliance with the recommendations of the Overland Flow Study, prepared by Quantum Engineers dated 10 December 2019, must be submitted to the satisfaction of the Certifier.

BASIX CERTIFICATION

B37. The development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 1060964M_05 and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the construction plans prior to commencement of construction.

VEHICULAR ACCESS

B38. The vehicular access driveway (including, but not limited to, the ramp grades, ramp width and height clearances) are to be in accordance with the requirements of AS2890.1. Plans demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifier prior to commencement of construction.

B39. The vehicle access crossing connecting to the building basement ramp shall incorporate suitable profile transitions on each side of the access crossing over the footway and comply with Council's standard Vehicle Entrance Designs. Plans detailing levels, gradients, transitions and retaining walls shall be prepared in consultation with Council. A copy of the plans and Council's correspondence submitted to the satisfaction of the Certifier prior to commencement of construction.

COMPLIANCE

B40. 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.

ACCESS TO INFORMATION

B41. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

- (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaint register, updated monthly;
 - (ix) audit reports prepared as part of any Independent 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 requirements of the Planning Secretary.

BUSHFIRE CONSTRUCTION STANDARDS

- B42. All building works must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) National Standard *Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.
- B43. Water supply, gas services and electricity services are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.
- B44. All exposed piping shall be of metal. Pipes of other materials should be buried to a depth of at least 300mm below the finished ground level.
- B45. All new fencing and gates shall be constructed in accordance with the NSW Rural Fire Service guideline: *Fast Fact-Fences or Gates in Bushfire Prone Areas*.
- B46. Landscaping of the site shall comply principals of Appendix 5 of *Planning for Bush Fire Protection 2006*.
- B47. A report/documentation demonstrating compliance with Conditions B42 to B46, prepared by a suitably qualified and experienced bushfire consultant, is to be submitted to the satisfaction of the Certifier prior to commencement of construction.

PART C DURING CONSTRUCTION

SITE NOTICE

- C1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Building Contractor, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

OPERATION OF PLANT AND EQUIPMENT

- C2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

CONSTRUCTION HOURS

- C3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
- C4. No work may be carried out on Sundays or public holidays.
- C5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- C8. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

CONSTRUCTION TRAFFIC

- C9. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

HOARDING REQUIREMENTS

- C10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 2 business days of its application.

NO OBSTRUCTION OF PUBLIC WAY

- C11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

CONSTRUCTION NOISE LIMITS

- C12. 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 Construction Noise and Vibration Management Plan.
- C13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3.
- C14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

VIBRATION CRITERIA

- C15. 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); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- C16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C15.
- C17. The limits in conditions C15 and C16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B16 of this consent.

TREE PROTECTION

- C18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the site boundary must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the approval of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment, prepared by Koala Arbor Consulting Arborists dated 26/02/2020; and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

AIR QUALITY

- C19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C20. 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.

EROSION AND SEDIMENT CONTROL

- C21. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

IMPORTED SOIL

C22. The Applicant must:

- (a) ensure that only material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

DISPOSAL OF SEEPAGE AND STORMWATER

C23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building the satisfaction of the Certifier. Council must be consulted regarding adequacy of works prior to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

EMERGENCY MANAGEMENT

C24. 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

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

C25. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of EES Group.

UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

C26. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage NSW.

WASTE STORAGE AND PROCESSING

- C27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- C28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- C29. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- C30. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- C31. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

C32. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

ASSET PROTECTION ZONES

C33. During construction, the entire property must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection 2006* and the NSW RFS document Standards for asset protection zones.

SAFework NSW REQUIREMENTS

C34. 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 NSW requirements.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE AND ROADS

- D1. 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 or road that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure or road that needs to be relocated as a result of the development.

NOTIFICATION OF OCCUPATION

- D2. At least one month before occupation, the date of commencement of the occupation of the development must be notified to the Planning Secretary in writing. If the occupation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EXTERNAL WALLS AND CLADDING

- D3. Prior to occupation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- D4. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

POST-CONSTRUCTION DILAPIDATION REPORT

- D5. Prior to occupation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - c) to be forwarded to Council.

UTILITIES AND SERVICES

- D6. Prior to occupation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.
- D7. Prior to occupation, written advice shall be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

BUSHFIRE EVACUATION AND EMERGENCY PLANNING

- D8. Prior to occupation, a Bush Fire Emergency Management and Evacuation Plan (BFEMEP) must be prepared, by a suitably qualified and experienced bushfire consultant, consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* and the Australian Standard AS3745:2010 *Planning for emergencies in facilities*. The plan should include information on, but not limited to:
- (a) under what conditions and circumstances should the complex be evacuated;
 - (b) where occupants will be evacuated to;
 - (c) roles and responsibilities of persons coordinating the evacuation;
 - (d) roles and responsibilities of persons remaining on site after the evacuation; and
 - (e) the procedure to contact emergency services (e.g. NSW Rural Fire Service) and inform them of the evacuation and where they will be evacuated to.

MECHANICAL VENTILATION

- D9. Prior to occupation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

FIRE SAFETY CERTIFICATION

- D10. Prior to occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

- D11. Prior to occupation, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier has been provided with evidence that the structural works is deemed to comply with the final design drawings and requirements of the BCA; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

STORMWATER QUALITY MANAGEMENT PLAN

- D12. Prior to occupation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices as per recommendations of the Water Cycle Management Report/Strategy, prepared by Quantum Engineers dated 16 December 2019;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

STORMWATER DRAINAGE

- D13. Prior to occupation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.
- D14. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the:
- (a) onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) of Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Note1: The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's required wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

Note2: The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

- D15. The Applicant shall submit to the Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers.
- D16. The Applicant shall submit to the Certifier and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent

OUTDOOR LIGHTING

- D17. Prior to occupation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

ASSET PROTECTION ZONES

- D18. Prior to occupation, the entire property must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the *Planning for Bush Fire Protection 2006* and the NSW RFS document Standards for asset protection zones.

REDUNDANT DRIVEWAY

- D19. Prior to occupation, the Applicant must remove the redundant driveway on Beane Street and replace it with new kerb and gutter and the footway must be reinstated with turf and a concrete footpath at a grade of 2% from the kerb and gutter.

RELOCATION OF COUNCIL'S STORMWATER PIPE

- D20. Prior to occupation, all works associated with the relocation and enlargement of the stormwater pipeline (as required by conditions B4 to B7) must be completed. Confirmation that works have been completed as per the requirements of conditions B4 to B7 must be provided to the Certifier.

COMPLIANCE WITH BASIX CERTIFICATE

- D21. Prior to occupation, the Applicant shall implement the BASIX commitments in Condition B36.

PART E DURING OCCUPATION

LANDSCAPING

- E1. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Plans required by Condition A2 for the duration of occupation of the development.
- E2. To ensure site lines along the footpath at the corner of Beane and Gertrude Streets are not impeded, shrubs must be maintained to a height no greater than 1.2m and the branches of trees trimmed if they obstruct vision at head height.

ASSET PROTECTION ZONES

- E3. The asset protection zone required by condition D18 shall be maintained for the duration of occupation of the development.

WASTE COLLECTION

- E4. A nominated person (or caretaker) must move all bins for waste collection to the Beane Street kerbside and return them to the waste storage room, as close to the waste collection time as possible, but within 10 hours prior to collection and within 2 hours following collection. Bins are not permitted to remain on the street for more than 12 hours and any untidiness caused by bins is to be cleaned as soon as its noticed.

APPENDIX 1 ADVISORY NOTES

GENERAL

AN1. 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.

LONG SERVICE LEVY

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

LEGAL NOTICES

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

ACCESS FOR PEOPLE WITH DISABILITIES

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

UTILITIES AND SERVICES

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground 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.

ROAD DESIGN AND TRAFFIC FACILITIES

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW(RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

ROAD OCCUPANCY LICENCE

AN8. 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

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

HOARDING REQUIREMENTS

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

HANDLING OF ASBESTOS

AN11. 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.

FIRE SAFETY CERTIFICATE

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.