

# Deferred Commencement 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 specified in Schedule 2. These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting;
- providing a process to inform and consult with the public; and
- provide for the ongoing environmental management of the development.



Dianne Leeson (Chair)  
Member of the Commission



Adrian Pilton  
Member of the Commission

Sydney

21 February 2023

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### SCHEDULE 1

<b>Application Number:</b>	SSD-17899480
<b>Applicant:</b>	Ramsay Health Care Limited
<b>Consent Authority:</b>	Independent Planning Commission of NSW
<b>Site:</b>	23-27 Lytton Street, Wentworthville Lot 1 DP 787784
<b>Development:</b>	Extension of the existing Wentworthville Northside West Clinic, including: <ul style="list-style-type: none"><li>• demolition, earthworks and excavation</li><li>• two levels of patient area and two levels of car parking on the western boundary</li><li>• three levels of patient area and one level of at-grade car parking along the southern boundary</li><li>• alterations to existing building</li><li>• use as a hospital including inpatient units and consulting suites</li><li>• landscaping works including soft and hard landscaping</li><li>• provision of 12 bicycle parking spaces</li><li>• installation of three pylon signs</li><li>• removal of 35 trees</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Ramsay Health Care Limited or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Cumberland City
<b>CPI</b>	Consumer Price Index
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising as specified in Schedule 1 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>EHG</b>	Environment and Heritage Group of the Department of Planning and Environment
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Environmental Impact Statement Extension to Wentworthville Northside West Clinic (Version No. 4)</i> ', prepared by Willowtree Planning Pty Ltd and dated 18/01/22, 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>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<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>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Interim operation</b>	Interim operation commencing immediately before demolition up until a final occupation certificate is granted for the Wentworthville Northside West Clinic development.
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>LTEMP</b>	Long Term Environmental Management Plan
<b>Management and mitigation measures</b>	The management and mitigation measures set out in the Response to Submissions.
<b>Material harm</b>	Is harm that: 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)
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<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 the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<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 Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions</b>	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.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Stage 1 development</b>	The existing Wentworthville Northside Clinic building, as constructed.
<b>Staging</b>	As per the stages of construction and operation as outlined in the ' <i>Preliminary Construction Management Plan</i> ' prepared by Eriyan and dated November 2021.
<b>TfNSW</b>	Transport for New South Wales
<b>Upgrading</b>	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation.
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## **SCHEDULE 2**

### **PART A DEFERRED COMMENCEMENT CONDITIONS**

The following are deferred commencement conditions imposed pursuant to Section 4.16(3) of the EP&A Act.

- A1. Pursuant to Section 4.16(3) of the EP&A Act, the Applicant must satisfy the following deferred commencement conditions prior to this development consent becoming operative.
  - (a) The Applicant must demonstrate to the satisfaction of the Certifier that no external design amendments to the approved development as set out in condition B2(d) are necessary to meet the requirements of the BCA, particularly with regard to fire safety, by submitting an updated BCA Assessment Report prepared by a qualified professional.
- A2. Evidence that will enable the consent authority to be satisfied those matters in the deferred commencement conditions have been addressed, must be submitted to the Planning Secretary for assessment within 24 months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 4.53(6A) of the EP&A Act.
- A3. This development consent will not become operative until such time that the consent authority notifies the Applicant in writing that the requirements of the deferred commencement consent conditions have been satisfied.
- A4. Upon the consent authority giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent.

## PART B ADMINISTRATIVE CONDITIONS

### Obligation to Minimise Harm to the Environment

B1. 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

B2. 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) generally in accordance with the EIS and Response to Submissions;
- (d) in accordance with the approved plans in the table below:

<i>Architectural plans prepared by Team2 Architects</i>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA0100	14	OVERALL SITE PLAN – LOWER GROUND	11.11.22
DA0101	15	OVERALL SITE PLAN – GROUND FLOOD	11.11.22
DA0102	10	OVERALL SITE PLAN – LEVEL 1	11.11.22
DA0103	10	OVERALL SITE PLAN – LEVEL 2	11.11.22
DA0104	10	OVERALL SITE PLAN – LEVEL 3	11.11.22
DA0105	12	OVERALL SITE PLAN	11.11.22
DA0500	6	OVERALL DEMOLITION – LOWER	20.06.22
DA0501	6	OVERALL DEMOLITION PLAN – GROUND	20.06.22
DA1000	9	LOWER GROUND – STAGE 2	17.10.22
DA1001	12	LOWER GROUND – WEST PARKING	27.07.22
DA1002	12	GROUND – STAGE 2	17.10.22
DA1003	8	GROUND – STAGE 1	27.07.22
DA1004	12	GROUND – WEST PARKING	27.07.22
DA1005	9	LEVEL 1 – STAGE 2	20.06.22
DA1006	7	LEVEL 1 – WEST BLOCK	20.06.22
DA1007	7	LEVEL 2 – STAGE 2	20.06.22
DA1008	7	LEVEL 2 – WEST BLOCK	20.06.22
DA1009	7	LEVEL 3 – STAGE 2	20.06.22
DA1010	8	ROOF – STAGE 2	25.07.22
DA2000	13	ELEVATION	06.07.22
DA2001	14	ELEVATION	17.10.22
DA2002	6	ELEVATION	06.07.22
DA3000	16	SECTIONS	03.11.22
DA3001	5	SECTIONS	03.11.22
DA3002	1	SECTIONS	11.11.22
DA8000	7	SHADOW DIAGRAMS – SUMMER	20.06.22
DA8002	7	SHADOW DIAGRAMS – WINTER	20.06.22
DA8003	5	COURTYARD SHADOW DIAGRAM – WINTER SOLSTICE	17.10.22

DA8004	1	LEVEL 1 COURTYARD SHADOW DIAGRAM – WINTER SOLSTICE	20.06.22
DA8100	9	LEP Height	03.11.22
DA8101	8	LEP Height	03.11.22
DA8102	8	LEP Height	03.11.22
DA8103	8	LEP Height	03.11.22
DA8104	8	LEP Height	03.11.22
DA8105	8	LEP Height	03.11.22
DA8106	8	LEP Height	03.11.22
DA9000	6	EXTERNAL FINISHES	02.06.22
<b>Landscaping plans prepared by Arcadia Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
010	F	PLANTING SCHEDULE	05.07.2022
010	F	LANDSCAPE EXTENT OF WORKS – GROUND LEVEL	05.07.2022
011	F	LANDSCAPE EXTENT OF WORKS – LEVEL 1	05.07.2022
011	F	LANDSCAPE EXTENT OF WORKS – LEVEL 2	05.07.2022
011	F	LANDSCAPE EXTENT OF WORKS – LEVEL 3	05.07.2022
050	F	EXISTING TREES REMOVAL AND RETENTION	05.07.2022
101	F	GROUND LEVEL LANDSCAPE MASTERPLAN	05.07.2022
102	F	LANDSCAPE MASTERPLAN – LVL1 HANGING GARDEN	05.07.2022
103	F	DETAIL PLAN – LVL1 HANGING GARDEN	05.07.2022
104	F	LANDSCAPE MASTERPLAN – LVL1 INNER COURTYARD	05.07.2022
105	F	LANDSCAPE MASTERPLAN – LVL 2 COURTYARD	05.07.2022
106	F	LANDSCAPE MASTERPLAN – LVL 2 COURTYARD	05.07.2022
601	F	LANDSCAPE DETAILS – HARD WORKS	05.07.2022
701	F	LANDSCAPE DETAILS – SOFT WORKS	05.07.2022
<b>Civil plans prepared by Stellen Consulting</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DR-100	2	PIPE LAYOUT – LOWER GROUND FLOOR	08.06.2022
DR-101	3	PIPE LAYOUT – GROUND FLOOR	08.06.2022
DR-102	0	SITE AREAS	08.06.2022
DR-110	2	DETAILS	08.06.2022
DR-200	3	STORMWATER DIVERSION	08.06.2022
DR-210	2	LONG SECTIONS – SHEET 1	08.06.2022
DR-220	2	PIT DETAILS – SHEET 1	08.06.2022

- B3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) 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;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- B4. The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition B2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition B2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

- B5. This consent lapses five years after the date of consent unless work is physically commenced.

#### **Prescribed Conditions**

- B6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation 2000.

#### **Planning Secretary as Moderator**

- B7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

#### **Evidence of Consultation**

- B8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **Staging**

- B9. The project may be constructed and operated in stages, as per the '*Preliminary Construction Management Plan*' prepared by Erilyan and dated November 2021.

#### **Staging, Combining and Updating Strategies, Plans or Programs**

- B10. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management



plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

- B11. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

### **Structural Adequacy**

- B12. 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.

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

### **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.

### **Applicability of Guidelines**

- B14. 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.
- B15. 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**

- B16. 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, Site audit report 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.*

### **Access to Information**

- B17. 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 B2 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 complaints 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 satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

B18. 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**

B19. The Planning Secretary must be notified through the major projects portal 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.

B20. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

B21. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

B22. 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.

B23. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Revision of Strategies, Plans and Programs**

B24. Within three months of:

- (a) the submission of an incident report under condition B20;
- (b) the submission of an Independent Audit under condition E39;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition B2 which requires a review,

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

B25. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) 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.*

### **Operational Noise Intrusion**

B26. The Applicant must ensure that the development is constructed in accordance with the management and mitigation measures outlined in the 'Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)' prepared by JHA Services and dated 19/04/2022.

**Tree Protection**

B27. All trees not specifically identified on the approved plans listed at condition B2 for removal are to be retained and protected throughout the life of the development. Retained trees are to be protected in accordance with the recommendations of the '*Arboricultural Development Impact Assessment Report (Revision C)*' prepared by Birds Tree Consultancy and dated 22 June 2022. Tree protection fencing, and all other tree protection measures are to be in place prior to any works commencing on site.

**Boundary Fence**

B28. The property boundaries bordering the Council reserve are to be delineated by a continuous 2.1m high black rod top and bottom palisade fence (tubular steel / school type) with no direct access to the reserve.

## PART C PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### External Walls and Cladding

- C1. Prior to the issue of any construction certificate, 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. 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.

### Stormwater Management System

- C2. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in '*Northside West Health Clinic – Stormwater Management Plan and Water Sensitive Urban Design*' prepared by Stellen Consulting and dated 8 June 2022 and approved drawing numbers DR-100 Rev 2, DR-101 Rev 3, DR-102 Rev 0, DR-110 Rev 2, DR-200 Rev 3, DR-210 Rev 2.
  - (c) be in accordance with applicable Australian Standards; and
  - (d) 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.

### Operational Noise – Design of Mechanical Plant and Equipment

- C3. Prior to the issue of any construction certificate of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the '*Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)*' prepared by JHA Services and dated 19/04/2022 must be undertaken by a suitably qualified person; and
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been incorporated into the design to ensure the development will not exceed the project noise trigger levels identified in the '*Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)*' prepared by JHA Services and dated 19/04/2022.

### Operational Waste Storage and Processing

- C4. Prior to the issue of the construction certificate for waste storage and processing areas, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
  - (b) 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;
  - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
  - (d) is naturally ventilated or an air handling exhaust system must be in place; and
  - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

### Car Parking and Service Vehicle Layout

- C5. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;

- (b) a minimum of 77 on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

### **Pedestrian Access**

- C6. Prior to the issue of a construction certificate, evidence must be submitted to the certifier that the operational pedestrian access arrangements comply with the latest versions of AS 2890.1.

### **Bicycle Parking and End-of-Trip Facilities**

- C7. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- a) the provision of a minimum 8 staff and 4 visitor bicycle parking spaces outlined in plans listed in condition B2;
  - b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*; and
  - c) the provision of end-of-trip facilities for staff.

### **Public Domain Works**

- C8. Prior to the issue of construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

*Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.*

### **Realignment of Council Stormwater Pipe**

- C9. Prior to the issue of a construction certificate for footpath or public domain works, the Applicant must submit design details for the proposed realignment of the street drainage system to the satisfaction of Council. Details must include:
- (a) construction methodology and construction program; and
  - (b) evidence of written approval from relevant authorities for any required service adjustments.
- C10. All costs incurred by the realignment of the street drainage system described at C9 are to be borne by the Applicant.

### **Visual Impact**

- C11. In consultation with Council, the Applicant must design and install screening along the western elevation of the Stage 2 undercroft parking to ensure that any vehicles in the ground and lower ground car parks are adequately screened when viewed from the Council Reserve to the west of the site.
- C12. Prior to the issue of a construction certificate, the Applicant must demonstrate to the satisfaction of the Certifier that the consultation and design components of condition C11 have been met.

## **PART D PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- D1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the Planning Secretary 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**

- D3. 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 this development consent.

### **Pre-Construction Dilapidation Report – Protection of Public Infrastructure**

- D4. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
  - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
  - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

### **Pre-Construction Survey – Adjoining Properties**

- D5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential buildings that are likely to be impacted by the development.
- D6. Where the offer for a pre-construction survey is accepted (as required by condition D5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- D7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition D5, the Applicant must:
  - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
  - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
  - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

### **Demolition**

- D8. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person 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 and Planning Secretary.

### **Ecologically Sustainable Development**

- D9. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
  - (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

## Outdoor Lighting

- D10. Prior to the installation of outdoor lighting, evidence must be submitted to 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.

## Environmental Management Plan Requirements

- D11. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

*Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>*

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

## Construction Environmental Management Plan

- D12. 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 during construction;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) a 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;
  - (ix) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (x) an asbestos management plan prepared by a Certified Contaminated Land Consultant (or the remediation contractor, if agreed by the Planning Secretary).
- (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition D14);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition D15);
- (d) Construction Flood Emergency Management Sub-Plan (see condition D16);
- (e) an unexpected finds protocol for contamination and associated communications procedure;
- (f) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (g) 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.

- D13. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

- D14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) 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;

- (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 on-site parking arrangements.
- D15. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) 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), including in relation to sensitive users of the existing Stage 1 development should it remain operational during construction;
  - (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 and stakeholders for managing high noise generating works;
  - (e) describe the community consultation undertaken to develop the strategies in condition D15(d);
  - (f) include a complaints management system that would be implemented for the duration of the construction;
  - (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 D11; and
  - (h) be generally in accordance with the relevant management and mitigation measures outlined in '*Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)*' prepared by JHA Services and dated 19/04/2022.
- D16. The Construction Flood Emergency Management Sub-Plan (FEMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the provisions of the *Floodplain Risk Management Guidelines* (EHG);
  - (c) include details of:
    - (i) the flood emergency responses for both construction and operation phases of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
    - (vi) awareness training for employees, contractors and visitors.
- D17. 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**

- D18. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events;
  - (b) divert existing clean surface water around operational areas of the site; and



- (c) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.
- D19. 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* (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- D20. Prior to the commencement of construction, the Applicant must implement the measures needed 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.
- D21. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

### **Flood Management**

- D22. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
  - (b) evacuation and refuge protocols.
- D23. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels for new habitable floor space will be no lower than the 1% Annual Exceedance Probability flood plus 150mm of freeboard. Where the lower ground floor level of the existing Stage 1 development building does not provide this, existing doors must be protected by a 150mm concrete bund.
- D24. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard must be constructed from flood compatible building components.

### **Construction Worker Transportation Strategy**

- D25. Prior to the commencement of 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. A copy of the Strategy must be submitted to the Planning Secretary for information.

### **Site Contamination**

- D26. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

### **Tree Protection**

- D27. Prior to the commencement of construction, a qualified arborist (AQF 5) must be engaged to establish tree protection measures, including tree protection fencing and ground protection within the tree protection zone of trees to be retained (both on and off site).
- D28. Prior to commencement of construction, tree protection zone fencing and all other tree protection measures are to be in place.
- D29. Prior to the commencement of construction, a picus sonic tomograph test of Tree 41 must be undertaken by a qualified arborist (AQF 5) to determine the extent of internal decay at the primary/codominant stem union. If the tree requires removal at any point, it must be replaced by an advanced tree of the same species (minimum pot size of 100L).

### **Council Pipeline / Easement Clearance and Substation**

- D30. Prior to the commencement of construction, the Applicant must submit to the Certifier detailed plans showing:
- (a) a minimum of 5.6m vertical clearance over Council's stormwater pipe and/or associated easement;

- (b) substation clear of the realigned Council stormwater pipe and/or associated easement; and
- (c) substation clear of the PMF Storm Event, unless otherwise agreed with Endeavour Energy.

#### **Flood Design Certification**

D31. Prior to the commencement of construction, the Applicant must provide to the satisfaction of the Certifier written verification from a suitably qualified hydraulic engineer stating that:

- (a) construction certificate plans comply with the Council's Flood Risk Management Policy and the recommendations and conclusions stated in '*Mainstream Flooding and Overland Flow Impact Study of the 1%, 0.5%, 0.2% AEP and PMF Storm Events*' prepared by Acor Consultants and dated 24 June 2022; and
- (b) the development has no adverse impact on flood levels and/or adjoining properties.

## PART E DURING CONSTRUCTION

### Site Notice

- E1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
  - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
  - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, 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
  - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- E2. 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.

### Demolition

- E3. 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 person as required by condition D8.

### Construction Hours

- E4. Construction, including the delivery of materials 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.
- E5. Construction activities may be undertaken outside of the hours in condition E4 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; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- E6. Notification of such construction activities as referenced in condition E5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- E7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### Implementation of Management Plans

- E8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

### **Construction Traffic**

- E9. 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**

- E10. 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 48 hours of its application.

### **No Obstruction of Public Way**

- E11. 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**

- E12. 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.
- E13. 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 E4.
- E14. 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**

- E15. 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).
- E16. 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 E15.
- E17. The limits in conditions E15 and E16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition D15 of this consent.

### **Tree Protection**

- E18. 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 approved disturbance area 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 satisfaction of Council;

- (c) the project arborist, as required by condition D27 of this consent, must be on site to supervise any works in the vicinity of or within the Tree Protection Zone of any trees required to be retained on site or any adjacent sites; 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.

E19. All trenching or excavation within the tree protection zone of Trees 41, 48 and 49 must be undertaken under the supervision of a qualified (AQF 5) arborist using minimally destructive techniques such as hand-digging, compressed air or water-jetting or other non-destructive techniques. Root pruning should be avoided. However where necessary, all cuts should be clean cuts using sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Roots greater than 50mm diameter must not be severed.

#### **Tree Removal Works and Fauna Protection**

- E20. Trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the “grab” attachment of a machine.
- E21. During tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site or an appropriate nearby location when re-habilitated.

#### **Biodiversity**

E22. To mitigate potential impacts to remaining biodiversity values on site, all mitigation and management measures identified in Table 9 of the *“Wentworthville Northside West Clinic Extension Biodiversity Development Assessment Report [V3]”* prepared by Eco Logical Australia and dated 13 November 2021 must be implemented.

#### **Air Quality**

- E23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- E24. During construction, the Applicant must ensure that:
  - (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
  - (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.

#### **Imported Fill**

- E25. The Applicant must:
  - (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the 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**

E26. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of

Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Emergency Management**

E27. 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**

E28. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

### **Unexpected Finds Protocol – Historic Heritage**

E29. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) 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 as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

### **Waste Storage and Processing**

E30. 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.

E31. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

E32. 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.

E33. 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.

E34. 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**

E35. 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.

### **Site Contamination**

E36. Remediation of the site must be carried out in accordance with '*Remediation Action Plan for Proposed Northside West Clinic Stage 2 Development*' prepared by JK Environments Pty Ltd and dated 20 December 2021 and any variations to the Remedial Action Plan approved by an NSW EPA-accredited Site Auditor.

- E37. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- E38. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

### **Independent Environmental Audit**

- E39. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- E40. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- E41. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- E42. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition E39 of this consent;
  - (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- E43. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- E44. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

### **Realignment of Council Stormwater Pipe**

- E45. During construction of Council's realigned stormwater drainage system, the Applicant must allow Council inspections for the following stages:
- (a) after excavation of culvert/pipelines trenches;
  - (b) after the laying of all culvert/pipes prior to backfilling;
  - (c) after the formwork for the pits prior to pouring concrete; and
  - (d) after the completion of all pits and connection points.

A minimum of 48 hours' notice shall be given to Council to inspect the works. Work is not to proceed until the works are inspected and approved by Council.

### **Development Contributions**

- E46. Prior to the issue of any construction certificate, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under *Cumberland Local Infrastructure Contributions Plan* (January 2020). The contribution is subject to indexing according to the CPI at the time of payment.

## **PART F PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE**

### **Notification of Occupation**

- F1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each interim stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- F2. Prior to the issue of the occupation certificate, 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.
- F3. 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 – Protection of Public Infrastructure**

- F4. Prior to the issue of an occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition D4 of this consent;
  - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
  - (c) be submitted to the Certifier;
  - (d) be forwarded to Council for information; and
  - (e) be provided to the Planning Secretary when requested.

### **Repair of Public Infrastructure**

- F5. Unless the Applicant and the relevant public 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 construction works; and/or
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
  - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.*

### **Road Damage**

- F6. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Post-Construction Survey – Adjoining Properties**

- F7. Where a pre-construction survey has been undertaken in accordance with condition D5, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition D5;
  - (b) be provided to the owner of the relevant buildings surveyed;



- (c) be provided to the Certifier; and
- (d) be provided to the Planning Secretary when requested.

F8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

### **Easements**

F9. Prior to issue of the occupation certificate, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for re-alignment of the existing Council pipeline easement must be registered on title of Lot 1 DP 787784. The proposed easement and route of pipework must be approved by Council prior to registration in accordance with condition C9.

### **Utilities and Services**

F10. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Works as Executed Plans**

F11. Prior to the issue of the occupation certificate, 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.

### **Green Travel Plan**

F12. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Council;
- (b) include objectives and mode 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 measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

### **Mechanical Ventilation**

F13. Prior to the issue of the occupation certificate, 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.

### **Operational Noise – Design of Mechanical Plant and Equipment**

F14. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition C3 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project noise trigger levels identified in the

### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

- F15. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with conditions C5 and C7;
  - (b) appropriate pedestrian and cyclist advisory signs are to be provided;
  - (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - (e) end-of-trip facilities for staff are provided.

### **Fire Safety Certification**

- F16. Prior to the issue of an occupation certificate, 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**

- F17. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, 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 (contact approval authority for specific electronic format) must be submitted to the approval authority 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.

### **Compliance with Food Code**

- F18. Prior to the issue of the occupation certificate, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

### **Stormwater Quality Management Plan**

- F19. Prior to the issue of the occupation certificate, 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;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

### **Warm Water Systems and Cooling Systems**

- F20. The installation 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 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- F21. Prior to the issue of the occupation certificate, 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.

## Signage

- F22. Prior to the issue of an occupation certificate, way finding signage and signage identifying the location of visitor and staff car parking must be installed.
- F23. Prior to the issue of an occupation certificate, bicycle way finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## Operational Waste Management Plan

- F24. Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) 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* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in '*Northside West Clinic, Stage 2: Waste Management Plan [Version 1]*' prepared by MRA Consulting Group and dated 3 November 2021.

## Site Contamination

- F25. Prior to issue of an occupation certificate, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- (a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;
  - (b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
  - (c) include, but not be limited to:
    - (i) comment on the extent and nature of the remediation undertaken;
    - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
    - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
    - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
    - (v) results of any validation sampling, compared to relevant guidelines/criteria;
    - (vi) comment on the suitability of the area for the intended land use; and
  - (d) be submitted to the Planning Secretary for information.

- F26. Prior to issue of an occupation certificate, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition F25 have been met.
- F27. Where changes are made to the '*Remediation Action Plan for Proposed Northside West Clinic Stage 2 Development*' prepared by JK Environments Pty Ltd and dated 20 December 2021 under condition E36, prior to the commencement of operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

### **Landscaping**

- F28. Prior to the issue of an occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition B2(d).
- F29. Prior to the issue of an occupation certificate, the Applicant must plant three new trees within the laneway to the south of the site of a species and pot size and in a location be selected in consultation with Council.
- F30. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- F31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

### **Tree Protection**

- F32. Prior to the issue of the occupation certificate the project arborist, as required by condition D27 of this consent, must provide certification that all works have been undertaken in accordance with Australian Standard 4970:2009 Protection of trees on development sites and a copy of this certification shall be submitted to the Certifier.

### **Operational Flood Emergency Management Plan**

- F33. Prior to the issue of an occupation certificate, a Flood Emergency Management Plan must be submitted to the Certifier that:
- (a) is prepared by a suitably qualified and experienced person(s);
  - (b) addresses the provisions of the *Floodplain Risk Management Guidelines* (EHG);
  - (c) includes details of:
    - (i) the flood emergency responses for operational phase of the development;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points and evacuation routes;
    - (v) evacuation and refuge protocols; and
  - (d) awareness training for employees and contractors, and visitors.

### **Public Art**

- F34. Prior to the issue of an occupation certificate, the Applicant must prepare a public art strategy. The strategy must be developed:
- (a) in accordance with the public art opportunities outlined in '*Response to Submissions: Wentworthville Northside West Clinic Extension (Version No.3)*' prepared by Willowtree Planning Pty Ltd and dated 16 August 2022; and
  - (b) in consultation with Registered Aboriginal Parties, to determine how the strategy can incorporate Aboriginal cultural heritage interpretation.
- F35. The Applicant must submit evidence to the creation/installation of public art required by Condition F34 having commenced to the Certifier prior to the final occupation of the building.

Evidence of the installation of the public art is to be provided to the Planning Secretary within 12 months of the issue of an occupation certificate.

### **Opaque Glazing**

F36. Prior to the issue of an occupation certificate, opaque glazing or internal fixed louvres up to a height of 1.5m must be installed in the south-facing windows of the common lounge areas shown on approved drawing numbers DA1005 Rev 9, DA1007 Rev 7 and DA1009 Rev 7, where immediately adjacent to the southern site boundary at Levels 1, 2 and 3.

### **Flood Design Certification**

F37. Prior to the issue of an occupation certificate, the Applicant must provide to the satisfaction of the Certifier written verification from a suitably qualified hydraulic engineer stating that:

- (a) the development complies with the Council's Flood Risk Management Policy and the recommendations and conclusions stated in '*Mainstream Flooding and Overland Flow Impact Study of the 1%, 0.5%, 0.2% AEP and PMF Storm Events*' prepared by Acor Consultants and dated 24 June 2022; and
- (b) the development has no adverse impact on flood levels and/or adjoining properties.

### **Certification of Engineering Works**

F38. Prior to the issue of an occupation certificate, the Applicant must submit to the Certifier and Council the following documents:

- (a) work as executed drawings for completed engineering works from a registered surveyor; and
- (b) a certification from a qualified practising professional engineer with the Engineers Australia membership under the appropriate professional category, that certifies the following matters have been constructed in accordance with the approved plans:
  - (i) the stormwater drainage system;
  - (ii) the car parking arrangement and area including circulating ramps;
  - (iii) any related footpath works; and
  - (iv) any related driveway and layback works.

## PART G POST OCCUPATION

### Operation of Plant and Equipment

- G1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### Warm Water Systems and Cooling Systems

- G2. 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 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### Community Communication Strategy

- G3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### Long Term Environmental Management Plan

- G4. Upon completion of remediation works, the Applicant must manage the site in accordance with the Long Term Environmental Management Plan where required in accordance with 'Remediation Action Plan for Proposed Northside West Clinic Stage 2 Development' prepared by JK Environments Pty Ltd and dated 20 December 2021 and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.
- G5. Upon completion of remediation works, the Applicant must provide a copy of the Long Term Environmental Management Plan, where required, to Council.

### Operational Noise Limits

- G6. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the 'Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)' prepared by JHA Services and dated 19/04/2022.
- G7. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry 2017 or any latest version* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in 'Noise and Vibration Impact Assessment for SSDA (SSD-17899480) Northside West Clinic Stage 2 (Revision E)' prepared by JHA Services and dated 19/04/2022. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

### Outdoor Roof Terrace Hours of Use

- G8. The outdoor roof terraces at Levels 2 and 3 of the development must not be used by patients, staff or visitors between the hours of 10pm and 7am on any day.

### Loading Bay Hours of Operation

- G9. The loading bay must not operate between the hours of 10pm and 7am on any day.

### Unobstructed Driveways and Parking Areas

- G10. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Green Travel Plan**

G11. The Green Travel Plan required by condition F12 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Ecologically Sustainable Development**

G12. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition D9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

G13. Notwithstanding condition E35, should 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.

### **Landscaping**

G14. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition F30 for the duration of occupation of the development.

### **Tree Protection**

G15. Trees 41, 48 and 49 must be monitored for a period of 18 months following the completion of construction works within the Tree Protection Zone by a qualified (AQF 5) arborist. The arborist must inspect the trees 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 for the information of the Planning Secretary upon completion of the monitoring period. In the event the subject tree dies or substantially declines, they are to be replaced by advanced replacement tree of the same species (minimum pot size of 100L).

### **Hazards and Risk**

G16. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

G17. In the event of an inconsistency between the requirements of condition G16(a) and G16(b), the most stringent requirement must prevail to the extent of the inconsistency.

### **Dangerous Goods**

G18. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

### **Signage**

G19. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.

## 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 Occupancy Licence

AN7. 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

AN8. 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

AN9. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

AN10. 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

AN11. 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**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal 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 B19 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. 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.
3. 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.
4. 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.