

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 State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, grants consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- Meet statutory requirements
- Protect the amenity of the locality
- Ensure amenity for future residents

Member of the Commission	Member of the Commission	Member of the Commission
Sydney	23 June 2025	File: SSD 48028209

SCHEDULE 1

Application Number:	SSD 48028209
Application lodged by:	Opal Healthcare
Consent Authority:	Independent Planning Commission
Site:	285, 287, 287A, 289 Mona Vale Road & 1 Flinders Avenue, St Ives Lot 1 DP783818, Lot 1, DP 1040841, Lot 2, DP 1040841, Lot 3, DP 29593, Lot 3, DP 527824.
Development:	Seniors housing development comprising: <ul style="list-style-type: none">• demolition of existing dwellings;• bulk earthworks, excavation, remediation works and removal of 96 trees;• construction of two to three storey residential care facility (RCF) providing for:<ul style="list-style-type: none">○ 148-beds;○ communal facilities including lounge/dining area, media room;○ ancillary facilities including café, salon and wellness centre which includes a gym, and health consulting rooms;○ mini bus bay and ambulance bay• construction of a two-level basement providing for:<ul style="list-style-type: none">○ 42 carparking spaces, three motorbike spaces and four bicycle spaces○ RCF servicing facilities including laundry, kitchen and staff facilities• communal open space, hard and soft landscaping, including tree removal and planting of 67 new trees;

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	Ku-ring-gai Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled Opal St Ives Botanica Care Community, prepared by Ethos Planning, dated 21 April 2023, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
RCF	Residential Care Facility
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.

Sensitive Receiver

Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

SCHEDULE 2

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

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

Architectural drawings prepared by Group GSA			
Drawing Number	Rev	Name of Plan	Date
DA 0001	B	SITE PLAN	18.10.2024
DA 1000	B	DEMOLITION PLAN	18.10.2024
DA 2001	C	LOWER GROUND LEVEL	10.04.2025
DA 2002	C	GROUND LEVEL	10.04.2025
DA 2003	C	LEVEL 01	10.04.2025
DA 2005	C	LEVEL 02	10.04.2025
DA 2007	C	LEVEL 03	10.04.2025
DA 2008	C	ROOF	10.04.2025
DA 3000	B	ELEVATION - OVERALL	18.10.2024
DA 3001	B	ELEVATION – FOH	18.10.2024
DA 3010	B	ELEVATION – COMMUNAL COURTYARD 01	18.10.2024
DA 3011	B	ELEVATION – COMMUNAL COURTYARD 02	18.10.2024
DA 3012	B	ELEVATION – COMMUNAL COURTYARD 03	18.10.2024
DA 3013	B	ELEVATION – COMMUNAL COURTYARD 04	18.10.2024
DA 3100	B	SECTIONS - OVERALL	18.10.2024
DA 3101	B	SECTIONS - SOUTHWEST CORNER	18.10.2024
DA 3102	B	SECTIONS - SOUTHWEST CORNER	18.10.2024
DA 3103	A	SECTIONS - SOUTHWEST CORNER	18.10.2024
DA 3104	A	SECTIONS - EXISTING SWIMMING POOLS	18.10.2024
DA 3110	B	SECTIONS 01 - RAMP	18.10.2024
DA 3111	B	SECTIONS 02 – ACOUSTIC WALL	18.10.2024
DA 3130	B	SECTIONS 06 - TYPICAL SECTION DETAILS	18.10.2024

DA 8000	B	MATERIAL & FINISHES - 01	18.10.2024
DA 8001	B	MATERIAL & FINISHES - 02	18.10.2024
DA 9000	B	GFA	18.10.2024
DA 9003	B	ROOF PLANT EXCEEDING 9.5M MAX HEIGHT	18.10.2024
Landscape Plans prepared by Group GSA			
L-8000	D	LANDSCAPE ARCHITECTURE PACKAGE	18.10.2024

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

LIMITS ON CONSENT

- A4. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- (a) fit-out of the ancillary café
 - (b) signage
 - (c) subdivision
- A6. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

STAGING OF CONSTRUCTION CERTIFICATES

- A7. The development must be carried out in accordance with the stages within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate for each stage of work: To the extent of any inconsistency:

Construction Certificate (CC)	Description
Initial works requiring notice of commencement (that do not require a CC)	Utility disconnections, demolition, site clearing, tree removal, site investigations (e.g. further contamination testing), remedial action plan works
CC1	Bulk earthworks, shoring walls, retaining walls, substructure, piling, services diversion works, inground services
CC2	Building construction works excluding works within CC3
CC3	Facade, internal fitout, landscaping, external works and public domain

CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A8. The development is exempt from contributions levied under Ku-ring-gai Contribution Plan 2010. However, for the life of the development, 100% of the occupants must be high needs residents who can only exit the premises with supervision and not independently. If the percentage of occupants that are high needs reduces below 100%,

Council is to be notified within seven days so that relevant contributions can be levied in accordance with Ku-ring-gai Contribution Plan 2010.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B1. Prior to the issue of Construction Certificate CC1, the Applicant must submit to the Certifier a Report from an Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
 - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B2. Prior to the issue of Construction Certificate CC3, the Certifier must be satisfied that the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Report, prepared by JHA, dated 11 April 2024.

STRUCTURAL DETAILS

- B3. Prior to the issue of Construction Certificate CC2, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B4. Prior to the issue of Construction Certificate CC1, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
 - (b) in accordance with applicable Australian Standards; and
 - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

SYDNEY WATER ASSETS

- B5. Prior to the issue of Construction Certificate CC1, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ in online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

LANDSCAPING

- B6. Prior to the issue of Construction Certificate CC3, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared Group GSA, dated 18 October 2024 as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and

- (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

MICROBAT SURVEYS

- B7. Prior to the issue of Construction Certificate CC1 or any demolition works, the Applicant must submit to the Certifier
- (a) surveys prepared by a suitably qualified ecologist of potential threatened specific habitat in human made structures on the site. Should any threatened microbats be identified within existing structures on site, a microbat management plan is to be prepared and submitted to Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science Group for review and endorsement. The plan must detail the findings of the survey and measures that will be implemented to minimise any adverse impacts prior to and during construction. In the case of a dispute between the Applicant and BCS on the endorsement of the plan, the matter can be referred to the Planning Secretary for resolution; and
 - (b) a copy of the BCS endorsed microbat management plan, if required by Condition B8(a).

PARKING

- B8. Prior to the issue of Construction Certificate CC1, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with AS2890.1 (2004);
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AS2890.2:2018; and
 - (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) provision of electric vehicle charging infrastructure in accordance with the NCC; and
 - (ii) provision of 42 car parking spaces
 - (iii) provision of 3 motorbike spaces
 - (iv) provision of 4 bicycle spaces
 - (v) provision of 1 minibus bay
 - (vi) provision of 1 ambulance bay.

ROAD NETWORK

- B9. Prior to the issue of Construction Certificate CC2, the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority (Council or TfNSW, as relevant) demonstrating:
- (a) that the redundant driveways on the Mona Vale Road boundary shall be removed and replaced with kerb and gutter to match existing.
 - (b) details of any works that may impact directly on traffic flows on the subject section of Mona Vale Road during construction activities.
 - (c) design plans and hydraulic calculations of any changes to the stormwater drainage system on Mona Vale Road.
 - (d) documents relating to the excavation of the site and support structures where works impact on Mona Vale Road, in accordance with Technical Direction GTD2020/001.

Notes:

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B10. Prior to the issue of Construction Certificate CC3, the Certifier must be satisfied that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**)

management and mitigation measures included within the CPTED report prepared by Group GSA, dated 17 April 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B11. Prior to the issue of Construction Certificate CC2, the Certifier must be satisfied that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Renzo Tonin & Associates, dated 17 April 2024.

FIRE SPRINKLER SYSTEM

- B12. Prior to the issue of Construction Certificate CC2, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified consultant that the residential care facility will be fitted with a comprehensive fire sprinkler system that complies with Section 91 of the *State Environmental Planning Policy (Housing)* 2021 and the applicable Australian Standards and guidelines.

FOOD PREPARATION / PREMISES

- B13. Prior to the issue of Construction Certificate CC3 for the 'fit-out' of on-site communal amenities, in which food is to be prepared and served, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction satisfies the relevant requirements of the *Food Act 2003*, Food Standards Code and AS 4674 (2004) - Design, construction and fit-out of food premises.
- B14. Prior to the issue of Construction Certificate CC3 for above ground works, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified consultant confirming that the design, construction and operation of the catering kitchen, food storage room or the like comply with the following general requirements (as applicable):
- (a) floors of kitchens, food preparation areas and the like are to be constructed of materials which are impervious, non-slip and non-abrasive. The floor is to be finished to a smooth even surface, graded and drained to a floor waste connected to the sewer. The intersection of walls with floor and plinths is to be coved, to facilitate cleaning;
 - (b) walls of the kitchens and food preparation areas and the like are to be of suitable construction finished in a light colour with glazed tiles, stainless steel, laminated plastics or similar approved material adhered directly to the wall adjacent to cooking and food preparation facilities or areas, to provide a smooth even surface;
 - (c) the glazed tiling or other approved material is to extend up to the underside of any mechanical exhaust ventilation hoods and a minimum of 450mm above bench tops, sinks, wash hand basins and equipment;
 - (d) walls where not tiled are to be cement rendered or be of rigid smooth faced non-absorbent material (i.e. fibrous cement sheeting, plasterboard or other approved material) and finished to a smooth even surface, painted with a washable paint of a light colour or other approved materials;
 - (e) the ceilings of kitchens, food preparation areas, storerooms and the like are to be of rigid smooth-faced, non-absorbent material i.e., fibrous plaster, plasterboard, fibre cement sheet, cement render or other approved material. 'Drop-down' ceiling panels are not to be provided to food preparation and cooking areas;
 - (f) all stoves, refrigerators, bain-maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc must be supported on wheels, concrete plinths a minimum 75mm in height, metal legs minimum 150mm in height, brackets or approved metal framework of the like;
 - (g) cupboards, cabinets, benches and shelving may be glass, metal, plastic, timber sheeting or other approved material. The use of particleboard or similar material is not permitted unless laminated on all surfaces;
 - (h) adequate fly screens and doors with self-closing devices, are to be provided to all external door and window openings. An electronic insect control device must also be provided within the food premises;
 - (i) a mechanical ventilation exhaust system and grease trap is to be installed where cooking or heating processes are carried out in the kitchen or in food preparation areas, in accordance with the relevant requirements of Clause F4.12 of the BCA and Australian Standard AS 1668 Parts 1 & 2. Emission control equipment shall be provided in mechanical exhaust systems serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils;
 - (j) wash hand basins must be provided in convenient positions located in the food preparation areas, with hot and cold water, together with a sufficient supply of soap and clean towels. The hot and cold water must be supplied to the wash hand basins through a suitable mixing device;
 - (k) cool rooms or freezers must have a smooth epoxy coated concrete floor, which is to be sloped to the door. A floor waste connected to the sewer is to be located outside the cool room/freezer. The floor waste should be provided with a removable basket within a fixed basket arrestor and must comply with Sydney Water requirements;
 - (l) cool rooms and freezers must be able to be opened from the inside without a key and fitted with an alarm (bell) that can only be operated from within the cool room/freezer; and

- (m) any space or gaps between the top of any cool room or freezer and the ceiling must be fully enclosed and kept insect and pest proof (e.g. plasterboard partition with gaps sealed).

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) prevention and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with condition C2;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with condition C3;
 - (d) Air Quality Management Sub-Plan in accordance with condition C4;
 - (e) Construction Waste Management Sub-Plan in accordance with condition C5;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with condition C6;
 - (g) an unexpected finds protocol for remediation in accordance with condition C16;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with condition D26;
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) location of proposed work zone(s);
 - (b) construction vehicle access arrangements and haulage routes;
 - (c) predicted number and timing of construction vehicle movements and vehicle types;
 - (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
 - (c) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (**ICNG**), and how the Applicant will ensure that construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
 - (d) prediction and assessment of potential noise and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;

- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
- (f) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (g) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces.
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the AQMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (c) detail all off-site flows from the site during construction; and
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C8. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS AND PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C9. Prior to the commencement of works, the Applicant must:
- (a) submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence';
 - (b) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (c) submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (d) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C10. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. Any damage directly arising from the works contemplated under this Consent to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C14. The damage must be fully rectified by the Applicant in accordance with the relevant authority's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

TREE PROTECTION

- C15. Trees approved for removal must be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the "grab" attachment of a machine. During tree removal and vegetation clearing (including the removal of exotic weeds), an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site or an appropriate nearby location when re-habilitated.

REMEDiation

UNEXPECTED FINDS PROTOCOL

- C16. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDiation

- C17. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land*

Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

- C18. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- C19. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C20. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C21. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

UTILITIES AND SERVICES

- C22. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

BEFORE YOU DIG AUSTRALIA

- C23. Prior to the commencement of any excavation on or near the site, the Applicant is required to contact Before You Dig Australia (BYDA) to confirm if the proposed excavation will not conflict with any underground utility services. The Applicant is required to forward the BYDA enquiry confirmation to their Certifier prior to any excavation occurring.

DEMOLITION

- C24. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and structural Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- D2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm Monday to Friday inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The Applicant must ensure construction machinery and deliveries (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

- D13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D15. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

TREE PROTECTION

- D17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent including the Arboricultural Impact Assessment Tree Protection Specification prepared by tree iQ on 25 October 2024. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

- D18. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

- D19. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D20. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D23. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- D24. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;

- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – ‘Transportation and management of asbestos waste’.

CONTACT TELEPHONE NUMBER

- D25. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

UNCOVERING RELICS OR ABORIGINAL OBJECTS, AND ABORIGINAL PROTECTION

- D26. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- D27. The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- D28. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D29. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D30. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D31. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D32. Within seven days of becoming aware of a non-compliance with regards to the requirements of this Consent, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- E4. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E5. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E7. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development.
- E9. Prior to the occupation or commencement of the use of the Development, any damage identified in condition E5 as being caused by the carrying out of the Development not subject to condition E8 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E10. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and
 - (b) any compliance certificates and any other evidence confirming all stormwater drainage systems and storage systems.

- E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

GROSS FLOOR AREA AND BUILDING HEIGHT CERTIFICATION

- E12. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

- E13. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B11**.

BALCONY PRIVACY SCREENS

- E14. Prior to the issue of an Occupation Certificate, the Certifier must be satisfied that privacy screens/ louvers have been installed in accordance with the plans.

STRUCTURAL INSPECTION CERTIFICATE

- E15. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E16. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E17. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan required under B6condition has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the Development.

FIRE SAFETY CERTIFICATION

- E18. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- E19. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E20. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

SYDNEY WATER COMPLIANCE

- E21. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E22. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- E23. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E24. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifying Authority evidence of compliance demonstrating that bicycle parking spaces have been provided in accordance with **Condition A1B8**.
- E25. Prior to the operation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E26. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

FIRE SPRINKLER SYSTEM

- E27. Prior to the issue of the Occupation Certificate a sprinkler system must be installed and completed in accordance with the requirements of **Condition B12B12**.

FOOD PREPARATION / PREMISES

- E28. Prior to the issue of the Occupation Certificate, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- E29. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards. And any commercial food premises must be registered with Council.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E30. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management of communal areas and open spaces (including operating hours and occupation rates);
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) community consultation and complaint procedures;
 - (h) provision of any transport services;
 - (i) provision of home delivered meals as required;
 - (j) details of any activities / social programs available to the residents to build relationships between new and existing residents.
- E31. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

- E32. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (b) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (c) provide confirmation that appropriate arrangements have been made for the collection of waste;

- (d) detail the type and quantity of waste to be generated during operation of the Development;
- (e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

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

STORMWATER

- E33. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
 - (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
 - (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

REGISTRATION OF EASEMENTS

- E36. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

RESTRICTION ON OCCUPATION (SENIORS HOUSING)

- E37. Prior to the issue of the Occupation Certificate, the Applicant must create a restriction as to the user under section 88E of the *Conveyancing Act 1919* restricting the occupation of each residential care unit approved under this consent to be solely used for the accommodation of:
 - (a) seniors or people who have a disability as defined by the State Environmental Planning Policy (Housing) 2021;
 - (b) people who live within the same household with seniors or people who have a disability; and
 - (c) staff employed to assist in the administration and provision of services to housing provided under this policy.

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

- E38. The instruments creating the restriction as to user required pursuant to **Condition E37** shall be prepared by the Applicant at its own expense and proof of registration of the Instrument upon the title of the subject property must be submitted to the Certifier prior to the issue of any Occupation Certificate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E39. Prior to the issue of any occupation certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with all the commitments in the ESD Report, prepared by JHA, dated 11 April 2024.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures set out in **Condition B10**.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (a) implement the SOMP; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- F2. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- F3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F6. The car spaces within the Development are for the exclusive use of the occupants of the building, team members and workers, visitors and support services. The car spaces must not be leased to any person/company that is not an occupant of the building.

LANDSCAPING

- F7. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition A1 B6.

FIRE SAFETY CERTIFICATION

- F8. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F9. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must comply with AS 4282-1997 Control of the obstructive effects of outdoor lighting.

AMBULANCE BAY

- F10. The ambulance bay must be made available for use by the development 24 hours a day, seven days a week.

USE OF COMMUNAL SPACE

- F11. The communal areas (excluding the café and Wellness Centre) shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.

FOOD PREPARATION / PREMISES

- F12. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius must be provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance. A digital probe type thermometer must also be readily available at all times to check the temperature of food items.
- F13. All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5C and keep this food cold at or below that temperature.

- F14. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:
- (a) food handling – skills, knowledge and controls;
 - (b) health and hygiene requirements;
 - (c) requirements for food handlers and businesses;
 - (d) cleaning, sanitising and maintenance; and
 - (e) design and construction of food premises, fixtures, fitting and equipment.
- F15. The proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the *Food Safety Standards*.
- F16. Failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.
- F17. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation & exhaust systems & ducting, storage areas, toilet facilities, basins and sinks.
- F18. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the *Liquor Act 2007*.

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D30 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D31), the Applicant is required to submit a subsequent Incident report that:
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident; and
 - (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, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.