

Department of Planning, Housing and Infrastructure

Our ref: SSD-48028209

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

Via email: [REDACTED]

28 July 2025

Subject: Opal St Ives Community Care Seniors Housing (SSD-48028209) Request for Comment – Recommended Conditions of Consent

Dear Mr Barry

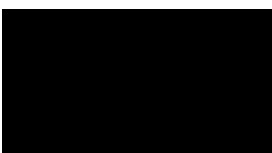
I refer to your letter dated 21 July 2025, seeking the Department of Planning Housing and Infrastructure's (the Department) advice on the workability, enforceability and any potential unintended consequences of the proposed conditions for the proposed Opal St Ives community care seniors housing State significant development (SSD) application.

In response to the Independent Planning Commission's request in the correspondence, the Department:

- confirms that the proponent for the SSD application is Principal Healthcare Finance Pty Limited and advises the development consent should be amended reflect this correction
- advises that it is generally supportive of the proposed amendments to the draft conditions of consent, subject to consideration of comments provided in **Attachment A**.

Please do not hesitate to contact Manwella Hawell on [REDACTED] or via email at [REDACTED] if you require any further information or clarification on these matters.

Yours sincerely,



Paulina Wythes
Director
Social and Diverse Housing Assessment

Opal St Ives Community Care Seniors Housing (SSD-48028209)

Changes to Conditions of Consent

Notes:

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

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
SCHEDULE 1 DEFINITION OF EIS	To ensure all relevant documentation is captured in the definition.	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 the Applicant's response to submissions and any additional information provided by the Applicant in support of the application.	Accepted.
TERMS OF CONSENT Condition A1(b)	To ensure all relevant documentation is captured in the condition.	(b) in accordance with the EIS, including the Applicant's response to submissions, and the Applicant's responses to requests for further information; and	Accepted.
TERMS OF CONSENT Condition A1(c)	Insertion of all landscape plans within the table for certainty of the approved landscape plans, as the Cover Sheet is a differing revision number and/or date to some of the plans within the set to be approved.	Refer to Table below at page 8.	Accepted.
LIMITS ON CONSENT Condition A5	Deletion as the Project does not propose any subdivision.	This consent does not approve the following: (a) fit-out of the ancillary café; and (b) signage. (c) subdivision.	Accepted.
STAGING OF CONSTRUCTION CERTIFICATES Condition A7	Removal as text not required.	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:	Accepted.
DEVELOPER CONTRIBUTIONS Condition A8	The Commission considers the reference to 'for the life of the development' to conflict with the intent of the condition (i.e. that it is to be enacted should there be any change to occupants).	The development is exempt from contributions levied under In accordance with the Ku-ring-gai Contributions Plan 2010 the development is exempt from contributions However, for the life of the development, only if 100% of the occupants must be are high needs residents requiring who can only exit the premises with supervision when off-site 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 Contributions Plan 2010.	Accepted.
SITE STABILITY Condition B1.	To ensure the report is prepared by the appropriately qualified person.	Prior to the issue of Construction Certificate CC1, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:	Accepted.
ECOLOGICALLY SUSTAINABLE DEVELOPMENT Condition B2	To ensure the ESD provisions are captured in the building construction works within CC2 as well as the external façade and fit out works within CC3. To ensure a report is prepared by the appropriately qualified person.	Prior to the issue of Construction Certificate CC3 CC2 , the Applicant must submit to the Certifier a Report from a suitably qualified professional demonstrating 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.	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
STRUCTURAL DETAILS Condition B3	Amendment to the CC timing as the works within CC1 (earthworks, shoring, retaining walls, piling etc.) are important elements of the structural design of the project. To ensure the drawings and report are prepared by the appropriately qualified person.	Prior to the issue of Construction Certificate CC2 CC1 , the Applicant must submit to the Certifier detailed structural drawings and a Report <u>prepared by a suitably qualified and experienced professional Engineer</u> demonstrating that structural drawings comply with: 	Partially accepted. In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.
STORMWATER MANAGEMENT SYSTEM Condition B4	To ensure the information is prepared by the appropriately qualified person.	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 <u>Professional Engineer(s)</u> : 	In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.
SYDNEY WATER ASSETS Condition B5	Replacement of the hyperlink within the 'Note' to the currently active link.	Replacement of link to https://www.sydneywater.com.au/plumbing-building-developing/building/sydney-water-tap-in.html in accordance with recent DPHI advice.	Accepted.
LANDSCAPING Condition B6	Amend (a) to reflect the changes made to condition A1 to include all approved Landscape Plans. Addition of (d) to ensure visual impact mitigation to the neighbours on the eastern boundary as soon as practical through the planting of more mature trees. Amendment to (f) to provide an appropriate timeframe for plant maintenance and watering to provide a greater chance of successful landscaping. Amendment to (g) to ensure plantings are replaced with equivalent maturity.	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, <u>as approved under condition A1, dated 18 October 2024</u> 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) <u>specifies a pot planting size of 100L for the two Callistemon salignus' identified in Landscape Plan L-8504 approved under condition A1 (located on the eastern boundary of the Site adjacent to the fire stairs of Home E)</u> ; (e) demonstrates adequate drainage and watering systems; (f) includes details of plant maintenance and watering for the first 42 <u>36</u> months; and (g) includes a commitment to replace plants with the same species <u>of the same maturity</u> if any plant loss occurs within the maintenance period.	Accepted.
MICROBAT SURVEYS Condition B7	Amend (a) and (b) to current name of CPHR. Amend (b) to reflect the relevant condition reference.	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 <u>Conservation Programs, Heritage and Regulation (CPHR)</u> 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 <u>CPHR</u> endorsed microbat management plan, if required by Condition B7 <u>B8(a)</u> .	Accepted.
PARKING Condition B8	To ensure the report is prepared by the appropriately qualified person. Amend (c) to ensure all applicable standards are captured.	Prior to the issue of Construction Certificate CC1, the Applicant must submit to the Certifier a Report <u>from a suitably qualified professional</u> 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;	Partially accepted. In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
	<p>Amend (f) to reflect advice from the Department on a recent project.</p> <p>Amend (g) to remove repetition of submitting a report to the Certifier and subsequent amendment to phrasing.</p> <p>Addition of (h) to ensure the compliance of the bicycle spaces with the applicable Australian Standards, consistent with other recent consents.</p>	<p>(b) all vehicles are to be wholly contained on site before being required to stop;</p> <p>(c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards AS2890.1 (2004);</p> <p>(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;</p> <p>(e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;</p> <p>(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 AUSTROADS, AS2890.1-2004 and AS2890.2:2018; and</p> <p>(g) submit to the Certifier a Report demonstrating compliance with the following provision of:</p> <p>(i) provision of electric vehicle charging infrastructure in accordance with the NCC; and</p> <p>(ii) provision of 42 car parking spaces;</p> <p>(iii) provision of 3 motorbike spaces;</p> <p>(iv) provision of 4 bicycle spaces ;</p> <p>(v) provision of 1 minibus bay; and</p> <p>(vi) provision of 1 ambulance bay; and</p> <p>(h) compliance with Australian Standards for the layout, design and security of the bicycle facilities.</p>	Remove ' and ' from point (vi).
<p>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN</p> <p>Condition B10</p>	<p>Amend CC timing as the built form is relevant to CPTED measures.</p> <p>To ensure adequate information is provided to the Certifier to ensure compliance with CPTED requirements.</p>	<p>Prior to the issue of Construction Certificate CC2 CC3, the Applicant must submit to the Certifier a Report must be satisfied demonstrating 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.</p>	Accepted.
<p>COMPLIANCE WITH ACOUSTIC ASSESSMENT</p> <p>Condition B11</p>	<p>To ensure adequate information is provided to the Certifier to ensure compliance with acoustic requirements.</p>	<p>Prior to the issue of Construction Certificate CC2, the Applicant must submit a Report to the Certifier from a suitably qualified and experienced professional engineer and/or consultant demonstrating 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.</p>	<p>Partially accepted.</p> <p>In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.</p> <p>Note: Engineer is written with lower case and uppercase throughout these conditions. It may be worth choosing one format for consistency.</p>
<p>FIRE SPRINKLER SYSTEM</p> <p>Condition B12</p>	<p>To ensure the plans and report are prepared by the appropriately qualified person and the condition is clear that the fire sprinkler system is to be installed proposed as part of the SSD application.</p>	<p>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 an experienced and practicing professional Engineer that the residential care facility will be fitted with a comprehensive fire sprinkler system as included in the SSD Application and that it complies with Section 91 of the <i>State Environmental Planning Policy (Housing) 2021</i> and the applicable Australian Standards and guidelines.</p>	<p>Partially accepted.</p> <p>In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.</p>
<p>FOOD PREPARATION / PREMISES</p> <p>Condition B13 and Condition B14</p>	<p>Amend B13 to ensure the version in force at the time is applied.</p> <p>Deletion of Condition B14 as the Commission finds the condition to be redundant in light of condition B13 which requires compliance with the relevant legislation.</p>	<p>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 <i>Food Act 2003</i>, the Australian and New Zealand Food Standards Code and <i>AS 4674- (2004) - Design, construction and fit-out of food premises (or its latest version)</i>.</p> <p>Deletion of Condition B14</p>	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN Condition C2	To ensure the CTPMP includes details of construction vehicle parking (both light and heavy vehicles) and tree protection measures.	<p>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:</p> <p>(a) location of proposed work zone(s);</p> <p>(b) light and heavy construction vehicle access arrangements, parking and haulage routes;</p> <p>(c) details of any required tree protection measures;</p> <p>(d) predicted number and timing of light and heavy construction vehicle movements and vehicle types; and</p> <p>(e) 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.</p>	Accepted.
CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN Condition C3	To ensure noise and vibration impacts on adjoining neighbours are managed with direct consultation with the neighbours, including providing a mechanism for them to submit a complaint if required.	<p>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:</p> <p>(a) identification of noise sources and Sensitive Receivers;</p> <p>(b) quantification of the rating background noise level (RBL) for Sensitive Receivers;</p> <p>(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;</p> <p>(d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;</p> <p>(e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:</p> <p>(i) installation of acoustic barriers/enclosures; and</p> <p>(ii) alternative excavation methods;</p> <p>(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;</p> <p>(g) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;</p> <p>(h) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and</p> <p>(i) include a complaints management system that would be implemented for the duration of the development.</p>	Accepted.
CONSTRUCTION SOIL AND WATER MANAGEMENT SUB-PLAN Condition C6	To ensure Council is consulted on soil and water matters relevant to their stormwater system, consistent with recent consents.	<p>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, in consultation with Council, and include, at a minimum, the following information:</p> <p>...</p>	Accepted.
PRE-CONSTRUCTION DILAPIDATION REPORTS AND	To ensure the report is prepared by the appropriately qualified person and ensure an	<p>(a) submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an experienced and practising Engineer, and an Arborist (in the case of trees and vegetation) which details the structural condition of all adjoining land,</p>	<p>Partially accepted.</p> <p>In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and</p>

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PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES Condition C9(a)	Arborist is engaged for any tree or vegetation matters.	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';	practising Engineer '. The Department suggests 'suitably qualified engineer' is used throughout for consistency.
REMEDIATION Condition C18	<p>Question to DPHI: the Applicant has requested Condition C18 and C19 be deleted "as environmental investigations by Geo-Logix in June 2022 identified bonded asbestos in shallow soils in a garden bed on the property 287A Mona Vale Road. The remediation methodology that will be employed has been detailed within the Geo-Logix prepared Remediation Action Plan dated 03 March 2023. This methodology includes the excavation of the shallow fill in the identified garden bed, an area of approximately 12m² and a depth of approximately 4m. Given that the extent of contamination and the resulting remediation methodology is minor, the requirements to satisfy conditions C18 & C19 and the resulting cost of compliances are disproportionate."</p> <p>Can the Department please advise if Conditions C18 and C19 should be deleted?</p>		<p>The Department recommends the condition remains unchanged.</p> <p>Condition C18 and C19 was discussed with the applicant during assessment of the development application. The recommended condition is consistent with prior development consents for the same development type and is considered appropriate for development requiring remediation within a residential setting and considering the future intended land use. The Department was not provided with evidence of a suitable alternative verification method beyond those recommended in conditions C18 and C19 (and as established in the NSW Site Auditor Scheme).</p>
VALIDATION REPORT Condition C19			
DEMOLITION Condition C24	To ensure the version in force at the time is applied.	Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001 or the latest version in force) 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.	Accepted.
SITE NOTICE Condition D1	To provide clarity.	<p>The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:</p> <p>(a) the name, address and telephone number of the development's builder, Certifier and professional Structural Engineer;</p> <p>(b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;</p> <p>(c) stating the approved hours of work; and</p> <p>(d) stating that unauthorised entry to the work site is prohibited.</p>	Accepted.
HOURS OF CONSTRUCTION D7.	<p>Question to DPHI: the Applicant has requested the hours for rock breaking, rock hammering, sheet piling, pile driving and similar activities to be amended in "consistent with Ku-ring-gai Council's policy" to:</p> <p>(a) 9am 8am to 12pm, Monday to Friday;</p> <p>(b) 2pm to 5pm Monday to Friday; and</p> <p>(c) 9am 8am to 12pm, Saturday.</p> <p>Can the Department please advise if the Applicant's proposed amendment is appropriate/acceptable?</p>		<p>The Department recommends the condition remains unchanged.</p> <p>Condition D7 was discussed with the applicant during assessment of the development application. The recommended condition is consistent with prior development consents for the same development type and is considered appropriate for high noise generating activities within a residential setting. The Department was not provided with sufficient evidence of a Council policy or any intent for Council or affected residences to support high noise generating activities beyond the recommended periods.</p>
NEW CONDITIONS LOT CONSOLIDATION AND EASEMENTS New Conditions E4 and E5	The Commission considers is prudent that the allotments to which the development relates are consolidated to prevent any fracturing of the site into separate ownership which may impact ongoing use of the site and compliance matters in the future. Similarly, all relevant easements and RoW must be appropriately extinguished and/or	<p>LOT CONSOLIDATION AND EASEMENTS</p> <p>E4. Prior to the issue of any Occupation Certificate, the lots/separate titles within the development site must be consolidated. A plan of consolidation must be registered with the Land and Property Information Divisions of the NSW Land Registry Services.</p>	<p>Noted.</p> <p>The Department notes that amalgamation was not proposed by the Applicant and that amalgamation is not required for seniors housing under the Housing SEPP.</p>

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
	modified to ensure services and drainage are maintained to easement beneficiaries.	<u>E5. Prior to the issue of any Occupation Certificate, any existing registered easements and rights or carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.</u>	Note: there is an existing Condition E5 – Post-construction Dilapidation Report. It is not proposed to be removed by the Commission. Does this new condition E5 conflict with an existing condition number?
ENVIRONMENTAL PERFORMANCE Recommended Condition E4	The Commission finds this condition to be redundant as the incorporation of and compliance with environmental sustainability objectives, measures and initiatives required under the consent are captured in the conditions of consent themselves and therefore would be part of the OC process with the Certifier.	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.	Accepted.
PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS Recommended Condition E8(a)	To provide clarity.	(a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result <u>because</u> of the Development; and	Accepted.
WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE Recommended Condition E10(b)	<p>Question to DPHI: the Applicant has requested an amendment to Condition E10 which reflects stormwater drainage and finished ground levels only – the Commission considers the retention of Condition E10(a) as necessary to include the works-as-executed drawings for the whole development.</p> <p>The Commission is seeking advice on an amendment to Condition E10(b) to reflect the intent of the Applicant's request, amending Condition E10(b) to:</p> <p>(b) any compliance certificates and any other evidence confirming all stormwater drainage systems and storage systems works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.</p> <p>Can the Department advise if the Applicant's proposed amendment has any unintended consequences and advise on its workability and enforceability?</p>		<p>The Department accepts the Applicant's proposed change to E10(b).</p> <p>E10. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier:</p> <ul style="list-style-type: none"> (a) works-as-executed plans for the Development; and (b) works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.
ACOUSTIC COMPLIANCE Recommended Condition E13	To ensure the report is prepared by the appropriately qualified person.	Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report <u>prepared by a suitably qualified professional</u> demonstrating compliance with all noise mitigation measures required under Condition B11.	Accepted.
STRUCTURAL INSPECTION CERTIFICATE Recommended Condition E15	To ensure the certificate is prepared by the appropriately qualified person.	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 <u>which has been prepared by a suitably qualified and experienced professional Engineer.</u>	In other conditions it references 'professional engineer' 'experienced and practicing professional Engineer' and 'experienced and practising Engineer'. The Department suggests 'suitably qualified engineer' is used throughout for consistency.
LANDSCAPE PRACTICAL COMPLETION REPORT Recommended Condition E17	<p>Addition of condition reference omitted in (b).</p> <p>Amend (c) to provide an appropriate timeframe for plant maintenance and watering to provide a greater chance of successful landscaping</p> <p>Delete (c) as the maintenance period is covered under part (b) and part (d).</p>	<p>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:</p> <p>(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;</p>	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
	Amend (d) to include mortality replacement to maintain visual screening.	(b) verifies that a maintenance program under the Landscape Plan required under condition B6 has been commenced; (c) includes details of plant maintenance and watering for the first 12 months; and (d) includes details of plant maintenance, mortality replacement (with the same species of the same maturity) and watering for the life of the Development.	
OUTDOOR LIGHTING Recommended Condition E20(b)	To ensure the version in force at the time is applied.	(b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997 or its latest version); and	Accepted.
BICYCLE PARKING AND END-OF-TRIP FACILITIES Recommended Condition E24	To directly refer to the report submitted under Condition B8 that demonstrates bicycle parking spaces and their compliance with Australian Standards, consistent with recent consents.	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 B8 A4 .	Accepted.
FIRE SPRINKLER SYSTEM Recommended Condition E27	To ensure the sprinkler system is installed and completed prior to any OC.	Prior to the issue of any the Occupation Certificate a sprinkler system must be installed and completed in accordance with the requirements of Condition B12.	Accepted.
OPERATIONAL WASTE MANAGEMENT Recommended Condition E32	Addition of (a) to ensure Council is consulted on waste services where relevant to Council services/assets, consistent with recent consents. Amendment to 'Note' to reflect correct part of consent.	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: <u>(a) be prepared in consultation with Council;</u> (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials; (c) confirm the location of waste collection and establish appropriate routes to the collection point; (d) provide confirmation that appropriate arrangements have been made for the collection of waste; (e) detail the type and quantity of waste to be generated during operation of the Development; <u>and</u> (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA). Note: Conditions in Part E F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.	Accepted.
CAR PARKING, LOADING AND SERVICE MANAGEMENT PLAN Recommended Condition E36(b)	Amend (b)(ii) to ensure any potential safety issues at the interface of the driveway with pedestrians on Mona Vale Road are addressed.	(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 <u>(including pedestrian safety)</u> impacts of the car parking, <u>driveway</u> and loading dock operation; and (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.	Accepted.
LANDSCAPING Condition F7	To directly refer to the Landscape Plans approved under Condition B6.	Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B6 A4 .	Accepted.

Condition No.	Commission's Intended Outcome	Revised Condition (Additions in bold and underlined , deletions in strikethrough)	DPHI Comments
OUTDOOR LIGHTING Condition F9	To ensure consistency with recent consents.	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. the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.	The Department considers the second part of the sentence unclear. The Department suggests that this condition uses both the original and proposed changes for example 'If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must, in consultation with affected landowners, provide mitigation measures to reduce those impacts, consistent with AS 4282-1997.'
FOOD PREPERATION / PREMISES Conditions F12 – F18	Deletion of Condition F12 – F18 as the Commission finds these conditions to be unnecessary, as Construction Certificate documentation is required to demonstrate compliance with condition B13 and subsequently, compliance with relevant legislation, standards etc must be met and checked by the Principal Certifier. Condition E29 also requires the NSW Food Authority to inspection the premises prior to occupation.	Deletion of Condition F12 Deletion of Condition F13 Deletion of Condition F14 Deletion of Condition F15 Deletion of Condition F16 Deletion of Condition F17 Deletion of Condition F18	Accepted.

Condition A1(c) proposed amendments:

Landscape Plans prepared by Group GSA			
L-8000	D	LANDSCAPE ARCHITECTURE PACKAGE	18.10.2024
<u>L-8001</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SITE WIDE</u>	<u>18.10.2024</u>
<u>L-8002</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SHEET 1 LOWER GROUND FLOOR</u>	<u>18.10.2024</u>
<u>L-8003</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SHEET 2 GROUND & LOWER GROUND</u>	<u>18.10.2024</u>
<u>L-8004</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SHEET 3 GROUND & LOWER GROUND</u>	<u>18.10.2024</u>
<u>L-8005</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SHEET 4 LEVEL 1 & GROUND FLOOR</u>	<u>23.10.2024</u>
<u>L-8006</u>	<u>E</u>	<u>GENERAL ARRANGEMENT PLAN – SHEET 5 LEVEL 1</u>	<u>23.10.2024</u>
<u>L-8010</u>	<u>D</u>	<u>GENERAL ARRANGEMENT PLAN LEVEL 2 & 3</u>	<u>18.10.2023</u>
<u>L-8100</u>	<u>E</u>	<u>TREE MANAGEMENT PLAN</u>	<u>18.10.2024</u>
<u>L-8201</u>	<u>D</u>	<u>LANDSCAPE SECTIONS SHEET 1 MONA VALE RD ARRIVAL</u>	<u>18.10.2024</u>
<u>L-8202</u>	<u>D</u>	<u>LANDSCAPE SECTIONS SHEET 2</u>	<u>18.10.2024</u>
<u>L-8203</u>	<u>D</u>	<u>LANDSCAPE SECTIONS SHEET 3</u>	<u>24.10.2024</u>
<u>L-8204</u>	<u>C</u>	<u>LANDSCAPE SECTIONS SHEET 4</u>	<u>18.10.2024</u>
<u>L-8500</u>	<u>C</u>	<u>PLANTING SCHEDULES</u>	<u>25.10.2024</u>
<u>L-8501</u>	<u>D</u>	<u>SITE-WIDE TREE PLANTING PLAN</u>	<u>25.10.2024</u>
<u>L-8502</u>	<u>C</u>	<u>PLANTING PLAN SHEET 1</u>	<u>25.10.2024</u>
<u>L-8503</u>	<u>C</u>	<u>PLANTING PLAN SHEET 2</u>	<u>25.10.2024</u>
<u>L-8504</u>	<u>C</u>	<u>PLANTING PLAN SHEET 3</u>	<u>25.10.2024</u>
<u>L-8505</u>	<u>C</u>	<u>PLANTING PLAN SHEET 4</u>	<u>25.10.2024</u>
<u>L-8506</u>	<u>C</u>	<u>PLANTING PLAN SHEET 5</u>	<u>25.10.2024</u>

<u>L-8600</u>	<u>D</u>	<u>LANDSCAPE CANOPY COVER DIAGRAM</u>	<u>18.10.2024</u>
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