

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission 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: The conditions imposed under this consent are required to:

- prevent, minimise, or offset adverse environmental impacts
- set standards and performance measures for acceptable environmental performance

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

DATE

File: SSD-63475709

SCHEDULE 1

Application Number:
Application lodged by:
Consent Authority:
Site:

SSD-63475709
Mingara Leisure Group Pty Ltd
Minister for Planning and Public Spaces
14 Mingara Drive, Tumbi Umbi (Lot 13 in DP 1204397 and Lot 71 in DP 101191)

Development:

Seniors housing development comprising:

- demolition of existing structures on the site
- Torrens title subdivision of Lot 13 in DP 1204397 into three allotments and lot consolidation of proposed lots 1 and 2
- site establishment works, including minor excavation, tree removal and earthworks
- reconfigured athletics track parking areas and access arrangements. construction of 13 x 2 storey buildings and 4 x residential flat buildings ranging from 6 to 7 storeys providing for:
 - 215 independent living units
 - 39 residential care facility beds
 - communal areas (including food and drink premises, multi-functional spaces and wellness facilities)
 - 309 car parking spaces and an ambulance park
- landscaping, pathways and communal open space
- stormwater and flooding infrastructure works
- associated infrastructure and utilities
- temporary display suite

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.

Above Ground Works	Includes all works above and including the Ground Floor as nominated on the plans approved by Condition A1 but excludes Demolition Works, Enabling Works, Bulk Excavation Works, Below Ground Works and Landscape Works.
Response to Submissions/Amendment Report 1 (AR1)	The consolidated Response to Submissions/ Amendment Report 1 titled Tumbi Umbi Retirement Living Project, prepared by Urbis, dated July 2025, including any additional information provided by the Applicant in support of the application.
Amendment Report 2 (AR2)	Amendment Report 2 titled Tumbi Umbi Retirement Village, prepared by Urbis, dated December 2025, including any additional information provided by the Applicant in support of the application.
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 Limited and means the standard which applies at the time the relevant work or action is undertaken.
Below Ground Works	Includes all works below the ground floor structure nominated on the plans approved by Condition A1 , including bulk excavation works, piling and services but excludes Enabling Works, Demolition Works.
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: (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: (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	Central Coast 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 Tumbi Umbi Retirement Living Project, prepared by Urbis, dated 11 November 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Enabling Works	Includes early works, enabling works and site establishment works and site stripping, including in-ground remediation works (if required) and material classification, but excludes Demolition Works.
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: • 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.
Professional 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> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a Professional 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, combined Response to Submissions/Amendment Report 1 (AR1), Amendment Report 2 (AR2), 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 Marchese Partners			
Drawing Number	Rev	Name of Plan	Date
DA1.30	4	Retirement Village Boundary Plan and Proposed Subdivision Plan	04/11/2025
DA1.40	4	Existing + Demolition Plan	04/11/2025
DA1.42	6	Staging Plan	04/11/2025
DA1.52	1	Athletics Overflow Parking	04/11/2025
SK1.61	1	Athletics Road Drop Off	04/11/2025
DA2.01	6	Ground Level	04/11/2025
DA2.02	6	Level 01	04/11/2025
DA2.03	6	Level 02	04/11/2025
DA2.04	6	Level 03	04/11/2025
DA2.05	6	Level 04	04/11/2025
DA2.06	6	Level 05	04/11/2025
DA2.07	6	Level 06	04/11/2025
DA2.08	6	Roof Level	04/11/2025
DA2.51	6	Building 1 - Parking (Ground)	04/11/2025
DA2.51.B	4	Building 1 - Level 1	04/11/2025
DA2.52	6	Building 1 - Typical Level	04/11/2025
DA2.53	6	Building 1 - Penthouse (Level 5)	04/11/2025
DA2.54	6	Building 1 - Roof Level	04/11/2025
DA2.62	6	Building 2 - Ground Level	04/11/2025
DA2.62.B	6	Building 2 - RAC (Level1)	04/11/2025
DA2.63	4	Building 2 - RAC (Typical Level)	04/11/2025
DA2.64	6	Building 2 - ILU (Level 4)	04/11/2025
DA2.65	6	Building 2 - ILU (Level 5)	04/11/2025
DA2.66	6	Building 2 - ILU Penthouse (Level 6)	04/11/2025
DA2.67	6	Building 2 - Roof Level	04/11/2025
DA2.71	6	Building 3 - Parking (Ground)	04/11/2025
DA2.71.B	4	Building 3 - Level 1	04/11/2025
DA2.72	6	Building 3 - Typical Level	04/11/2025
DA2.73	6	Building 3 - Penthouse (Level 6)	04/11/2025
DA2.74	6	Building 3 - Roof Level	04/11/2025
DA2.81	6	Building 4 - Parking (Ground)	04/11/2025
DA2.81.B	4	Building 4 - Level 1	04/11/2025
DA2.82	6	Building 4 - Typical Level	04/11/2025
DA2.83	6	Building 4 - Penthouse (Level 5)	04/11/2025
DA2.84	6	Building 4 - Roof Level	04/11/2025
DA2.90	6	Villa 1 Floor Plans	04/11/2025
DA2.91	6	Villa 2 Floor Plans	04/11/2025
DA2.92	6	Villa 3 Floor Plans	04/11/2025
DA2.95	P4	Display Suite Ground Floor Plan	30/10/2025

DA2.96	P4	Display Suite Roof Plan	30/10/2025
DA3.01	4	Site / Streetscape Elevations - Sheet 1	04/11/2025
DA3.02	4	Site / Streetscape Elevations - Sheet 2	04/11/2025
DA3.03	4	Site / Streetscape Elevations - Sheet 3	04/11/2025
DA3.10	5	Building 1 Elevation - Sheet 1	04/11/2025
DA3.12	5	Building 2 Elevation - Sheet 1	04/11/2025
DA3.13	5	Building 3 Elevation - Sheet 1	04/11/2025
DA3.14	5	Building 4 Elevation - Sheet 1	04/11/2025
DA3.15	5	Villas (Type 1) Elevation – Sheet 1	04/11/2025
DA3.16	5	Villas (Type 2) Elevation – Sheet 2	04/11/2025
DA3.17	5	Villas (Type 3) Elevation – Sheet 3	04/11/2025
DA3.20	4	Building Aesthetics Concept (Apartments)	04/11/2025
DA3.21	3	Building Aesthetics Concept (Villas)	04/11/2025
DA3.25	P4	Display Suite - Elevations - Sheet 1	30/10/2025
DA3.26	P4	Display Suite - Elevations - Sheet 2	30/10/2025
DA3.30	4	External Colour Finishes – Material Board	04/11/2025
DA4.01	4	Site Sections - Sheet 1	04/11/2025
DA4.02	4	Site Sections - Sheet 2	04/11/2025
DA4.05	P4	Display Suite - Sections	30/10/2025
DA4.11	4	Retirement Village Boundary Sections - Sheet 01	04/11/2025
DA4.12	4	Retirement Village Boundary Sections - Sheet 02	04/11/2025
DA6.01	4	Adaptable Units - Type 1	04/11/2025
DA6.02	4	Adaptable Units - Type 2	04/11/2025
DA6.03	4	Adaptable Units - Type 3	04/11/2025
DA6.04	4	Adaptable Units - Type 4	04/11/2025
DA6.05	4	Adaptable Units - Type 5	04/11/2025
DA6.20	5	Building 1 - Unit Layout - 1	04/11/2025
DA6.21	5	Building 1 - Unit Layout - 2	04/11/2025
DA6.22	5	Building 1 - Unit Layout - 3	04/11/2025
DA6.23	5	Building 1 - Unit Layout - 4	04/11/2025
DA6.24	4	Building 1 - Unit Layout - 5	04/11/2025
DA6.25	4	Building 1 - Unit Layout - 6	04/11/2025
DA6.30	4	Building 2 - Unit Layout - 1	04/11/2025
DA6.31	4	Building 2 - Unit Layout - 2	04/11/2025
DA6.32	4	Building 2 - Unit Layout - 3	04/11/2025
DA6.33	4	Building 2 - Unit Layout - 4	04/11/2025
DA6.34	4	Building 2 - Unit Layout - 5	04/11/2025
DA6.35	4	Building 2 - Unit Layout - 6	04/11/2025
DA6.36	4	Building 3 - Unit Layout - 1	04/11/2025
DA6.37	4	Building 3 - Unit Layout - 2	04/11/2025
DA6.38	4	Building 3 - Unit Layout - 3	04/11/2025
DA6.39	4	Building 3 - Unit Layout - 4	04/11/2025
DA6.40	4	Building 3 - Unit Layout - 5	04/11/2025
DA6.41	4	Building 4 - Unit Layout - 1	04/11/2025
DA6.42	4	Building 4 - Unit Layout - 2	04/11/2025
DA6.43	4	Building 4 - Unit Layout - 3	04/11/2025
DA6.44	4	Building 4 - Unit Layout - 4	04/11/2025
DA6.45	4	Building 4 - Unit Layout - 5	04/11/2025
DA6.46	4	Building 4 - Unit Layout - 6	04/11/2025
DA6.47	4	Building 4 - Unit Layout - 7	04/11/2025
DA6.48	4	Building 4 - Unit Layout - 8	04/11/2025
DA7.31	5	Area Diagrams - GFA	04/11/2025
DA7.41	4	Building 1 Storage Diagrams	03/10/2025
DA7.42	4	Building 2 Storage Diagrams	03/10/2025

DA7.43	4	Building 3 Storage Diagrams	03/10/2025
DA7.44	3	Building 4 Storage Diagrams	14/05/2025
DA7.45	4	Building 4 Storage Diagrams	03/10/2025
DA7.46	3	Villas Storage Diagrams	14/05/2025
DA7.47	3	Villas Storage Diagrams	14/05/2025
DA9.13	1	Ground Level - Accessible Path	04/11/2025
Landscape Plans prepared by Taylor Brammer			
LA 010	E	Tree Removal and Retention Plan	18/11/2025
LA 100	F	Site Masterplan	18/11/2025
LA 101	E	North / Building B1	18/11/2025
LA 102	E	Village Centre / Building B2	16/10/2025
LA 103	E	Village Centre / Building B3	16/10/2025
LA 104	D	South / Building B4	16/10/2025
LA 105	D	Pedestrian Link	16/10/2025
LA 106	B	Building 2- Communal courtyard- Level 1	20/05/2025
LA 106a	A	Building 2-Penthouse-Level 6	20/05/2025
LA 107	B	Building 1- Private Terrace- Level 1	16/10/2025
LA 108	B	Building 1- Penthouse-Level 5	16/10/2025
LA 109	A	Building 3- Private Terrace- Level 1	20/05/2025
LA 110	B	Building 3 - Penthouse - Level 6	16/10/2025
LA 111	B	Building 4- Private Terrace- Level 1	16/10/2025
LA 112	B	Building 4- Penthouse-Level 5	16/10/2025
LA 200	C	Plant schedule	20/05/2025
LA 201	E	North / Building B1 - Planting	18/11/2025
LA 202	E	Village Centre / Building B2 - Planting	16/10/2025
LA 203	E	Village Centre / Building B3- Planting	16/10/2025
LA 204	E	South/ Building B4- Planting	16/10/2025
LA 301	C	Landscape Section	20/05/2025
LA 302	C	Landscape Section	20/05/2025
LA 400	C	Fence Strategy	15/07/2025
LD01	B	Landscape Details - typical	10/07/2024
LD02	B	Hardworks Details - typical	10/07/2024
SK200h	D	Diagrams	15/07/2025
SK200i	C	Riparian Restoration Area	10/07/2024
SK200k	C	Interface of Athletics Centre	18/11/2025
SK302	A	Sections	16/10/2025
SK303	A	Sections	16/10/2025
Civil plans prepared by Stantec			
CI-000-001	D	Cover Sheet, Drawing Registry and Locality Plan	21/05/2025
CI-007-001	D	General Notes Sheet 1 of 3	21/05/2025
CI-007-002	D	General Notes Sheet 2 of 3	21/05/2025
CI-007-003	D	General Notes Sheet 3 of 3	21/05/2025
CI-050-001	I	General Arrangement Plan	21/05/2025
CI-060-001	D	Roads And General Details Sheet 1 of 3	21/05/2025
CI-066-002	D	Roads And General Details Sheet 2 of 3	21/05/2025
CI-066-003	D	Roads And General Details Sheet 3 of 3	21/05/2025
CI-070-001	D	Erosion And Sediment Control Plan	21/05/2025
CI-076-001	D	Erosion And Sediment Control Details	21/05/2025
CI-100-001	D	Bulk Earthworks Plan	21/05/2025
CI-440-001	D	Pavement Plan	21/05/2025
CI-500-001	D	Stormwater Catchment Plan	21/05/2025
CI-520-001	F	Stormwater Drainage Plan Stage 1	21/05/2025
CI-520-002	F	Stormwater Drainage Plan Stage 2	21/05/2025

CI-526-001	D	Stormwater Drainage Details Sheet 1 of 3	21/05/2025	
CI-526-002	D	Stormwater Drainage Details Sheet 2 of 3	21/05/2025	
CI-526-003	D	Stormwater Drainage Details Sheet 3 of 3	21/05/2025	
CI-526-101	D	Stormwater Drainage OSD Details Sheet 1 of 4	21/05/2025	
CI-526-102	D	Stormwater Drainage OSD Details Sheet 2 of 4	21/05/2025	
CI-526-103	D	Stormwater Drainage OSD Details Sheet 3 of 4	21/05/2025	
CI-526-104	D	Stormwater Drainage OSD Details Sheet 4 of 4	21/05/2025	
CI-527-001	D	Stormwater Drainage - Pit Schedule	21/05/2025	
Subdivision Plans prepared by Beveridge Williams				
Drawing Number	Sheet Number	Rev	Name of Plan	Date
PSD-001	Sheet 1 of 2	B	Plan of Proposed Subdivision of Lot 13 DP1204397 Mingara Drive, Tumbi Umbi	16/07/2024
PSD-001	Sheet 2 of 2	B	Plan of Proposed Subdivision of Lot 13 DP1204397 Mingara Drive, Tumbi Umbi	16/07/2024
PDP-002	Sheet 1 of 2	B	Plan of Proposed Subdivision of Lot 13 DP1204397 Mingara Drive, Tumbi Umbi	16/07/2024
PDP-002	Sheet 2 of 2	B	Plan of Proposed Consolidation of Lot 1 & 2 in Stage 1 Mingara Drive, Tumbi Umbi	16/07/2024

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.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A5. Prior to the issue of the first Construction Certificate (excluding the display suite), the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Central Coast Council Southern Lakes District Development Contributions Plan, dated April 2020 has been paid to Council. Council must be contacted for calculation of required contributions.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A6. Prior to the issue of the first Construction Certificate for above ground works (excluding the display suite), the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$1,388,285.37
Total housing and productivity contribution	\$1,388,285.37

- A7. The HPC must be paid using the NSW planning portal.
- A8. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- A9. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A Act agrees.

A10. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the HPC Order exempts the development from the contribution.

A11. The amount of the contribution may be reduced under the HPC Order.

Note: The contribution amount is subject to indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B1. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier a Report from a Professional 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 the Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Sustainability Report, prepared by RENYI, dated 24 July 2024.

STRUCTURAL DETAILS

- B3. Prior to the issue of the Construction Certificate, 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 the Construction Certificate, 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

FLOODING

- B5. Prior to the issue of the Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a certificate prepared by a suitably qualified Chartered Civil Engineer (registered on the National Engineering Register of Engineers Australia), or equivalent, stating compliance with the following items:
- (a) compliance with the recommendations provided in the Flood Impact Assessment prepared by Stantec, dated 02 June 2025;
 - (b) the floor levels of the building would achieve the levels approved in the Flood Impact Assessment listed above; and
 - (c) the building must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

WATER UTILITY – CERTIFICATE OF COMPLIANCE

- B6. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier evidence a Compliance Certificate application under Section 305 of the *Water Management Act 2000* has been submitted to Council.

Note: Applications for these works must be submitted on Council's standard Section 305 Water Management Act 2000 for Section 307 Certificate of Compliance form accompanied by the required attachments and any prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure will be borne in full by the applicant/developer.

SECTION 68 APPLICATION

- B7. Prior to the issue of the Construction Certificate, the Applicant must submit evidence to the Certifier demonstrating that an application under Section 68 of the *Local Government Act 1993* has been submitted to and approved by Council, together with any prescribed fees (including inspection fees) for works that involve any of the following:
- (a) any water, sewerage, on site sewerage management system, or stormwater drainage works;
 - (b) installation of stormwater treatment and quality control devices;
 - (c) erosion and sediment control works; and
 - (d) any works that is likely to disturb or impact upon water, sewer or drainage infrastructure (e.g., extending, relocating or lowering of pipeline).
- B8. Any Section 68 application submitted in accordance with **Condition B7** must:
- (a) include engineering detail of the 'non return valve' to prevent backflow effects from the proposed piped stormwater drainage system through the development;
 - (b) include operational and maintenance detail;
 - (c) include detailed survey by a Registered Surveyor relating to all property boundaries surrounding the development;
 - (d) include engineering details of minor and major stormwater drainage as detailed in the 'Stormwater Management Plan', prepared by Stantec and dated 29 May 2025;
 - (e) demonstrate that:
 - (i) peak stormwater flow rate that is discharged from the site to the public realm is to align with the maximum post development discharge rates outlined in the Stormwater Management Plan prepared by Stantec and dated 29 May 2025. This can be achieved by onsite stormwater detention (OSD) utilising above and or below ground storage;
 - (ii) all stormwater must initially be directed to the discharge control pits.
- B9. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Certifier prior to the issue of a Construction Certificate.

Note: Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure will be borne in full by the applicant/developer.

LANDSCAPING

- B10. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Taylor Brammer, dated 16 October 2025
 - (b) is consistent with the Vegetation Management Plan prepared by Écologique dated 24 February 2026, as amended by any requirement of these conditions;
 - (c) includes details of tree planting;
 - (d) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (e) demonstrates adequate drainage and watering systems;
 - (f) includes details of plant maintenance and watering for the first 12 months; and
 - (g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B11. Prior to the issue of the Construction Certificate, 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 the applicable Australian Standards;
 - (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 AUSTROADS; and
- (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (ii) provision of 309 car parking spaces, comprising:
 - 301 ILU car parking spaces
 - 3 RCF car parking spaces
 - 5 staff car parking spaces
 - (iii) provision of 3 bicycle parking spaces
 - (iv) 1 ambulance bay
 - (v) a loading/service bay within Building 2

COMPLIANCE WITH LIGHT SPILL ASSESSMENT

- B12. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the Development has incorporated all recommendation in the Spill Lighting Impact Assessment (prepared by Webb Australia Group dated 19 May 2025) and any light spill/ obtrusive lighting to the Development would comply with relevant Australian Standards, including AS/NZS 4282.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B13. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier a Report 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 Urbis, dated 25 July 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B14. Prior to the issue of the Construction Certificate, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Pulse White Noise Acoustics, dated 15 April 2025.

ADAPTABLE UNITS

- B15. Prior to the issue of the Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B16. Prior to the issue of the Construction Certificate, **BASIX Nos. 1741999M_06** Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

RESIDENTIAL CARE FACILITY FIRE SPRINKLER SYSTEM

- B17. Prior to the issue of the Construction Certificate, 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 the applicable Australian Standards and guidelines.

HOUSING SEPP SCHEDULE 4

- B18. Prior to the issue of a Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified access consultant that development relating to the Independent Living Units complies with the relevant building and layout design standards of Schedule 4 of the Housing SEPP.

FOOD PREPARATION / PREMISES

- B19. Prior to the issue of the a Construction Certificate for the 'fit-out' of any food related facilities, 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.

WASTE MANAGEMENT

- B20. Prior to the issue of the first Construction Certificate, the Certifier must be satisfied that detailed plans and specifications of the waste storage and management facilities that achieve the following:
- (a) are generally in accordance with the Operational Waste Management Plan prepared by MRA Consulting Group, dated 06 November 2025;
 - (b) the floors are waterproofed across all intersections that extend a minimum 1,200 mm high on the walls;

- (c) segregation and containment of medical waste in accordance with relevant requirements;
- (d) a bin tipper is installed in a location that does not impede the direct path of travel to the waste room roller shutter or the like;
- (e) ventilation is in accordance with the Building Code of Australia;
- (f) there is sufficient circulation space for a bin-tug, trailer or tractor to transfer waste safely between each of the dedicated waste storage rooms and the collection point;
- (g) any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments (2019). Details are to be submitted to the satisfaction of the Certifier before the issue of the relevant Crown Building works certificate.

TEMPORARY DISPLAY SUITE

- B21. Prior to the issue of a Construction Certificate, evidence must be provided to the Certifier confirming that the display suite has ceased use, existing display suite structures have been removed, and the land has been reinstated to its prior condition.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, excluding the display suite, 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) remediation 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;
 - (xiii) fauna and flora management
 - (xiv) all recommendations and mitigation measures outlined in the Biodiversity Development Assessment Report prepared by Écologique, dated 16 May 2025
 - (xv) all recommendations and mitigation measures outlined in the Vegetation Management Plan prepared by Écologique, dated 24 February 2026
 - (xvi) tree protection measures outlined in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees Arboricultural Consulting, dated 13 June 2024
 - (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 C19**;
 - (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** and Heritage NSW's guidelines and code of practice; and
 - (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, excluding the display suite, 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, including (but not limited to) users of the Mingara Regional Athletics Track and the Mingara Precinct; and
 - (e) management measures to maintain safe pedestrian and vehicle movements within the Mingara Precinct.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, excluding the display suite, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development prepared by a Professional Engineer with measures to minimise 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) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
 - (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;
 - (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) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
 - (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - (i) 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;
 - (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, excluding the display suite, 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 CNVMP, 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, excluding the display suite, 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, excluding the display suite, 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:
- (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.

MINGARA PRECINCT PEDESTRIAN CONNECTIVITY MANAGEMENT PLAN

- C7. Prior to the issue of the commencement of any work, excluding the display suite, the Applicant must submit to the Certifier a Pedestrian Connectivity Management Plan (**PCMP**) for the Mingara Precinct. The PCMP must be prepared by a suitably qualified expert, in consultation with user groups of the athletics track and include, at a minimum, the following information:
- (a) be prepared in accordance with the approved plans under **Condition A1**;
 - (b) detail accessible connections, including new or extended footpaths, connecting the Mingara Regional Athletics Track to the Mingara Hotel and Mingara Club main car park, including an additional accessible pedestrian footpath to Legends Carpark and new pedestrian crossings across trafficable internal roads;
 - (c) a signage plan for the seniors development to assist future residents with way finding within the Mingara Club Precinct;
 - (d) adequate lighting arrangements along all pedestrian connections;
 - (e) appropriate way finding signage between car parking areas and Mingara Regional Athletics Track;
 - (f) new driveway laybacks to identified overflow car parking areas in accordance with the Overflow Car Parking Analysis plan (drawing number SK.01, rev A, prepared by Traffix, dated 3 June 2025)

EVENT MANAGEMENT PLAN

- C8. Prior to the commencement of any work, excluding the display suite, the Applicant must submit to the Certifier a final **Event Traffic Management Plan**, prepared generally in accordance with the Event Management Plan, prepared by Traffix, dated 26 November 2025, that includes, at a minimum, the following:
- (a) traffic and parking management measures for typical events held within the Mingara Club Precinct, including the Mingara Regional Athletics Track;
 - (b) measures to facilitate safe, accessible and convenient movement of pedestrians throughout the Mingara Club Precinct, including pedestrian movements between car parking areas and precinct uses;
 - (c) procedures for assessing the requirement for, site conditions and suitability of the use of overflow car parking areas for the Mingara Regional Athletics Track; and
 - (d) measures to encourage and promote the use of sustainable travel modes and public transport for journeys made to and from the Mingara Club Precinct.

GROUNDWATER INFLOWS AND LICENSING

- C9. Prior to any water take occurring, the Applicant must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take unless the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C10. Prior to the commencement of works, excluding the display suite, 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.
- C11. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works (excluding the display suite) – 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

- C12. Prior to the commencement of any work, excluding the display suite and enabling works, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional 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', prior to construction.
- C13. 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.
- C14. 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.
- C15. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary, Council and each of the affected property owners.
- C16. 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.
- C17. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C18. Prior to the commencement of works, excluding the display suite, the Applicant must:
- (a) 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;
 - (b) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

REMEDiation

UNEXPECTED FINDS PROTOCOL

- C19. 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.

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, excluding the display suite, 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.

DIAL BEFORE YOU DIG SERVICE

- C23. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

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 Professional 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; and
 - (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; and
 - (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) 7am to 6pm, Monday to Friday; and
 - (b) 8am to 1pm, Saturday.
- 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 vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, 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 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016); and
 - (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. 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

D26. 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.

D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D28. 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.

D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

D30. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the 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 issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.

TEMPORARY DISPLAY SUITE

- E5. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, confirmation that the display suite has been removed and the land reinstated in accordance with **Condition B21** is to be provided to the Certifier.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E6. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.
- E7. 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

- E8. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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

- E9. 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.
- E10. Prior to the issue of the last Occupation Certificate, any damage identified in **Condition E6** as being caused by the carrying out of the Development not subject to **Condition E9** must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E11. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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 conditions of this consent have been satisfied.
- E12. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.

COMPLIANCE WITH BASIX CERTIFICATE

- E13. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E14. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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

- E15. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B14**.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E16. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under **Condition B2**.

STRUCTURAL INSPECTION CERTIFICATE

- E17. 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.
- E18. 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

- E19. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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 **Condition B10** 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.

ATHLETIC TRACK IMPROVEMENTS

- E20. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates or the final Occupation Certificate for Building 1 as identified in the approved plans (whichever occurs first), the Applicant must submit to the Certifier evidence the Athletics Track improvements have been completed in accordance with the requirements of **Condition C7**.

FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- E22. 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

- E23. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); 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.

UTILITY PROVIDERS

- E24. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.
- E25. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.

STREET NUMBERING

- E26. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

SPRINKLER SYSTEM

- E27. Prior to the issue of the Occupation Certificate for the residential care facility a sprinkler system must be installed and completed in accordance with the requirements of **Condition B17**.

HOUSING SEPP SCHEDULE 4

- E28. Prior to the issue of an Occupation Certificate for any independent living units, the Certifier must be satisfied that the building layout and design is consistent with the relevant requirements of Schedule 4 of the Housing SEPP (**Condition B18**).

FOOD PREPARATION / PREMISES

- E29. Prior to the issue of the first Occupation Certificate involving a food related facility, the food 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.
- E30. Prior to commencement of any food related operations, the food premises must be registered with the NSW Food Authority in accordance with the Food Safety Standards and for any commercial food premises must be registered with Council

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E31. Prior to the occupation or commencement of use of the first seniors housing building, whichever occurs first, the Applicant must prepare an Operational Plan of Management for the seniors housing development, including ancillary uses and submit it to the Certifier, which includes (but not be limited to):
- (e) details of the managing agent;
 - (f) management of communal areas and open spaces, and ancillary uses (including operating hours);
 - (g) loading and unloading;
 - (h) security and staff management;
 - (i) emergency management / evacuation and incident response protocols;
 - (j) waste management;
 - (k) tenant induction and behaviour/ house rules;
 - (l) community consultation and complaint procedures;
 - (m) provision of any transport services, including the shuttle bus;
 - (n) provision of home delivered meals as required;
 - (o) measures to minimise exposure to gambling facilities on the site and reduce harm associated with the misuse and abuse of gambling activities by residents of the development; and
 - (p) details of any activities / social programs available to the residents to build relationships between residents.
- E32. The Operational Plan of Management approved under this consent must be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

FLOOD EMERGENCY RESPONSE PLAN

- E33. Prior to the occupation or commencement of use (whichever comes first) of the first seniors housing building, the Applicant must submit to the satisfaction of the Certifier a **Detailed Flood Emergency Response Plan** prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

The **Detailed Flood Emergency Response Plan** must:

- (a) be generally in accordance with the *Flood Emergency Management Plan* prepared by Stantec, dated 2 June 2025;
- (b) be prepared in consultation with Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW);
- (c) consider floods up to and including the Probable Maximum Flood (PMF);
- (d) be generally consistent with Council's and NSW SES's flood management policies; and
- (e) be implemented and maintained at all times by the relevant building management.

OPERATIONAL WASTE MANAGEMENT

- E34. Prior to the occupation or commencement of use of the first seniors housing building, 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) be prepared in consultation with Council;
- (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; and
- (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 F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

STORMWATER

- E35. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E36. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.

LOADING AND SERVICING MANAGEMENT PLAN

- E37. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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

- E38. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, 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.
- E39. Prior to the issue of the final Occupation Certificate for the part of the development to which the certificate relates, the Applicant must submit evidence to the certifier that the site has been consolidated in accordance with **Condition G10**.

RESTRICTION ON OCCUPATION (SENIORS HOUSING)

- E40. Prior to the issue of an Occupation Certificate for the part of the development to which the certificate relates, the Applicant must create a restriction as to the user under section 88E of the Conveyancing Act 1919 restricting the occupation of each Independent Living Unit and residential care facility 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 Council as the authority to release, vary or modify the restriction.

- E41. The instruments creating the restriction as to user required pursuant to **Condition E38** and **Condition E40** must 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.

PART F OCCUPATION AND ONGOING USE

TEMPORARY DISPLAY SUITE

- F1. During use, the temporary display suite must only operate Monday to Sunday, 9 am to 4 pm.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F2. Following the issue of the Occupation Certificate for the part of the development to which the certificate relates 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

- F3. Following the issue of the Occupation Certificate for the part of the development to which the certificate relates or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- F4. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site; and
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F5. 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
- F6. 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.
- F7. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

SHUTTLE BUS SERVICE

- F8. A shuttle bus service must be available for residents of the development connecting the development to local shops, services, facilities and recreation areas on a daily basis as a minimum. The bus service frequency and destination(s) must be provided in order to meet demands of residents.

EVENT TRAFFIC MANAGEMENT PLAN

- F9. The Event Traffic Management Plan required under **Condition C8** must be implemented by the Mingara Recreation Club for in perpetuity.

MINGARA PRECINCT PEDESTRIAN CONNECTIVITY MANAGEMENT PLAN

- F10. The Pedestrian Connectivity Management Plan required under **Condition C7** must be implemented for the life of the development.

LANDSCAPING

- F11. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under **Condition B10**.
- F12. All trees planted as part of the development must be maintained for a minimum of 12 months. Should any trees die during this maintenance period, they must be replaced with an identical or similar species and be of pot size consistent with the original pot size of the tree to be replaced.

VEGETATION MANAGEMENT PLAN

- F13. The Vegetation Management Plan (prepared by Écologique, dated 24 February 2026) approved under **Condition C1** must be implemented following occupation of the development and in perpetuity after that.
- F14. During occupation and ongoing use of the seniors housing, the Applicant must ensure the areas identified as Zone 2 and 3 in the Vegetation Management Plan (prepared by Écologique, dated 24 February 2026) are managed, in accordance with Bushfire Hazard Assessment prepared by Blackash Bushfire Consulting dated 22 July 2024,

FIRE SAFETY CERTIFICATION

- F15. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F16. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

BASIX CERTIFICATION

- F17. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with **BASIX Nos. 1741999M_06** and any updated certificate issued if amendments are made.

RESIDENTIAL CARE FACILITY

- F18. The residential care facility must be staffed and managed by suitably qualified personnel 24 hours a day, seven days a week.

USE OF COMMUNAL FACILITIES

- F19. The use of the communal areas are restricted to the occupants of the development and their guests only.

AMBULANCE BAY

- F20. The ambulance bay must be made available for use by the development 24 hours a day, seven days a week.

ATHLETICS TRACK

- F21. The car parking required by **Condition B11** must be made available for use of the Athletics Track patrons and visitors for the life of the development.

NOISE CONTROL – PLANT AND MACHINERY

- F22. The operation of plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.
- F23. All plant and equipment used in the development, or used to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.
- F24. An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 5dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
- (a) the noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (b) background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

Note: Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

FLOOD EMERGENCY RESPONSE PLAN

- F25. The **Detailed Flood Emergency Response Plan (FERP)** required under **Condition E33** must be implemented and maintained by relevant owner's corporation and/or relevant building management for the life of the development. All occupants and employees must be made aware of the **FERP** throughout occupation of the development.

PLAN OF MANAGEMENT

- F26. The Plan of Management required by **Condition E32** must be implemented by the Applicant following occupation or the commencement of use. The Operational Plan of Management is to be reviewed and updated annually.

PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

REQUIREMENTS OF THE EP&A ACT – PART 6 CERTIFICATES

- G1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate. For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the Development carried out in accordance with the documents set out in Condition A1.

SUBDIVISION CERTIFICATE

- G2. Before granting any Subdivision Certificate, the Certifier must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

BUILDING MANAGEMENT STATEMENT

- G3. Prior to the issue of a Subdivision Certificate, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifier.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the Development as a 'united building'. Where applicable, the Building Management Statement or Strata Management Statement must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision;
 - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision; and
 - (c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

CREATION OF EASEMENTS

- G5. Prior to the issue of the final Subdivision Certificate, easements for services, drainage, pedestrian and vehicle access, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

REGISTRATION OF EASEMENTS

- G6. Prior to the issue of the final Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in **Condition A1**, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

- G7. Any pipes, service lines or the like servicing each lot must be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

ACCESS EASEMENTS

- G8. Prior to the registration of the stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.

COMPLIANCE CERTIFICATE

- G9. Prior to issue of the final Subdivision Certificate for the amalgamated Lot 4, in accordance with approved Plan of Proposed Consolidation of Lot 1 & 2, Mingara Drive, Tumby Umbi (drawing number PDP-002, revision B, dated 16 July 2024), a compliance certificate issued under Section 307, Division 5 of the Water Management Act 2000 must be obtained from Council and must be provided to the Certifier demonstrating that the Development has satisfied the detailed requirements of Council in respect to water and wastewater.
- G10. Prior to the issue of each Subdivision Certificate (as relevant), a Registered Surveyor has confirmed that the parcel boundary of the plan corresponds with floors, external walls and ceilings of the relevant building/structures as

constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement or Strata Management Statement, to enable the registration of the plan.

RECOMMENDATION

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 Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees; and
 - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. 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 D28 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 D28), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D29):
 - (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.