CONSOLIDATED CONSENT

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Amy Watson

A/Director

State Significant Acceleration

Sydney 1 December 2023

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-35370706
Applicant:	**The Uniting Church in Australia Property Trust (NSW)**
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot 223 DP 551260 and Lot 1 DP 1284898, 27 Tiral Street, Charlestown, and the adjoining Crown Drainage Reserve
Development:	A seniors housing, residential aged care and residential development comprising:

- site preparation works including demolition, remediation, excavation and tree removal;
- construction of four buildings comprising:
  - **Building A:** Five storey Residential Aged Care facility (RCF) comprising 120 RCF bedrooms and 14 independent living units (ILUs);
  - **Building B:** 13 storey Seniors ILUs comprising 82 ILUs;
  - **Building C:** 14 storey Seniors ILUs comprising 107 ILUs; and
  - **Building D:** 14 storey residential flat building comprising 133 apartments.
- car parking, through-site links, communal outdoor areas, landscaping and signage; and
- subdivision from one into three Torrens title lots and ancillary and associated works.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-35370706-MOD-1	13 March 2026	Team Leader, Social and Diverse Housing Assessments	Modification for: • changes to the finished levels of the basement, lower ground and upper ground levels of Buildings A, B and C • reconfiguration of the carparking and plant rooms within Buildings B and C • amendments to the Remediation Action Plan to permit off-site disposal of contaminated soils • removal of two trees (Tree 15 – *Corymbia citriodora* and *Corymbia ficifolia* along James Street) and replacement with two *Elaeocarpus reticulatus* trees.
SSD-35370706-MOD-2	**29 May 2026**	**Team Leader, Social and Diverse Housing Assessments**	**Modification for:** • **amendments to the finished floor levels, internal layout and circulation spaces** • **changes to the car parking layout, plant areas, lift and stair design** • **increase to the gross floor area by 236m² in Building A** • **increase to the gross floor area by 147m² in Building B** • **changes to balcony sizes, facades, windows, materials and landscaping design.**

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The Uniting Church in Australia Property Trust (NSW) or any other person carrying out any development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	*Biodiversity Conservation Act 2016*
CEMP	Construction Environmental Management Plan
Certifier	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent.
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	Lake Macquarie City Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	The Environmental Impact Statement titled Environmental Impact Statement Seniors Housing and Residential Development The Uniting Church in Australia Property Trust (NSW) 27 Tiral Street, Charlestown, prepared by ADW Johnson dated 26/09/2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the *Heritage Act 1977,* and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the *National Parks and Wildlife Act 1974'*, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance *Note: "material harm" is defined in this consent*

Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Light vehicles	Motor vehicles with a Gross Vehicle Mass (GVM) of 4.5 tonnes or less
Heavy vehicles	Motor vehicles with a Gross Vehicle Mass (GVM) greater than 4.5 tonnes
Management and mitigation measures	The management and mitigation measures set out in Appendix AW of the EIS.
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
MOD 1	Section 4.55(1A) modification application SSD-35370706 MOD 1 and accompanying appendices and additional information including documentation prepared by ADW Johnson dated 5 November 2025, Plus Architecture dated 3 November 2025, Arcadia dated 30 October 2025, Arcadia dated 19 February 2026, MPC Consulting Engineers dated 3 September 2025, and MPC Consulting Engineers dated 1 October 2025
MOD 2	**Section 4.55(1A) modification application SSD-35370706 MOD 2 and accompanying appendices and additional information including documentation prepared by ADW Johnson dated 2 April 2026, Plus Architecture dated 22 January 2026, 23 March 2026 and 21 May 2026, Arcadia dated 13 January 2026 and 12 February 2026 and MPC Consulting Engineers dated 2 December 2025.**
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
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.
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Owner	Means the registered proprietor of the Property from time to time.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions (RtS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
Request for Information (RFI)	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act.
SA NSW	Subsidence Advisory NSW (formerly the Mine Subsidence Board)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land defined in Schedule 1.
Site Auditor	As defined in section 4 of the *Contaminated Land Management Act 1997*
Site Audit Report	As defined in section 4 of the *Contaminated Land Management Act 1997*
Site Audit Statement	As defined in section 4 of the *Contaminated Land Management Act 1997*
SSD	State Significant Development

TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A0. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

A1. The development may only be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary;

(c) in accordance with the EIS, Response to Submissions and Request for Information;

(d) in accordance with the management and mitigation measures; and

(e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural Plans prepared by *Plus Architecture*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
PLA-CT-B-DWG-AR-P4-00311	**A**	**ADG Cross Vent – Building B**	**23/03/2026**
PLA-CT-B-DWG-AR-P4-00321	**A**	**Solar Access – Building B**	**23/03/2026**
PLA-CT-MP-DWG-AR-P4-00003	~~05~~ **A**	External Finishes	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00004	~~05~~ **B**	Whole of Site Plan	~~18/08/2023~~ **21/05/2026**
PLA-CT-MP-DWG-AR-P4-00100	~~06~~ ~~07~~ **A**	Floor Plan – Basement	~~13/10/2023~~ ~~03/11/2025~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00101	~~06~~ ~~07~~ **A**	Floor Plan – Lower Ground	~~13/10/2023~~ ~~03/11/2025~~ **24/03/2026**
PLA-CT-MP-DWG-AR-P4-00102	~~06~~ ~~07~~ **A**	Floor Plan – Upper Ground	~~13/10/2023~~ ~~03/11/2025~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00103	~~05~~ **A**	Floor Plan – Level 01	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00104	~~05~~ **A**	Floor Plan – Level 02-03	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00105	~~05~~ **A**	Floor Plan – Level 04	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00106	~~05~~ **A**	Floor Plan – Level 05-06	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00107	~~05~~ **A**	Floor Plan – Level 07	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00108	~~05~~ **A**	Floor Plan – Level 08	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00109	~~05~~ **A**	Floor Plan – Level 09	~~18/08/2023~~ **22/01/2026**
PLA-CT-MP-DWG-AR-P4-00110	~~05~~ **A**	Floor Plan – Level 10	~~18/08/2023~~ **22/01/2026**

PLA-CT-MP-DWG-AR-P4-00111	~~05~~ A	Floor Plan – Level 11	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00112	~~05~~ A	Floor Plan – Level 12	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00113	~~05~~ A	Roof Plan	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00200	~~06~~ A	North Elevation James St	~~25/09/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00201	~~05~~ A	South Elevation Tiral St	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00202	~~05~~ A	Building A East & West Elevation	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00203	~~06~~ ~~07~~ A	Building B East & West Elevation	~~13/10/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00204	~~06~~ ~~06~~ A	Building C East & West Elevation	~~13/10/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00205	~~05~~ A	Building D East & West Elevation	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00210	~~06~~ A	Site Sections	~~27/09/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00211	~~05~~ ~~06~~ A	RAC Sections	~~18/08/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00212	~~06~~ ~~07~~ A	BLDG B Sections	~~27/09/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00213	~~06~~ ~~07~~ A	BLDG C Sections	~~27/09/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00214	~~05~~ A	BDLG D Sections	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00310	**A**	**ADG Cross Vent - Ground Levels**	**23/03/2026**
PLA-CT-MP-DWG-AR-P4-00314	**A**	**ADG Cross Vent - RAC**	**23/03/2026**
PLA-CT-MP-DWG-AR-P4-00320	**A**	**Solar Access – Ground Levels**	**23/03/2026**
PLA-CT-MP-DWG-AR-P4-00324	**A**	**Solar Access – RAC**	**23/03/2026**
PLA-CT-MP-DWG-AR-P4-00340	~~06~~ A	GFA – Ground Levels	~~17/11/2023~~ 22/01/2026
PLA-CT-B-DWG-AR-P4-00341	~~05~~ A	GFA – Building B	~~18/08/2023~~ 22/01/2026
PLA-CT-C-DWG-AR-P4-00342	05	GFA – Building C	18/08/2023
PLA-CT-D-DWG-AR-P4-00343	05	GFA – Building D	18/08/2023
PLA-CT-MP-DWG-AR-P4-00344	~~05~~ A	GFA – RAC	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-00345	~~01~~ A	GFA – RAC LG	~~10/11/2023~~ 22/01/2026

PLA-CT-MP-DWG-AR-P4-01500	~~05~~ A	Masterplan Subdivision	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01501	~~05~~ A	Masterplan Stage 01	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01510	~~06~~ ~~07~~ A	Floor Plan – Lower Ground Stage 01	~~18/08/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01511	~~06~~ ~~07~~ A	Floor Plan – Upper Ground Stage 01	~~17/11/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01512	~~05~~ A	Floor Plan – Level 01 Stage 01	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01520	~~06~~ A	North Elevation James St Stage 01	~~17/11/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01521	~~05~~ A	South Elevation Tiral St Stage 01	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01522	~~05~~ A	Building B West Elevation Stage 01	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01550	~~06~~ ~~07~~ A	Floor Plan – Lower Ground Stage 02	~~17/11/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01551	~~06~~ ~~07~~ A	Floor Plan – Upper Ground Stage 02	~~17/11/2023~~ ~~03/11/2025~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01552	~~05~~ A	Floor Plan – Level 01 Stage 02	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01560	~~06~~ A	North Elevation James St Stage 02	~~17/11/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01561	~~05~~ A	South Elevation Tiral St Stage 02	~~18/08/2023~~ 22/01/2026
PLA-CT-MP-DWG-AR-P4-01562	~~05~~ A	Building C West Elevation Stage 02	~~18/08/2023~~ 22/01/2026
Landscape Plans prepared by *Arcadia*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
20-677_Uniting Charlestown_Landscape DA Report_230824	10	Uniting Charlestown Landscape Design Report	24/08/2023
20-677 – L-000	~~10~~ ~~15~~ 2	COVER SHEET	~~24/08/2023~~ ~~30/10/2025~~ 13/01/2026
20-677 – L-100	~~10~~ ~~17~~ 3	LANDSCAPE MASTERPLAN - LOWER GROUND	~~24/08/2023~~ ~~19/02/2026~~ 12/02/2026
20-677 – L-110	~~10~~ ~~15~~ 2	LANDSCAPE MASTERPLAN - UPPER GROUND	~~24/08/2023~~ ~~30/10/2025~~ 13/01/2026
20-677 – L-120	~~10~~ 2	LANDSCAPE MASTERPLAN - LEVEL 1	~~24/08/2023~~ 13/01/2026

20-677 – L-400	~~10~~ 2	PLANTING SCHEDULE	~~24/08/2023~~ 13/01/2026
20-677 – L-401	10	SOFTWORKS PLAN - LOWER GROUND 1	24/08/2023
20-677 – L-402	~~10~~ 16	SOFTWORKS PLAN - LOWER GROUND 2	~~24/08/2023~~ 12/02/2026
20-677 – L-403	~~10~~ ~~15~~ 2	SOFTWORKS PLAN - LOWER GROUND 3	~~24/08/2023~~ ~~30/10/2025~~ 13/01/2026
20-677 – L-404	~~10~~ 15	SOFTWORKS PLAN - LOWER GROUND 4	~~24/08/2023~~ 30/10/2025
20-677 – L-405	~~10~~ ~~15~~ 4	SOFTWORKS PLAN - LOWER GROUND 5	~~24/08/2023~~ ~~30/10/2025~~ 23/03/2026
20-677 – L-406	~~10~~ 17	SOFTWORKS PLAN - LOWER GROUND 6	~~24/08/2023~~ 19/02/2026
20-677 – L-410	~~10~~ ~~15~~ 2	SOFTWORKS PLAN - UPPER GROUND	~~24/08/2023~~ ~~30/10/2025~~ 13/01/2026
20-677 – L-420	10	SOFTWORKS PLAN - LEVEL 1 1	24/08/2023
20-677 – L-421	10	SOFTWORKS PLAN - LEVEL 1 2	24/08/2023
20-677 – L-422	~~10~~ 2	SOFTWORKS PLAN - LEVEL 1 3	~~24/08/2023~~ 13/01/2026
20-677 – L-423	~~10~~ 2	SOFTWORKS PLAN - LEVEL 1 4	~~24/08/2023~~ 13/01/2026
20-677 – L-424	~~10~~ 2	SOFTWORKS PLAN - LEVEL 1 5	~~24/08/2023~~ 13/01/2026
20-677 – L-601	10	LANDSCAPE DETAILS 1	24/08/2023
20-677 – L-602	10	LANDSCAPE DETAILS 2	24/08/2023
20-677 – L-700	10	LANDSCAPE SPECIFICATION	24/08/2023
Civil Engineering Plans prepared by *MPC Consulting Engineers*			
Dwg No.	**Rev**	**Name of Plan**	**Date**
00100	~~4~~ ~~5~~ 6	SOIL AND WATER MANAGEMENT OVERALL STAGING PLAN	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00101	~~6~~ ~~8~~ 9	SOIL AND WATER MANAGEMENT PLAN STAGE 1	~~25/08/2022~~ ~~01/10/2025~~ 03/12/2025
00102	~~4~~ ~~6~~ 7	SOIL AND WATER MANAGEMENT PLAN STAGE 2 - BUILDING B WORKS SHEET 1	~~25/08/2022~~ ~~01/10/2025~~ 03/12/2025
00103	~~4~~ ~~5~~ 6	SOIL AND WATER MANAGEMENT PLAN STAGE 2 - BUILDING B WORKS SHEET 2	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00104	~~4~~ ~~5~~ 6	SOIL AND WATER MANAGEMENT PLAN STAGE 2 -BUILDING B WORKS SHEET 3	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025

00105	4 ~~5~~ **6**	SOIL AND WATER MANAGEMENT PLAN STAGE 2 -BUILDING B WORKS SHEET 4	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00106	4 ~~5~~ **6**	SOIL AND WATER MANAGEMENT PLAN STAGE 2 -BUILDING B WORKS SHEET 5	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00107	4 ~~6~~ **7**	SOIL AND WATER MANAGEMENT PLAN RAC - BUILDING WORKS STAGE 2D	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00108	4 ~~5~~ **6**	SOIL AND WATER MANAGEMENT PLAN - BUILDING C WORKS STAGE 3	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00109	4 ~~5~~ **6**	SOIL AND WATER MANAGEMENT PLAN - BUILDING D WORKS STAGE 4	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00110	4 ~~6~~ **7**	SOIL AND WATER MANAGEMENT PLAN - STAGE 5	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00150	4 ~~5~~ **6**	SOIL WATER MANAGEMENT DETAILS	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
~~00160~~	~~2~~	~~SOIL WATER MANAGEMENT SECTION~~	~~25/08/2022~~
00200	6 ~~8~~ **9**	STORMWATER OVERALL STAGING PLAN	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00201	~~6~~ ~~7~~ **8**	STORMWATER PLAN SHEET 1	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00202	6 ~~8~~ **9**	STORMWATER PLAN SHEET 2	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00203	6 ~~8~~ **9**	STORMWATER PLAN SHEET 3	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00204	4 ~~5~~ **6**	STORMWATER PLAN SHEET 4	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00205	4 ~~5~~ **6**	STORMWATER PLAN SHEET 5	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00206	4 ~~6~~ **7**	STORMWATER PLAN SHEET 6	~~25/08/2022~~ ~~01/10/2025~~ **03/12/2025**
00207	~~4~~ ~~5~~ **6**	STORMWATER PLAN SHEET 7	~~25/08/2022~~ ~~03/09/2025~~ **03/12/2025**
00208	4 ~~5~~	STORMWATER PLAN SHEET 8	~~25/08/2022~~ ~~03/09/2025~~

	6		03/12/2025
00209	4 ~~5~~ 6	STORMWATER PLAN SHEET 9	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00210	4 ~~5~~ 6	STORMWATER PLAN SHEET 10	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00211	4 ~~5~~ 6	STORMWATER PLAN SHEET 11	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00212	4 ~~5~~ 6	STORMWATER PLAN SHEET 12	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00250	4 ~~5~~ 6	STORMWATER SECTION SHEET 1	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00251	4 ~~5~~ 6	STORMWATER SECTION SHEET 2	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00252	~~2~~ ~~3~~ 4	STORMWATER SECTION SHEET 3	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00253	~~0~~ ~~1~~ 2	STORMWATER LINE LONGITUDINAL DRAINAGE PROFILES SHEET 1	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00254	~~0~~ ~~1~~ 2	STORMWATER LINE LONGITUDINAL DRAINAGE PROFILES SHEET 2	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00255	~~0~~ ~~1~~ 2	STORMWATER LINE LONGITUDINAL DRAINAGE PROFILES SHEET 3	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00260	~~3~~ 4 5	STORMWATER DETAILS SHEET 1	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00261	~~3~~ 4 5	STORMWATER DETAILS SHEET 2	~~25/08/2022~~ ~~03/09/2025~~ 03/12/2025
00300	1	BULK EARTHWORKS PLAN	25/08/2022
Remediation Action Plan prepared by *Douglas Partners*			
Report Title	Rev	Project Number	Date
Remediation Action Plan	6	102007.02	29.10.2025

A2. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;

(b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and

(c) the implementation of any actions or measures contained in any such document referred to in (a) or (b) above.

A3. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

A4. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.

A5. This consent does not approve the following:

(a) the detailed fit out and operation (including hours of operation) of the café;

(b) the installation of signage; and

(c) strata or stratum subdivision.

A6. Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).

STAGING OF CONSTRUCTION CERTIFICATES

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

Construction Certificate (CC)	Description
CC1	Demolition works, tree removal and protection for Buildings A, B, C and D and contamination remediation works for Buildings A, B and C
CC2	Construction of Buildings A and B, including associated servicing, landscaping works, establishment of the southern landscape buffer and all works in the public domain
CC3	Construction of Building C, including associated landscaping and servicing works
CC4A	Contamination remediation works for Building D
CC4	Construction of Building D, including associated landscaping and servicing works

Staging of Occupation Certificates

A8. The development must be carried out in accordance with the stages described within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Occupation Certificate for each stage of work:

Occupation Certificate (OC)	Description
OC1	Occupation of Building A
OC2	Occupation of Building B
OC3	Occupation of Building C
OC4	Occupation of Building D

PRESCRIBED CONDITIONS

A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

A10. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

LEGAL NOTICES

A11. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

A12. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and

(b) provide details of the consultation undertaken including:

(i) the outcome of that consultation, matters resolved and unresolved; and

(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

A13. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Notes:
- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

A14. All new buildings and structures must be constructed in accordance with the requirements of Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

Notes:
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

EXTERNAL MATERIALS

A15. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition ~~A2~~ **A1**. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier provided:

(a) the alternative colour or material is of a similar tone, shade and finish to the approved external colours and building materials;

(b) the quality and durability of any alternative material is of the same standard as the approved external building materials; and

(c) a copy of any approved changes to the external colours or building materials is provided to the Planning Secretary for information.

OPERATION OF PLANT AND EQUIPMENT

A16. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A17. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A18. Notwithstanding Condition A18, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

COMPLIANCE

A20. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A21. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.

A22. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A23. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A24. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A25. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A26. Within three months of:

(a) the submission of an incident report under this consent;

(b) the submission of an Independent Audit under this consent;

(c) the approval of any modification of the conditions of this consent; or

(d) the issue of a direction of the Planning Secretary under this consent which requires a review,

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

A27. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

DEVELOPER CONTRIBUTIONS

A28. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* – Sect 7.11 and the Lake Macquarie City Council Development Contributions Plan Charlestown Contributions Catchment - 2015, the monetary contributions shall be paid to Council for the purposes identified in the table below.

Description	Fee Amount
CCB-Open Space & Recreation Facilities-Capital-CPI	$1,341,955.15
CCB-Open Space & Recreation Facilities-Land-LVI	$616,071.29
CCB-Roads-Capital-R001/R002/R003/R004-CPI	$52,438.54

CCB-Public Transport Facilities-CPI	$4,151.25
CCB-Community Facilities-Capital-CPI	$249,865.87
CCB-Community Facilities-Land-LVI	$118,994.91
CCB-Plan Preparation & Administration-CPI	$67,292.09
Subdivision Component Total	*$64,184.96*
RFB Component Total	*$2,386,584.16*
TOTAL	***$2,450,769.10***

A29. From the date this determination is made until payment, the amounts of the contributions payable under the Condition A27 shall be indexed and adjusted at the close of business on:

(a) 14 August;

(b) 14 November;

(c) 14 February; and

(d) 14 May;

(e) in each year in accordance with indexation provisions within the Contributions Plan and Directions issued under the *Environmental Planning and Assessment Act 1979* – Section 7.17. The first date for indexation shall occur on the first abovementioned date after the Notice of Determination becomes effective.

A30. The contributions payable shall be the amounts last indexed and adjusted in accordance with the table in Condition A29. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those as set out in the table above.

A31. The contributions shall be paid to Council as follows:

(a) The contributions apply to the subdivision of land and the construction of habitable built form within Building D only.

(b) Contributions associated with the subdivision will be paid prior to the issue of a Subdivision Certificate. Contributions for Building D will be paid prior to the issue of the CC4.

A32. It is the professional responsibility of the Certifying Authority to ensure the monetary contributions have been paid to Council in accordance with the above provisions.

Note: *P*ayments made by cheque or electronic transfer - the release of any documentation shall be subject to the clearing of those funds. Indexation details are available from Council's Development Contribution Section A copy of the Lake Macquarie City Council Development Contributions Plan Charlestown Contributions Catchment - 2015 is available on Council's website, or a copy is available at Council's Administrative Building during Council's opening hours.

COMPLIANCE REPORTING

A33. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.

A34. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.

A35. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A36. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

A37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

A38. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

A40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

(a) review and respond to each Independent Audit Report prepared under this consent;

(b) submit the response to the Planning Secretary;

(c) and make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

A41. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.

A42. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

OCCUPANTS OF DEVELOPMENT

A43. Buildings A, B and C may only be occupied by:

(a) Seniors or people who have a disability (as defined in State Environmental Planning Policy (Housing) 2021);

(b) people who live within the same household with seniors or people who have disability; or

(c) staff employed to assist in the administration of and provision of services to housing provided under State Environmental *Planning Policy (Housing) 2021.*

The condition is to be complied with over the life of the development.

SITE CONTAMINATION

A44. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan and relevant guidelines produced or approved under the Contaminated Land Management Act 1997. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

A45. If work is to be carried out in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CETIFICATE

DESIGN OF INDEPENDENT LIVING UNITS

B0. Prior to the issue of CC2 and CC3, documentation must be provided to the Certifier in the form of drawings, reports, schedules or certificates to demonstrate the following:

(a) Buildings A, B and C must satisfy the requirements of State Environmental Planning Policy (Housing) 2021 - Schedule 4 Standards concerning accessibility and usability for hostels and independent living units;

(b) 20% of the independent living units within Buildings A, B and C are designed to the Liveable Housing Guidelines silver level; and

(c) 20% of the residential accommodation in Building A, B and C are designed to the Liveable Housing Guidelines silver level.

MAXIMUM BUILDING HEIGHT

B1. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the relevant building subject to the Construction Certificate would not exceed:

(a) Building A - RL 110.05 m AHD;

(b) Building B -RL 138.40 m AHD;

(c) Building C - RL 139.75 m AHD; and

(d) Building D – RL 142.15 m AHD.

including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

GROSS FLOOR AREA CERTIFICATION

B2. Prior to the issue of CC2, CC3 and CC4, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the relevant building subject to the Construction Certificate does not exceed;

(a) Building A – ~~8,158m^2~~; **8,394m^2**;

(b) Building B – ~~9,289 m^2~~ **9,436 m^2**;

(c) Building C – 10,690 m2; and

(d) Building D – 10,743 m^2.

LONG SERVICE LEVY

B3. Prior to the issue of CC1, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit https://www.longservice.nsw.gov.au/bci/levy/about-the-levy.

DEVELOPMENT CONTRIBUTIONS

B4. Prior to the issue of CC4, the Applicant must pay contributions for Building D to Council as required in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Lake Macquarie City Council Development Contributions Plan – Charlestown Contributions Catchment 2015, or any other contributions plan as in force when the subsequent consent is issued.

STRUCTURAL DETAILS

B5. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the NCC; and

(b) this development consent.

EXTERNAL WALLS AND CLADDING

B6. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

B7. Prior to the issue of CC2, CC3 and CC4 the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

DISABILITY ACCESS

B8. The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

(a) the Disability Discrimination Act 1992 (Cth);

(b) the Disability (Access to Premises – Buildings) Standards 2010;

(c) the NCC; and

(d) Prior to the issue of CC2, CC3 and CC4 the Applicant must provide the Certifier with appropriate plans and specifications demonstrating compliance with the above instruments, and that the development will comply with the relevant provisions, in accordance with the approved use, as either a seniors housing development (Buildings A-C only) or residential accommodation (Building D).

MECHANICAL VENTILATION

B9. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.

B10. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

B11. Prior to the issue of CC2, CC3 and CC4, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

SITE STABILITY AND CONSTRUCTION WORK

B12. Prior to the issue of CC1, the Applicant must submit to the satisfaction of the Certifier a report prepared by a suitably qualified and experienced professional engineer, which includes the following:

(a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;

(b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;

(c) details to demonstrate that the proposed methods of 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;

(d) details demonstrating that the adjoining land and buildings located upon the adjoining land would be adequately supported at all times throughout building work; and

(e) 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).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B13. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design (CPTED) management and mitigation measures described in the CPTED report Crime Prevention Through Environmental Design Assessment prepared by Harris Crime Prevention Services dated 29 August 2022.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B14. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development incorporates all design, construction and operation measures as identified in the Ecological Sustainable Development Report prepared by JHA dated 24 August 2022.

B15. Prior to the issue of CC2 CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve a minimum average of 6.5-star NatHERS rating across the development.

BASIX

B16. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1330448M_~~02~~03, 1241534M_~~02~~04, 1316865M_02, 1316898M and any updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B17. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:

(a) all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS);

(b) all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available;

(c) new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS; and

(d) systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.

MECHANICAL PLANT NOISE MITIGATION

B18. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B19. Prior to the issue of CC2, CC3 and CC4 for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Impact Assessment, prepared by Northrop, dated 26 August 2022.

REQUIREMENTS OF PUBLIC AUTHORITIES

B20. Prior to the issue of CC1, CC2, CC3 and CC4 details of compliance with the requirements of any relevant public authorities (e.g. Hunter Water, Ausgrid) must be submitted to the Certifier. The Applicant must comply with the requirements regarding the connection to, relocation and/or adjustment of any services affected by the construction of the development. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

CAR PARKING

B21. Prior to the issue of CC2, CC3 and CC4 the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and 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; and

(f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.

BICYCLE PARKING AND FACILITIES

B22. Prior to the issue of CC2, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

(a) a minimum of 26 on-site bicycle parking spaces;

(b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking; and

(c) the provision of end-of-trip facilities for staff.

APARTMENT STORAGE

B23. Prior to the issue of CC2, CC3 and CC4, the Applicant must provide to the satisfaction of the Certifier, details demonstrating adequate storage in accordance with *Part 4G Storage of the Apartment Design Guide.*

STORMWATER MANAGEMENT SYSTEM

B24. Prior to the issue of CC1, CC2, CC3 and CC4 the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:

(a) be designed by a suitably qualified and experienced person(s);

(b) be generally in accordance with the conceptual design in the EIS;

(c) be in accordance with applicable Australian Standards; and

(d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

ROADWORKS, ACCESS AND PUBLIC DOMAIN WORKS

B25. Prior to the issue of any construction certificate for roadworks, access or any other works within the public domain, the Applicant must obtain approval from the relevant roads authority.

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

B26. Prior to the issue of CC2, the Applicant shall obtain the required regulatory approvals from the applicable authority for the following:

(a) pedestrian refuge, or alternative facility to manage pedestrian safety agreed by the applicable authority, across James Street to Smith Street;

(b) construction of new kerb and gutter along Tiral Street and James Street frontages; and

(c) upgrade the entire street frontage of the development on Tiral Street and James Street, including streetscape pavements, footpaths, street tree planting and lighting in accordance with Charlestown Streetscape Master Plan and Streetscape Technical Guidelines.

OPERATIONAL WASTE STORAGE AND PROCESSING

B27. Prior to the issue of CC2, CC3 and CC4 the Applicant must obtain agreement from Council for the design of each operational waste storage area where waste removal will be undertaken by Council. Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:

(a) is constructed using solid non-combustible materials;

(b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;

(c) includes a hot and cold-water supply with a hose through a centralised mixing valve;

(d) is naturally ventilated or an air handling exhaust system must be in place; and

(e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

OUTDOOR LIGHTING

B28. Prior to the issue of CC2, CC3 and CC4 evidence must be submitted to the Certifier demonstrating that all outdoor lighting within the site is designed in compliance with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* and that the following measures are implemented:

(a) The Applicant must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the development, in consultation with affected landowners;

(b) All external lighting fixtures are to be vandal resistant;

(c) Lighting is to be provided in areas covered by CCTV to allow for optimum viewing;

(d) Lighting is to be free of obstructions, such as tree branches, pipes, etc;

(e) Transition lighting is to be used throughout the site where necessary to reduce vision impairment such as impairment caused by walking from dark to light places and light to dark places; and

(f) Suitable illumination is to be provided to all egress and ingress pathways, building entries and exits, vehicle parking facilities and activity areas operating at night.

FIT OUT OF PREMISES

B29. The catering kitchen and food storage room is to be designed and constructed in accordance with the *Food Act 2003, Food Regulation 2015*, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for CC2 and to the satisfaction of the Certifier.

DEWATERING MANAGEMENT PLAN

B30. Prior to the issue of CC1, the Applicant must submit to the satisfaction of the Certifier a Dewatering Management Plan (DMP), which must be prepared by a suitably qualified person(s), and address, but not be limited to the following:

(a) a description of the dewatering process, monitoring methods, management triggers and actions, and discharge location;

(b) a characterisation of the expected quality of the proposed discharge in terms of the concentrations and loads of all pollutants present at non-trivial levels;

(c) an assessment of the potential impact of the discharge on the environmental values of the receiving waterway with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Quality guideline values;

(d) implements measures to apply the estimated groundwater dewatering take reported at the development application stage and sets staged cumulative performance targets for the volume of de-watering extracted;

(e) includes a trigger action and response procedure (TARP) inclusive of agency notification should the performance targets listed above (d) be breached;

(f) includes a trigger for the exceedance of the predicted groundwater dewatering volume during the construction phase (within 28 days), which requires an action/response to re-assess the predicted water take for both the construction and post construction phases;

(g) ensures the TARP must document the process for mitigation options to ensure post- construction take will be less than 3 ML/yr or, if it will exceed 3ML, necessary water access licences are obtained before the 3ML limit is exceeded; and

(h) where relevant; details of proposed measures proposed to mitigate any identified impacts.

PART C PRIOR TO CONSTRUCTION

C1. The Applicant must notify the Planning Secretary in writing of the intent to commence construction at least 48 hours before construction occurs.

C2. If construction of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage.

ACCESS TO INFORMATION

C3. At least 48 hours before the commencement of construction, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) available on a publicly accessible website:

(i) the documents referred to in Condition A2 of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(xi) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

SURVEY CERTIFICATE

C4. Prior to construction, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

C5. Prior to construction, the Applicant must:

(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier, Planning Secretary and Council; and

(c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

UTILITIES AND SERVICES

C6. Prior to the construction of any utility works associated with the development, the Applicant must obtain any relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

C7. Prior to construction, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

DIAL BEFORE YOU DIG SERVICE

C8. Prior to construction, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

UNEXPECTED FINDS PROTOCOL

C9. Prior to construction the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol (UFP) which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved.

SITE AUDITOR

C10. Prior to construction the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997,* has been appointed to independently review the implementation and validation of the remediation works.

DEMOLITION

C11. Demolition work undertaken in accordance with this consent must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier, and a copy provided to the Planning Secretary, prior to the commencement of works.

PRE-CONSTRUCTION DILAPIDATION REPORTS

C12. Prior to construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.

C13. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining 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'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.

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 satisfaction of 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. 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.

C16. 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.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

C17. Prior to the issue of CC2, a Site Audit Report and a Site Audit Statement for Buildings A, B and C, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates ~~the site~~ that the development area for Buildings A, B and C is suitable for its approved land use, must be submitted to the Planning Secretary for information.

C17A. Prior to the issue of CC4, a Site Audit Report and a Site Audit Statement for Building D, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site for Building D is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

C18. Prior to the issue of CC2 a Remediation Validation Report (RVR) for Buildings A, B and C must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

C18A. Prior to the issue of CC4 a Remediation Validation Report (RVR) for Building D must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

LONG TERM ENVIRONMENT MANAGEMENT PLAN

C19. Prior to the issue of CC2, the Applicant must submit a Long-Term Environmental Management Plan (LTEMP) for the development to the satisfaction of the Planning Secretary and a copy to Council. The LTEMP is to:

(a) address all potential impacts associated with the long term management of remediation works during the operational phase;

(b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);

(c) incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards; and

(d) mechanisms to report results to relevant agencies (e.g. Council and EPA).

C20. Prior to the issue of CC2, the Applicant must:

(a) implement the approved LTEMP;

(b) provide a copy of the approved LTEMP to Council; and

(c) provide evidence to the Certifier that the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*, for the development.

SUBSIDENCE ADVISORY NSW (SA NSW)

C21. The Applicant must obtain SA NSW approval under section 22 of *the Coal Mine Subsidence Compensation Act 2017* prior to commencement of construction.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

C22. Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:

(a) Details of:

(i) hours of work;

(ii) 24 hour contact details of the site manager;

(iii) community consultation and complaint handling procedure;

(iv) traffic management;

(v) noise and vibration management, prepared by a suitably qualified person;

(vi) management of dust and odour to protect the amenity of the neighbourhood;

(vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;

(viii) contamination management, including any unexpected contamination finds protocol;

(ix) waste management;

(x) external lighting in compliance with applicable Australian Standards;

(xi) flora and fauna management.

(b) Construction Traffic and Pedestrian Management Sub-Plan;

(c) Construction Noise and Vibration Management Sub-Plan;

(d) Air Quality Management Sub-Plan;

(e) Construction Waste Management Sub-Plan;

(f) Construction Soil and Water Management Sub-Plan;

(g) Biodiversity Management Sub-Plan;

(h) an unexpected finds protocol for contamination and associated communications procedure;

(i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and

(j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN

C23. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:

(a) a description of the development;

(b) location of any proposed work zone(s);

(c) details of crane arrangements including location of any crane(s) and crane movement plan;

(d) haulage routes;

(e) proposed construction hours;

(f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;

(g) construction vehicle access arrangements;

(h) construction program and construction methodology, including any construction staging;

(i) a detailed plan of any proposed hoarding and/or scaffolding;

(j) measures to avoid construction worker vehicle movements within the precinct;

(k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;

(l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and

(m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

C24. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must include:

(a) identification of the specific activities that will be carried out and associated noise sources at the site;

(b) identification of all potentially affected sensitive residential receiver locations;

(c) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;

(d) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;

(e) 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 and conditions of approval;

(f) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;

(g) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;

(h) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;

(i) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;

(j) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;

(k) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;

(l) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;

(m) measures to monitor noise performance and respond to complaints;

(n) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;

(o) procedures to allow for regular professional acoustic input to construction activities and planning; and

(p) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

C25. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

(a) 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 (the Approved Methods);

(b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);

(c) mission statement;

(d) dust and VOCs/odour management strategies consisting of:

(i) objectives and targets;

(ii) risk assessment;

(iii) suppression improvement plan;

(iv) monitoring requirements including assigning responsibility (for all employees and contractors);

(v) communication strategy; and

(vi) system and performance review for continuous improvements.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

C26. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:

(a) require 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) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;

(e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

(f) 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 around the site (on-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 (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

C27. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:

(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; 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.

BIODIVERSITY MANAGEMENT SUB-PLAN

C28. The Biodiversity Management Sub-Plan (BMSP) must address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person/s;

(b) identify areas of land where impacts on biodiversity are to be avoided as outlined in the Streamlined Biodiversity Development Assessment Report prepared by Anderson Environment and Planning and dated 2 September 2022 and set out how these areas will be protected from construction impacts; and

(c) set out the measures identified in the Streamlined Biodiversity Development Assessment Report prepared by AEP dated 2 September 2022 to minimise, mitigate and manage impacts on biodiversity, including timing and responsibility for delivery of the measures.

SOIL AND WATER

C29. Prior to the commencement of construction, the Applicant must:

(a) install erosion and sediment controls on the site to manage wet weather events; and

(b) divert existing clean surface water around operational areas of the site.

C30. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.

C31. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

CONSTRUCTION PARKING

C32. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

BUILDING OVER SEWER

C33. Prior to the commencement of any work involving building over and/or adjacent to sewer mains, the Applicant must Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent to Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

BARRICADE PERMIT

C34. Where construction/ works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of construction. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

C35. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

(a) architectural, construction and structural details of the design as well as any proposed artwork; and

(b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

OUTDOOR LIGHTING

C36. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PUBLIC LIABILITY INSURANCE

C37. Prior to the commencement of construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of $10 million. A copy of the Insurance cover is to be provided to Council.

INSTALLATION OF TREE PROTECTION MEASURES

C38. Prior to the commencement of construction, the Applicant must engage a Project Arborist with a minimum AQF Level 5 qualification with a minimum of 5 years experience to supervise any works within the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

C39. Prior to the commencement of construction, all tree protection zones for each individual tree and all tree protection measures shall be established in accordance with the Tree Impact Assessment prepared by Terras Landscape Architects and Consulting Arborists dated 26/10/2023 and AS4970-2009 (Protection of trees on Development Sites).

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON SITE

D0. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by an officer of the Department, Council or the Certifier.

SITE NOTICE

D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:

(a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;

(b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;

(c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and

(d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

CONSTRUCTION HOURS

D2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7am and 6pm, Mondays to Fridays inclusive; and

(b) between 8am and 1pm, Saturdays.

(c) No work may be carried out on Sundays or public holidays.

D3. Construction activities may be undertaken outside of the hours in Condition D3 if required:

(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

D4. Notification of such construction activities as referenced in Condition D4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D5. 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.

SURVEY CERTIFICATES

D6. During construction, while building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier:

(a) all footings/ foundations; and

(b) at other stages of construction – any marks that are required by the Certifier.

SAFEWORK REQUIREMENTS

D7. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

D8. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan, Construction Waste Management Plan and Biodiversity Management Sub-Plan required by this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

D9. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels as detailed within the *Interim Construction Noise Guideline* (DECC, 2009) must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMSP.

D10. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition D3.

D11. The Applicant must implement audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers, where practicable and without compromising the safety of construction staff or members of the public.

D12. 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.

VIBRATION CRITERIA

D13. Vibration caused by construction at any residence or structure outside the site must be limited to:

(a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and

(b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration*: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

D14. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition E15.

AIR QUALITY

D15. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

(a) exposed surfaces and stockpiles are suppressed by regular watering;

(b) all trucks entering or leaving the site with loads have their loads covered;

(c) trucks associated with the development do not track dirt onto the public road network;

(d) public roads used by these trucks are kept clean; and

(e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

D16. 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 person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the building, structure or work from possible damage from the excavation;

(b) where necessary, underpin the building, structure or work to prevent any such damage; and

(c) this condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

TREE PROTECTION

D17. During construction, the Applicant must ensure that:

(a) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Tree Assessment report prepared by Terras Landscape Architects and Consulting Arborists dated 26/10/2023 and the relevant requirements of the applicable Australian Standards;

(b) all required tree projection measures are maintained in good condition during demolition or construction works, including maintaining adequate soil grades and ensuring that all machinery, builders refuse, spoil and materials remain outside tree protection zones;

(c) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required;

(d) the removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater; and

(e) trees identified as threatened in the Tree Assessment report prepared by Terras Landscape Architects and Consulting Arborists dated 26/10/2023 are managed in accordance with the recommendations of that report.

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, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

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 disposed in the street stormwater system unless water quality is maintained to a standard that prevents pollution of waters.

D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

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 accordance with the requirements of SafeWork NSW and 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.

CONSTRUCTION TRAFFIC

D25. All construction vehicles are to be contained wholly within the site, except if located in an on-street work zone approved under the *Roads Act 1993*.

HOARDING REQUIREMENTS

D26. The following hoarding requirements must be complied with:

(a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and

(b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

D27. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

EMERGENCY MANAGEMENT

D28. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

ABORIGINAL CULTURAL HERITAGE

D29. Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Apex Archaeology dated June 2022.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

D30. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. 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. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

"relic" means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance; and

(c) "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

WASTE STORAGE AND PROCESSING

D31. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D32. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D33. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D34. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D35. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

D36. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

SITE AUDITOR

D37. During construction the Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

CONTACT TELEPHONE NUMBER

D38. 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 development.

PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

OCCUPATION CERTIFICATE

E0. 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

E1. At least one month before the issue of any occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing.

E2. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

GFA AND BUILDING HEIGHT CERTIFICATION

E3. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating that each relevant building complies with this condition prior to the issue of OC1, OC2, OC3 and OC4.

RESIDENT AND VISITOR PARKING SPACES

E4. Prior to the issue of OC1, OC2, OC3 and OC4 all resident and visitor car parking spaces shall be clearly delineated and numbered.

PEDESTRIAN REFUGE

E5. Prior to the issue of OC1, the Applicant must provide evidence that the pedestrian refuge crossing or alternative facility to manage pedestrian safety in accordance with Condition B26 across James Street to Smith Street has been constructed and is operational to the satisfaction of the Certifier.

PUBLIC DOMAIN AND ROAD WORKS

E6. All works within the road reserve associated each respective stage, which are subject to approval pursuant to Section 138 of the *Roads Act 1993*, shall be completed to the satisfaction of the relevant approval authority prior to issue of any Occupation Certificate.

RESIDENT TRANSPORT SERVICE

E7. Prior to the issue of OC1, the Applicant must provide evidence to the satisfaction of the Certifier details of the resident transport service and the operator at the commencement of use as required under section 93 and section 94 of State Environmental Planning Policy (Housing) 2021.

ACCESSIBILITY

E8. Prior to the issue of OC1, OC2 and OC3, certification by an accredited Access Consultant that the requirements of State Environmental Planning Policy (Housing) 2021 - Schedule 4 Standards concerning accessibility and usability for hostels and independent living units have been incorporated into the completed works for Buildings A, B and C.

EXTERNAL WALLS AND CLADDING

E9. Prior to the issue of OC1, OC2, OC3 and OC4 the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

SURVEY CERTIFICATE

E10. Before the issue of OC1, OC2, OC3 and OC4, a registered surveyor must submit documentation to the Certifier which demonstrates 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.

POST-CONSTRUCTION DILAPIDATION REPORT – PUBLIC INFRASTRUCTURE

E11. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must engage a suitably qualified and experienced person to prepare a Post-Construction Dilapidation Report. This Report must:

(a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required under this consent;

(b) detail whether there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and

(c) be submitted to the satisfaction of the Certifier;

(d) be forwarded to Council for information; and

(e) be provided to the Planning Secretary when requested.

REPAIR OF PUBLIC INFRASTRUCTURE

E12. Prior to the issue of OC1, OC2, OC3 and OC4, written confirmation from the relevant public authorities must be provided confirming that there has been no adverse structural damage to their infrastructure and roads, of there is any damage that it has been repaired or compensated in accordance with this consent.

E13. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or

(c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

ROAD DAMAGE

E14. Prior to the issue of OC1, OC2, OC3 and OC4 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 must be paid in full by the Applicant.

POST-CONSTRUCTION DILAPIDATION REPORT – ADJOINING PROPERTIES

E15. Where a pre-construction survey has been undertaken in accordance with this consent, prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must engage a suitably qualified and experienced person(s) to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

(a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with this consent;

(b) be provided to the owner of the relevant buildings surveyed;

(c) be provider to the Certifier; and

(d) be provided to the Planning Secretary when requested.

E16. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

UTILITIES AND SERVICES

E17. Prior to the issue of OC1, OC2, OC3 and OC4 the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under Section 49 of the *Hunter Water Act 1991*.

WORKS AS EXECUTED PLANS

E18. Prior to the issue of OC1, OC2, OC3 and OC4, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

GREEN TRAVEL PLAN

E19. Prior to the issue of OC1, a Green Travel Plan (GTP), must be prepared to promote the use of active and sustainable transport modes. The plan must:

(a) be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;

(b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;

(c) include specific tools and actions to help achieve the objectives and mode share targets;

(d) include an annual monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP;

(e) include in Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes;

(f) include in a Travel Survey that is undertaken on an annual basis for employees and visitors;

(g) be provided to the Planning Secretary and Transport for NSW for information; and

(h) be reviewed internally and updated per annum.

MECHANICAL VENTILATION

E20. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

(a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and

(b) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL NOISE – DESIGN OF MECHANICAL PLANT AND EQUIPMENT

E21. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Acoustic Impact Statement dated 26 August 2022 and prepared by Northrop have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the Project Noise Trigger Levels identified in Table 5 in the Acoustic Impact Statement.

CAR PARKING AND BICYCLE PARKING ARRANGEMENTS

E22. Prior to the issue of OC1, OC2, OC3 and OC4, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:

(a) the car-parking, service vehicle areas, bicycle parking facilities comply with this consent;

(b) appropriate pedestrian and cyclist advisory signs are provided;

(c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;

(d) the bi-cycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and

(e) end-of-trip facilities for staff are provided.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

E23. Prior to the issue of OC1, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:

(a) the provision of a minimum 26 bicycle parking spaces;

(i) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;

(ii) appropriate pedestrian and cyclist advisory signs are to be provided; and

(iii) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

E24. Prior to the issue of OC1, bicycle way-finding signage must be installed within the Site to direct cyclists from footpaths to designated bicycle parking areas.

FIRE SAFETY CERTIFICATION

E25. Prior to the issue of OC1, OC2, OC3 and OC4, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

E26. Prior to the issue of OC1, OC2, OC3 and OC4, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

(a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and

(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

STORMWATER QUALITY MANAGEMENT PLAN

E27. Prior to the issue of OC1 an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

(a) maintenance schedule of all stormwater quality treatment devices;

(b) record and reporting details;

(c) relevant contact information; and

(d) Work Health and Safety requirements.

WARM WATER SYSTEMS AND COOLING SYSTEMS

E28. Prior to the issue of OC1, OC2, OC3 and OC4 the applicant must submit, to the satisfaction of the Certifier, details demonstrating that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) will comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OUTDOOR LIGHTING

E29. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997);

(b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network; and

(c) operate in accordance with Schedule 4 Clause 3 of State Environmental Planning Policy (Housing) 2021.

SIGNAGE

E30. Prior to the issue of OC1, way-finding signage and signage identifying the location of staff car parking must be installed.

E31. Prior to the issue of OC1, OC2, OC3 and OC4, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

OPERATIONAL WASTE MANAGEMENT PLAN

E32. Prior to the issue of any occupation certificate, the Applicant must demonstrate to the satisfaction of the Certifier measures to implement the requirements of the Operational Waste Management Plan prepared by SLR, dated 2 August 2023.

SITE CONTAMINATION

E33. Prior to issue of OC1, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:

(a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;

(b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;

(c) include, but not be limited to:

(i) comment on the extent and nature of the remediation undertaken;

(ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;

(iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;

(iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;

(v) results of any validation sampling, compared to relevant guidelines/criteria;

(vi) comment on the suitability of the area for the intended land use; and

(d) be submitted to the Planning Secretary for information.

E34. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must obtain confirmation from the Certifier in writing that the requirements of this consent have been met.

E35. Where changes are made to the Remediation Action Plan under this consent, prior to issue of any occupation certificate, the Applicant must submit a Section A1 Site Audit Statement, or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

LANDSCAPE PRACTICAL COMPLETION REPORT

E36. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan for the development subject to the Occupation Certificate. The Report is to verify 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 and is to verify that an effective maintenance program has been commenced.

E36A. The Landscape Practical Competition Report must demonstrate the planting of two additional *Elaeocarpus reticulatus* trees to replace the removal of Tree 15 (Corymbia citriodora) and the approved Corymbia ficifolia along James Street.

STREET NUMBERING

E37. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

MAIL BOXES

E38. Prior to the issue of OC1, OC2, OC3 and OC4 mail boxes are to be provided within a secure area within the development.

POSITIVE COVENANT

E39. Any new drainage structures required to convey public road water from Tiral Street to James Street are to be built within an easement established by the Applicant in favour of Council, prior to the issue of any occupation certificate. The applicant must establish a public positive covenant in respect to the easement which requires that:

(a) The Registered Proprietor of the lots hereby burdened will in respect of the drainage system and overland flow path/paths (which expression shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins, and surfaces designed to control the surface flows as constructed in accordance with this development consent):

(i) keep the system clean and free from silt, rubbish and debris;

(ii) maintain and repair at the sole expense of the Registered Proprietors the whole of the system so that it functions in a safe and efficient manner;

(iii) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and

(iv) comply with the terms of any written notice issued by the Council in respect of this covenant within the time stated in the notice.

(b) Pursuant to Section 88F(3) of the *Conveyancing Act 1919* the Council shall have the following additional powers:

(i) in the event that the Registered Proprietor fails to comply with the terms of the written notice issued by Council as set out above the Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in (a)(iv) above;

(ii) Council may recover from the Registered Proprietors in a court of competent jurisdiction;

- any expense reasonably incurred by it in exercising its powers under paragraph(a) hereof together with costs, reasonably estimated by the Council for the use of machinery, tools, and equipment in conjunction with the said work. Such expense shall include without limitation reasonable wages for the work and administering the said work; and
- legal cost on an indemnity basis for issue of the said notices and recovery of the said cost and expenses together with the cost and expenses of registration of a covenant charged pursuant to Section 88F of the *Conveyancing Act 1919* or providing any certificate required pursuant to Section 88F of the *Conveyancing Act 1919* or obtaining any injunction pursuant to Section 88H of the *Conveyancing Act 1919*.

NOTE: The exact wording of the positive covenant may be varied in consultation with Council provided the requirements of Condition E41 are given effect.

RESTRICTION AS TO USER

E40. Prior to issue of OC1, OC2 and OC3, the Applicant must provide to the Certifier evidence that a restriction is registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting use of the residential aged care facility and independent living units in Building A, Building B and Building C to be occupied only by:

(a) Seniors:

(i) People who are at least 60 years of age;

(ii) People who are resident at a facility at which residential care is provided;

(iii) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider;

(b) People with a disability:

(i) people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life;

(c) people who live in the same household with seniors or people who have a disability; and

(d) staff employed to assist in the administration and provision of services to housing provided under this Part.

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

COMPLIANCE WITH FIRE SAFETY PROVISIONS OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

E41. Prior to issue of OC1, evidence must be provided to the Certifier demonstrating that Building A is provided with a fire sprinkler system in accordance with Clause 91 of *State Environmental Planning Policy (Housing) 2021*.

LOADING AND SERVICING

E42. Prior to the issue of the first Occupation Certificate, the Applicant must prepare a Loading and Servicing Management Plan to the satisfaction of the Certifier. The Loading and Servicing Management Plan must be updated to the satisfaction of the Certifier prior to the issue of any subsequent Occupation Certificates.

E43. The Loading and Servicing Management Plan must include, but not be limited to, the following:

(a) Details of 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.

(b) Details of measures to manage any potential traffic and safety impacts of the loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading docks.

(c) Incorporation of all mitigation measures outlined in Section 5.1.2.5 of the Acoustic Assessment prepared by Northrop dated 26 August 2022, including the following measures:

(i) All deliveries made by heavy rigid vehicles are limited to 8:00am – 5:00pm, 7 days a week;

(ii) Where deliveries cannot be made within these hours, neighbouring residences must be notified of planned evening and night time deliveries at least one week before the delivery takes place;

(iii) Any deliveries outside of 8:00am – 5:00pm are limited to light vehicles; and

(iv) All private waste collection services for the premises are to be carried out between 8:00am and 5:00pm, Monday to Sunday.

PLAN OF MANAGEMENT

E44. A Plan of Management (POM) is to be prepared and submitted to and approved by the Certifier, prior to the issuing of OC1.

E45. The POM must consider:

(a) how the facility is proposed to be managed in accordance with the *Retirement Villages Act 1999*, and the Retirement Villages Regulation 2017;

(b) details of the social elements of the facility's operations, including any on-site or offsite management;

(c) provision of information to residents which includes details and outlines village issues and procedures (including how residents have the opportunity to participate in decision making processes, or raise issues, and how these are addressed);

(d) provision of personal care services associated with domestic duties and accessing other services;

(e) housekeeping / cleaning services;

(f) provision of home delivered meals as required;

(g) provision of transport services;

(h) provision of safety and security across the site;

(i) how the pool and communal spaces are proposed to be managed (including operating hours);

(j) activity / social programs available to the residents to build relationships between new and existing residents;

(k) maintenance and management of communal / public areas within the site; and

(l) emergency response / assistance processes and procedures.

COMPLIANCE WITH BASIX CERTIFICATE

E46. Prior to the issue of OC1, OC2, OC3 and OC4, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

PART F PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

REQUIREMENTS OF THE EP&A ACT – PART 4A CERTIFICATES

F0. 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 A2.

SUBDIVISION CERTIFICATE

F1. 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.

CREATION OF EASEMENTS

F2. Prior to the issue of a Subdivision Certificate, easements for services, drainage, 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

F3. Prior to the issue of a 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 A2, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

F4. 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.

COMPLIANCE CERTIFICATE

F5. Prior to issue of any Subdivision Certificate, a compliance certificate issued under Part 5, Division 7 of the *Hunter Water Act 1991* must be obtained from Hunter Water and must be provided to the Certifier demonstrating that the development has satisfied the detailed requirements of Hunter Water in respect to water and wastewater.

F6. 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.

PART G OCCUPATION AND ONGOING USE

ANNUAL FIRE SAFETY STATEMENT

G0. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

FIRE SAFETY CERTIFICATION

G1. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

WARM WATER SYSTEMS AND COOLING SYSTEMS

G2. The operation and maintenance of warm water systems and water-cooling systems (as defined under the Public *Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OPERATIONAL NOISE LIMITS

G0. During operation the Applicant must ensure that noise generated by operation of the development is minimised in accordance with the mitigation measures described in the Acoustic Impact Assessment prepared by Northrop dated 26 August 2022.

G1. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry 2017 within 90 days of OC1. The noise monitoring must be carried out by an appropriately qualified acoustic consultant, collect valid data and provide a quantitative assessment of operational noise impacts as follows:

(a) noise measurements must be taken at the nearest sensitive receivers at 28 James Street, Charlestown and 29 Tiral Street, Charlestown;

(b) noise measurements must be taken on at least three different occasions on three different days of the week; and

(c) noise measurements must be taken when the loading docks are in operation, including arrival and departure of light and heavy service vehicles.

G2. A monitoring report documenting the noise measurements, consistency with the noise level predictions described in the Acoustic Impact Assessment prepared by Northrop dated 26 August 2022 and any recommendations or necessary mitigation and management measures must be submitted to the satisfaction of the Planning Secretary within four months of OC1. Should the noise monitoring identify any exceedance of the predicted noise levels in the Acoustic Impact Assessment prepared by Northrop dated 26 August 2022, the acoustic consultant must propose, and the Applicant must implement further mitigation and management measures to the satisfaction of the Planning Secretary.

LOADING / UNLOADING

G3. All loading and unloading operations associated with the site must be carried out:

(a) in accordance with the Loading Management Plan approved 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.

The service vehicle docks, car parking spaces and repo driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.

USE AND MANAGEMENT OF PARKING SPACES

G4. The car spaces within the development must not be leased to any person/company that is not an occupant of the building.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

G5. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises. The car spaces must not be leased to any person/company that is not an occupant of the building.

GREEN TRAVEL PLAN

G6. The Green Travel Plan required by under this consent must be updated annually and implemented for the life of the development unless otherwise agreed by the Planning Secretary.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

G7. Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, certification must be obtained demonstrating the development achieves the ESD requirements outlined under this consent. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

G8. External lighting to the premises must be designed in accordance with the Australian Standards and located to minimise light spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must consult with affected landowners to reduce the impacts.

G9. The use and operation of the premises must not give rise to an environmental health or public nuisance.

G10. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

G11. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

OPERATION OF PLANT AND EQUIPMENT

G12. 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.

LANDSCAPING

G13. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by under this consent for the duration of occupation of the development.

STORAGE AND HANDLING OF WASTE

G14. All waste collection services must be undertaken in accordance with this consent.

G15. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

G16. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

G17. Medical wastes shall be disposed of by an authorised waste disposal contractor. Clinical waste, waste containers and storage areas must be managed to comply with the NSW Health Policy Directive Clinical and *Related Waste Management for Health Services 2017*, *Protection of the Environment Operations Act 1997* and regulations.

G18. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

G19. Disposal of wastes from the premises shall comply with the OWMP. Waste minimisation practices are to be demonstrated with the ongoing use, with records of disposal of hazardous wastes being kept. The storage and disposal of any hazardous waste (sharps and or clinical waste, items contaminated by blood) is to be in accordance with requirements of the *Protection of the Environment Operations (Waste) Regulation 2014.*

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

G20. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, groundwater ingress, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant.

ADVISORY NOTES

Appeals

AN1. The Applicant has the right to appeal to the NSW Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

Other Approvals and Permits

AN2. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Responsibility for Other Consents / Agreements

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Access for People with Disabilities

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

Utilities and Services

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

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

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

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

Safework Requirements

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

Hoarding Requirements

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

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

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

Disability Discrimination Act

AN13. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

AN14. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the NCC which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN15. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN16. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under this consent or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
   - (a) identify the development and application number;
   - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
   - (c) identify how the incident was detected;
   - (d) identify when the applicant became aware of the incident;
   - (e) identify any actual or potential non-compliance with conditions of consent;
   - (f) describe what immediate steps were taken in relation to the incident;
   - (g) identify further action(s) that will be taken in relation to the incident; and
   - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
   - (a) a summary of the incident;
   - (b) outcomes of an incident investigation, including identification of the cause of the incident;
   - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
   - (d) details of any communication with other stakeholders regarding the incident.