

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- meet statutory requirements
- protect the amenity of the locality
- ensure amenity for future residents.



Stephen Dobbs  
A/Director  
Social and Diverse Housing Assessments

Sydney

17 April 2026

File: SSD-73910208

### SCHEDULE 1

<b>Application Number:</b>	SSD-73910208
<b>Application lodged by:</b>	Illawarra Retirement Trust Group
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	4-6 Popes Road, Woonona (Lot 71 DP 1160947)
<b>Development:</b>	Alterations and additions to an existing seniors housing development comprising: <ul style="list-style-type: none"><li>• demolition, bulk earthworks, removal of 104 trees</li><li>• construction of five buildings (Buildings A to E) providing:<ul style="list-style-type: none"><li>○ 92 independent living units (ILUs)</li><li>○ 155 car parking spaces</li><li>○ six motorcycle parking spaces</li><li>○ 28 bicycle parking spaces (racks and lockers)</li><li>○ one HRV loading bay in basement</li><li>○ two SRV loading bays and one ambulance bay on grade</li><li>○ wellness centre</li><li>○ communal amenities</li></ul></li><li>• alterations and additions to existing Residential Care Facility (RCF) including reduction from 102 to 100 rooms</li><li>• conservation and external alterations for the adaptive reuse of a local heritage item to a restaurant</li><li>• internal road</li><li>• communal open space and landscaping</li></ul>

### Right of Appeal

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

## DEFINITIONS

### Interpretation

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

### Definitions

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

<b>Applicant</b>	The person having the benefit of this consent, or who is carrying out the development.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
<b>Consultation</b>	Means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>
<b>Council</b>	Wollongong City Council
<b>CPHR</b>	Conservation Programs, Heritage and Regulation Group of NSW DCCEEW
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>DCCEEW</b>	Department of Climate Change, Energy, the Environment and Water
<b>Development</b>	The development approved pursuant to this consent.
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement</i> prepared by MMJ Town Planning & Advisory, dated 10 July 2025, submitted with the application for consent for the development, including accompanying information provided by the Applicant in support of the application.
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> .
<b>EP&amp;A Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
<b>FERP</b>	Flood Emergency Response Plan
<b>Fire Safety Certificate</b>	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>HRV</b>	Heavy rigid vehicle
<b>ILU</b>	Independent living unit
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$50,000 (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).</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.

<b>Professional Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
<b>RCF</b>	Residential care facility
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.
<b>Report</b>	A written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
<b>Response to submissions</b>	The <i>Response to Submissions and Amendment Report</i> prepared by Colliers Urban Planning, dated 9 December 2025, including accompanying information provided by the Applicant in support of the response and amendment.
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
<b>SES</b>	NSW State Emergency Service
<b>SRV</b>	Small rigid vehicle

**SCHEDULE 2**  
**PART A GENERAL CONDITIONS**

**ADMINISTRATIVE CONDITIONS**

**TERMS OF CONSENT**

- A1. The development must be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
  - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Drawing Number	Rev	Name of Plan	Date
<b>Architectural drawings prepared by Calderflower Architecture</b>			
A007	F	Demolition Plan	05/03/2026
A009	G	Site Plan	05/03/2026
A010	G	Staging Plan 01	17/04/2026
A011	G	Staging Plan 02	17/04/2026
A100	G	Basement Floor Plan	05/03/2026
A101	G	Ground Floor Plan	05/03/2026
A102	G	First Floor Plan	05/03/2026
A103	G	Second Floor Plan	05/03/2026
A104	G	Third Floor Plan	05/03/2026
A110	G	Roof Plan	05/03/2026
A200	G	Elevation 1 & 2	05/03/2026
A201	G	Elevation 3 & 4	05/03/2026
A202	G	Elevation 5 & 6	05/03/2026
A210	G	Section 1 & 2	05/03/2026
A211	G	Section 3 & 4	05/03/2026
A212	G	Section 5 & 6	05/03/2026
A300.2	G	Flametree Basement Plan	05/03/2026
A300.3	G	Flametree Ground Floor Plan	05/03/2026
A300.4	G	Flametree First Floor Plan	05/03/2026
A300.5	G	Flametree Second Floor Plan	05/03/2026
A300.6	F	Flametree Roof Floor Plan	05/03/2026

A300.7	G	Flametree RAC Building Elevations	05/03/2026
A300.8	G	Flametree RAC Building Elevations	05/03/2026
A305.1	G	ILU Schedules	05/03/2026
A310.1	G	Detailed Building A Floor Plans	05/03/2026
A310.2	G	Building A Elevations	05/03/2026
A320.1	G	Detailed Building B Floor Plans	05/03/2026
A320.2	G	Building B Elevations	05/03/2026
A330.1	G	Detailed Building C Floor Plans	05/03/2026
A330.2	G	Detailed Building C Floor Plans	05/03/2026
A330.3	F	Building C Elevations	05/03/2026
A340.1	G	Detailed Building D Floor Plans	05/03/2026
A340.2	G	Detailed Building D Floor Plans	05/03/2026
A340.3	G	Building D Elevations	05/03/2026
A350.1	G	Detailed Building E Floor Plans	05/03/2026
A350.2	G	Building E Elevations	05/03/2026
A400	G	GFA Schedules	05/03/2026
A800	G	Materials	05/03/2026
A801	D	Materials	05/03/2026
<b>Architectural drawings of Woonona Church Restaurant prepared by Breathe</b>			
A010	C10	Demolition Plan & RCP - Church	04/03/2026
A101	C10	Roof Plan - 1:50	04/03/2026
A250	C9	Elevations	16/04/2026
A251	C9	Elevations	16/04/2026
A252	C10	Elevations	04/03/2026
A253	C9	Elevations	16/04/2026
<b>Landscape drawings prepared by Arcadia</b>			
0001	D	Legend	03/03/2025
0021	D	Planting Schedule	03/03/2025
0031	D	Material Schedule	03/03/2025
0032	D	Material Schedule	03/03/2025

0501	D	Masterplan	03/03/2025
1001	D	General Arrangements and Finishes Plan - Sheet 1 of 4	03/03/2025
1002	D	General Arrangements and Finishes Plan - Sheet 2 of 4	03/03/2025
1003	D	General Arrangements and Finishes Plan - Sheet 3 of 4	03/03/2025
1004	D	General Arrangements and Finishes Plan - Sheet 4 of 4	03/03/2025
4001	D	Planting Plan - Sheet 1 of 4	03/03/2025
4002	D	Planting Plan - Sheet 2 of 4	03/03/2025
4003	D	Planting Plan - Sheet 3 of 4	03/03/2025
4004	D	Planting Plan - Sheet 4 of 4	03/03/2025
5001	D	Section	03/03/2025
5002	D	Section	03/03/2025
5003	D	Section	03/03/2025
5004	D	Section	03/03/2025
6010	D	Details - Finishes	03/03/2025
6011	D	Details - Walls and Edges	03/03/2025
6012	D	Details - Furniture	03/03/2025
6020	D	Details - Softworks / Planting	03/03/2025

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

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

#### LIMITS ON CONSENT

- A4. This consent will lapse two 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:
- fit-out and operation of the restaurant within the heritage item
  - installation of signage except where specified in this consent

#### HOUSING AND PRODUCTIVITY CONTRIBUTION

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

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$596,832.96

Total housing and productivity contribution	\$596,832.96
---	--------------

- A7. The HPC must be paid using the NSW planning portal.
- A8. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- A9. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A 1979 agrees.
- A10. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A 1979 to the development, or the HPC Order exempts the development from the contribution.

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

#### STAGING OF CONSTRUCTION AND OCCUPATION CERTIFICATES

- A11. The Development must be carried out in accordance with the staging identified within the following table, and as shown on drawings A010 and A011 at **Condition A1(c)**, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate and Occupation Certificate for each stage of work:

Stage	Description
1	Groundworks, Stage 2 basement extent
2	Buildings A, B, C and D and associated landscaping
3	Remainder of basement, Building E and associated landscaping
4	RCF works to the north-west and south-west wings and associated landscaping
5	Remainder of works to the RCF including internal works
6	Works to the heritage item and remaining landscaping

Stages above may occur in sequence, or in another order subject to the written satisfaction of the Certifying Authority.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DETAILED DESIGN

---

#### DESIGN AMENDMENTS

- B1. Prior to the issue of a Construction Certificate for Stage 2, the Applicant must submit revised landscape plans to the satisfaction of the Planning Secretary that demonstrate the open concrete culvert and associated infrastructure is integrated into the landscape and public domain. This revised plans must include:
- (a) planting and landscape treatments that soften and visually integrate the culvert and associated drainage infrastructure when viewed from the Princes Highway and adjoining areas;
  - (b) landscape treatments that do not compromise the safe operation of the drainage system including stormwater performance and flood conveyance; and
  - (c) access control measures at the culvert opening that do not compromise flow of stormwater.
- B2. Prior to the issue of the first Construction Certificate, the Applicant must submit revised plans to the satisfaction of the Planning Secretary demonstrating that the internal driveway adjoining the western boundary is designed and treated as a low-speed, pedestrian-priority shared zone. The revised plans must also:
- (a) demonstrate that the design intent of a shared-use environment has been achieved through appropriate layout, detailing and surface treatments, having regard to pedestrian safety, vehicle speeds, accessibility and amenity; and
  - (b) consider the use of measures such as signposting, flush kerb detailing, contrasting surface materials and widened pavement treatments.

### PRE-CONSTRUCTION REQUIREMENTS

---

#### FIRE SPRINKLER SYSTEM

- B3. Prior to the issue of the Construction Certificate for any Stage 4 or Stage 5 works, the Applicant must submit plans and a report to the Certifier from a suitably qualified consultant and/or engineer demonstrating that the residential care facility will be fitted with a comprehensive fire sprinkler system that complies with the applicable Australian Standards and guidelines.

#### STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 SCHEDULE 4

- B4. Prior to the issue of the Construction Certificate for any Stage 2 and Stage 3, or relevant Stage works, the Applicant must submit plans and a report to the Certifier from a suitably qualified consultant confirming that development relating to the independent living units complies with the relevant building and layout design standards of Schedule 4 of the *State Environmental Planning Policy (Housing) 2021*.

#### FOOD PREPARATION / PREMISES

- B5. Prior to the issue of the Construction Certificate that includes the 'fit-out' of on-site communal amenities in which food is to be prepared and served, a certificate or statement must be obtained from a suitably qualified and experienced Food Safety Consultant or Council's Environmental Health Officer, which confirms that the proposed design and construction satisfies the relevant requirements of the Food Act 2003, the Australian and New Zealand Food Standards Code and AS 4674-(2004) - Design, construction and fit-out of food premises (or its latest version).

#### SITE STABILITY

- B6. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development;
  - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
  - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
  - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
  - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
  - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B7. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Statement, prepared by Credwell, dated 5 June 2025.

## **STRUCTURAL DETAILS**

- B8. Prior to the issue of the Construction Certificate for Stage 2, 3, 4, 5 and 6, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
  - (b) this development consent.

## **STORMWATER MANAGEMENT SYSTEM**

- B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) in accordance with applicable Australian Standards; and
  - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

## **SYDNEY WATER ASSETS**

- B10. Prior to the issue of the first Construction Certificate, the plans approved under this consent must be submitted to the Sydney Water online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

## **LANDSCAPING**

- B11. Prior to the issue of the Construction Certificate for Stage 2, 3, 4 and 6, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Arcadia, dated 3 March 2025 as amended by any requirement of these conditions;
  - (b) includes details of tree planting;
  - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) demonstrates adequate drainage and watering systems;
  - (e) includes details of plant maintenance and watering for the first 12 months; and
  - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

## **CAR PARKING**

- B12. Prior to the issue of a Construction Certificate for Stage 1 and Stage 3, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions, and bicycle parking) must be in accordance with the applicable Australian Standards;
  - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
  - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
  - (g) provision of:
    - (i) 155 car parking spaces, comprising 92 ILU spaces, 30 RCF spaces, 33 visitor spaces
    - (ii) two on grade SRV loading bays

- (iii) one on grade ambulance bay
- (iv) six motorcycle parking spaces
- (v) 22 bicycle parking racks and six bicycle parking lockers

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B13. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures included within the CPTED report prepared by MMJ Town Planning & Advisory, dated May 2025.

## **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

- B14. Prior to the issue of the Construction Certificate for above ground works (Stage 2, 3, 4 and 5), the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by DA Noise Impact Assessment, dated 22 April 2025.

## **BASIX CERTIFICATION**

- B15. Prior to the issue of the relevant Construction Certificate that includes above ground works (Stage 2 and 3), BASIX Certificate 1794645M\_02 must be updated to correspond with the approved number of units and submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## **HERITAGE CONSERVATION**

---

### **PHOTOGRAPHIC ARCHIVAL RECORDING**

- B16. Prior to the issue of the Construction Certificate for Stage 6, a photographic archival record of the external and internal areas of the heritage items on site and all other items of heritage significance on the site identified in the Statement of Heritage Impact (SoHI) prepared by Weir Phillips Heritage dated April 2025 must be prepared in accordance with the NSW Heritage Branch guidelines titled *Photographic Recording of Heritage Items using Film or Digital Capture*, by a suitably qualified heritage professional. A digital copy must be submitted to Council and the Planning Secretary prior to the commencement of Demolition Works.

### **HERITAGE INTERPRETATION STRATEGY**

- B17. Prior to the issue of the Construction Certificate for Stage 6, a Heritage Interpretation Strategy (HIS) for the site must be prepared in accordance with NSW Heritage Branch guidelines and include publicly accessible interpretive strategies such as wayfinding and landscaping, image displays and other devices, with information on the history of the heritage item, any demolished significant buildings and the Aboriginal Cultural value associated with the riparian land, by a suitably qualified heritage professional. Interpretive strategies must be applied across the broader development, with more focused strategies applied to the heritage item and open space adjacent the riparian corridor. The HIS must be submitted to Council and the Certifier.

### **SCHEDULE OF CONSERVATION WORKS**

- B18. Prior to the issue of the Construction Certificate for Stage 6, a Schedule of Conservation Works to the heritage item is to be prepared in accordance with NSW Heritage Branch guidelines by a suitably qualified heritage professional. The Schedule must be informed by a condition report of the building and identify works such as roofing repairs, window reinstatement and replacement of unsympathetic aluminium windows (as noted in the SoHI), demolition of the half wall, gutter upgrades, repointing, flooring works, painting, etc. The Schedule must be submitted to Council and the Certifier.

## **FLOOD MANAGEMENT**

---

### **FLOOD PROTECTION**

- B19. Prior to the issue of the Construction Certificate for Stage 2, 3, 4, and 5, the Applicant must submit to the Certifier documentation demonstrating the following:
- (a) habitable finished floor levels are above the relevant PMF level for the building as identified in Flood Letter prepared by ACOR Consultants dated 4 December 2025;
  - (b) documentation demonstrating all relevant structures can resist flood forces, debris impact and buoyancy up to and including the PMF; and
  - (c) documentation demonstrating all new works (not including the basement levels) will be constructed in flood compatible materials to at least the PMF level, including the requirement for electrical equipment, power supply, wiring etc.

## REMEDIATION

---

### FURTHER INVESTIGATION / REMEDIAL ACTION PLAN

- B20. The Development is to be undertaken in accordance with the findings and recommendations contained in the Detailed Site Investigation (DSI) prepared by Soilsrock Engineering Pty Ltd dated May 2025.
- B21. Prior to the issue of a Construction Certificate for Stage 1, an updated DSI is to be prepared by a suitably qualified and experienced consultant with additional borehole investigation in the locations of the demolished buildings, to confirm the findings and outcomes of the DSI prepared by Soilsrock Engineering Pty Ltd dated May 2025.
- B22. Should the results of the updated DSI identify contamination which may pose risks to human or ecological receptors on site, a Remedial Action Plan (RAP) is to be prepared and submitted to the Certifier prior to the issue of a Construction Certificate for Bulk Excavation Works, describing the remediation and validation works necessary to render the site suitable for its proposed use.

## GROUNDWATER MANAGEMENT

---

### BASEMENT TANKING

- B23. Prior to the issue of the first Construction Certificate, the Applicant must provide to the satisfaction of the Planning Secretary revised basement design documentation prepared by a suitably qualified geotechnical and hydrogeological consultant demonstrating that:
- (a) the basement is:
    - (i) fully tanked; or
    - (ii) a drained or partially tanked basement, provided the requirements of (b) are satisfied,
  - (b) for a drained or partially tanked basement, a Hydrogeological Impact Assessment is submitted demonstrating that:
    - (i) groundwater ingress and required dewatering is within applicable exemption thresholds, including less than the 3 ML per year exemption under the *Water Management Act 2000*, where applicable;
    - (ii) a final Dewatering Management Plan inclusive of drained or partially tanked basement details is provided to the Certifier and DCCEEW in accordance with **Condition C9** of this consent;
    - (iii) the development will not result in adverse groundwater impacts, including groundwater drawdown, mounding, or impacts to surrounding properties or infrastructure; and
    - (iv) the design of the basement accords with Hydrogeological Impact Assessment report's recommendations.

## AGENCY CONDITIONS

---

### ABORIGINAL HERITAGE

- B24. Prior to the issue of the first Construction Certificate, the Applicant must prepare Aboriginal heritage management procedures for the development and include the procedures in the Construction Environmental Management Plan (CEMP). The Aboriginal heritage management procedures must:
- (a) be prepared by suitably qualified and experienced persons;
  - (b) be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
  - (c) include a description of the measures that would be implemented for:
    - (i) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage.
    - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010)*. The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
    - (iii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
- B25. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
- B26. Ground disturbance and impacts to areas of moderate potential identified in the Aboriginal Cultural Heritage Assessment Report (Austral Archaeology, November 2025) must be avoided. If ground disturbance and/or impacts are proposed then additional assessment and consultation with the project RAPs, Heritage NSW, and Department is required.

## BIODIVERSITY

- B27. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier evidence of the following:
- (a) Retirement of the following biodiversity credits in accordance with the *Biodiversity Conservation Act 2016*:
    - (i) One PCT 3153 – Illawarra Escarpment Bangalay x Blue Gum Wet Forest ecosystem credit or equivalent
    - (ii) One Large-eared Pied Bat *Chalinolobus dwyeri* species credit
  - (b) The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- B28. Prior to the issue of the first Construction Certificate, pre-clearing surveys are to be undertaken by a Project Ecologist prior to commencement of any vegetation clearing activities within the site. The Project Ecologist will conduct pre-clearing surveys to identify:
- (a) fauna species likely to be encountered during construction and potential impacts to fauna during vegetation clearing
  - (b) potential fauna habitat in the site
  - (c) preferred locations to relocate fauna species and habitat features that can be retained following construction. Pre-clearing surveys will take place within one week prior to the commencement of vegetation clearing. The Project Ecologist will mark all potential fauna habitat (e.g. habitat trees, nest trees, burrows, etc.) in the development footprint with high visibility tape (e.g. trees, large woody debris and nests); and
  - (d) soft-felling techniques are to be used for the clearing of habitat trees. A qualified wildlife handler is to be present on-site during felling of habitat trees.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

---

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the development with measures to reduce environmental impacts and harm during construction of the development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24 hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards; and
    - (xii) site security, including fencing or hoarding.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with **Condition C2**;
  - (c) Construction Noise and Vibration Management Sub-Plan in accordance with **Condition C3**;
  - (d) Air Quality Management Sub-Plan in accordance with **Condition C4**;
  - (e) Construction Waste Management Sub-Plan in accordance with **Condition C5**;
  - (f) Construction Soil and Water Management Sub-Plan in accordance with **Condition C6**;
  - (g) Aboriginal heritage management procedures in accordance with **Condition B24**;
  - (h) an unexpected finds protocol for remediation in accordance with **Condition C19**;
  - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **Condition D26**;
  - (j) Heritage Construction Management Sub-Plan in accordance with **Condition C7**;
  - (k) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site;
  - (l) Vegetation Management Sub-Plan in accordance with **Condition C8**.

#### CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

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

#### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
  - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;

- (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
  - (i) installation of acoustic barriers/enclosures;
  - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
- (j) include a complaints management system that would be implemented for the duration of the development.

#### **AIR QUALITY MANAGEMENT SUB-PLAN**

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

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

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

- (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
- (iii) the name and address of each licensed facility that will receive waste from the site.

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN**

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

#### **HERITAGE CONSTRUCTION MANAGEMENT SUB-PLAN**

- C7. Prior to the issue of the commencement of any work, the Applicant must submit to the Certifier a Heritage Construction Management Sub-Plan (**HCMP**) for the development. The HCMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) measures to protect the heritage item throughout construction including by a protection zone defined by a suitably qualified heritage professional with details of the protection zone held on site and a copy provided to the certifier;
  - (b) protection of significant original fabric not approved for removed at all times;
  - (c) location of construction equipment laydown areas and contractor vehicles away from the heritage building and outside the defined protection zone required by (a); and
  - (d) location of contractor vehicle parking away from the heritage building.

#### **VEGETATION MANAGEMENT SUB-PLAN**

- C8. Prior to the issue of the commencement of any work, the Applicant must submit to the Certifier a Vegetation Management Plan Sub-Plan (VMP), prepared by a qualified ecologist, for the conservation and enhancement of biodiversity values within retained vegetation along Collins Creek. The VMP must be in accordance with the recommendations set out in the *Arboricultural Impact Assessment Report* by Allied Tree Consultancy, dated October 2025 and the *Biodiversity Development Assessment Report* by Ecoplanning, dated 5 June 2025. The VMP is to include the following:
- (a) description of current ecological features within the area, including habitat features and a flora/fauna species inventory
  - (b) actions for the restoration of remnant native vegetation to a moderate-good condition over a minimum period of 5 years
  - (c) a revegetation schedule incorporating locally native species characteristic of PCT 3153 – Illawarra Escarpment Bangalay x Blue Gum Wet Forest ecological community
  - (d) an appropriate maintenance schedule of plantings for the duration of the VMP
  - (e) performance targets for vegetation management actions over the duration of the VMP
  - (f) fixed photo monitoring points to demonstrate progress.
  - (g) a map showing the location of any high infestations of weeds (greater than 70% coverage)
  - (h) an inventory of species listed as a priority weed in the South East Strategic Weed Management Plan 2023-2027; or weed species subject to an approved biosecurity undertaking or direction under the *NSW Biosecurity Act 2015*.
  - (i) a weed treatment schedule in tabulated form, specifying for each species:
    - (i) the method of treatment
    - (ii) the rates of application methods of all herbicide treatments
    - (iii) a clear, feasible and quantifiable weed reduction target and a method to measure success of management actions
    - (iv) appropriate disposal of exotic vegetation offsite.

#### **DEWATERING**

- C9. Prior to the commencement of works, the Applicant must submit to the Certifier and DCCEEW Water Group a final Dewatering Management Plan (DMP) if determined as required by **Condition B23**. The DMP is to be prepared in consultation with DCCEEW and in accordance with the *Guidelines for Groundwater Documentation*

## **PRE-CONSTRUCTION DOCUMENTATION AND MEASURES**

---

### **SURVEY CERTIFICATE**

- C10. Prior to the commencement of Stage 2 and 3, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C11. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
  - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- C12. Prior to the commencement of works, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C13. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C14. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C15. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C17. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

- C18. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) 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.

## **REMEDIATION**

---

### **UNEXPECTED FINDS PROTOCOL**

- C19. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

### **SITE AUDITOR**

- C20. Should remediation be required, prior to the commencement of any earthwork or remediation works, 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.

- C21. Should remediation be required, 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*.

#### **SITE AUDIT REPORT AND SITE AUDIT STATEMENT**

- C22. Should remediation be required, upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

#### **VALIDATION REPORT**

- C23. Should remediation be required, within one month following the completion of the remediation works for the development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

### **NOTIFICATIONS AND COMMENCEMENT OF WORKS**

---

#### **NOTIFICATION OF COMMENCEMENT**

- C24. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C25. If the construction or operation of the development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### **UTILITIES AND SERVICES**

- C26. Prior to the commencement of works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

#### **BEFORE YOU DIG SERVICE**

- C27. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

#### **DEMOLITION**

- C28. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

#### **GEOTECHNICAL SUPERVISION**

- C29. Prior to the commencement of works, a Geotechnical Engineer is to be appointed to supervise the excavation and construction of the development in accordance with the recommendations of Additional Geotechnical Investigation and Groundwater Monitoring Report prepared by Soilsrock, dated 7 November 2025

#### **PROJECT ARBORIST**

- C30. Prior to the commencement of any demolition or construction works within the Tree Protection Zone of protected trees, a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifier before work commences.

## PART D DURING CONSTRUCTION

### SITE NOTICE

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

### HOURS OF CONSTRUCTION

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

### IMPLEMENTATION OF MANAGEMENT PLANS

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

### CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) *Vibration in Buildings - Effects on Structures*, English Translation (German Institute for Standardisation, 2016);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

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

#### **AIR QUALITY**

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

#### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

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

#### **TREE PROTECTION**

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

#### **EROSION AND SEDIMENT CONTROL**

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

#### **CUT AND FILL**

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

#### **DISPOSAL OF SEEPAGE AND STORMWATER**

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

#### **ASBESTOS**

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

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

#### **CONTACT TELEPHONE NUMBER**

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

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

- D26. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
  - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
  - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

- D28. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an Incident;
  - (c) a description of what immediate steps were taken in relation to the Incident; and
  - (d) identifying a contact person for further communication regarding the Incident.
- D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

#### **NON-COMPLIANCE NOTIFICATION**

- D30. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

## **PART E PRIOR TO COMMENCEMENT OF OCCUPATION AND USE**

### **GENERAL REQUIREMENTS**

---

#### **OCCUPATION CERTIFICATES**

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

#### **NOTIFICATION OF OCCUPATION**

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

#### **ENVIRONMENTAL PERFORMANCE**

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

#### **GREEN TRAVEL PLAN**

- E5. Before the issue of the final Occupation, a final Green Travel Plan (GTP) must be submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes. The GTP must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
  - (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 measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

### **DILAPIDATION AND REPAIRS**

---

#### **POST-CONSTRUCTION DILAPIDATION REPORT**

- E6. Before the issue of the final Occupation Certificate, the Applicant is to provide a Post-Construction Dilapidation Report to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
  - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
  - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E7. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

#### **ROAD DAMAGE**

- E8. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS**

- E9. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider

pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the development that is damaged by carrying out the development.

- E10. Prior to the occupation or commencement of the use of the development, any damage identified in **Condition E6** as being caused by the carrying out of the development not subject to **Condition E9** must be fully repaired and rectified by the Applicant.

## **COMPLIANCE REPORTING**

---

### **WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE**

- E11. Prior to the issue of the final Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and
  - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- E12. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

### **COMPLIANCE WITH BASIX CERTIFICATE**

- E13. Prior to the issue of an Occupation Certificate for Stage 2 and Stage 3, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

### **GFA AND BUILDING HEIGHT CERTIFICATION**

- E14. Prior to the issue of an Occupation Certificate for Stages 2, 3, 4 or 5, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the development does not exceed the approved gross floor area and building height.

### **ACOUSTIC COMPLIANCE**

- E15. Prior to the issue of the final Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B13**.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- E16. Prior to the issue of the final Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under **Condition E4**.

### **STRUCTURAL INSPECTION CERTIFICATE**

- E17. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E18. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

### **LANDSCAPE PRACTICAL COMPLETION REPORT**

- E19. Prior to the issue of the final Occupation Certificate for a stage that includes landscaping, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
  - (b) verifies that a maintenance program under the Landscape Plan required under **Condition B11** has been commenced;
  - (c) includes details of plant maintenance and watering for the first 12 months; and
  - (d) includes details of plant maintenance and watering for the life of the development.

## **FIRE SAFETY CERTIFICATION**

- E20. Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development.
- E21. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

## **OUTDOOR LIGHTING**

- E22. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
  - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **SYDNEY WATER COMPLIANCE**

- E23. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

## **UTILITY PROVIDERS**

- E24. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E25. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

## **BICYCLE PARKING AND END-OF-TRIP FACILITIES**

- E26. Prior to the issue of an Occupation Certificate for Stage 3, the Applicant must submit to the Certifier evidence the secure bicycle parking and end-of-trip facilities have been provided in accordance with **Condition B12**.
- E27. Prior to the issue of an Occupation Certificate for Stage 3, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

## **STREET NUMBERING**

- E28. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

## **SPRINKLER SYSTEM**

- E29. Prior to the issue of the Occupation Certificate for Stage 4 and 5, a sprinkler system must be installed and completed in accordance with the requirements of **Condition B3**.

## **STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 SCHEDULE 4**

- E30. Prior to the issue of an Occupation Certificate for a respective building in Stage 2 and 3, the Certifier shall be satisfied that the building layout and design is consistent with the relevant requirements of Schedule 4 of the *State Environmental Planning Policy (Housing) 2021* (**Condition B4**).

## **FOOD PREPARATION / PREMISES**

- E31. Prior to the issue of an Occupation Certificate that includes a food preparation area, the premises must be inspected by The NSW Food Authority to ascertain compliance with relevant Food Safety Standards and the written approval of NSW Food Authority (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- E32. Prior to commencement of any food business operations, the food premises must be registered with the NSW Food Authority and Council in accordance with the Food Safety Standards.

## MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

---

### OPERATIONAL PLAN OF MANAGEMENT

- E33. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
  - (b) management of communal areas and open spaces, including the through-site link;
  - (c) loading and unloading;
  - (d) security and staff management;
  - (e) emergency management/ evacuation and incident response protocols;
  - (f) waste management;
  - (g) tenant induction and behaviour/ house rules;
  - (h) community consultation and complaint procedures
  - (i) provision of home delivered meals;
  - (j) details of any activities / social programs available to the residents; and
  - (k) Schedule of Ongoing Maintenance Works to the heritage item.
- E34. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

### OPERATIONAL WASTE MANAGEMENT

- E35. Prior to the occupation or commencement of use of the development, the Applicant must prepare an **Operational Waste Management Plan** for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
  - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
  - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
  - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
  - (e) detail the type and quantity of waste to be generated during operation of the development;
  - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).
  - (g) confirm that clinical wastes shall be separated from the general waste stream and disposed via a clinical waste collection and disposal service. Suitable arrangements shall be made for the collection and disposal of clinical wastes; and
  - (h) include sharps container(s) for the storage of used disposable needles in any skin penetration process. The sharps container shall be collected/disposed of by an authorised medical waste collection.

**Note:** Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the development. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.

### STORMWATER

- E36. Prior to the issue of the relevant Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E37. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
  - (b) specifies, but is not limited to:
    - (i) a maintenance schedule of all stormwater quality treatment devices;
    - (ii) record and reporting details;
    - (iii) relevant contact information; and
    - (iv) Work Health and Safety requirements.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E38. Prior to the issue of any Occupation Certificate for Stage 1 and 3, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
  - (b) specifies, but is not limited to, details of:
    - (i) the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
    - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
    - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

## FLOOD EMERGENCY RESPONSE PLAN

- E39. Prior to occupation or commencement of the use, the Applicant must submit to the satisfaction of the Certifier a Detailed Flood Emergency Response Plan (FERP) prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent. The FERP must consider floods up to and including the Probable Maximum Flood (PMF) and be generally consistent with Council's and NSW SES's flood management policies and the Flood Emergency Response Plan prepared by Water Technology, dated 24 November 2025 and addendum advice letter prepared by Water Technology, dated 30 September 2025. Implementation and maintenance of the FERP is the responsibility of the relevant building management.
- E40. Prior to occupation or commencement of the use, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the installation of signage within the basement to provide awareness of flood risk and wayfinding.

## HAZARDOUS MATERIALS SURVEY

- E41. Prior to the issue of an Occupation Certificate, a clearance certificate must be submitted to the Certifier from a suitably qualified person confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations in the Hazardous Materials Survey, and that the site is safe for future occupation in accordance with the approved use.

## HERITAGE CONSERVATION

- E42. Prior to the issue of the relevant Occupation Certificate (Stage 6), evidence must be submitted to the Certifier demonstrating all elements of the Heritage Interpretation Strategy required under **Condition B17** has been implemented, approved in writing by the same suitably qualified heritage professional.
- E43. Prior to the issue of the relevant Occupation Certificate (Stage 6), evidence must be submitted to the Certifier demonstrating the conservation works set out in the Schedule of Conservation Works required under **Condition B18** has been implemented, approved in writing by the same suitably qualified heritage professional.
- E44. Prior to the issue of the relevant Occupation Certificate (Stage 6), a Schedule of Ongoing Maintenance Works is to be prepared by a suitably qualified heritage professional and included with the Plan of Management at **Condition E33**. The Schedule must be submitted to Council and the Certifier.

## REGISTRATION OF EASEMENTS

- E45. Prior to the issue of the relevant Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

## EASEMENTS

- E46. Prior to the issue of the relevant Occupation Certificate, any existing registered easements and rights or carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.

## RESTRICTION ON OCCUPATION (SENIORS HOUSING)

- E47. Prior to the issue of the Occupation Certificate for Stage 2, 3, 4 and 5, the Applicant must create a restriction as to the user under section 88E of the *Conveyancing Act 1919* restricting the occupation of the residential care facility and independent living units approved under this consent to be solely used for the accommodation of:
- (a) seniors or people who have a disability as defined by the *State Environmental Planning Policy (Housing) 2021*;
  - (b) people who live within the same household with seniors or people who have a disability; and
  - (c) staff employed to assist in the administration and provision of services to housing provided under this policy.

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

E48. The instruments creating the restriction as to users pursuant to **Condition E47** shall be prepared by the Applicant at its own expense and proof of registration of the Instrument upon the title of the subject property must be submitted to the Certifier prior to the issue of any Occupation Certificate.

## PART F OCCUPATION AND ONGOING USE

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

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

### STORAGE AND HANDLING OF WASTE

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

### TRAFFIC AND PARKING

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

### LANDSCAPING

- F7. Landscaping for the development must be carried out and maintained in accordance with the Landscape Plan required under **Condition B11**.

### FIRE SAFETY CERTIFICATION

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

### OUTDOOR LIGHTING

- F9. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### BASIX CERTIFICATION

- F10. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate 1794645M\_02, as amended by **Condition B18** and any updated certificate issued if amendments are made.

### GREEN TRAVEL PLAN

- F11. Following commencement of operation, the Green Travel Plan required by **Condition E5** of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### USE OF COMMUNAL SPACES

- F12. The outdoor communal open spaces and the ancillary indoor amenities shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.
- F13. No amplified music shall be played within the outdoor communal open spaces which gives rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

### AMBULANCE BAY

- F14. The ambulance bay must:
- (a) be made available for use by the development 24 hours a day, seven days a week; and

- (b) only be used for the parking and operation of ambulance(s) visiting the site and shall not be used at any time for the parking of any other vehicles or storage of any goods.

#### **FOOD PREPARATION / PREMISES**

- F15. Food safety practices and the operation of the food premises must be in accordance with the *Food Act 2003*, *Food Regulation 2004*, *Food Standards Code* and *Food Safety Standards* at all times, including the requirements and provisions relating to:
- (a) food handling – skills, knowledge and controls;
  - (b) health and hygiene requirements;
  - (c) requirements for food handlers and businesses;
  - (d) cleaning, sanitising and maintenance; and
  - (e) design and construction of food premises, fixtures, fitting and equipment.
- F16. The sale, supply and consumption of alcohol must not take place at the premises except with or ancillary to the service of food to be consumed on the premises and the relevant liquor licence under the *Liquor Act 2007*.

#### **HAZARDOUS AND DANGEROUS GOODS STORAGE**

- F17. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be roofed, provided with a sealed floor and bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-labile and shall be provided with pump out facilities.

## ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
  - (b) certificates under Part 6 of the EP&A Act;
  - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
  - (d) approvals for the installation of any hoardings over Council footways or road reserves;
  - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
  - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
  - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
  - (c) *Disability Discrimination Act 1992* (Cth);
  - (d) *Building and Construction Industry Long Service Payments Act 1986*;
  - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
  - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
  - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **Condition D28** or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with **Condition D28**), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D29):
  - (a) identifies how the Incident was detected;
  - (b) identifies when the Applicant became aware of the Incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the Incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.