

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under section 2.7 of the State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Member of the
Commission

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Sydney

2024

SCHEDULE 1

Application Number:	SSD-33631237
Applicant:	BaptistCare
Consent Authority:	Independent Planning Commission of NSW
Site:	1 Martins Lane and 3A Homelands Avenue, Carlingford [Lot 1 DP 1033201, Lot 2 DP 364225 and Lot 1 DP 26212]
Development:	Carlingford seniors housing development comprising: <ul style="list-style-type: none">• demolition, removal of vegetation, bulk earthworks and remediation works;• construction of seven, single to six storey buildings providing for:<ul style="list-style-type: none">○ a 96 bed residential aged care facility, 130 independent living units and a respite day centre;○ ancillary amenities including kitchen and laundry facilities, cafés, salon, gym, multi-purpose and function rooms, pool, library, cinema, allied health, dining areas and administration / offices;○ 277 seniors housing and five respite day centre car parking spaces, together with service vehicle, ambulance, motorcycle and bicycle parking spaces;• provision of communal and public open spaces, ecological zone, pedestrian links and hard and soft landscaping;• tree removal, replacement, retention and protection;• stormwater and utility infrastructure works; and• installation of one illuminated sign.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	BaptistCare, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AQF	Australian Qualification Framework
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	NSW Department of Climate Change, Energy the Environment and Water, Biodiversity, Conservation and Science Group
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i>
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	City of Parramatta Council
CPTED	Crime Prevention Through Environmental Design Assessment
CWMP	Construction Waste Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development approved pursuant to this consent, as defined in condition A2 and as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EIS	The Environmental Impact Statement titled ' <i>Environmental Impact Statement BaptistCare Carlingford – Seniors Housing, Version 2.0</i> ', prepared by Ethos Urban and dated 19 January 2023 submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Feasible	Means what is possible and practical in the circumstances
ILU	Independent Living Unit
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that:

	<ul style="list-style-type: none"> involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate).
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to submissions report titled ' <i>Response to Submissions Report, Version 4.0</i> ', prepared by Ethos Urban and dated 3 October 2023 received in relation to the application for this development consent under the EP&A Act.
RRFI	<p>The Applicant's responses to requests for information received in relation to the application for this development consent under the EP&A Act from Ethos Urban and titled:</p> <ul style="list-style-type: none"> '<i>Response to request for further information – BaptistCare Carlingford (SSD-33631237)</i>' and dated 15 February 2024; and. '<i>Response to BCS Submission – BaptistCare Carlingford (SSD-33631237)</i>' and dated 29 May 2024.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land identified in Schedule 1
SSD	State Significant Development
TfNSW	Transport for NSW
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development must only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, RtS and any RRFI;
 - (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):

Architectural plans prepared by DKO Architecture			
Plan No.	Rev	Name of Plan	Date
DA000	J	Cover Page	17/06/2024
DA101	C	Demolition Plan 1:500	07/09/2023
DA102	C	Tree Demolition Plan 1:500	07/09/2023
DA104	D	Overall Site Plan 1:500	28/09/2023
DA105	D	Overall Site Plan 1:250	28/09/2023
DA106	C	Staging Plan 1:500	07/09/2023
DA200	F	Ground Level 1:250	17/05/2024
DA201	F	Level 1 Floor Plan 1:250	17/05/2024
DA202	E	Level 2 Floor Plan 1:250	17/05/2024
DA203	E	Level 3 Floor Plan 1:250	17/05/2024
DA204	E	Level 4 Floor Plan 1:250	17/05/2024
DA205	E	Level 5 Floor Plan 1:250	17/05/2024
DA206	E	Level 6 Floor Plan 1:250	17/05/2024
DA207	E	Level 7 Floor Plan 1:250	17/05/2024
DA208	E	Level 8 Floor Plan 1:250	17/05/2024
DA209	E	Roof Plan 1:250	17/05/2024
DA210	E	Site Plan 1:250	17/05/2024
DA300	C	Elevation - North 1:200	07/09/2023
DA301	D	Elevation - East 1:200	01/02/2024
DA302	D	Elevation - South 1:200	07/09/2023
DA303	C	Elevation - West 1:200	07/09/2023
DA310	D	RACF Elevation - North & South 1:200	07/09/2023
DA311	C	RACF Elevation - East & West 1:200	07/09/2023
DA320	C	ILU Elevation - North 1:200	07/09/2023
DA321	C	ILU Elevation - South 1:200	07/09/2023
DA322	D	ILU Elevation - East 1:200	01/02/2024
DA323	C	ILU Elevation - West 1:200	07/09/2023
DA330	C	Respite Centre Elevation - North 1:100	07/09/2023
DA351	C	Section AA	07/09/2023
DA352	C	Section BB	07/09/2023
DA353	C	Section CC	07/09/2023
DA354	C	Section DD	07/09/2023

DA355	C	Section EE	07/09/2023
DA356	C	Section FF	07/09/2023
DA357	D	Section GG	28/09/2023
DA358	C	Section HH	07/09/2023
DA360	C	Sectional Perspective	07/09/2023
DA370	C	Section II - ILU	07/09/2023
DA371	C	Section JJ - ILU	07/09/2023
DA372	C	Section KK - ILU	07/09/2023
DA373	D	Sections LL - MM - NN - RACF	28/09/2023
DA450	D	RFI - GFA Plans	28/09/2023
DA451	D	RFI - GFA Plans	28/09/2023
DA457	D	VPA Areas	07/02/2024
DA510	C	ILU Facade Type 1	07/09/2023
DA511	C	ILU Facade Type 2	07/09/2023
DA515	C	ILU Facade - North & West	07/09/2023
DA516	C	ILU Facade - East	07/09/2023
DA517	C	ILU Facade - South	07/09/2023
DA530	C	RACF Facade Type 1	07/09/2023
DA531	C	RACF Facade Type 2	07/09/2023
DA560	C	Materials Palette	07/09/2023
DA570	D	Signage	17/05/2024
DA610	A	Typical Apartments 2B-A	20/05/2024
DA611	A	Typical Apartments 2B-B	20/05/2024
DA612	A	Typical Apartments 2B-C	20/05/2024
DA613	A	Typical Apartments 2B-D	20/05/2024
DA614	A	Typical Apartments 2B-E	20/05/2024
DA615	A	Typical Apartments 3B-A	20/05/2024
DA616	A	Typical Apartments 3B-B	20/05/2024
DA617	A	Typical Apartments 3B-C	20/05/2024
DA618	A	Typical Apartments 3B-D	20/05/2024
DA619	A	Typical Apartments 3B-E	20/05/2024
DA620	A	Typical Apartments 3B-F	20/05/2024
DA621	A	Typical Apartments 3B-G	20/05/2024
DA622	A	Typical Apartments 3B-H	20/05/2024
DA623	A	Typical Apartments 3B-I	20/05/2024
DA624	A	Typical Apartments 3B-J	20/05/2024
DA625	A	Typical Apartments 3B-K	20/05/2024
DA626	A	Typical Apartments 3B-L	20/05/2024
DA627	A	Typical Apartments 3B-M	20/05/2024
DA628	A	Typical Apartments 3B-N	20/05/2024
DA629	A	Typical Apartments 3B-O	20/05/2024
DA630	A	Typical Apartments 3B-P	20/05/2024
DA631	A	Typical Apartments 3B-Q	20/05/2024
DA632	A	Typical Apartments 3B-S	20/05/2024
DA633	A	Typical Apartments 3B-T	20/05/2024
DA634	A	Typical Apartments 3B-U	20/05/2024

DA635	A	Typical Apartments 3B-V	20/05/2024
DA636	A	Typical Apartments 3B-W	20/05/2024
DA637	A	Typical Apartments 3B-X	20/05/2024
DA638	A	Typical Apartments 2B-A	20/05/2024
DA639	A	Typical Apartments 2B-B	20/05/2024
DA640	A	Typical Apartments 2B-C	20/05/2024
DA641	A	Typical Apartments 3B-A	20/05/2024
DA642	A	Typical Apartments 3B-B	20/05/2024
DA643	A	Typical Apartments 3B-C	20/05/2024
DA644	A	Typical Apartments 3B-D	20/05/2024
DA645	A	Typical Apartments 3B-E	20/05/2024
DA650	C	Adaptable Apartment 2B - Apt A201	07/09/2023
DA651	C	Adaptable Apartment 2B - Apt A301	07/09/2023
DA652	C	Adaptable Apartment 2B - Apt A401	07/09/2023
DA653	C	Adaptable Apartment 2B - Apt A202	07/09/2023
DA654	C	Adaptable Apartment 2B - Apt A302	07/09/2023
DA655	C	Adaptable Apartment 2B - Apt A402	07/09/2023
DA656	C	Adaptable Apartment 2B - Apt E101	07/09/2023
DA657	C	Adaptable Apartment 2B - Apt E201	07/09/2023
DA658	C	Adaptable Apartment 2B - Apt E301	07/09/2023
DA659	C	Adaptable Apartment 3B - Apt B104	07/09/2023
DA660	C	Adaptable Apartment 3B - Apt C601	07/09/2023
DA661	C	Adaptable Apartment 3B - Apt C602	07/09/2023
DA662	C	Adaptable Apartment 3B - Apt D602	07/09/2023
DA670	C	Typical Apartment Storage 2B - A	07/09/2023
DA671	C	Typical Apartment Storage 2B - B	07/09/2023
DA672	C	Typical Apartment Storage 2B - C	07/09/2023
DA673	C	Typical Apartment Storage 2B - D	07/09/2023
DA674	C	Typical Apartment Storage 2B - F	07/09/2023
DA675	C	Typical Apartment Storage 3B - A	07/09/2023
DA676	C	Typical Apartment Storage 3B - B	07/09/2023
DA677	C	Typical Apartment Storage 3B - D	07/09/2023
DA678	C	Typical Apartment Storage 3B - E	07/09/2023
DA679	C	Typical Apartment Storage 3B - F	07/09/2023
DA681	C	Typical Apartment Storage 3B - H	07/09/2023
DA685	D	Apartment Storage Schedule	28/09/2023
DA701	C	Typical Roof Detail	07/09/2023
Landscape plans prepared by <i>Oculus</i>			
Plan No.	Issue	Name of Plan	Date
L001	6	Legend Sheet	25.05.23
L002	5	Materials Schedule	25.05.23
L003	8	Planting Schedule	17/05/24
L004	17	Site Plan Ground Floor	17/05/24
L005	15	Site Plan Rooftops	17/05/24
L006	4	Deep Soil Area Diagram	01/06/23
L010	13	Eastern Boundary – Martins Lane	17/05/24

L011	9	Western Boundary	17/05/24
L012	4	Art Strategy	01/06/23
L100	12	Tree Retention and Removal Plan	17/05/24
L200	9	Surface Finishes Ground Floor – Respite Centre	07.02.24
L201	14	Surface Finishes Ground Floor – RACF	17/05/24
L202	10	Surface Finishes – Level 1 – Dementia Courtyard	29/11/23
L203	11	Surface Finishes – Level 2 – Lower Courtyard	07.02.24
L204	13	Surface Finishes – Level 3 – Upper Courtyard	17/05/24
L205	13	Surface Finishes – Level 4 (East West Road)	17/05/24
L206	7	Surface Finishes – Level 5	25.05.23
L207	7	Surface Finishes – Level 6	25.05.23
L208	7	Surface Finishes – Level 7	25.05.23
L209	7	Surface Finishes – Level 8	25.05.23
L500	5	Planting Ground Floor – Respite Centre	25.05/24
L501	7	Planting Ground Floor – RACF	17/05/24
L502	5	Planting - Level 1 – Dementia Courtyard	25.05.23
L503	6	Planting - Level 2 – Lower Courtyard	25.05.23
L504	7	Planting - Level 3 – Upper Courtyard	15.04.24
L505	9	Planting - Level 4 (East West Road)	17/05/24
L506	5	Planting - Level 5	25.05.23
L507	5	Planting - Level 6	25.05.23
L508	5	Planting - Level 7	25.05.23
L509	5	Planting - Level 8	25.05.23
L700	6	Sections	01/06/23
L701	6	Sections	25.05.23
L702	6	Sections	25.05.23
L703	7	Sections	13.12.23
L850	6	Details – Softscape	25.05.23
L851	6	Details – Softscape	25.05.23
Civil plans prepared by Stantec			
Plan No.	Rev	Name of Plan	Date
CI-007-001	D	General Notes	01.06.2023
CI-050-001	D	Existing Conditions Plan Sheet 1 of 2	01.06.2023
CI-050-002	B	Existing Conditions Plan Sheet 2 of 2	01.06.2023
CI-060-001	I	General Arrangement Plan Sheet 1 of 2	12.04.2024
CI-060-002	C	General Arrangement Plan Sheet 2 of 2	01.06.2023
CI-070-001	G	Erosion and Sediment Control Plan Sheet 1 of 2	14.05.2024
CI-070-002	C	Erosion and Sediment Control Plan Sheet 2 of 2	01.06.2023
CI-076-001	D	Erosion and Sediment Control Details	01.06.2023
CI-100-001	J	Bulk Earthworks Plan	18.04.2024
CI-103-001	F	Bulk Earthworks Section	19.04.2024
CI-402-001	B	Roadworks Driveway Long Section	18.12.2023
CI-500-001	D	Stormwater Catchment Plan Existing	01.06.2023
CI-500-022	F	Stormwater Catchment Plan Proposed Sheet 1 of 2	12.04.2024
CI-500-023	C	Stormwater Catchment Plan Proposed Sheet 2 of 2	01.06.2023
CI-520-001	H	Stormwater Drainage Plan Sheet 1 of 2	12.04.2024

CI-520-002	C	Stormwater Drainage Plan Sheet 2 of 2	01.06.2023
CI-526-001	D	Stormwater Details Sheet 1 of 3	01.06.2023
CI-526-002	B	Stormwater Details Sheet 2 of 3	01.06.2023
CI-526-003	B	Stormwater Details Sheet 3 of 3	01.06.2023
CI-526-011	C	Stormwater OSD Tank 1 Details	01.06.2023
CI-526-012	C	Stormwater OSD Tank 2 Details	01.06.2023
CI-526-013	B	Stormwater OSD Tank 3 Details	01.06.2023

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - the implementation of any actions or measures contained in any such document referred to in **condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A6. This consent does not approve the following:
- the detailed fit out and operation (including hours of operation) of the Building A (ILU) and Building F (RCF) cafés and any outdoor dining areas fronting Martins Lane and the southern ecological zone associated with these cafes;
 - the use or hire by the public of the ancillary amenity spaces including kitchen and laundry facilities, salon, gym, multi-purpose and function rooms, pool, library, cinema, allied health, dining areas and administration / offices;
 - line marking / pedestrian crossing across the Martins Lane driveway illustrated on plan DA200 (Rev F);
 - any planting of trees north of the Residential Aged Care Facility / Building F vehicle entrance fronting Martins Lane which conflict with the TPZ and SRZ of Trees 5 or 6 (refer to **condition B17**); and
 - the installation of signage other than signage shown on the approved drawings.
- A7. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

PRESCRIBED CONDITIONS

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

- A9. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

LEGAL NOTICES

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
 - provide details of the consultation undertaken including:
 - the outcome of that consultation, matters resolved and unresolved; and

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

STRUCTURAL ADEQUACY

A12. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

Note: Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

REMEDIATION ACTION PLAN

A13. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the *'Remediation Action Plan (Project 92284.09) Revision 1'*, prepared by Douglas Partners and dated 20 October 2022 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

OPERATION OF PLANT AND EQUIPMENT

A14. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

COMPLIANCE

A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A19. Within three months of:

- (a) the submission of a compliance report under this consent;
- (b) the submission of an incident report under this consent;
- (c) the submission of an Independent Audit under this consent;
- (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or
- (e) the issue of a direction of the Planning Secretary under this consent which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A20. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

COUNCIL APPROVED MARTINS LANE FOOTPATH

- B1. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the satisfaction of the Certifier that a separate application has been submitted to Council seeking to modify previous Council approval DA/242/2020 to amend the footpath to avoid impacts to structural root/s within the SRZ of T4 in accordance with recommendation 7.2.4 of the 'Arboricultural Impact Assessment Revision D', prepared by Creative Planning Solutions and dated 20 May 2024.

AMENDMENTS TO LANDSCAPING

- B2. Prior to the issue of the first Construction Certificate, the Applicant must provide evidence to the Certifier that revised landscape plans have been submitted to and approved by the Planning Secretary. The revised landscape plans must:
- (a) be generally consistent with the Landscape Plans listed in **condition A2**, except as amended by the requirements of this consent;
 - (b) include details and construction methodology of the proposed elevated, permeable footpaths / boardwalks within the eastern setback fronting Martins Lane and through the southern ecological zone. The footpaths / boardwalks must:
 - (i) be designed in consultation with the Project Arborist to minimise any impacts on existing trees;
 - (ii) not include edging, excavation or regrading within the existing natural ground of the Tree Protection Zones (TPZ);
 - (iii) consider the feasibility of implementing both or one of the following options in relation to trees T3 and T4:
 - relocate the 1:22 path to Building B, away from tree T3, to minimise impact to the tree root system. And by working with the existing grades, delete the unnecessary steps to building B and create a DDA compliant access walkway / ramp.
 - delete the additional path and steps shown between trees T3 and T4 from Building A to minimise impact to the tree root system as per AS4970-2009 Protection of Trees on development Sites.
 - (c) include details on the *TF01 Natural turf on structure* within the TPZ of trees T9 and T8 is to be detailed above grade, using non-destructive construction method to elevate the slab and to have nil impact to the surrounding trees and be prepared conjunction with the Project Arborist;
 - (d) delete the proposed planting mix *MP01- BGHF* within the Structural Root Zone (SRZ) of existing trees to avoid severing the roots and to reduce planting competition to the existing trees. Show only 50-75mm bark mulch within the SRZ;
 - (e) include details of planting actual rootball size, soil profile, the planter walls and path;
 - (f) relocate trees a minimum 1.5m away from walls and paths to ensure the rootball sizes fit. Tree rootballs must not be 'cut to fit';
 - (g) include details of planting on-structure, including within the courtyards and over the underground On-Site Detention tanks, which shall be consistent with the following soil depth and volume requirements:
 - (i) typical tree planting on structure to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size);
 - (ii) typical shrub planting on structure detail to show minimum 500-600mm soil depth;
 - (iii) typical turf planting on structure to show minimum 200-300mm soil depth;
 - (h) demonstrate adequate drainage and watering systems for on-structure planting;
 - (i) include details of plant maintenance and watering for the first 12 months; and
 - (j) include a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

AMENDMENTS TO BUILDINGS A TO E

- B3. Prior to the issue of the first Construction Certificate for above ground works for Buildings A to E, the Applicant must submit evidence to the Certifier that revised plans relating to the internal design and layout of Buildings A to E, have been submitted to and approved by the Planning Secretary. The revised plans must:
- (a) demonstrate all bathroom and bedroom windows facing internal corridors and/or communal sitting areas located between Buildings A/B, B/C, C/D and D/E and on all levels are windows designed to be high-level, fixed shut and fitted with translucent glazing.
 - (b) include the redesign of the layout of ILUs A501, A502 and D102 so that all habitable rooms are provided with a primary window on an external wall, with a clear glass area not less than 10% of the floor area. In addition:

- (i) amend the unit layout and/or window location/design of ILUs A501 and A502 so that bedroom windows are not directly and obliquely overlooked from windows to adjoining communal sitting areas;
- (ii) amend the layout and/or design of ILU D102 so that the study room is deleted, or reduced in size to an area equal to or less than 6 m², so not to be classified as a habitable room; and
- (c) amend the window location/design and/or provide privacy screens to the two south facing living / dining room windows of ILUs E204 and E304, to prevent overlooking of the private open space of ILU F107.

MATERIALS AND FINISHES

- B4. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details of final materials and finishes. The details must:
- (a) be generally consistent with the Materials Palette plan DA560 Rev C, dated 7 September 2023;
 - (b) include final specifications of colour, material, and where relevant, manufacturer; and
 - (c) include sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

MAXIMUM BUILDING HEIGHT AND GFA

- B5. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming:
- (a) the maximum height of the building does not exceed RL 110.07m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like; and
 - (b) the gross floor area of the development does not exceed 23,455 m².

LONG SERVICE LEVY

- B6. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit <https://www.longservice.nsw.gov.au/bci/levy/about-the-levy>.

STRUCTURAL DETAILS

- B7. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the NCC; and
 - (b) this development consent.

EXTERNAL WALLS AND CLADDING

- B8. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.
- B9. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

- B10. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitably qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

MECHANICAL VENTILATION

- B11. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.
- B12. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with the relevant performance requirement of the BCA in accordance with BCA 2022, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

SITE STABILITY AND CONSTRUCTION WORK

- B13. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work; and
 - (e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B14. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the *'Crime Prevention through Environmental Design (CPTED) Assessment Version 3.0'* prepared by Ethos Urban and dated 26 September 2022.

MECHANICAL PLANT NOISE MITIGATION

- B15. Prior to the issue of the Construction Certificate for any works involving mechanical plant, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B16. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the *'Operational Noise and Vibration Impact Assessment, Revision 4'*, prepared by Acoustic Logic dated 14 May 2024.

WIND MITIGATION MEASURES

- B17. Prior to the issue of the Construction Certificate for above ground works for any building, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all wind mitigation measures contained within *'Pedestrian Wind Environment Study Revision 1'*, prepared by Windtech and dated 17 October 2022 (PWES), excluding the PWES recommended tree planting on Martins Lane (see note below).

Note. The PWES recommendation to plant five '3-5m high and wide densely foliageing evergreen trees' north of the Residential Aged Care Facility / Building F vehicle entrance fronting Martins Lane is not approved as it conflicts with the TPZ and SRZ of T5 and T6.

UTILITY ASSETS

- B18. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

- B19. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to Endeavour Energy to determine whether the development will affect Endeavour Energy assets and/or easements, and if any further requirements need to be met. Any asset relocation / modifications, easement requirements and connections must be carried out in accordance with the requirements of Endeavour Energy.

PARKING ALLOCATION AND INFRASTRUCTURE

- B20. Prior to the issue of the Construction Certificate for below ground works, evidence must be submitted to the satisfaction of the Certifier demonstrating compliance with the following:

- (a) provision of a maximum of 277 ILU and RCF car parking spaces, including:

- (i) 209 ILU resident car parking spaces;
 - (ii) 26 ILU visitor car parking spaces
 - (iii) 22 RCF visitor car parking spaces;
 - (iv) 20 RCF staff car parking spaces;
- (b) of the 235 ILU spaces, provide a minimum of 26 accessible ILU spaces (24 ILU resident and two ILU visitor) in accordance with the relevant Australian Standard. No accessible car parking spaces shall be designed / laid out as tandem car parking spaces;
- (c) provision of a minimum of six motorcycle parking spaces;
- (d) provision of an ambulance bay and one pick-up/drop-off bay within the RCF porte-cochere;
- (e) provision of three service vehicle parking bays (two for the RCF and one for the ILUs); and
- (f) provision of infrastructure for electric vehicles (EV) in accordance with the NCC 2019 version and the requirements of the BASIX Certificate 321715M;
- (g) all vehicles must be capable of:
- (i) entering and leaving the subject site in a forward direction;
 - (ii) being wholly contained on site before being required to stop;
- (h) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards; and
- (i) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.
- B21. Prior to issue of a Construction Certificate for the respite day centre, evidence must be submitted to the satisfaction of the Certifier demonstrating that:
- (a) five car parking spaces, including two accessible surface level car parking spaces are provided in accordance with the relevant Australian Standard;
 - (b) all vehicles must be capable of:
 - (i) entering and leaving the subject site in a forward direction;
 - (ii) being wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards; and
 - (d) the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS.
- B22. Prior to the issue of the Construction Certificate for access works evidence must be submitted to the satisfaction of the Certifier demonstrating that triangular spays associated with pedestrian sight lines at the Martins Lane access driveways are consistent with Clause 3.2.4 (b) and Figure 3.3 of the Australian Standard AS 2890.1- 2004.

BICYCLE PARKING AND END OF TRIP FACILITIES

- B23. Prior to the issue of the Construction Certificate for below ground works, the public domain and Building F (as relevant), the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:
- (a) provision of a minimum of 30 ILU bicycle parking spaces;
 - (b) provision of a minimum of 20 RCF staff bicycle parking spaces;
 - (c) provision of a minimum of 6 visitor bicycle parking spaces within the public domain; and
 - (d) provision of RCF staff bicycle end of trip facilities within the RCF building (Building F) comprising:
 - (i) separate male and female changing rooms
 - (ii) a minimum of 40 personal lockers and four showers.
 - (e) the layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

BIODIVERSITY

- B24. Prior to the issue of the first Construction Certificate, the Applicant must submit evidence to the Planning Secretary that two ecosystem credits consistent with the classes of ecosystem credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix E of the *'Addendum Biodiversity Development Assessment Report, Versions 2'*, prepared by Cumberland Ecology and dated 30 May 2023 have been retired in accordance with the NSW Biodiversity Offsets Scheme of the Biodiversity Conservation Act 2016.

- B25. Prior to the issue of the first Construction Certificate, the Applicant must submit a Construction Biodiversity Impact Management Plan prepared by the Project Ecologist to the Certifier demonstrating that all construction mitigation and management measures contained in Chapter 8.5 of the *'Addendum Biodiversity Development Assessment Report, Version 2'*, prepared by Cumberland Ecology and dated 30 May 2023 will be implemented during construction.
- B26. Prior to the issue of the Construction Certificate for above ground works, the Applicant submit evidence to the Certifier that a Vegetation Management Plan (VMP) has been submitted to and approved by the Planning Secretary. The VMP must:
- (a) be prepared by a suitably qualified professional in consultation with Council
 - (b) expand the VMP 'ecological zone' site boundary (as shown at Figure 1, on page 7 of letter titled *'Response to RFI for SSD03363127 22182-Let8'*, prepared by Cumberland Ecology and dated 17 May 2024 to apply to, and contain all land and vegetation within the whole of the eastern setback fronting Martins Lane, being the 'eastern ecological zone' and including trees T1 to T6.
 - (c) incorporate the management and mitigation measures identified in Chapter 8.5 of the *'Addendum Biodiversity Development Assessment Report, Versions 2'* prepared by Cumberland Ecology and dated 30 May 2023;
 - (d) include details of the monitoring program to be undertaken, which shall occur annually and include an assessment of conditions to determine any indirect impacts, including monitoring of Blue Gum High Forest (BGHF) trees to determine whether there is any decline in tree health, increase in soil moisture levels or increase in weed abundance; and
 - (e) include details of reporting requirements, including any adaptive management / mitigation measures required to appropriately mitigate any impacts observed during the monitoring program under **condition B26(d)**. Appropriate management and mitigation measures to address the identified impacts may include:
 - (i) measures contained in the *'Response to RFI for SSD03363127 22182-Let8'*, prepared by Cumberland Ecology and dated 17 May 2024;
 - (ii) additional and replacement planting in response to site conditions and their effects on the BGHF; and
 - (iii) alternative management and mitigation measures to address the identified impact(s).

TREE RETENTION AND REMOVAL

- B27. Prior to the issue of the first Construction Certificate, the Applicant must submit a Tree Protection Management Plan (TPMP), prepared by a suitably qualified Consulting Arborist (Australian Qualification Framework Level 5). The TPMP must:
- (a) identify specific tree protection measures to be implemented for the trees located within the site and adjacent to the site during demolition and construction and the expected future health of the trees;
 - (b) outline the specific non-destructive construction method to minimise the impact and encroachment and the specific protection measures required throughout the demolition and construction works;
 - (c) cover all stages of the works and cover any works to be supervised by the Project Arborist;
 - (d) be consistent with the tree numbers identified in the *'Arboricultural Impact Assessment Revision D'*, prepared by Creative Planning Solutions and dated 20 May 2024;
 - (e) identify the specific tree protection type and location required for each tree inclusive of canopy, trunk and tree root protection in accordance with AS 4970- 2009 – Protection of Trees on Development Sites;
 - (f) demonstrate the approved works retain and protect the calculated Tree Protection Zones;
 - (g) provide guidance on the approved services, retaining wall etc to be installed within the TPZ of trees, to ensure non-destructive construction techniques are used to minimise the construction impact (i.e. bridging of roots, hydrovac);
 - (h) provide details of the construction of any structure which requires a modified footing (i.e. pier & beam);
 - (i) provide details on landscaping (i.e. minimise cultivation, excavation planting techniques within the TPZ & SRZ), noting that all landscape elements within the TPZ of the trees are to be designed in conjunction with the Landscape Architect to ensure the design has minimal impact to the trees; and
 - (j) include details of any other stages that the Project Arborist deems necessary.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B28. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the *'ESD Assessment Report – Site B, 1 Martins Lane, Carlingford NSW Revision 3'*, prepared by Jones Nicholson and dated 14 October 2022.

- B29. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the Class 2 portions of the development will achieve a minimum 7 Star NatHERS rating.

BASIX CERTIFICATION

- B30. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1321715M and any updated certificate issued if amendments are made. Prior to the issue of the Construction Certificate for above ground works the BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

FLOODING AND STORMWATER MANAGEMENT

- B31. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational flood and stormwater management system for the development. The system must:
- (a) demonstrate that it has incorporated all requirements, infrastructure, performance parameters, engineering assumptions and the recommendations contained in:
 - (i) the '*BaptistCare Carlingford – Flood Impact Assessment Revision 04*', prepared by WMS Engineering and dated 27 March 2024; and
 - (ii) the '*Integrated Water Management Plan Revision 002*', prepared by Stantec and dated 7 December 2022, as subsequently updated by the '*Civil and Stormwater Addendum Report*' dated 19 May 2023 and 5 December 2023
 - (b) be designed by a suitably qualified and experienced person(s);
 - (c) be in accordance within Council's stormwater requirements and specifications;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

PUBLIC DOMAIN AND ACCESS

- B32. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit Public Domain Construction Drawings relating to the following public pedestrian through site links to Council for its approval:
- (a) Wulaba Place to Martins Lane link along the southern side of Wulaba Place;
 - (b) Martins Lane to Homelands Avenue link along the western side of Martins Lane;
 - (c) Wulaba Place to Grace Street / Azile Court link through the western setback; and
 - (d) Martins Lane to Grace Street / Azile Court link through the southern ecological zone.
- B33. The Public Domain Construction Drawings (**condition B32**) must demonstrate the through site links:
- (a) are consistent with the requirements of Council's 2017 Public Domain Guidelines;
 - (b) provide public access 24 hours a day, 7 days a week;
 - (c) have pedestrian lighting to Australian Standards to provide safe 24/7 access using without reflecting into residential properties;
 - (d) would be passively overlooked by the buildings approved pursuant to this consent; and
 - (e) meet relevant Australian Standards for gradient and design where they cross the two proposed vehicle driveways at Martins Lane.

PUBLIC ART PLAN

- B34. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Public Art Plan (PAP) to the satisfaction of the Certifier that demonstrates:
- (a) the PAP has been prepared in consultation with Council;
 - (b) the PAP is consistent with Council's *Interim Public Art Guidelines for Developers* and includes consideration of:
 - (i) contemporary expressions of public art;
 - (ii) sufficient details around the artwork's connection to the Strategy's conceptual premise and thematic vision;
 - (iii) clear identification of the locations of the public artwork on site; and
 - (iv) detail on the artist selection and procurement process including a budget and program outline.
 - (c) a public art budget comprising no less than 0.5% of the proposed cost of the Capital Investment Value of the development shall be use for the installation / implementation of public art on the site.

ADAPTABLE UNITS

B35. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified consultant that the adaptable ILUs specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

RESIDENTIAL AGED CARE FACILITY SPRINKLER SYSTEM

B36. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified consultant that the residential aged care facility will be fitted with a comprehensive sprinkler system that complies with the applicable Australian Standards and guidelines.

OPERATIONAL WASTE STORAGE

B37. Prior to the issue of a Construction Certificate for above ground works, evidence must be submitted to the Certifier that the design of the operational waste storage area:

- (a) has been amended in layout and / or size to provide sufficient space to allow for access to all waste receptacles and so that no bins are stacked one in front of the other;
- (b) is constructed using solid non-combustible materials;
- (c) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
- (d) includes a hot and cold water supply with a hose through a centralised mixing valve;
- (e) is naturally ventilated or an air handling exhaust system must be in place; and
- (f) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins
- (g) floor is graded and appropriately drained to the sewer.

HOUSING SEPP SCHEDULE 4

B38. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier plans and a report from a suitably qualified consultant that development relating to the Independent Living Units complies with the relevant building and layout design standards of section 85 / Schedule 4 of the Housing SEPP, which were in force at the time of lodgement of this SSDA.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified 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.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
 - (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in **condition A2** of this consent (excluding floor plans);
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
 - (c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

SURVEY CERTIFICATE

- C4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier:
 - (a) All footings/ foundations; and
 - (b) At other stages of construction – any marks that are required by the Certifier.
- C5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the Certifier which demonstrates that:
 - (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
- C6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

TEMPORARY TRANSPLANT OF EIGHT JUVENILE *EUCALYPTUS SALIGNA* TREES

- C7. Prior to the commencement of any vegetation clearance or excavation works, eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' regrowth trees on the site (identified in the '*Addendum Biodiversity Development Assessment Report, Versions 2*' prepared by Cumberland Ecology and dated 30 May 2023) must be extracted from their current location and temporarily transplanted in an appropriate and safe location on or off the site or in suitably sized pots with adequate soil depth and volume. The trees:
 - (a) must be supervised by an AQF Level 5 Arborist during the transplant process to ensure a maximum potential of success;
 - (b) must be provided with adequate sunlight, water and protected from wind damage and other threats for the duration of their temporary relocation; and
 - (c) monitored for the duration of the period of their temporary transplant to ensure their health is maintained.

Note: The final transplant location for the eight *Eucalyptus saligna* 'Sydney Blue Gum' regrowth trees must be accordance with the requirements **condition E42**.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C8. Prior to the commencement of works, the Applicant must:
- consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) as outlined in **condition C17**; and
 - ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

TREE PROTECTION MEASURES

- C9. Prior to the commencement of any demolition, earthwork or construction, the Applicant must engage a Project Arborist to ensure all tree protection measures and works are carried out in accordance with the conditions of this consent.
- The Project Arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience. Details of the arborist including name, business name and contact details shall be provided to the Certifier.
- C10. Prior to the commencement of any works, tree protection works shall be carried out in accordance with the approved tree protection plans referenced in **condition A2** and the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024, except where amended by other conditions of this consent.
- C11. Prior to the commencement of works, the Project Arborist is to inspect the tree protection measures and verify that they comply with all relevant conditions of this consent.

UTILITIES AND SERVICES

- C12. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C13. 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 provisions of adequate services.

POOL EXHAUST

- C14. Prior to the commencement of construction, the Applicant must demonstrate to the Certifier that the pool exhaust has been designed in accordance with Australian Standard 1668.2.

DIAL BEFORE YOU DIG SERVICE

- C15. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- C16. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C17. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person. The Applicant must submit a copy of the report to Council and provide a copy to the Planning Secretary, when requested.
- C18. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.

- C19. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C20. 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.
- C21. 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.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C22. Prior to the commencement of any earthworks or construction, a Construction Environmental Management Plan (CEMP) must be submitted to the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:
- (a) Details of:
 - (i) hours of work in accordance with conditions **D4** to **D7**;
 - (ii) site management;
 - (iii) 24 hour contact details of the site manager;
 - (iv) community consultation and complaint handling procedure;
 - (v) traffic management;
 - (vi) demolition;
 - (vii) noise and vibration management, prepared by a suitably qualified person;
 - (viii) management of dust and odour to protect the amenity of the neighbourhood;
 - (ix) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (x) contamination management, including any unexpected contamination finds protocol;
 - (xi) waste management;
 - (xii) external lighting in compliance with applicable Australian Standards;
 - (xiii) flora and fauna management, in particular where works are proposed within 5 metres of any existing tree to be maintained, and supervision is required by an AQF Level 5 Arborist;
 - (b) Construction and Operational Biodiversity Impact Management Plan (**condition B25**);
 - (c) Construction Pedestrian and Traffic Management Sub-Plan (**condition C23**);
 - (d) Construction Noise and Vibration Management Sub-Plan (**condition C24**);
 - (e) Air Quality Management Sub-Plan;
 - (f) Construction Waste Management Sub-Plan (**condition C27**);
 - (g) Construction Soil and Water Management Sub-Plan (**condition C28**);
 - (h) an unexpected finds protocol for contamination and associated communications procedure; and
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

- C23. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a final Construction Pedestrian and Traffic Management Plan Sub-Plan (CPTMP), prepared in consultation with Council and TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) details of crane arrangements including location of any crane(s) and crane movement plan;
 - (d) haulage routes;
 - (e) proposed construction hours;
 - (f) predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - (g) construction vehicle access arrangements;
 - (h) construction program and construction methodology, including any construction staging;
 - (i) a detailed plan of any proposed hoarding and/or scaffolding;

- (j) measures to avoid construction worker vehicle movements within the precinct;
- (k) consultation strategy for liaison with surrounding stakeholders, including other developments under construction;
- (l) identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures must be clearly identified and included in the CPTMP; and
- (m) identify the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network must be clearly identified and included in the CPTMP.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C24. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development. The Sub-Plan must:
- (a) demonstrate compliance with the recommendations in the Construction Noise and Vibration Impact Report prepared by Acoustic Logic dated September 2022; and
 - (b) include:
 - (i) identification of the specific activities that will be carried out and associated noise sources at the site.
 - (ii) identification of all potentially affected sensitive residential receiver locations;
 - (iii) quantification of the rating background noise level (RBL) for sensitive receivers, as part of the Sub-Plan, or as undertaken in the EIS;
 - (iv) the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;
 - (v) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;
 - (vi) where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;
 - (vii) description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;
 - (viii) where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be considered and implemented where practicable; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;
 - (ix) where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;
 - (x) measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;
 - (xi) suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;
 - (xii) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
 - (xiii) measures to monitor noise performance and respond to complaints;
 - (xiv) measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;
 - (xv) procedures to allow for regular professional acoustic input to construction activities and planning; and
 - (xvi) effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).

AIR QUALITY MANAGEMENT SUB-PLAN

- C25. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);
 - (b) relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);

- (c) mission statement;
- (d) dust and VOCs/odour management strategies consisting of:
 - (i) objectives and targets;
 - (ii) risk assessment;
 - (iii) suppression improvement plan;
 - (iv) monitoring requirements including assigning responsibility (for all employees and contractors);
 - (v) communication strategy; and
 - (vi) system and performance review for continuous improvements.

C26. The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (eg. frequency, duration and method of monitoring) to be undertaken for the project.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C27. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:
- (a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises; and
 - (g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):
 - a traffic plan showing transport routes within the site;
 - 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
 - the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C28. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMSP) which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:
- (a) Describe all erosion and sediment controls to be implemented during construction;
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site);
 - (c) detail all off-Site flows from the Site; and
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

FLOOD MANAGEMENT

- C29. Prior to the commencement of any earthwork or construction, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction works on the site; and
 - (b) evacuation and refuge protocols.
- C30. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

GROUNDWATER MANAGEMENT

- C31. Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the *Water Management (General) Regulation 2018* applies.

CONSTRUCTION PARKING

- C32. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- C33. Prior to the commencement of any earthwork or construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

COMPLIANCE

- C34. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OUTDOOR LIGHTING

- C35. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PUBLIC LIABILITY INSURANCE

- C36. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.

REMEDATION – SITE AUDITOR

- C37. 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.
- C38. 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 Remediation Action Plan (**condition A13**) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

REMEDIATION

- C39. Prior to the commencement of any earthworks or remediation works, the Applicant must conduct the additional site investigation works recommended by the Remediation Action Plan (**condition A13**) to confirm the full nature and extent of the potential contamination on the site and comply with the following requirements:
- the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*; and
 - the recommendations of the '*Remediation Action Plan (Project 92284.09) Revision 1*', prepared by Douglas Partners and dated 20 October 2022 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
 - In the event that material is to remain in-situ and capped on the site, describe the location, nature and the extent of the remaining contamination and prepare a Long Term Environmental Management Plan (LTEMP). The LTEMP shall detail the maintenance and management of the identified contamination to ensure it does not have adverse impact on human health or the environment.

REMEDIATION – UNEXPECTED FINDS PROTOCOL

- C40. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C41. 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.

REMEDIATION – VALIDATION REPORT

- C42. 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*.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

- D1. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) state the name, address and telephone number of the Certifier for the work;
 - (b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) state the approved hours of work;
 - (d) state that unauthorised entry to the work site is prohibited;
 - (e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (f) the notice is to be durable and weatherproof and is to be displayed throughout the works period; and
 - (g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

DEMOLITION

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by under this consent.

HOURS OF CONSTRUCTION

- D4. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours of construction listed at **condition D4** if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- 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 / work that generates high noise impact (i.e. work exceeding a NML of Laeq 75dBA) 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.

CONSTRUCTION NOISE MANAGEMENT AND MITIGATION

- D8. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.
- 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, vehicle movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D11. The Applicant must ensure that idle plant and machinery is switched off when not in use and that plant and machinery is located as far away from sensitive receivers as is practical.

D12. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the site.

VIBRATION CRITERIA

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

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

D14. 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.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D15. The Applicant must notify the Department and any other relevant agencies within 24 hours of becoming aware of an incident. The notification must be made via the Department's Major Projects website 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.

D16. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 1.

NON-COMPLIANCE NOTIFICATION

D17. 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 Department's Major Projects Website. 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, or will be, undertaken 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.

IMPLEMENTATION OF MANAGEMENT PLANS

D18. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction and Operational Biodiversity Impact Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part C of this consent are implemented during construction.

AIR QUALITY

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

D20. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

TREE RETENTION

- D21. All trees not specifically identified on the approved plans for removal are to be retained and protected. Retained trees are to be protected in accordance with:
- the recommendations of the *'Arboricultural Impact Assessment Revision D'*, prepared by Creative Planning Solutions and dated 20 May 2024;
 - Australian Standard 4970:2009 – Protection of Trees on Development Sites; and
 - the Tree Retention and Removal Plan L100-12 prepared by Oculus dated 17 May 2024.

PROJECT ARBORIST – CERTIFICATION

- D22. A Diploma qualified Arborist (AQF Level 5) must be on-site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites. The project arborist's details must be provided to the Certifier prior to any works occurring on the site.
- D23. The Project Arborist must provide certification that all works have been undertaken in accordance with:
- Australian Standard 4970:2009 Protection of trees on development sites;
 - the recommendations of the *'Arboricultural Impact Assessment Revision D'*, prepared by Creative Planning Solutions and dated 20 May 2024; and
 - the approved Tree Retention and Removal Plan L100-12 prepared by Oculus dated 17 May 2024.

SENSITIVE CONSTRUCTION

- D24. Tree sensitive construction measures, as prescribed by Australian Standard 4970-2009, must be implemented within the Tree Protection Zones of all retained trees and in accordance with the recommendations of the *'Arboricultural Impact Assessment Revision D'*, prepared by Creative Planning Solutions and dated 20 May 2024.

TRENCHING AND EXCAVATION WITHIN TREE PROTECTION ZONES

- D25. No trenching or excavation within the tree protection zone of trees to be retained is hereby approved, except for those works shown on the approved plans (**condition A2**).
- D26. Any approved trenching and excavation within the tree protection zone of trees to be retained must be undertaken under the supervision of a Diploma qualified (AQF Level 5) Arborist using minimally destructive techniques.

TREE CANOPY / ROOT PRUNING

- D27. No roots greater in diameter than 50mm shall be severed and where these roots are identified the arborist is to document their diameter, location and depth and provide advice on their retention and protection.
- D28. Any approved canopy and/or root pruning shall be undertaken by an experienced arborist, with a minimum AQF Level 5 qualification. All pruning works shall be undertaken as specified in current version of Australian Standard AS 4373 – Pruning of Amenity Trees.
- D29. Where approved, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly using sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment by an experienced arborist with a minimum AQF Level 5 qualification. All pruning works shall be undertaken as specified in current version of Australian Standard AS 4373 – Pruning of amenity trees. The arborist shall provide a report to the Certifier confirming compliance with this condition.

TREE PROTECTION

- D30. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the tree protection management plan required under this consent, the relevant requirements of the 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

- D31. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

- D32. 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:
- 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.

D33. 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 GROUNDWATER, SEEPAGE AND STORMWATER

D34. 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*.

D35. 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.

D36. 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*.

D37. Contaminated groundwater must not be discharged into Council's / Sydney Water's stormwater drainage or sewer systems.

ASBESTOS

D38. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

(a) *Work Health and Safety Regulation 2017*;

(b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;

(c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and

(d) *Protection of the Environment Operations (Waste) Regulation 2014*.

CONSTRUCTION TRAFFIC

D39. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

ROAD OCCUPANCY LICENCE

D40. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

D41. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.

CONTACT TELEPHONE NUMBER

D42. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

D43. All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

D44. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILES

D45. No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from Council. All stockpiles of soil or other materials:

(a) must be placed away from drainage lines, gutters or stormwater pits or inlets; and

(b) likely to generate dust or odours must be covered.

D46. All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours

HOARDING REQUIREMENTS

D47. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings/fencing or the like within the construction area within 48 hours of its application.

WATER LICENSING

D48. Should groundwater be intercepted a Water Access Licence (WAL) under the *Water Management Act 2000* must be obtained, unless an exemption under the *Water Management (General) Regulation 2018* applies.

ABORIGINAL CULTURAL HERITAGE AND RELICS

D49. Construction must be undertaken in accordance with the recommendations of the '*Aboriginal Cultural Heritage Assessment Report Revision 3*', prepared by APEX Archaeology and dated 11 November 2022.

D50. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

Note: In this condition:

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

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

- E1. 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.

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E2. Prior to the issue of an Occupation Certificate, the Applicant must submit, to the satisfaction of the Certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:
- (a) all stormwater drainage systems and storage systems
 - (b) public domain works including footpaths and associated infrastructure
- E3. The Certifier must provide a copy of the plans to Council with the Occupation Certificate.

NOTIFICATION OF OCCUPATION

- E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.
- E5. If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.

COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

- E6. Prior to the occupation or commencement of use, the Applicant must submit evidence to the satisfaction of the Certifier confirming consistency with the requirements of the Voluntary Planning Agreement applying to the site executed August 2019.

GFA AND BUILDING HEIGHT CERTIFICATION

- E7. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height (**condition B5**). Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- E8. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.
- E9. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

PROTECTION OF PUBLIC INFRASTRUCTURE

- E10. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
 - (c) infrastructure includes, but is 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.

MECHANICAL VENTILATION

- E11. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) any conditions of this consent;
 - (b) the NCC;
 - (c) any applicable Australian Standards; and
 - (d) any dispensation granted by Fire and Rescue NSW.

NOISE AND VIBRATION

- E12. Prior to the issue of the first occupation certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the operational noise management and mitigation measures required under this consent (**condition B16**).

OPERATIONAL WASTE MANAGEMENT PLAN

- E13. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan (OWMP) for the development and submit it to the Certifier. The OWMP must:
- (a) be consistent with the approved design of operational waste storage areas approved under **condition B37**;
 - (b) be prepared in consultation with Council;
 - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (d) provide confirmation of the engagement of a qualified waste collection contractor;
 - (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) detail the materials to be reused or recycled, either on or off site; and
 - (h) include the Management and Mitigation Measures listed at Attachment 3 of the EIS.

WASTE AND RECYCLING COLLECTION

- E14. Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No waste is to be placed on the public way eg. the roadways, footpaths, plazas, and reserves at any time.

POST-CONSTRUCTION DILAPIDATION REPORT

- E15. Prior to the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and
 - (b) where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and
 - (c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E16. Prior to the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

PROTECTION OF PUBLIC INFRASTRUCTURE

- E17. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- E18. Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

PROTECTION OF PROPERTY

- E19. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

ROAD DAMAGE

- E20. 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.

FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.
- E22. Prior to the issue of an Occupation Certificate, the Applicant must prepare an Emergency Response Plan (ERP) and Emergency Services Information Package (ESIP) in consultation with Fire and Rescue NSW and in accordance with Fire and Rescue NSW's requirements.

Note: Guidance on the preparation of the ERP and ESIP can be found at:
https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines_ESIP_and_TFP.pdf

STRUCTURAL INSPECTION CERTIFICATE

- E23. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

SIGNAGE ILLUMINATION

- E24. Prior to the commencement of use of the illuminated sign fronting Martins Lane, the Applicant must submit a sign illumination report from a suitably qualified practitioner to the Certifier that demonstrates the business identification signage is of a design, illumination intensity and operation that is consistent with the requirements of the latest version of AS 4282-2019 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997).

OUTDOOR LIGHTING

- E25. Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

STORMWATER AND FLOODING

- E26. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated all flood and drainage management and mitigation measures required under this consent (**condition B31**).
- E27. Prior to the issue of the first occupation certificate, the Applicant must submit to the satisfaction of the Certifier an updated Flood and Emergency Response Plan (FERP). The updated FERP must:
- (a) be prepared by a suitably qualified professional;
 - (b) be based on the *'BaptistCare, Carlingford – Flood Emergency Response Plan Revision 2'*, prepared by WMS Engineering and dated 04 December 2024; and
 - (c) incorporate all of the NSW State Emergency Services' recommended FERP amendments outlined in its letter titled *'State Significant Development Application for BaptistCare Carlingford Seniors Housing Ref: ID 2319'* and dated 5 March 2024.
- E28. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Stormwater Operation and Maintenance Plan (SOMP) to ensure the proposed stormwater quality measures remain effective. The SOMP must contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

UTILITY PROVIDERS

- E29. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.
- E30. 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.
- E31. Prior to the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

WIND MITIGATION

E32. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated the wind mitigation measures required under this consent (**condition B17**).

CPTED

E33. Prior to the issue of the first occupation certificate, the Applicant must provide documentation to the Certifier demonstrating the development has incorporated the crime prevention through environmental design management and mitigation measures required under this consent (**condition B14**).

PUBLIC ART

E34. Prior to the issue of any Occupation Certificate, the public art within the site must be installed / completed in accordance with the approved Public Art Plan (**condition B34**).

ENVIRONMENTAL PERFORMANCE AND BASIX

E35. Prior to the occupation or commencement of use, the Applicant must 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 (**condition B28 and B29**).

E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented (**condition B30**).

GREEN TRAVEL PLAN

E37. Prior to the issue of any Occupation Certificate, the Applicant must prepare a Green Travel Plan (GTP) in consultation with TfNSW to promote the use of active and sustainable transport modes. The GTP must be endorsed by TfNSW and:

- (a) be prepared by a suitably qualified traffic consultant;
- (b) include objectives and modes share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) include an Implementation Strategy incorporating measures to promote and support the implementation of the plan, financial and human resource requirements, specific management actions, roles and responsibilities for relevant employees involved in the implementation of the GTP;
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP; and
- (f) include an Implementation Strategy that commits to specific management actions, including travel surveys to identify travel behaviours of users of the development, operational procedures to be implemented along with timeframes.

Note: information on preparing GTP can be found on TfNSW's website <https://www.mysydney.nsw.gov.au/travelchoices/tgm>

TRANSPORT ACCESS GUIDE

E38. Prior to the issue of the Occupation Certificate, the Applicant must prepare a Transport Access Guide (TAG) in consultation with TfNSW. The TAG must be implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The TAG must be submitted to the satisfaction of the Certifier and is to include (but not be limited to) the following:

- (a) provide information about service routes and timetables for public transport as available on the Trip Planner transportnsw.info/
- (b) provide information advising that information about walking routes is available via the Trip Planner transportnsw.info/
- (c) update number and location of bicycle parking and End of Trip (EoT) facilities (showers, lockers, irons, ironing boards, towels, change rooms etc) and locate on map.
- (d) promote and provide information about any car-pooling or parking management options.

PARKING, LOADING AND UNLOADING

E39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the parking and infrastructure requirements of **conditions B20 and B20(g)**. In addition:

- (a) appropriate pedestrian advisory signs must be provided at the egress from parking areas;

- (b) signs must be erected within the loading / unloading areas confirming the service vehicle parking is for service vehicles only; and
- (c) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence of compliance with the bicycle parking and facility requirements of **condition B23**. In addition:
- (a) bicycle parking is to be located in easy to access, well-lit areas that incorporate passive surveillance;
 - (b) appropriate pedestrian and cyclist advisory signs are to be provided and bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas; and
 - (c) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E41. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
- E42. Prior to the issue of any Occupation Certificate, the eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' trees temporarily extracted from the site and transplanted in accordance with **condition C7**, must be transplanted back onto the site in accordance with the transplanted tree locations indicated in the Landscape Plan (condition **A2**) and monitored for a period of 18 months (**condition F24(b)**).

STREET NUMBERING

- E43. 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. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

SWIMMING POOL

- E44. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the swimming pool has been constructed in accordance with the relevant legislation and complies with section 120 of the POEA Act, which prohibits the pollution of waters.

MARTINS LANE FOOTPATH

- E45. Prior to the issue of any Occupation Certificate, the Certifier shall be satisfied that the Applicant has completed the footpath works along the western side of Martins Lane connecting Wulaba Place to Homelands Avenue. The footpath must align with the timing requirements of the voluntary planning agreement with regard to the land dedication and footpath works and all other requirements of the relevant consent.

SPRINKLER SYSTEM

- E46. Prior to the issue of an Occupation Certificate for the residential aged care facility a sprinkler system must be installed / completed in accordance with the requirements of **condition B36**.

HOUSING SEPP SCHEDULE 4

- E47. Prior to the issue of any Occupation Certificate, the Certifier shall be satisfied that the building layout and design is consistent with the relevant requirements of section 85 / Schedule 4 of the Housing SEPP, which were applicable at the time of lodgement of this SSDA (**condition B38**).

REGISTRATION OF EASEMENTS

- E48. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that 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.
- E49. Prior to the issue of any Occupation Certificate, an easement under section 88A and/or restriction or public positive covenant under section 88E of the Conveyancing Act 1919 naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for public access within and through the Martins Lane footpath connecting Wulaba Place to Homelands Avenue, must be registered on the Certificate of Title.
- E50. Prior to the issue of any Occupation Certificate, details of any capping / containment of contaminated land and the Long Term Environmental Management Plan (**condition C39**) must be registered on the Certificate of Title for the subject land under section 88 of the Conveyancing Act 1919.

RESTRICTION ON OCCUPATION (SENIORS HOUSING)

E51. Prior to the issue of any Occupation Certificate the Applicant must create a restriction as to the user under section 88E of the Conveyancing Act 1919 restricting the occupation of each Independent Living Unit and residential care unit approved under this consent to be solely used for the accommodation of:

- (a) seniors or people who have a disability as defined by the State Environmental Planning Policy (Housing) 2021;
- (b) people who live within the same household with seniors or people who have a disability; and
- (c) staff employed to assist in the administration and provision of services to housing provided under this policy.

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

E52. The instrument creating the restriction as to user required pursuant to **condition E51** 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.

FOOD ACT 2003

E53. The catering kitchen is to be designed and constructed in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises. Details of the design and construction of the premises are to be included in the documentation for the construction certificate to the satisfaction of the Certifier.

PLAN OF MANAGEMENT

E54. A Plan of Management (POM) is to be prepared and submitted to and approved by the Planning Secretary, prior to the issuing of an Occupation Certificate. The POM must include:

- (a) details of the social elements of the facility's operations, including any on-site or offsite management;
- (b) provision of information to residents which includes details and outlines issues and procedures (including how residents have the opportunity to participate in decision making processes, or raise issues, and how these are addressed);
- (c) provision of personal care services associated with domestic duties and accessing other services;
- (d) housekeeping / cleaning services;
- (e) provision of home delivered meals as required;
- (f) provision of transport services;
- (g) provision of safety and security across the site;
- (h) how communal spaces are proposed to be managed (including operating hours);
- (i) activity / social programs available to the residents to build relationships between new and existing residents;
- (j) maintenance and management of communal / public areas within the site; and
- (k) emergency response / assistance processes and procedures.

PART F OCCUPATION AND ONGOING USE

ANNUAL FIRE SAFETY STATEMENT

- F1. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

FIRE SAFETY CERTIFICATION

- F2. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F3. During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

WARM WATER SYSTEMS AND COOLING SYSTEMS

- F4. 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.

STORAGE AND HANDLING OF WASTE

- F5. All waste collection services must be undertaken in accordance with this consent.
- F6. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.
- F7. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.
- F8. Trade/commercial waste materials must not be disposed via Council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of the business.

RESIDENTIAL AGED CARE FACILITY

- F9. The residential aged care facility must be staffed and managed by suitably qualified personnel 24 hours a day, seven days a week.
- F10. A daily shuttle bus service must be available for residents of the development connecting the development to local shops, services, facilities and recreation areas on a daily basis. The bus service frequency (each day) and destination(s) shall be provided in order to meet demands of residents.

USE AND MANAGEMENT OF PARKING SPACES

- F11. The car spaces within the development are for the exclusive use of the occupants of the building and their visitors in accordance with the car parking tenure outlined at **condition B20**. The car spaces must not be leased to any person/company that is not an occupant of the building.

AMBULANCE ACCESS

- F12. Staff of the residential aged care facility must be available on-site 24 hours a day seven days a week to manage the arrival and departure of any ambulance or emergency vehicle arriving / departing from the site, including operating the two car park security roller shutters to allow vehicles to turn around and exit the site in a forward direction.

UNOBSTRUCTED DRIVEWAYS, PARKING AREAS AND LOADING DOCKS

- F13. All loading and unloading operations associated with the site must be carried out:
- (a) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (b) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.
- F14. All driveways, car parking spaces, service vehicle docks and parking bays must be kept clear of goods and unobstructed at all times. These spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips / waste storage or any other equipment and must be used solely for their intended purpose (i.e. parking, servicing, vehicular and/or pedestrian access) associated with the use of the premises.

USE OF COMMUNAL OPEN SPACE AND ANCILLARY AMENITIES

- F15. The use of the communal open space and the ancillary amenities (excluding cafés), may only be carried out between 7 am and 10 pm Monday to Sunday.
- F16. No amplified music shall be played within the central outdoor communal courtyard which gives rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.
- F17. The communal open space and the ancillary amenities (excluding cafes) shall only be used by residents, staff and their guests and shall not be available for use or hire by the general public.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

- F18. External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.
- F19. The use and operation of the premises must not give rise to an environmental health or public nuisance.
- F20. There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

MECHANICAL PLANT AND EQUIPMENT

- F21. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- F22. All plant and equipment used in the development, or used to monitor the performance of the development must be:
- maintained in a proper and efficient condition; and
 - operated in a proper and efficient manner.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F23. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, certification must be obtained demonstrating the Class 2 portions of the development, operating in accordance with this consent achieves a minimum 7 Star NatHERS rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

TREE MANAGEMENT

- F24. The following trees are to be monitored for a period of 18 months following the completion of works by a Diploma qualified (AQF Level 5) Arborist. The arborist must inspect the trees at a minimum, every 6 months and undertake any remedial works required to maintain tree vitality. The tree monitoring inspections, findings and any remedial works undertaken must be documented and provided to the satisfaction of the Planning Secretary upon completion of the monitoring period. In the event the subject trees die or substantially decline, they are to be replaced by advanced replacement tree of the same species (minimum pot size of 200L):
- Trees T1, T2, T3, T4, T5 and T6 identified in the '*Arboricultural Impact Assessment Revision D*', prepared by Creative Planning Solutions and dated 20 May 2024;; and
 - the eight juvenile *Eucalyptus saligna* 'Sydney Blue Gum' trees required to be transplanted in accordance with **condition E42**.

THROUGH SITE PEDESTRIAN ACCESS FROM MARTINS LANE TO BUILDING F

- F25. Pedestrian access shall be provided 24 hours a day, seven days a week for the life of the development from Martins Lane, through Building A and via the Level 2 courtyard to the Building F courtyard lift for all residents of the ILUs located on the top floor of Building F.

PUBLIC ACCESS

- F26. The following pedestrian through site links shall be publicly accessible 24 hours a day, 7 days a week for the life of the development. The through site links are to include lighting which meets the external Australian Standards:
- Wulaba Place to Martins Lane link along the southern side of Wulaba Place;
 - Martins Lane to Homelands Avenue link along the western side of Martins Lane;
 - Wulaba Place to Grace Street / Azile Court link through the western setback; and
 - Martins Lane to Grace Street / Azile Court link through the southern ecological zone.

OUTDOOR LIGHTING

- F27. All external lighting must:
- comply with AS/NZS 4282: 2019: Control of the obtrusive effects of outdoor lighting; and

- (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 Lighting for roads and public spaces.

BUSINESS IDENTIFICATION SIGN

- F28. The business identification sign approved by this development consent shall be installed in accordance with the design / specifications as shown on the architectural drawings listed at **condition A2** and must be continuously maintained in a structurally sound and tidy manner for the duration of the development.
- F29. The sign illumination must:
 - (a) be consistent with the requirements of **condition E24**
 - (b) be reduced in intensity / dimmed between 10 pm and 7 am;
 - (c) be reduced in intensity / dimmed, in the event that complaints are received by adjoining neighbours about the impact of light spill during the above noted illumination hours of operation.
 - (d) comply with the latest version of AS 4282-2019 – *Control of the obtrusive effects of outdoor lighting*.

HOUSING SEPP SENIORS LIVING ADVERTISING

- F30. All advertising, signage, marketing or promotion of the sale or rental of the Independent Living Units (ILU) in this development shall make clear reference to the fact that this is a State Environmental Planning Policy (Housing) 2021 development and that at least one occupier of each ILU shall be aged 60 years or over or have a disability.

LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

- F31. Upon completion of remediation works, the Applicant must manage the site in accordance with the LTEMP approved under **condition C39** and any on-going maintenance of remediation notice issued by EPA under *the Contaminated Land Management Act 1997*.

VEGETATION MANAGEMENT PLAN

- F32. The VMP approved under this consent (**condition B26**) must be implemented following occupation of the development and in perpetuity after that. The VMP must be kept consistent and reviewed and updated every 4 years in consultation with Council.

GREEN TRAVEL AND TRANSPORT ACCESS PLANS

- F33. The Green Travel Plan (GTP) and Transport Access Guide (TAG) approved under this consent (**conditions E37 and E38**) shall be implemented following occupation of the development. The GTP and TAG are to be reviewed and updated annually and made available to TfNSW and the Planning Secretary upon request.

IMPLEMENTATION OF THE VARIOUS OTHER OPERATIONAL MANAGEMENT PLANS

- F34. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following the issue of the occupation certificate:
 - (a) Operational Waste Management Plan (**condition E13**);
 - (b) Emergency Response Plan and Emergency Services Information Package (**condition E22**);
 - (c) Flood Emergency Response Plan (**condition E27**); and
 - (d) Stormwater Operation and Maintenance Plan (**condition E28**).

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

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

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

ROAD OCCUPANCY LICENCE

AN4. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SAFEWORK REQUIREMENTS

AN5. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

BARRICADE PERMIT

AN6. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

AN7. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- (a) architectural, construction and structural details of the design as well as any proposed artwork; and
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

HANDLING OF ASBESTOS

AN8. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

DISABILITY DISCRIMINATION ACT

AN9. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

AN10. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the NCC which references *AS 1428.1 – Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN11. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN12. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN12. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works can affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the Department's Major Projects website.
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under **condition D15** 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 D15**), the Applicant is required to submit a subsequent incident report that:
 - (a) identifies how the incident was detected;
 - (b) identifies when the Applicant became aware of the incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the incident; and
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.