

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I approve 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 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

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Keiran Thomas
Director
Regional Assessments

Sydney ## May 2023

SCHEDULE 1

Application No.:	DA 22/11444
Applicant:	Cornerstone Development Management Pty Ltd
Consent Authority:	Minister for Planning
Site:	60-64 Showground Road, Gosford Lots 1-4 SP 20095 and Lots 1-6 SP 20058
Development:	Mixed use development consisting of health services facility, retail premises, and a residential care facility (7 units) within a six (6) storey building with four (4) levels of basement parking, demolition, tree removal, associated earthworks and infrastructure.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Cornerstone Development Management Pty Ltd, or any person carrying out any development to which this consent applies
Application	The development application and the accompanying drawings, plans and documentation described at condition A2
BCA	Building Code of Australia
Certifier / Certifying Authority	A person who is authorised by or under Part 6 of the EP&A Act to issue Part 6 certificates
Construction	Any works, including earth and building works
Council	Central Coast Council
DAP	Gosford Design Advisory Panel
Department	NSW Department of Planning and Environment
Development	The development described in the SEE and RtS including the works and activities comprising construction, operation and post commencement of use, as modified by the conditions of this consent
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Feasible	Means what is possible and practical in the circumstances
GFA	Gross floor area
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
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: involves actual or potential harm to the health or safety of human beings 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
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee

Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions / RtS	Response to Submissions report and attachments, prepared by Metroplan Services and dated 11 January 2023
SEE	Statement of Environmental Effects prepared by Metroplan Services, Rev C, dated 12 August 2022
Sensitive receiver	Includes receivers R1, E1 and H1, as well as C1, C2 and C3, identified in the Acoustic Assessment prepared by RCA Australia, Rev 3, dated 16 December 2022
Site	The site as described at Schedule 1
TfNSW	Transport for NSW

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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 may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the SEE and Response to Submissions;
- (d) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Survey Plan prepared by Bissett & Wright			
Drawing No.	Revision	Title	Date
1	-	Surface Detail Plan	27/05/2021
Architectural Plans prepared by Elevation Architecture			
Drawing No.	Revision	Title	Date
A-DA-00.01	D	Context & Locality Plans	12/12/2022
A-DA-00.02	B	GFA Calculations	22/12/2022
A-DA-01.01	D	Site Plan	22/12/2022
A-DA-01.02	B	Existing Survey	04/03/2022
A-DA-01.03	A	Demolition Plan	21/07/2022
A-DA-01.04	A	Excavation Plan	21/07/2022
A-DA-03.01	H	Floor Plan – Basement 4	22/12/2022
A-DA-03.02	F	Floor Plan – Basement 3	04/03/2022
A-DA-03.03	F	Floor Plan – Basement 2	04/03/2022
A-DA-03.04	G	Floor Plan – Basement 1	04/03/2022
A-DA-03.05	J	Floor Plan – Ground Floor	22/12/2022
A-DA-03.06	G	Floor Plan – First Floor	04/03/2022
A-DA-03.07	F	Floor Plan – Second Floor	04/03/2022
A-DA-03.08	F	Floor Plan – Third Floor	04/03/2022
A-DA-03.09	F	Floor Plan – Fourth Floor	04/03/2022
A-DA-03.10	I	Floor Plan – Fifth Floor	22/12/2022
A-DA-04.01	F	Roof Plan	22/12/2022
A-DA-09.01	G	Elevations – North	22/12/2022
A-DA-09.02	G	Elevations – East	22/12/2022
A-DA-09.03	C	Elevations – South	22/12/2022
A-DA-09.04	D	Elevations – West	01/02/2023

A-DA-10.01	G	A Section A	02/02/2023
A-DA-10.02	H	B Section B	02/02/2023
A-DA-10.03	G	C Section C	02/02/2023
Landscape Drawings by Terras Landscape Architects			
Drawing No.	Revision	Title	Date
01	F	Ground Floor	07/03/2022
02	F	Ground Floor Retaining Wall	07/03/2022
05	F	First Floor	07/03/2022
06	F	Creeper Wall	07/03/2022
07	F	Fifth Floor Garden	07/03/2022
08	F	Fifth Floor Garden	07/03/2022
11	F	Podium Roof Garden	07/03/2022
Fire Services Plan Layout by Premium Fire Services			
Drawing No.	Revision	Title	Date
FS.01	A	Fire Services – Tenancy	19/12/2022
Erosion & Sediment Control Plan by ACOR Consultants (CC) Pty Ltd			
Drawing No.	Revision	Title	Date
E1	A	Erosion & Sediment Control Cover Sheet & Notes	14/06/2022
E2	A	Erosion & Sediment Control Plan	14/06/2022
E2	A	Erosion & Sediment Control Plan	14/06/2022
Stormwater Plan by ACOR Consultants (CC) Pty Ltd			
Drawing No.	Revision	Title	Date
C1	B	Cover Sheet & Notes	06/07/2022
C2	B	Stormwater Management Plan - Basement 4	06/07/2022
C3	B	Stormwater Management Plan - Basement 3	06/07/2022
C4	B	Stormwater Management Plan - Basement 2	06/07/2022
C5	B	Stormwater Management Plan - Basement 1	06/07/2022
C6	B	Stormwater Management Plan – Ground Floor	06/07/2022
C7	B	Stormwater Management Details Sheet No.1	06/07/2022
C8	B	Stormwater Management Details Sheet No.2	06/07/2022
C10	B	Stormwater Detention Report	06/07/2022
C11	B	Water Quality Report Sheet 1	06/07/2022
C12	B	Water Quality Report Sheet 2	06/07/2022
C13	B	Water Quality Report Sheet 3	06/07/2022
C14	B	Flood Summary	06/07/2022

- (f) generally in accordance with the following documents:
- (i) Access Report prepared by Lindsay Perry Access, Rev 1, dated 06 July 2022
 - (ii) Acoustic Assessment prepared by RCA Australia, Rev 3, dated 16 December 2022
 - (iii) Arborist Impact Assessment prepared by Michael Shaw Consulting Arborist, dated 03 August 2022
 - (iv) BASIX Certification, Certificate No. 1287197M_02, prepared by Chapman Environmental Services Pty Ltd, dated 20 July 2022
 - (v) BASIX Requirements Summary – Multi Dwelling, 60-64 Showground Road Gosford, NSW 2250, prepared by Chapman Environmental Services Pty Ltd (undated) (Nathers stamp)
 - (vi) Construction Traffic Management Plan prepared by Northern Transport Planning and Engineering Pty Ltd, dated 30 July 2022
 - (vii) Design Excellence Statement prepared by Elevation Architecture, Rev C, dated 22 December 2022
 - (viii) Electrical Infrastructure Report prepared by JHA Consulting Engineers, Rev A, dated 03 August 2022
 - (ix) Energy Efficiency Statement prepared by CES Chapman Environmental Services (undated)
 - (x) Geotechnical Investigations Report prepared by D&N Geotechnical Pty Ltd, dated 14 June 2021
 - (xi) Gosford Heath Hub Operational Management Plan prepared by Cornerstone Group (undated)
 - (xii) Nathers Certificate Summary, Certificate No. 0007108300, prepared by Chapman Environmental Services Pty Ltd, dated 09 March 2022
 - o Nathers Certificate Unit1, Certificate No. 0007108160-03, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 2, Certificate No. 0007108178-03, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 3, Certificate No. 0007108186-03, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 4, Certificate No. 0007108194-03, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 5, Certificate No. 0007108202-01, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 6, Certificate No. 0007108210-01, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - o Nathers Certificate Unit 7, Certificate No. 0007108228-01, prepared by Chapman Environmental Services Pty Ltd, dated 09 March
 - (xiii) Preliminary Site (Contamination) Assessment prepared by RCA Australia, Rev 0, dated 12 August 2022
 - (xiv) Response to request for further information Letter prepared by Metroplan Services, dated 11 January 2023
 - (xv) Statement of Environmental Effects prepared by Metroplan Services, Rev C, dated 12 August 2022
 - (xvi) Traffic Impact Assessment prepared by Northern Transport Planning and Engineering Pty Ltd, dated 11 January 2023
 - (xvii) Utilities Report prepared by ACOR Consultants (CC) Pty Ltd, dated 29 July 2022
 - (xviii) Visual Impact Assessment prepared by Terras Landscape Architects, Rev A, dated 02 August 2022

(xix) Waste Management Plan for 60 And 62-64 Showground Road Gosford (Lots 1-4 On SP 20095 And Lots 1-6 On SP 20058) – Proposed Mixed Use Development Including Integrated Health Hub Facility And Specialist Disability Accommodation, dated August 2022

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in A3(a) above.
- 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 this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent will lapse five years from the date of consent unless work is physically commenced.

Prescribed Conditions

- A6. 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

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A8. Unless otherwise agreed by the Planning Secretary, where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Combining and Updating Strategies, Plans or Programs

- A9. The Applicant may:
- (a) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans, including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (b) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans, including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development.
- A10. Any strategy, plan or program prepared in accordance with condition **A9**, where previously approved by the Planning Secretary under this consent, must be re-submitted to the satisfaction of the Planning Secretary.

- A11. If the Planning Secretary agrees or directs, a strategy, plan (including management plan, architectural or design plan), or program, may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A12. Updated strategies, plans (including management plan, architectural or design plan), or programs, supersede their previous versions and must be implemented in accordance with the relevant condition(s) which require(s) the strategy, plan, program or drawing.

External Walls and Cladding

- A13. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

- A14. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in condition **A2**. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier, provided that:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved, external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved, external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.

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 as at the date of this consent.
- A16. 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.

Access to Information

- A17. At least 48 hours before the commencement of construction and 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;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and

- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

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.

Incident Notification, Reporting and Response

- A19. The Applicant must notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, immediately after they become aware of any incident. The notification must identify the development (including the development application number and the name of the development, if it has one) and set out the location and nature of the incident.
- A20. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

- A21. The Applicant must notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they become aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they identify any non-compliance.
- A22. The notifications must identify the development and its application number, the condition of consent with which the development is non-compliant, the way in which it does not comply, the reasons for the non-compliance (if known), and the actions which have been, or will be, undertaken to address the non-compliance.
- A23. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

- A24. Within three months of:
- (a) the submission of an incident report under conditions **A19** and **A20**; or
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under condition **A2** which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A25. If necessary, to either, improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the completion of the review

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

TfNSW (Sydney Trains)

- A26. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- A27. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- A28. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

- A29. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- A30. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface, and they can be contacted via email on North_Interface@transport.nsw.gov.au.
- A31. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- A32. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Certifier is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

PART B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Appointment of Certifier

- B1. Prior to the issue of any relevant Construction Certificate, the Applicant must:
- (a) Appoint a Certifier in accordance with the relevant provisions of the EP&A Act and EP&A Regulation, and
 - (b) The Certifier must submit to the Planning Secretary and Council, an “Appointment of Certifier”.

Development Contributions

- B2. Prior to the issue of the first Construction Certificate, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act (former Section 94A). Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions prior to the issue of a Construction Certificate.
- B3. A Construction Certificate shall not be issued unless Council and the Planning Secretary have confirmed in writing, that all contributions have been paid.

Special Infrastructure Contributions

- B4. The Applicant must obtain a determination from the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018 (2018 Determination). The Applicant must do so before the time by which, a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, the Applicant must make a contribution in accordance with the Determination (as in force at the date of this consent).

A person may not apply for a construction certificate in relation to development the subject of this consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made, or that arrangements are in force for the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning and Environment.

More information

A request for assessment by the Department of Planning and Environment, of the amount of the special infrastructure contribution required under this condition, can be made through the NSW Planning Portal (<https://www.planning.nsw.gov.au/Plans-for-your-area/Infrastructure-funding/Special-Infrastructure-Contributions>). Refer to <https://www.planningportal.nsw.gov.au/applicant-resources> – Our Applicant Services – Special Infrastructure Contributions (SIC) for how to submit an SIC request through the Portal, and refer to <https://www.planning.nsw.gov.au/Plans-for-your-area/Infrastructure-funding/Special-Infrastructure-Contributions/Gosford-City-Centre-SIC> for further information on SICs and Gosford City Centre. Please refer queries to SICContributions@planning.nsw.gov.au.

Building Code of Australia Compliance

- B5. The proposed works must comply with the applicable Performance Requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity, for the ongoing benefit of the community. Compliance with the Performance Requirements can only be achieved by:

- (a) compliance with the Deemed to Satisfy Provisions of the BCA; or
- (b) Performance Solution which demonstrates:
 - (i) compliance with all relevant Performance Requirements of the BCA or
 - (ii) the solution is at least equivalent to the Deemed to Satisfy Provisions; or
- (c) a combination of **B5 (a) and (b)** above.

Prior to the issue of the first Construction Certificate, a report detailing compliance with the BCA must be submitted to the satisfaction of the Certifier.

Operational Waste Storage and Processing

- B6. Prior to the issue of any Construction Certificate which includes the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the waste storage area:
- (a) is constructed using solid, non-combustible materials;
 - (b) includes a cold water supply with a hose through a centralised mixing valve; and
 - (c) is naturally ventilated, or an air handling exhaust system is in place.

Car Parking and Service Vehicle Layout

- B7. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) 225 on-site car parking spaces are included for use during operation of the development, and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
 - (c) eight (8) of the above car parking spaces and one (1) visitors spaces are to be nominated for residential use only;
 - (d) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2;
 - (e) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed; and
- B8. Prior to the issue of any relevant Construction Certificate, the following design details for the secure bicycle parking and motorcycle parking, must be submitted to the Certifier for approval:
- (a) the provision of a minimum of 14 bicycle parking spaces and 3 motorcycle spaces within the basement;
 - (b) the provision of a minimum of 7 bicycle parking within the front setback of the development ;
 - (c) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities – Bicycle parking*.

Roadworks and Access

- B9. Prior to the issue of any relevant Construction Certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority for approval.

Building Materials

- B10. The building materials used on the facades of the buildings shall have a maximum, normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with those requirements is to be submitted to the satisfaction of the Certifier prior to the issue of any relevant Construction Certificate for above ground façade works.
- B11. Prior to the issue of any relevant Construction Certificate, a report/statement demonstrating compliance with the recommendations for the roof, floors, walls, glazed doors and windows outlined in the

Acoustical Assessment Rev. 3, prepared by RCA Acoustics, dated 16 December 2022, is to be submitted to the satisfaction of the Certifier.

Disability Access

B12. The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the Disability Discrimination Act 1992 (Cth);
 - (b) the Disability (Access to Premises – Buildings) Standards 2010; and
 - (c) the BCA,
- (together, the ‘relevant provisions’).

Prior to the issue of any relevant Construction Certificate, the Applicant must provide the Certifier with appropriate plans and specifications demonstrating compliance with the above instruments, and that the works proposed as part of the Development will comply with the relevant provisions, in accordance with the approved use, as housing for people with a disability.

A copy of the documents relied upon, shall be referenced in the Construction Certificate

BASIX

B13. The BASIX Commitments and specifications outlined in the BASIX certificate shall be shown on the Construction Certificate plans. The plans are to be amended prior to the issue of a Construction Certificate.

Housing SEPP 2021

B14. Prior to the issue of any relevant Construction Certificate, appropriate plans and specifications demonstrating compliance of the development with the standards outlined in Schedule 4 of *State Environmental Planning Policy (Housing) 2021* are to be submitted to the Certifier for approval.

Safer by Design

B15. Prior to the issue of any relevant Construction Certificate, the Applicant must provide plans to the satisfaction of the Certifier, to implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies, to minimise the opportunities for crime:

- (a) provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and public spaces
- (b) paint the ceiling of the car park, white
- (c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
- (d) design the development to avoid foot holes or natural ladders, to minimise unlawful access to the premises
- (e) provide signage within the development, to identify all facilities, entry / exit points and direct movement within it
- (f) install a system of Closed Circuit Television of a type, and in locations on the site, which will record high-quality images of all public areas on the site.

Amendments to Plans

B16. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that each one bedroom unit is afforded with 6m³ of dedicated storage space and each two bedroom unit has 8m³ of storage space as required by the Apartment Design Guide.

B17. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that Mailboxes are to be provided in an accessible location in the Main Entrance of the building.

Crane Construction

B18. Prior to the issue of any Construction Certificate, consultation with the Chief Executive of the relevant Local Health District must be obtained and the installation and construction of a crane must have regard to the Safeguarding Strategically Important Helicopter Landing Sites in NSW.

The location and height of any cranes at the subject site and associated construction equipment must not exceed the height specified by the Chief Executive of the relevant Local Health District.

Evidence of consultation and must be provided to the Planning Secretary prior to the issue of any Construction Certificate.

Shoring for Adjoining Public Land

- B19. Where shoring will be located on or will support Council/public property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Planning Secretary and Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.
- B20. Council/public property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council/public property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Certifier. A copy of these details must be forwarded to the Planning Secretary and Council for information prior to any work being commenced.

Landscaping

- B21. Prior to the issue of a Construction Certificate, landscape plans and specifications, must be provided to the Certifier. The landscape plans, and specifications, must be prepared by a suitably qualified Landscape Architect/Designer and must include the following:
- (a) A proposed plant schedule indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers and the size of the containers at planting
 - (b) A specification for the soil volume, soil depth and soil area that meets the prescribed standards in Table 5 Minimum Soil Standards for Plant Types and Sizes on page 116 of the Apartment Design Guide prepared by the NSW Department of Planning and Environment (July 2015) for all proposed tree plantings with an expected mature height of five (5) metres or greater.
 - (c) A specification ('Fit-for-purpose' performance description) for soil type .
 - (d) Tree planting densities that do not exceed the prescribed soil volume and area required for plant type and certification.
- B22. Construction details showing substrate depth, drainage and waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens are to be provided by a suitably qualified structural engineer, be to the satisfaction of the Certifier, and accompany an application for a Construction Certificate.
- B23. Prior to the issue of a Construction Certificate, a Vegetation Management Plan must be submitted to the satisfaction of the Certifier. The Vegetation Management Plan must:
- (a) Show the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees
 - (b) Show that all trees planted will be a minimum 45 litre container size
 - (c) Show that all shrubs planted will have a minimum 200mm container size
 - (d) Show that all trees/shrubs planted within the site will be of an adequate root volume and maturity so as not to require staking or mechanical support
 - (e) Identify that all trees are to be grown in accordance with AS2303:2015 (Tree stock for landscape use)
 - (f) Include post-transplantation aftercare maintenance and duration of the maintenance.
 - (g) Include a maintenance schedule with regular maintenance checks, weed removal, replacement planting and other maintenance to ensure ongoing maintenance and life of landscaping in perpetuity.

TfNSW (Sydney Trains)

B24. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):

- i. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- iii. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- iv. Detailed Survey Plan showing the relationship of the proposed development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- v. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- vi. If required by Sydney Trains, a Monitoring Plan

The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B25. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

B26. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B27. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied

B28. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

B29. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Certifier must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.

Supply of Electricity

- B30. Prior to the issue of a construction certificate, the nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

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PART C – PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing, of the dates of the intended commencement of construction and operation, at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified, in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified, practising Structural Engineer which demonstrate compliance with the consent.

Demolition

- C4. Prior to the commencement of construction, demolition work plans required by *AS 2601-2001 The demolition of structures (Standards Australia, 2001)* must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

External Walls and Cladding

- C5. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use, or used in the construction of external walls, including finishes and claddings, such as synthetic or aluminium composite panels, comply with the requirements of the BCA.
- C6. The Applicant must provide a copy of the documentation given to the Certifier under condition **C5**, to the Planning Secretary, within seven days after the Certifier accepts it

Protection of Public Infrastructure

- C7. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services which are likely to be affected by the development, to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council

Pre-Construction Dilapidation Report

- C8. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Pre-Construction Survey – Adjoining Properties

- C9. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of buildings that are likely to be impacted by the development.
- C10. Where the offer for a pre-construction survey is accepted (under condition **C9**), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert, prior to the commencement of vibration generating works which could impact on the identified buildings.
- C11. Prior to the commencement of any vibration generating works which could impact on the buildings surveyed under condition **C10**, the Applicant must:

- (a) provide a copy of the relevant survey to the owner of each building surveyed, in the form of a Pre-Construction Survey Report;
- (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
- (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Environmental Management Plan Requirements

C12. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to, the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) an unexpected finds protocol for contamination and an associated communications procedure to ensure that potentially contaminated material is appropriately managed;
- (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and an associated communications procedure;
- (d) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in those areas of the site;
- (e) Construction Traffic and Pedestrian Management Sub-Plan (see condition **C14**);
- (f) Construction Noise and Vibration Management Sub-Plan (see condition **C15**);
- (g) Construction Waste Management Sub-Plan (see condition **C16**); and
- (h) Construction Soil and Water Management Sub-Plan (see condition **C17**).

The Applicant must not commence construction of the development until the CEMP is approved by the by the Planning Secretary.

C14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be submitted to Council for approval, be prepared to achieve the objective of ensuring safety and efficiency of the road and pedestrian network, and address, but not be limited to, the following:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council;

- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C15. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in the EPA's Interim Construction Noise Guideline (DECC, 2009);
 - (c) describe the measures to be implemented to manage high, noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include a complaints management system implemented for the duration of construction;
 - (e) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition **C13**.
 - (f) is to predict noise and vibration at the nearest receivers based on proposed plant.
 - (g) the efficacy of sound blankets or hoarding around the construction site is to be investigated as a noise barrier to protect the amenity of adjacent and nearby receivers
 - (h) impacted receivers to be consulted regarding the nature and timing of the works, including predicted noise and vibration impacts at their property and the mitigation measures that will be adopted.
 - (i) nearby receivers are also to be provided with a site contact to direct any noise or vibration complaints.
 - (j) any complaints received will be investigated and measurements will be undertaken and compared to predictions made in the CNVMP. If the measurements are not in line with predictions made, additional reasonable and feasible mitigation measures will be investigated.
 - (k) plant will be selected with consideration to the sound and vibration output. Selected plant will not be any larger than what is required to undertake the activity.
 - (l) sound barriers (either plywood hording or sound barrier mats hung from site fencing) will be erected around the site perimeter to extend to at least 1.8 m above ground level
- C16. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste, comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) which must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004), commonly referred to as the 'Blue Book';
 - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
 - (d) provide a plan of how all construction works will be managed in wet-weather events (i.e., storage of equipment, stabilisation of the Site);
 - (e) detail all off-site flows from the Site; and

- (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, the 1 in 5-year ARI and 1 in 100-year ARI.

Soil and Water

C18. Prior to the commencement of construction, the Applicant must:

- (a) install erosion and sediment controls on the site to manage wet weather events; and
- (b) divert existing, clean surface water around operational areas of the site. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004), commonly referred to as the 'Blue Book'.

Construction Parking

C19. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Stormwater Management System

C20. Prior to the commencement of the relevant construction stage / commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the SEE;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016), and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; and
- (e) be designed not to exceed the capacity of the Central Coast Highway stormwater drainage system

Building Over Sewer

C21. Prior to the commencement of any work involving building over and/or adjacent to sewer mains, the Applicant must Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent to Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

Contamination

C22. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) shall be prepared by a suitably qualified and experienced expert. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the protocol includes details of who will be responsible for implementing the unexpected finds protocol and the roles and responsibilities of all responsible parties. The UFP must be submitted to the satisfaction of Certifier and implemented for the duration of construction works.

C23. Details demonstrating compliance with the requirements of condition **C22** must be submitted to the Certifier. A copy of the documentation required by condition **C22** must be submitted to the Planning Secretary.

Public Domain Works

C24. Prior to the commencement of works, a separate application must be lodged, and consent obtained from Council, for any works within the road reserve pursuant to section 138 of the *Roads Act 1993* (NSW). Consent must be obtained, or other satisfactory arrangements confirmed in writing, from Council.

Water Efficiency

- C25. Prior to the issue of the relevant Construction Certificate, the following details must be submitted for the approval of the Certifier:
- (a) All toilets installed within the development must be of water efficient, dual flush capacity or vacuum design with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).
 - (b) All taps and shower heads installed must be water efficient with at least a 4-star rating under the WELS, where available.

TfNSW (Sydney Trains)

- C26. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

Construction Certificate

- C27. A copy of the Construction Certificate is to be forwarded to the Planning Secretary and Council for information prior to any work being commenced.

PART D – DURING CONSTRUCTION OR WORKS

Site Notice

- D1. A site notice(s) must be prominently displayed at the boundaries of the site during construction, for the purpose of informing the public of project details, and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must be 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints, must be displayed on the site notice(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing, and state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner. Works, including the operation of all plant and equipment, are not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)* or the Noise Policy for Industry (2017, NSW EPA).

Approved Plans to be On-Site

- D3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times, and be readily available for perusal by any officer of the Department, Council or the Certifier.

Demolition

- D4. 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 condition **C4**.

Construction Hours

- D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays, inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.

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

- D6. Construction activities may be undertaken outside of the hours in condition **D5**, 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; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing, by the Planning Secretary or his nominee, if appropriate justification is provided for the works.
- D7. Notification of such construction activities as referenced in condition **D6** must be given to affected residents before undertaking the activities, or as soon as practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9 am to 12 noon, Mondays to Fridays;
 - (b) 2 pm to 5 pm Mondays to Fridays; and
 - (c) 9 am to 12 noon, Saturdays.

Implementation of Management Plans

- D9. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Hoarding Requirements

- D10. The following hoarding requirements must be complied with:

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

No Obstruction of Public Way

- D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips, or the like, under any circumstances.

Construction Noise Limits

- D12. 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 Construction Noise and Vibration Management Plan.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work under condition **D5**.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' (or comparable technology) to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition **D15**.
- D17. The limits in conditions **D15** and **D16** apply, unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP, required by condition **C15** of this consent.

Tree Protection

- D18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms part of this consent, or prior written approval from Council is obtained, or it is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the property boundaries, must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the Landscape Plans prepared by Terras Landscape Architects dated 17 March 2022; and
 - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required by the arborist. The removal of tree protection measures, following

completion of the works, must be carried out under the supervision of a qualified arborist and avoid both, direct mechanical injury to the structure of the tree, and soil compaction within the canopy, or the limit of the former protective fencing, whichever is the greater.

Air Quality

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust, including emission of windblown, or traffic generated dust;
 - (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 in the vicinity of the Site used by trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Fill

- D21. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

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

Emergency Management

- D23. The Applicant must prepare and implement awareness training for employees and contractors, including locations of assembly points and evacuation routes, for the duration of construction.

Unexpected Finds Protocol – Aboriginal Heritage

- D24. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
 - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
 - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) managed by Heritage NSW, and the management outcome for the site is to be included in the information provided to AHIMS;
 - (d) the Applicant must consult with Aboriginal community representatives, archaeologists and Heritage NSW, to develop and implement management strategies for all objects/sites; and
 - (e) works shall recommence only with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

- D25. If any unexpected archaeological relics are uncovered during the work:
- (a) all works must cease immediately in that area and notice given to Heritage NSW and the Planning Secretary within two business days;
 - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area, as determined in consultation with Heritage NSW; and
 - (c) works may recommence only with the written approval of the Planning Secretary.

Waste Storage and Processing

- D26. All waste generated during construction must be secured and maintained within designated waste storage areas on the site, at all times and must not leave the site onto neighbouring public or private properties.
- D27. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*.
- D28. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D29. The Applicant must record the quantities of each waste type generated during construction, and the proposed reuse, recycling and disposal locations, for the duration of construction.
- D30. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility, are in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Shoring and Adequacy of Adjoining Properties

- D31. If development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the Applicant must, at their own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

TFNSW (Sydney Trains)

- D32. Sydney Trains advises there are 11kV & 66kV High Voltage Aerial Transmission Line near the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:
 - i. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
 - ii. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.
 - iii. “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”
- D33. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- D34. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- D35. The Applicant/Developer shall not at any stage block the corridor access gate on Showground Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.

PART E – PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Works as Executed Plans

- E2. Prior to the issue of the first Occupation Certificate, works-as-executed drawings signed by a registered surveyor, demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, and that all works have been carried out within the property boundaries, must be submitted to the Certifier.

Stormwater Drainage Design Plan(s)

- E3. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Certifier and the Council prior to the issue of any Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer, or Registered Surveyor experienced in the design of stormwater drainage systems.

External Walls and Cladding

- E4. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls, including finishes and claddings, such as synthetic or aluminium composite panels, comply with the requirements of the BCA.
- E5. The Applicant must provide a copy of the documentation given to the Certifier under condition **E4**, to the Planning Secretary within seven days after the Certifier accepts it.

Developer Contributions

- E6. Prior to issue of the first Occupation Certificate, the Certifier must confirm that there are no outstanding infrastructure contributions or levies.

Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions; and from the Department, confirming the payment of the Special Infrastructure Contributions, prior to the issue of an Occupation Certificate. An Occupation Certificate shall not be issued unless Council has confirmed in writing that all contributions have been paid.

Height Certification

- E7. A Registered Surveyor is to certify that the height of the building does not exceed RL 35.474 m AHD, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details shall be provided to the Certifier demonstrating compliance with this condition, prior to the issue of any Occupation Certificate.

Post-Construction Dilapidation Report

- E8. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. The report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to ascertain whether the construction created any damage to heritage items in the vicinity of the site;
 - (c) to be submitted to the Certifier, who, in ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions **C8** and **E8**; and
 - (ii) have written confirmation from the relevant authority, that there is no adverse structural damage to the authority's infrastructure and roads.

- (d) to be forwarded to Council for information.

Repair of Public Infrastructure

- E9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) remove any redundant existing vehicular crossing (or section thereof), at no cost to Council;
 - (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) repair immediately to the satisfaction of Council, or pay the full costs associated with repairing, any public infrastructure, including but not limited to all public footways, foot paving, kerbs, gutters and road pavement, damaged by the carrying out of the development.

*Note: This condition does not apply to any damage to roads otherwise addressed by contributions required by condition **B2** of this consent.*

Protection of Property

- E10. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing, any property damaged as a result of the carrying out of the development.

Utilities and Services

- E11. Prior to the issue of any Occupation Certificate, a compliance certificate under the section 307 of the *Water Management Act 2000 (NSW)*, must be obtained from Council and submitted to the Certifier.
- E12. Prior to the issue of the Occupation Certificate, written advice shall be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provision of adequate services to each approved lot.

Roadworks and Access

- E13. Prior to the issue of any Occupation Certificate, the Applicant must complete the construction of all proposed driveways, car parking and service vehicle parking / loading / unloading areas to the satisfaction the Certifier.

Fire Safety Certification

- E14. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all of the Essential Fire or Other Safety Measures forming part of this consent; and be prominently displayed in the building. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council.

Mechanical Ventilation

- E15. Prior to the issue of any relevant Occupation Certificate, the Applicant must provide evidence to the satisfaction of the Certifier, that the installation and performance of the mechanical ventilation systems comply with:
- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings, AS3666 – Microbial Control of Air Handling and Water Systems of Building, and other relevant codes to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- E16. Prior to the issue of any relevant Occupation Certificate, or other timeframe agreed to in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier, which demonstrates that:
- (a) the car-parking, service vehicle areas and bicycle parking facilities comply with conditions **B7** and **B8**;
 - (b) way-finding signage and signage identifying the location of staff car parking has been installed;
 - (c) appropriate pedestrian and cyclist advisory signs, including way-finding signage that directs cyclists from footpaths to designated bicycle parking areas, have been provided;

- (d) all works/regulatory signposting associated with the proposed development have been undertaken at no cost to the relevant roads authority; and
- (e) The bicycle parking spaces are located in easy to access, well-lit areas which incorporate passive surveillance.

Structural Inspection Certificate

- E17. Prior to the commencement of occupation 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 (contact the approval authority for specific electronic format) must be submitted to the approval authority and the Council, after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked against those listed on the final Design Certificate/s.

Warm Water Systems and Cooling Systems

- E18. The installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010 (NSW)) must comply with the *Public Health Act 2010 (NSW)*, *Public Health Regulation 2012 (NSW)*, *Part 1 (or Part 3, if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance*, and the *NSW Health Code of Practice for the Control of Legionnaires' Disease*.

Outdoor Lighting

- E19. Prior to the issue of any Occupation Certificate, the Applicant must submit evidence, from a suitably qualified practitioner to the Certifier which demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers, and:
- (a) provides at least 20 lux at ground level to pathways;
 - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (c) has been mounted, screened and directed in such a manner that it avoids glare for pedestrians and does not create a nuisance to surrounding properties or the public road network

Landscaping

- E20. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in condition **A2**, as amended by any conditions of this consent .
- E21. Prior to the commencement of operation, the Applicant must Provide the Certifier with written certification from a suitably qualified Landscape Architect/Designer certifying that landscaping has been implemented in accordance with the approved landscape plan(s) listed in condition **A2**, as amended by any conditions of this consent.

Parking and Signage

- E22. All parking and loading bays are to be permanently marked on the pavement surface, with loading bays and visitor parking facilities clearly indicated by signs, prior to occupation of the building.
- E23. The vehicular entrance and exit driveways and the direction of traffic movement within the site, are to be clearly indicated by means of reflective signs and pavement markings. The traffic and parking signs, line markings and required traffic and safety devices, as indicated in the approved architectural plans and traffic report, are to be completed prior to occupation of the site.

Screening

- E24. All external items of air conditioning plant are to be screened or positioned in such a manner so as not to detract from the visual presentation of the building.

Building Code of Australia (BCA) Compliance

- E25. Prior to the issue of any relevant Occupation Certificate, evidence must be provided to the satisfaction of the Certifier, that the proposed works have been completed in accordance with the Building Code of Australia (BCA) and condition **B5**.

Restriction on use

E26. Prior to commencement of occupation of any part of the development approved pursuant to this consent, or prior to the issue of an Occupation Certificate, the Applicant must execute an instrument under the *Conveyancing Act 1919 (NSW)*, for the following restrictive covenants, with Council as the sole beneficiary and with the sole authority to release and modify the covenants, and which must be registered on the title of the site.

The approved development is to be occupied only by:

- (a) people who have a disability as defined by the provisions of State Environmental Planning Policy (Housing) 2021;
- (b) people who live in the same household as with such people as defined in sub-clause (a) above; and
- (c) staff employed to assist in the administration of, and provision of services to, housing provided in the development.

E27. The instrument required by condition **E26**, shall be prepared by the Applicant at its own expense, duly executed by the Applicant, or the owner of the property, and submitted to the Council for approval. The Applicant shall pay the costs of the instrument and provide proof of registration of the instrument to the Council, prior to occupation, or issue of an Occupation Certificate.

Crime Prevention Through Environmental Design

E28. Prior to the issue of an Occupation Certificate, the Applicant must provide to the satisfaction of the Certifier, evidence that the development has implemented the CPTED strategies outlined in condition **B15**.

Medical Waste

E29. Medical wastes shall be disposed of by an authorised waste disposal contractor. Contractor details are to be submitted to the Certifier before the issue of an Occupation Certificate.

TfNSW (Sydney Trains)

E30. Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifier and Council certifying that the completed development:

- (a) Includes noise attenuation methods and recommendations specified in the acoustic assessment prepared by RCA Australia, Rev 3, dated 16 December, and
- (b) meets the requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021* and *Development Near Rail Corridors and Bus Roads - Interim Guidelines*.

The report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

E31. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

BASIX

E32. Pursuant to section 75 of the EP&A Regulation, it is a condition of this consent, that all the commitments listed in the BASIX certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

PART F – POST OCCUPATION / ONGOING CONDITIONS

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

Warm Water Systems and Cooling Systems

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010 (NSW)*) must comply with the *Public Health Act 2010 (NSW)*, *Public Health Regulation 2012 (NSW)*, Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance*, and the *NSW Health Code of Practice for the Control of Legionnaires' Disease*.

Unobstructed Driveways and Parking Areas

- F3. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment. They must be used solely for vehicular and/or pedestrian access and the parking of vehicles associated with the use of the premises.

Landscaping

- F4. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Vegetation Management Plan required by condition **B23** for the duration of occupation of the development.

Hours of Operation

- F5. The hours of operation of the medical service facilities and retail shall be 7:00 am to 7:00 pm everyday.

APPENDIX 1 – ADVISORY NOTES

General

AN1. 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.

Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation Helpline on telephone 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Utilities and Services

AN4. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

Road Design and Traffic Facilities

AN5. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN6. A Road Occupancy Licence must be obtained from the relevant road authority for any works which impact on traffic flows during construction activities.

SafeWork Requirements

AN7. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel; and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN8. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserves.

Handling of Asbestos

AN9. 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 (NSW), particularly, Part 7 – 'Transportation and management of asbestos waste', must be complied with.

Fire Safety Certificate

AN10. The owner must submit to Council, an Annual Fire Safety Statement, every 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 – WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary via compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given even if the Applicant fails to give the notification required under Conditions **A19, A20, A21, A22** or **A23**, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.