

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-15822622-Mod-1	14 November 2023	Team Leader	Design Changes to Building C3, including: <ul style="list-style-type: none">increase in the GFA of Unit 1603 by 7 m² through the removal of the southern-facing balconyminor decrease in GFA of the Level 15 Communal Room area by 10 m²amendments to roof lights on level 15 and 16
SSD-15822622-Mod-2	5 August 2024	Executive Director	Amendments to Building C2 and to conditions.
SSD-15822622-Mod-3	14 November 2024	Team Leader	Amendments to Building C4.1 and C4.2 and to conditions.

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

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

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

I, the Minister for Planning, approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

The Hon. Anthony Roberts MP
Minister for Planning

Sydney

2022

SCHEDULE 1

Application Number:	SSD 15822622
Applicant:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	Ivanhoe Estate, Macquarie Park (Lot 100 DP1262209)
Development:	<p>Stage 2 development application for the redevelopment of the Ivanhoe Estate, including:</p> <ul style="list-style-type: none">• excavation and earthworks• construction of a community facilitates building (Building C2) and two residential apartment buildings (Building C3 and Building C4) with basement car parking:<ul style="list-style-type: none">- Building C3 with 162 dwellings, 163 car parking spaces and ground floor retail- Building C4 with 488 <u>480</u> dwellings and 396 <u>382</u> car parking spaces• construction of Village Green public open space• utilities, services infrastructure and public domain areas.

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DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form part of this consent
Applicant	NSW Land and Housing Corporation, or any person carrying out any development to which this consent applies
AHD	Australian Height Datum
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised to issue certificates or to certify under Part 6 of the EP&A Act
Community Facility	<p>The community facility that is required to be operated in Building C1 and Building C2 under Condition D45 of this consent, which includes the:</p> <ul style="list-style-type: none"> - upper ground floor of Building C2; and - the community room and office within Building C1 (approved under SSD 8903).
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	City of Ryde Council
Crown Building Works Certificate	A certificate issued by or on behalf of the Crown in accordance with section 6.28 of the EP&A Act
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising site preparation works, construction of community facilities and residential buildings, landscaping and public domain works, and stratum subdivision as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Ivanhoe Estate Stage 2, prepared by Ethos Urban Pty Ltd, dated 26 August 2021, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
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	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Means what is possible and practical in the circumstances
Incident	<p>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</p> <p>Note: "material harm" is defined in this consent</p>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	<p>Is harm that:</p> <ul style="list-style-type: none"> • 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)

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Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant works is undertaken, published by the Australian Building Codes Board
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TfNSW	Transport for New South Wales
Town Square	Refers to the public open space as defined in the approved Public Open Space Diagram under Condition A2(d)

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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, and any rehabilitation required under this consent.

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) in accordance with the EIS, Response to Submissions and additional information;
 - (d) in accordance with the approved plans in the table below.
 - (e) in accordance with the following modification applications:
 - (i) the Section 4.55(1A) application prepared by Ethos Urban dated 13 September 2023 appendices.
 - (ii) the Section 4.55(1A) application prepared by Ethos Urban dated 14 September 2023, as modified by the submissions reports dated 6 February 2024 and 19 April 2024.
 - (iii) the Section 4.55(1A) application prepared by Ethos Urban dated 26 September 2023 (SSD-15822622-MOD-3)

Building C2 – Village Green and Community Centre			
Architectural Drawings prepared by Chrofi			
Drawing No.	Revision	Name of Plan	Date
A-A-001	08 12	Cover Page	04/08/24 23/06/23
A-A-002	44 12	Site Plan	16/08/22 23/06/23
A-A-101	40 12	Basement Plan	16/08/22 23/06/23
A-A-102	44 12	Lower Ground Plan	16/08/22 23/06/23
A-A-103	44 13	Upper Ground Plan	16/08/22 13/12/23
A-A-104	44 12	Roof Plan	16/08/22 23/06/23
A-A-201	44 12	Elevations 1	16/08/22 23/06/23
A-A-202	44 12	Elevations 2	16/08/22 23/06/23
A-A-203	40 12	Elevations 3	16/08/22 23/06/23
A-A-301	40 12	Section A and B	16/08/22 23/06/23
A-A-302	44 12	Section C and D	16/08/22 23/06/23
A-A-303	44 12	Section E	16/08/22 23/06/23
A-A-304	44 12	Section F	16/08/22 23/06/23
A-A-401	40 13	GFA	21/02/22 13/12/23
A-A-601	08 12	Material Finishes	04/08/24 23/06/23

Building C3			
Architectural Drawings prepared by Studio Johnston			
Drawing No.	Revision	Name of Plan	Date
A-001-001	DA-2	Title Sheet	07/02/22

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A-100-003	DA-2	Site Plan	07/02/22
A-110-000	DA-2	Ground Level	07/02/22
A-110-001	DA-2	Level 01	07/02/22
A-110-002	DA-2	Level 02	07/02/22
A-110-003	DA-2	Level 03	07/02/22
A-110-004	DA-2	Level 04	07/02/22
A-110-005	DA-2	Level 05	07/02/22
A-110-006	DA-2	Level 06	07/02/22
A-110-007	DA-2	Level 07	07/02/22
A-110-008	DA-2	Level 08	07/02/22
A-110-009	DA-2	Level 09	07/02/22
A-110-010	DA-2	Level 10	07/02/22
A-110-011	DA-2	Level 11	07/02/22
A-110-012	DA-2	Level 12	07/02/22
A-110-013	DA-2	Level 13	07/02/22
A-110-014	DA-2	Level 14	07/02/22
A-110-015	DA-2 A	Level 15	07/02/22 03/07/23
A-110-016	DA-2 A	Level 16	07/02/22 03/07/23
A-110-017	DA-2	Roof Plan	07/02/22
A-110-B01	DA-2	Basement 1	07/02/22
A-110-B02	DA-2	Basement 2	07/02/22
A-110-B03	DA-2	Basement 3	07/02/22
A-111-001	DA-2	Adaptable Apartments	07/02/22
A-210-001	DA-2 A	North Elevation	07/02/22 03/07/23
A-210-002	DA-2 A	South Elevation	07/02/22 03/07/23
A-210-003	DA-2	East Elevation	07/02/22
A-210-004	DA-2	West Elevation	07/02/22
A-310-001	DA-2	Section DD	07/02/22
A-310-002	DA-2	Section EE	07/02/22
A-600-000	DA-2	GFA Diagrams 1	07/02/22
A-600-001	DA-2 A	GFA Diagrams 2	07/02/22 03/07/23
A-730-002	DA-2	Cross Ventilation Diagrams	07/02/22

Building C4			
Architectural Drawings prepared by Cox Architecture			
Drawing No.	Revision	Name of Plan	Date
A-DA-0100	3 4	Cover Sheet	18/05/22 24.08.2023
A-DA-1100	2 3	Site Plan	28/01/22 24.08.2023
A-DA-2050	2 3	Basement 3 Plan	28/01/22 24.08.2023
A-DA-2051	2 3	Basement 2 Plan	28/01/22 24.08.2023
A-DA-2052	2 3	Basement 1 Plan	28/01/22 24.08.2023
A-DA-2100	2 3	Ground Floor Plan	28/01/22 24.08.2023
A-DA-2101	2 3	Level 1 Plan	28/01/22 24.08.2023
A-DA-2102	2 3	Level 2 Plan	28/01/22 24.08.2023
A-DA-2103	2 3	Level 3 Plan	28/01/22 24.08.2023
A-DA-2104	2 3	Level 4 Plan	28/01/22 24.08.2023
A-DA-2105	2 3	Level 5 Plan	28/01/22 24.08.2023
A-DA-2106	2 3	Level 6 Plan	28/01/22 24.08.2023

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A-DA-2107	2 <u>3</u>	Level 7 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2108	2 <u>3</u>	Level 8 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2109	2 <u>3</u>	Level 9 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2110	2 <u>3</u>	Level 10 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2111	2 <u>3</u>	Level 11 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2112	2 <u>3</u>	Level 12 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2113	2 <u>3</u>	Level 13 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2114	2 <u>3</u>	Level 14 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2115	2 <u>3</u>	Level 15 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2116	2 <u>3</u>	Level 16 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2117	2 <u>3</u>	Level 17 Plan – Roof Plan	28/01/22 <u>24.08.2023</u>
A-DA-2118	2 <u>3</u>	Level 18 Plan – Sky Garden	28/01/22 <u>24.08.2023</u>
A-DA-2119	2 <u>3</u>	Level 19 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2120	2 <u>3</u>	Level 20 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2121	2 <u>3</u>	Level 21 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2122	2 <u>3</u>	Level 22 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2123	2 <u>3</u>	Level 23 Plan	28/01/22 <u>24.08.2023</u>
A-DA-2124	2 <u>3</u>	Roof Plan	28/01/22 <u>24.08.2023</u>
A-DA-3000	2 <u>3</u>	North Elevation	28/01/22 <u>24.08.2023</u>
A-DA-3001	2 <u>3</u>	East Elevation	28/01/22 <u>24.08.2023</u>
A-DA-3002	3 <u>4</u>	South Elevation	28/01/22 <u>24.08.2023</u>
A-DA-3003	2 <u>3</u>	West Elevation	28/01/22 <u>24.08.2023</u>
A-DA-3004	2 <u>3</u>	East Elevation – Social Tower	28/01/22 <u>24.08.2023</u>
A-DA-3005	2 <u>3</u>	West Elevation – Market Tower	28/01/22 <u>24.08.2023</u>
A-DA-3006	2 <u>3</u>	North Elevation – Market Townhouses	28/01/22 <u>24.08.2023</u>
A-DA-4000	2 <u>3</u>	Sections	28/01/22 <u>24.08.2023</u>
A-DA-4001	2 <u>3</u>	Sections	28/01/22 <u>24.08.2023</u>
A-DA-4002	2 <u>3</u>	Sections	28/01/22 <u>24.08.2023</u>
A-DA-8300	2 <u>3</u>	ADG Compliance – Solar and Cross Ventilation	28/01/22 <u>24.08.2023</u>
A-DA-8301	2 <u>3</u>	ADG Compliance – Solar and Cross Ventilation	28/01/22 <u>24.08.2023</u>
A-DA-8302	2 <u>3</u>	ADG Compliance – Solar and Cross Ventilation	28/01/22 <u>24.08.2023</u>
A-DA-8400	2 <u>3</u>	Adaptable and Liveable Silver Level Apartments	28/01/22 <u>24.08.2023</u>

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A-DA-9000	2 <u>3</u>	Development Calculations (Areas <u>GFA</u>)	28/01/22 <u>24.08.2023</u>
A-DA-9001	2 <u>3</u>	Development Calculations (Areas <u>GFA</u>)	28/01/22 <u>24.08.2023</u>
A-DA-9002	2 <u>3</u>	Development Calculations (Areas <u>GFA</u>)	28/01/22 <u>24.08.2023</u>
A-DA-9003	2 <u>3</u>	Development Calculations (Storage <u>GFA</u>)	28/01/22 <u>24.08.2023</u>
A-DA-9004	2 <u>4</u>	Development Calculations (Storage <u>GFA</u>)	28/01/22 <u>12.04.2024</u>
A-DA-9005	2	Development Calculations (Storage)	28/01/22
<u>A-DA-9015</u>	<u>1</u>	<u>Development Calculations (Storage)</u>	<u>24.08.2023</u>
<u>A-DA-9016</u>	<u>1</u>	<u>Development Calculations (Storage)</u>	<u>24.08.2023</u>
<u>A-DA-9017</u>	<u>1</u>	<u>Development Calculations (Storage)</u>	<u>24.08.2023</u>
<u>A-DA-9018</u>	<u>1</u>	<u>Development Calculations (Storage)</u>	<u>24.08.2023</u>
<u>A-DA-9019</u>	<u>1</u>	<u>Development Calculations (Storage)</u>	<u>24.08.2023</u>

Building C2 – Village Green and Community Centre			
Landscape Drawings prepared by McGregor and Coxall			
Drawing No.	Revision	Name of Plan	Date
LD-SK-01	G	<u>Materials Plan</u> - Roof Level	2/01/22 <u>21/06/23</u>
LD-SK-02	G	<u>Materials Plan</u> - Street Level	2/01/22 <u>10/07/23</u>
LD-SK-03	G	<u>Materials Plan</u> - Park Level	2/01/22 <u>10/07/23</u>
LD-SK-04 <u>LD-SK-02</u>	-	<u>Materials Plan</u> - Deep Soil Plan	-

Building C3			
Landscape Drawings prepared by McGregor and Coxall			
Drawing No.	Revision	Name of Plan	Date
LD-SK-00	C	Cover Page	-
LD-SK-01	C	Ground Level	02/07/21
LD-SK-02	C	Level 01	02/07/21
LD-SK-03	B	Level 05	31/05/21
LD-SK-04	C	Level 06	02/07/21
LD-SK-05	B	Level 10	31/05/21
LD-SK-06	C	Level 11	02/07/21
LD-SK-07	C	Level 15	02/07/21
LD-SK-08	C	Level 16	02/07/21
LD-SK-09	C	Level 05-06 Detail	02/07/21
LD-SK-10	C	Level 10-11 Detail	02/07/21
LD-SK-11	C	Planting Palette	02/07/21

Building C4			
Landscape Drawings prepared by Hassell			
Drawing No.	Revision	Name of Plan	Date
HSL-C4-1001	002 <u>004</u>	General Arrangement - Ground	17/02/22 <u>29/06/2023</u>
HSL-C4-1002	002 <u>004</u>	General Arrangement – Roof Plan	17/02/22 <u>29/06/2023</u>
HSL-C4-3001	002 <u>004</u>	Sections	02/02/22 <u>29/06/2023</u>
HSL-C4-3002	002 <u>004</u>	Sections	17/02/22 <u>29/06/2023</u>
Page 32 <u>HSL-C4-4001</u>	004 <u>004</u>	Material Schedule of Exterior Finishes	<u>29/06/2023</u>
<u>HSL-C4-5001</u>	<u>004</u>	<u>Planting Schedules</u>	<u>29/06/2023</u>
Page 34 <u>HSL-C4-5002</u>	004 <u>004</u>	Planting Schedules	<u>29/06/2023</u>
Page 35 <u>HSL-C4-5003</u>	004 <u>004</u>	Planting Schedules	<u>29/06/2023</u>
Page 36 <u>HSL-C4-5004</u>	004 <u>004</u>	Planting Schedules	<u>29/06/2023</u>

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Page 37 HSL-C4-5005	004 004	Planting Schedules	29/06/2023
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Subdivision Plans prepared by Beveridge Williams			
Drawing No.	Revision	Name of Plan	Date
Sheet 1 of 13	48B-19	Stratum Subdivision Block C1 and C2 Basement 3	16/02/22 02/05/24
Sheet 2 of 13	48B-19	Stratum Subdivision Block C1 and C2 Basement 2	16/02/22 02/05/24
Sheet 3 of 13	48B-19	Stratum Subdivision Block C1 and C2 Basement 1	16/02/22 02/05/24
Sheet 4 of 13	48B-19	Stratum Subdivision Block C1 and C2 Lower Ground Floor	16/02/22 02/05/24
Sheet 5 of 13	48B-19	Stratum Subdivision Block C1 and C2 Upper Ground Floor	16/02/22 02/05/24
Sheet 6 of 13	48B-19	Stratum Subdivision Block C1 and C2 Level 1	16/02/22 02/05/24
Sheet 7 of 13	48B-19	Stratum Subdivision Block C1 and C2 Level 2	16/02/22 02/05/24
Sheet 8 of 13	48B-19	Stratum Subdivision Block C1 and C2 Levels 3 and 4	16/02/22 02/05/24
Sheet 9 of 13	48B-19	Stratum Subdivision Block C1 and C2 Levels 5 to 12	16/02/22 02/05/24
Sheet 10 of 13	48B-19	Stratum Subdivision Block C1 and C2 Level 13	16/02/22 02/05/24
Sheet 11 of 13	48B-19	Stratum Subdivision Block C1 and C2 Levels 14 to 19	16/02/22 02/05/24
Sheet 12 of 13	48B-19	Stratum Subdivision Block C1 and C2 Roof Level	16/02/22 02/05/24
Sheet 13 of 13	48B-19	Stratum Subdivision Block C1 and C2 Proposed Easements	16/02/22 02/05/24
Sheet 1 of 7	I	Stratum Subdivision Block C3 Basement 2 and Below	15/07/22
Sheet 2 of 7	I	Stratum Subdivision Block C3 Basement 1	15/07/22
Sheet 3 of 7	I	Stratum Subdivision Block C3 Ground Level	15/07/22
Sheet 4 of 7	I	Stratum Subdivision Block C3 Levels 01 – 15	15/07/22
Sheet 5 of 7	I	Stratum Subdivision Block C3 Level 16	15/07/22
Sheet 6 of 7	I	Stratum Subdivision Block C3 Level 17 and Above	15/07/22
Sheet 7 of 7	I	Stratum Subdivision Block C3 Proposed Easement Listing	15/07/22
Sheet 1 of 9 7	B F	Stratum Subdivision Block C4 Basement 3	04/08/21
Sheet 2 of 9 7	B F	Stratum Subdivision Block C4 Basement 2	04/08/21
Sheet 3 of 9 7	B F	Stratum Subdivision Block C4 Basement 1	04/08/21
Sheet 4 of 9 7	B F	Stratum Subdivision Block C4 Ground Floor Level	04/08/21
Sheet 5 of 9 7	B F	Stratum Subdivision Block C4 Level 1	04/08/21
Sheet 6 of 9 7	B F	Stratum Subdivision Block C4 Level 2 to 16 and above	04/08/21
Sheet 7 of 9 7	B F	Stratum Subdivision Block C4 Level 17 Roof Easements	04/08/21
Sheet 8 of 9	B	Stratum Subdivision Block C4 Level 18 – 23	04/08/21
Sheet 9 of 9	B	Stratum Subdivision Block C4 Level 24 (Roof)	04/08/21

Public Open Space Diagram prepared by Frasers Property
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Sheet No.	Revision	Name of Plan	Date
Sheet 1 of 1	-	Public Open Space Diagram	04/03/2022

- 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; and
 - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)** or **Condition A2(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **Condition A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.
- A6. Separate development consent is required for the fit-out, **and including** any associated signage for the Community Facility, gymnasium, swimming pool, the Mission Australia Offices and retail premises **(except where exempt and/or complying development applies)**.
- A7. This consent does not authorise the dedication of the land comprising the Village Green to Council.

PRESCRIBED CONDITIONS

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

- A9. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

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

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

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

DESIGN INTEGRITY

- A13. Necessary arrangements must be implemented by the Applicant to ensure Chrofi (Building C2), Studio Johnston (Building C3) and Cox Architecture (Building C4) are engaged in the design documentation phase to ensure the integrity design quality of the development is maintained through the construction phase to completion of the building works.

OPERATION OF PLANT AND EQUIPMENT

- A14. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A16. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

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

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

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A18. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A19. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

NON-COMPLIANCE NOTIFICATION

- A20. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A21. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A22. 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

- A23. Within three months of:
- (a) the submission of a compliance report under Condition B6 and B8;
 - (b) the submission of an incident report under Condition A18;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under Condition A3 which requires a review;

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

- A24. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

CONSOLIDATED CONSENT

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

SWIMMING POOL

A25. The public swimming pool must be designed, installed and operated in accordance with the:

- (a) Swimming Pools Act 1992 & Swimming Pools Regulation 2018
- (b) Australian Standard AS 1926.1-2012 Swimming Pool Safety
- (c) Public Health Act 2010 & Public Health Regulation 2012

FOOD AND DRINK PREMISES

A26. The design, fit out and operation of any food areas must comply with the Food Act 2003 (including Standard 3.2.3 of the Australian and New Zealand Food Standards Code), all relevant Australian Standards including AS 4674 – 2004: Design, Construction and Fit-out of Food Premises, and the relevant provisions of the NCC. Details of compliance must be prepared by a suitably qualified Food Safety Consultant and submitted to the Certifier prior to the fit-out of any food premises.

Note: Any food premises must be registered with Council prior to commencement of any food business operations.

PART B PRIOR TO COMMENCEMENT OF WORKS/ISSUE OF A CROWN BUILDING WORKS CERTIFICATE/ISSUE OF SUBDIVISION WORKS CERTIFICATE /ISSUE OF A CONSTRUCTION CERTIFICATE

Note: Any reference to Crown Building Works Certificate throughout this consent is to be taken to also be a reference to Construction Certificate or Subdivision Works Certificate

CROWN BUILDING WORK

- B1. Crown building work cannot be commenced unless the relevant Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
 - (b) in the absence of tenders, the date on which the Crown building work commences or a Construction Certificate is issued.

NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B3. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

BUILDING CODE OF AUSTRALIA COMPLIANCE

- B4. The approved works must comply with the applicable performance requirements of the BCA/NCC 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) complying with the deemed to satisfy provisions; or
 - (b) formulating an alternative solution which:
 - (i) complies with the performance requirements; or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
 - (iii) a combination of (a) and (b).

ACCESS TO INFORMATION

- B5. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMPLIANCE REPORTING

- B6. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

- B7. The Pre-Construction Compliance Report must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
 - (b) the expected commencement date for construction.
- B8. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- B9. The Construction Compliance Reports must include:
- (a) a results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;
 - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
 - (f) a summary of all incidents notified in accordance with this consent; and
 - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

COMPLIANCE

- B10. 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.

COMPLAINTS AND ENQUIRIES PROCEDURE

- B11. Prior to the commencement of construction works for each building, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
 - (b) a postal address to which written complaints and enquiries may be sent; and
 - (c) an email address to which electronic complaints and enquiries may be transmitted.

COMMUNITY COMMUNICATION STRATEGY

- B12. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.
- B13. The Community Communication Strategy must:
- (a) identify people to be consulted during the design and construction phases;
 - (b) include the telephone number, postal address and email required in **Condition B11**
 - (c) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
 - (d) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
 - (e) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and

- (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

B14. Details demonstrating compliance with **Condition B11** and **Condition B12** must be submitted to the Certifying Authority and the Planning Secretary no later than one month before the commencement of any work.

EXTERNAL WALLS AND CLADDING

- B15. The external walls of all buildings must comply with the relevant requirements of the BCA/NCC.
- B16. Before the issue of a Crown Building Works Certificate or Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority 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/NCC.
- B17. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

PRE-CONSTRUCTION DILAPIDATION REPORT

- B18. The Applicant is to engage a suitably qualified structural engineer to prepare a Pre-Construction Dilapidation Report, detailing the current structural condition of all existing adjoining buildings, infrastructure and roads, being Building C1 and the surrounding road network, noting that if they remain under construction at the time of the preparation of such report, that the report will provide a record of the condition of the building/road at that point in time. The report shall be submitted to the Certifying Authority and Council, prior to issue of a Crown Building Works Certificate or Construction Certificate, or any works commencing, whichever is earlier.

GROSS FLOOR AREA (GFA) CERTIFICATION

- B19. The GFA of Building C2 must not exceed ~~1,624~~ **1,527 m²**. The GFA of Building C3 must not exceed 15,000 m². The GFA of Building C4 must not exceed ~~37,758~~ **37,462** m².

Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Crown Building Works Certificate or Construction Certificate for each building.

- B20. Prior to the issue of the first Crown Building Works Certificate, or the first construction certificate, for the Community Facility the Applicant must provide the Certifying Authority with evidence that demonstrates, to the satisfaction of the Certifying Authority, that the GFA of the Community Facility across both Building C1 (approved under SSD 8903) and Building C2 will be at least 700 m².

MAXIMUM HEIGHT

- B21. The maximum height of Building C2 must not exceed RL 64.7 m AHD. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Crown Building Works Certificate or Construction Certificate.
- B22. The maximum height of Building C3 must not exceed RL 105.9 m AHD. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Crown Building Works Certificate or Construction Certificate.
- B23. The maximum height of Building C4 must not exceed RL ~~101.4~~ **101.7** m AHD to the top of the north-western tower, RL ~~121.6~~ **122** m AHD to the top of the south-eastern tower, and RL ~~58.68~~ **59.42** m AHD to the top of the three storey townhouses. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of any Crown Building Works Certificate or Construction Certificate.

TREE PLANTING

- B24. A minimum of ~~280~~ **267** new trees are to be planted comprising:
- (a) 90 trees within the Building C2 and Village Green site
 - (b) 20 trees within the Building C3 site
 - (c) ~~170~~ **157** trees within the Building C4 site.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the commencement of the relevant works.

SCHEDULE OF MATERIALS

- B25. Prior to the commencement of works for each building, a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifying Authority with the application for the relevant Crown Building Works Certificate or Construction Certificate for each building.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B26. All performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Assessment, prepared by Acoustic Logic, dated 16 July 2021, revision 7, must be implemented as part of the detailed design assessment and implemented into the design drawings for each building. Details demonstrating compliance must be submitted to the Certifying Authority.
- B27. Prior to the commencement of construction work for each building, plans shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of the Environmental Noise Impact Assessment (prepared by Acoustic Logic, reference number 2021325.1/1607AR7/GW, dated 16 July 2021) with regard to construction methodology.

COMPLIANCE WITH WIND IMPACT ASSESSMENT

- B28. Prior to the commencement of relevant construction work for each residential building, plans shall be submitted to the Certifying Authority demonstrating compliance with the recommendations of Environmental Wind Tunnel Study, prepared by SLR, reference number 610.30337-R02-v1.0, dated 24 December 2021.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B29. The detailed design of the development must incorporate the environmental sustainability objectives, measures and initiatives outlined in the Midtown Stage 2 Sustainability Report, prepared by Frasers Property, dated July 2021.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

- B30. The Applicant must submit to the satisfaction of the Certifying Authority evidence demonstrating that the development will achieve a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia).

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

ABORIGINAL CULTURAL HERITAGE

- B31. Prior to the commencement of construction work, a copy of the final Aboriginal Cultural Heritage Assessment Report must be provided to all Registered Aboriginal Parties.

REFLECTIVITY

- B32. The visible light reflectivity from building materials used for each building shall reflect the assumptions made within the Solar Reflection Screening Analysis prepared by RWDI (dated 8 July 2021) being a maximum of 20% for glazing, between 20% and 80% for glass railings and other materials having negligible specular reflectivity and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the commencement of the relevant works for each building.

OUTDOOR LIGHTING

- B33. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

ROAD OCCUPANCY LICENCE

- B34. Where required, a Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B35. Prior to the commencement of any works, the Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) for the development and be submitted to the Certifying Authority. The CEMP must be prepared in consultation with Council. The CEMP must:
- (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
 - (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - (c) include a Dust Management Plan
 - (d) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - (e) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - (g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
 - (h) include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies;
 - (i) management of groundwater during construction;
 - (j) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and
 - (k) include arrangements for community consultation and complaints handling procedures during construction.

The **CEMP** must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Prior to the commencement of works, a copy of the CEMP must be submitted to the Planning Secretary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

- B36. Prior to the commencement of any works, a **Construction Pedestrian and Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TfNSW (Sydney Coordination Office), and TfNSW (RMS).

The CPTMP shall address (but not be limited to):

- (a) location of the proposed work zone;
- (b) haulage routes;
- (c) construction vehicle access and traffic control arrangements;
- (d) proposed construction hours;
- (e) estimated number of construction vehicle movements (including cumulative impacts from Stage 1);
- (f) any changes required to on-street parking;
- (g) construction program;
- (h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;

- (i) cumulative construction impacts of projects considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network. Information relating to cumulative construction impacts to be sourced from TfNSW (Sydney Coordination Office);
- (j) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;
- (k) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts;
- (l) measures to encourage public transport use and other non-car travel options by construction workers.

Prior to the commencement of works, a copy of the CPTMP demonstrating compliance with the above must be submitted to TfNSW and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B37. Prior to the commencement of any works, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of the EPA. The CNVMP shall address (but not be limited to):
- (a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*
 - (b) identify nearby sensitive receivers and land uses;
 - (c) identify the noise management levels for the project;
 - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
 - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;
 - (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Stage 2 DA Acoustic Assessment, prepared by Acoustic Logic, dated July 2021
 - (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
 - (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the **CNVMP** demonstrating compliance with the above must be submitted to the Planning Secretary.

AIR QUALITY AND ODOUR MANAGEMENT PLAN

- B38. Prior to the commencement of any works, an **Air Quality and Odour Management Plan (AQOMP)** must be prepared and submitted to the Certifying Authority. The **AQOMP** must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated soils including, but not limited to:
- (a) staged excavation to limit the surface area of exposed odorous material;
 - (b) application of odour suppressants;
 - (c) effective covering of stockpiles and truckloads of excavation spoil; and
 - (d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.

The **AQOMP** must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.

CONSTRUCTION WASTE MANAGEMENT PLAN

- B39. Prior to the commencement of any works and prior to the issue of any Crown Building Works Certificate or Construction Certificate for each building, the Applicant must prepare a **Construction Waste Management Plan (CWMP)**. A copy of the plan must be provided to the Certifying Authority and Council. The **CWMP** must include, but is not limited to, the following information:

- (a) the estimated volume or weight of materials that will be reused, recycled or removed from the site;

- (b) on-site material storage areas during construction;
- (c) materials and methods used during construction to minimise waste;
- (d) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
- (e) nomination of the end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal; and
- (f) identification within the CWMP of the responsibility for the transferral of waste and recycling bins within the property to the collection point.

All requirements of the approved **CWMPs** must be implemented during the excavation and construction of the development.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN

- B40. A **Construction Soil and Water Management Plan (CSWMP)** must be prepared prior to the commencement of works to manage soil and water impacts during construction of the development. The **CSWMP** must be prepared in consultation with Council and a copy provided to Council, prior to the issue of a Crown Building Works Certificate or Construction Certificate for each building.

The **CSWMP** must be prepared in accordance with the provisions of the "Blue Book" Part 1 [Landcom (2004) Managing Urban Stormwater: Soils and Construction, 4th edition]. The **CSWMP** must consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage and include, but not be limited to:

- (a) location and extent of all necessary sediment and erosion control measures for the site;
- (b) catchment plan;
- (c) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s). Requirements for sediment basins are specified below;
- (d) all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
- (e) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems. Requirements for dewatering are specified below;
- (f) identification and management of any stormwater run-on to the site from adjacent sites;
- (g) location of any temporary stockpiles (soil, spoil, topsoil or otherwise) and accompanying sediment and erosion control measures;
- (h) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds; and
- (i) a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.

A Sediment Basin is required for every catchment discharging from the site as part of any **CSWMP**. Sediment basin(s) are to be designed as follows:

- (a) according to the NSW Blue Book (section 6.3.4 and Appendix E). The calculations of the sediment basin size must be submitted with the **CSWMP**;
- (b) using type D soils (unless otherwise demonstrated by an analysis of site soils by a qualified geotechnical);
- (c) for all events up to the peak flow rate from the 1 in 10-year ARI event for the site for the 5-day rainfall event; and
- (d) to include a gypsum flocculent to be added to the sediment basin in accordance with Appendix E of the Blue Book.

GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN

- B41. The development of Building C3 and Building C4 involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the Applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation:

- (a) Certification that the civil and structural details of all subsurface structures are designed to:
 - (i) provide appropriate support and retention to neighbouring property;

- (ii) ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
 - (iii) ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to limit seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- (b) A **Geotechnical Monitoring Plan (GMP)** to be implemented during construction that:
- (i) is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
 - (ii) details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - (iii) details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
 - (iv) details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP demonstrating compliance with the above is to be submitted to the Certifying Authority prior to the issue of any Crown Building Works Certificate or Construction Certificate for each building.

DESIGN OF RETAINING WALLS

- B42. Any proposed retaining wall must be designed in accordance with the requirements of the detailed geotechnical report. All proposed retaining walls including the footings, shall be located within private property and not be located within any proposed public road corridor. Details confirming compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

Note: Footings are to be installed within the property boundary and not encroach into any proposed public road reserve

UTILITY SERVICES

- B43. Prior to the commencement of work for each building, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure, if required.
- B44. Prior to the commencement of work for each building, written advice or certified designs must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- B45. To minimise the opportunity for crime in accordance with CPTED principles, the recommendations provided in the CPTED Report, prepared by Ethos Urban, dated July 2021, shall be incorporated in the architectural plans prior to the prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

CONTAMINATION

- B46. Prior to the commencement of any works, an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be provided to the Certifying Authority. The UFP must be implemented for the duration of construction works.

NO OBSTRUCTION OF THE PUBLIC DOMAIN WITHOUT A WORKS PERMIT

- B47. Prior to the issue of a Subdivision Works Certificate, Crown Building Works Certificate or Construction Certificate if required, the Applicant must obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site.

BASIX CERTIFICATION

- B48. The development must be implemented and all BASIX commitments thereafter maintained in accordance with:
- (a) Building C3: BASIX Certificate No. ~~1207739M_05~~ [1207739M_09](#)

- (b) Building C4: BASIX Certificate No. ~~1199962M_06~~ 1199962M_07.

An updated certificate must be issued if amendments are made.

The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Crown Building Works Certificate or Construction Certificate plans for each building.

SYDNEY WATER REQUIREMENTS

- B49. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Crown Building Works Certificate or Construction Certificate for each building.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

- B50. All toilets installed as part of the approved works must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B51. All taps and shower heads installed as part of the approved works must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B52. New urinal suites, urinals and urinal flushing control mechanisms installed as part of the approved works must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.
- B53. Urinals must include 'smart controls' to reduce unnecessary flushing in publicly accessible bathrooms. Continuous flushing urinal systems are not approved. Details demonstrating compliance with the requirement are to be submitted to the Certifying Authority prior to the commencement of the relevant works.

SANITARY FACILITIES FOR DISABLED PERSONS

- B54. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA/NCC. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.

ADAPTABLE HOUSING

- B55. Prior to issue of the relevant Crown Building Works Certificate or Construction Certificate for each building, the Certifying Authority is to ensure that the overall Stage 2 development has been designed to accommodate a minimum of 5% adaptable residential apartments/dwellings (excluding social dwellings) and that the requirements are referenced on the relevant Crown Building Works Certificate drawings. In addition, information shall be provided confirming:
- (a) the required number of units are able to be adapted for people with a disability in accordance with the BCA/NCC; and
 - (b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

ACCESS FOR PEOPLE WITH DISABILITIES

- B56. Access and facilities for people with disabilities must be designed in accordance with the BCA/NCC. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

MECHANICAL VENTILATION

- B57. All mechanical ventilation systems shall be designed and installed in accordance with the BCA/NCC and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the buildings and to ensure environment protection. Details demonstrating compliance shall be submitted to the Certifying Authority prior to the commencement of relevant works.

NUMBER OF CAR PARKING SPACES

- B58. A minimum of 19 car parking spaces are to be provided for Building C2 within the Building C1 basement approved under SSD 8903, consisting of 12 car parking spaces for the pool and gym and 7 car parking spaces for the community facility. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.
- B59. A maximum of 145 residential car parking spaces, 8 visitor car parking spaces and 10 retail car parking spaces are to be provided for Building C3. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.
- B60. ~~A maximum of 396 residential car parking spaces (263 market and 108 social), including 25 visitor car parking spaces are to be provided for Building C4. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.~~

A maximum of 382 car parking spaces allocated as follows:

- (a) Building C4.1 (Market Tower): 248 residential and 14 visitor spaces
- (b) Building C4.2 (Social Tower): 106 residential and 10 visitor spaces
- (c) Community Housing Provider Office: 4 spaces

The 10 visitor spaces allocated to the social housing tower must only be used by social housing tenant visitors. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

LAYOUT OF INTERNAL PARKING AREAS

- B61. The layout of the proposed car parking areas within each residential building (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

NUMBER OF BICYCLE PARKING SPACES

- B62. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the bicycle parking numbers must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate.

Bicycle parking allocation: Building C2	Number
Visitors	24
Bicycle parking allocation: Building C3	Number
Residential	162
Staff	4
Visitors	10
Bicycle parking allocation: Building C4.1 and C4.2	Number
Residential	488 482
Visitors	10

FACILITIES FOR CYCLISTS

- B63. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015*. Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

WASTE STORAGE ROOMS

- B64. The waste storage rooms within each residential building shall be constructed to comply with all the relevant provisions of Council's Development Control Plan 2014, including:
- (a) the size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;

- (b) the floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) the walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) the room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

GARBAGE CHUTES

- B65. All garbage chutes must be designed in accordance with the requirements of the BCA/NCC and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each residential building.

GROUNDWATER DESIGN

- B65A** The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in a report to be provided to NRAR with the application for the authorisation. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

- B66. Contaminated groundwater—i.e. constituent concentrations above appropriate National Environment Protection (Assessment of Site Contamination) Measure (NEPM 2013) thresholds—shall not be reinjected into any geological formation. The reinjection system design, if proposed, and treatment methods to remove contaminants shall be nominated and included in a report to be provided to NRAR with the application for the authorisation. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building..

GROUNDWATER TAKE AND LICENSING

- B67. Water access licences and sufficient water entitlements must be held prior to the commencement of any works which would result in the groundwater take exceeding 3ML exemption limit. This includes both permanent entitlements for ongoing water take, and entitlements for any additional take during construction.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

LANDSCAPING

- B68. A Bush Regenerator shall review the proposed planting palettes/schedules for the development to ensure the site landscaping/planting associated with Building C2, Building C3 and Building C4 uses native species of local provenance.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

- B69. Detailed landscape plans and details drawn to scale, and technical specification, by a registered landscape architect must be prepared and submitted to the Planning Secretary.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

VERTICAL TRANSPORTATION SERVICES DESIGN REQUIREMENTS

- B70. The vertical transportation services within Building C4 shall be designed to comply with the average waiting times and handling capacities as summarised in the Traffic Analysis Outcome Performance Levels for Building C4 table, prepared by Donnelley Simpson Cleary, dated 5 August 2020, reference 8162/AB1.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

BUILDING C4 AMENDMENTS

- B71. Prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate, amended architectural plans for Building C4, ~~prepared in consultation with the Government Architect NSW~~, shall be submitted to the satisfaction of the Certifier and approved by the Planning Secretary, addressing the following:
- ~~(a) centrally locate the office/reception desk in Lobby B of Building C4.2, to provide a direct line of sight from the lobby entrance~~
 - ~~(b) amend the structural wall in Lobby A of Building C4.2 to columns, to provide greater flexibility and use of space~~
 - ~~(c) provide a breakout area from the corridor on Levels 4, 7, 10, 13, 16, 19, 20 of Building C4.1, to improve the amenity of the corridor~~
 - ~~(d) provide high level glazing to the bathrooms of Building C4.2 at the north/west brick blade element with consideration of public artwork~~
 - ~~(e) provision of a covered communal open space on the rooftop of Building C4.2~~
 - ~~(f) investigate opportunity to improve access to the office/reception desk in Lobby B, for residents in the northern side of Building C4.2~~
 - (g) include sliding screens and/or fencing to the terraces of Unit C4.2-LG.03 and Unit C4.2-GF.02 to provide visual privacy and screening for the occupants of the studio units.
 - ~~(h) include sliding screens and/or fencing to the terrace of Unit C4.2-LG.01 to provide visual privacy and screening from the central courtyard and pathways.~~
 - (i) include details of landscape buffering to provide visual screening and privacy to the ground floor units Level 1 units facing the central courtyard

~~Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.~~

WASTE MANAGEMENT

- B72. Prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate, amended plans and amended Waste Management Plans, prepared in consultation with Council, shall be submitted to the satisfaction of the Certifier and approved by the Planning Secretary, addressing the following:

Building C3

- (a) Provide a bin holding room for bins awaiting collection adjacent to the loading dock of Building C3, that does not impede truck access and/or manoeuvring.
- (b) Details of where bulky waste material will be stored in Building C3 when awaiting collection and how bulky waste material will be taken up to the loading dock for collection.
- ~~(c) Provide a bin holding room for bins awaiting collection capable of accommodating the required bin allocation for Building C4.~~
- ~~(d) Provide two rooms on each floor of the Market Tower of Building C4.~~
- ~~(e) Detail where bulky waste material will be stored while awaiting collection on Basement Level 1 for the Market Tower of Building C4.~~
- ~~(f) Detail where the tug will be stored in Building C4.~~

Building C4

- (a) Ensure a HRV to AS 2890.02 (12.5 metres long with a headroom clearance of 4.5 metres) can safely manoeuvre into a straight position with a minimum 2 metre rear clearance to the main waste collection room

- (b) Provide a dedicated storage area for a bin tug and trailer for the movement of bins as carting routes exceed 10 metres for bulk bins. The dedicated storage area must be located beside the main waste room.**

~~Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.~~

PUBLIC ART PLAN

- B73. Prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate, a Public Art Plan ~~shall~~ **will** be prepared in consultation with Council and submitted to and approved by the Planning Secretary.

The Public Art Plan ~~shall~~ **will** explore opportunities for public art within the Village Green, ~~Building C2, Building C3, and Building C4~~ with reference to the Connecting with Country Strategy (prepared by The Fulcrum Agency, dated 21 June 2021, revision C).

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

PUBLIC DOMAIN/VILLAGE GREEN

- B74. All public domain areas are subject to the standards and requirements of Council's DCP 2014 Part 4.5 Macquarie Park Corridor and Part 8.5 Public Civil Works, and Council's Public Domain Technical Manual Section 6 – Macquarie Park Corridor. In the event of any inconsistency, the Concept Approval, and the approved plans under Stage 1 SSD 8903 and Stage 2 SSD 15822622 are to prevail.

Details demonstrating compliance must be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate.

- B75. For any staging of the Village Green, a detailed construction management and staging plan must be prepared in consultation with Council. Details demonstrating compliance must be submitted to the Certifying Authority and Council prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building or Subdivision Works Certificate.

VEHICLE FOOTPATH CROSSING AND GUTTER CROSSOVER

- B76. Any new vehicle footpath crossings and associated gutter crossover shall be designed for the approved vehicular access location/s. The reconstruction of this infrastructure may be required in order that it has a service life that is consistent with that of the development. The location, design and construction shall be in accordance with Stage 1 Public Domain Drawings and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B99 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking*. The width of the new crossing shall be sufficient to accommodate turning manoeuvres of the largest vehicle requiring access to the site as demonstrated by swept paths submitted to and reviewed by Council. The driveway must be designed without splays and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree.

Details demonstrating compliance must be submitted to the Certifying Authority and Council prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for each building.

ANTICIPATED ASSETS REGISTER

- B77. In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land or dedicated to Council as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works. The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure

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works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Village Green Works-As-Executed plans.

VILLAGE GREEN

- B78. Prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate, detailed landscape drawings (prepared by a registered landscape architect) for the Village Green ~~shall~~ **will** be prepared in consultation with Council, and submitted to **the Certifying Authority** and approved by the Planning Secretary.

These documents must include plans, elevations, sections, details, specifications and renders to demonstrate the design at suitable scales.

The drawings must include the following details and/or information;

- (a) identify location and details of existing and proposed materials and structures on the site
- (b) include public WiFi, and lighting compliant with relevant codes and standards. The lighting schema ~~shall~~ **will** be integrated with Council's Lighting Management System
- (c) specify materials that suitably robust for public open space and minimise ongoing maintenance requirements. ~~The use of timber should be minimised and only used as a decorative element with a minimum design life of 30 years.~~
- (d) detail and specify public art within the Village Green, **in compliance with Condition B73**; including supporting information demonstrating its role within the Ivanhoe development and Macquarie Park:
 - (i) public art is to be fabricated to minimise ongoing maintenance requirements and not include dynamic elements that can fail.
 - (ii) ~~the retaining wall shall be incorporated into the public art strategy~~
 - (iii) any public art proposed as play equipment must comply with all relevant Australian Standards
 - (iv) ~~public art strategies are to be provided in consultation with Council~~
- (e) demonstrate universal design principles
- (f) include Council standard urban garbage bin enclosures
- (g) include CCTV **mounting provisions to light poles within the Village Green**
- (h) detail wayfinding signage
- (i) identify existing services and the location and depth of proposed services
- (j) detail drainage, waterproofing and watering systems
- (k) include a detailed grading plan with existing and proposed levels, falls and pits
- (l) details of soil depths including finished levels and any mounding
- (m) detail the location, species, maturity, and height at maturity of proposed plants
- (n) all proposed tree planting ~~shall~~ **will** be advanced tree planting stock (minimum pot container size of 100 litres or greater, compliant with AS2303)
- (o) playground **area** equipment to have a minimum of 50% shade **between 9am and 3pm at mid-summer (21 December). The shadows cast by playground equipment, retaining walls and mature vegetation must be taken into consideration** at commencement of operation
- (p) solar access is to be maximised to the main turf area **with a minimum of 3 continuous hours of direct sunlight provided to any part of the turfed area between 9am and 3pm at mid-winter (21 June)**
- (q) turf area to have sand slit drainage and irrigation ~~from non-potable sources~~
- (r) demonstrate soil depth, volumes and irrigation to support all proposed plantings to achieve their full potential consistent with industry best practice
- (s) all areas of the part to be within 30 metres of a hose cock
- (t) detail adequate stormwater system for drainage
- (u) prepare and implement a plant maintenance specification ~~until the completion of the last stage of the overall Ivanhoe development~~ and commit to replacing vegetation with the same species and size at time of failure within month of failure, should any vegetation loss occur within this maintenance period. **The plant maintenance specifications will be in force for a 24-month period following the final Occupation Certificate relating to the Village Green.**
- (v) not include any decorative water feature
- (w) include 24 bicycle spaces as identified in the EIS
- (x) include maintenance vehicle access into and circulation within the park. This must be provided at a minimum width of 2.5 m. Access for maintenance vehicles must be provided directly from Main St Road 1

carriage way into the Village Green. ~~Materiality of surface treatments to reflect required vehicle attenuation.~~
The proposed vehicular path shall **must** not conflict with outdoor dining in front of the retail tenancies of C3.
Maintenance vehicles should be able to enter, exit and circulate through the park in a forward direction.

(y) ~~playground play elements shall be designed to leverage the opportunity provided from the retaining wall. The playground play elements should only be accessible from the playground however and no access provided to the top of the wall.~~

(z) ~~details of the final pedestrian crossing realignment to better integrate with the village green.~~

The Landscape Drawings are to be prepared with consideration of Council's DCP, Public Domain Manual, Standard Details **and the Ivanhoe Design Standards** including requirements for footway pavement, drainage, vehicle crossovers, pedestrian ramps and other relevant elements. **In the event of any inconsistency between Council's DCP, Public Domain Manual, Standard Details, the approved drawings in Condition A2 and the Ivanhoe Design Standards shall prevail.**

FLOOD AND OVERLAND FLOW PROTECTION

B79. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Certifying Authority stating compliance with this condition prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate for the following items:

- (a) The applicant shall comply with the flood recommendations provided in the Flood Impact Report prepared by BMT
- (b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Impact Statement by Flood Impact Report prepared by BMT.
- (c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard. Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.
- (d) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).
- (e) All basement carpark areas shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.
- (f) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard.
- (g) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event c) Any portion of the development which is to be suspended above the estimated flooding and overland flow must be designed and constructed to allow for the free passage of flood waters. To ensure that a clear flowpath is maintained for the life of the dwelling, the ground surface in the region of the undercroft must be stripped of vegetation, levelled and coated with blue metal (or similar aggregate) to prevent the growth of vegetation under the structure. To ensure the area is maintained and kept clear, a placard is to be installed on the underside of the structure advising the undercroft is to be kept clear at all times to allow for the conveyance of overland flow during extreme storm events.

STORMWATER – COUNCIL DRAINAGE – REFLUX VALVE

B80. A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Certifying Authority, prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

STORMWATER – COUNCIL DRAINAGE – CREEK DISCHARGES

- B81. The proposed site drainage discharge to the creek shall be made as per the standard detail in Council's DCP (2014) Part 8.2 Stormwater and Stormwater Management Technical Manual. Amended stormwater plans complying with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Crown Building Works Certificate or Construction Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng)

STORMWATER – COUNCIL DRAINAGE – STRUCTURAL ADEQUACY

- B82. Council stormwater pits which are being connected into shall be surveyed and confirmed to be capable as being structurally adequate for receiving the upstream connection from the development and satisfy durability requirements. If it is deemed appropriate to replace the pit, kerb inlet pits shall be cast in-situ and conforming to Council's standard drainage pit details.

A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Certifying Authority, prior to the commencement of any works, certifying compliance with this condition.

PART C DURING CONSTRUCTION

HOURS OF CONSTRUCTION

- C1. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive; and
 - (b) between 8.00 am and 4.00 pm, Saturdays.
- C2. No work may be carried out on Sundays or public holidays.
- C3. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C4. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- C6. The Applicant shall ensure that the requirements of the management plans required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- C7. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities that could exceed the construction noise or vibration management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels
- C9. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C10. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.
- C11. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;
 - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and
 - (d) these limits apply unless otherwise outlined in the **CEMP**.

DISPOSAL OF SEEPAGE AND STORMWATER

- C12. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant authority.

APPROVED PLANS TO BE ONSITE

- C13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

SITE NOTICE

- C14. A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

CONTAMINATION

- C15. The Applicant is to ensure that any contamination identified as meeting the trigger in the EPA Guidelines for the Duty to Report Contamination is notified in accordance with requirements of section 60 of the Contaminated Land Management Act 1997.
- C16. The Applicant is to ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.
- C17. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SAFework NSW REQUIREMENTS

- C18. 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 NSW requirements.

HOARDING/FENCING REQUIREMENTS

- C19. 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 removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

- C20. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

- C21. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the

Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

ABORIGINAL CULTURAL HERITAGE

- C22. All recommendations of the Aboriginal Cultural Heritage Assessment, prepared by Urbis, dated August 2021, are to be implemented during construction.

WASTE MANAGEMENT

- C23. Notwithstanding the **CWMP** referred to in **Condition B39**, the Applicant must ensure that:
- (a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
 - (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
 - (c) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (d) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises.

LOADING AND UNLOADING DURING CONSTRUCTION

- C24. The following requirements apply:
- (a) all loading and unloading associated with construction must be accommodated on site; and
 - (b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

DEMOLITION AND CONSTRUCTION VEHICLES

- C25. All demolition and construction vehicles must be wholly contained within the site and vehicles must enter the site before stopping.

MANAGEMENT OF CONSTRUCTION WASTE

- C26. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS

- C27. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- C28. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

COVERING OF LOADS

- C29. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

- C30. Prior to the commencement of work and during construction works, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

- C31. The Applicant must ensure:

- (a) stockpiles of material do not exceed 4 metres in height;
- (b) stockpiles of material are constructed and maintained to prevent cross contamination; and
- (c) suitable erosion and sediment controls are in place for stockpiles.

EROSION AND SEDIMENT CONTROL

- C32. All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

DUST CONTROL MEASURES

- C33. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:
- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
 - (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - (e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
 - (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - (h) cleaning of footpaths and roadways shall be carried out regularly.

GROUNDWATER LICENCING AND MANAGEMENT

- C34. Appropriate authorisations shall be sought through the DPE Water to account for any take of groundwater that is likely to exceed 3 ML per year.
- C35. Groundwater shall not be pumped or extracted for any purpose other than temporary dewatering during the period of construction.

GROUNDWATER MONITORING

- C36. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested at a certified laboratory.
An assessment of result must be carried out by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater.
- C37. Monitoring of the water levels from the monitoring bores outside basement support walls, groundwater measurements and water quality discharge and pumped water volumes is to occur daily for the first week of construction and then weekly until the completion of works, where bulk excavation is within 0.5 m of measured groundwater levels.

STORMWATER

- C38. Water quality targets in accordance with Council's DCP 2014 Part 8.2 and all relevant guidelines must be maintained throughout all construction phases. Testing shall be carried out at a frequency of no less than every three (3) months and inspections and certification shall be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent. Certifications demonstrating compliance shall be submitted to the Certifying Authority.

- C39. During construction, the following measures should be incorporated with direction from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia) or equivalent:
- (a) construction equipment, materials, stockpile, access roads and work platforms should not be sited within floodways where the distribution of flood flows will be significantly altered and increase flood impacts on adjoining properties
 - (b) hazardous material should be sited so that the risk of such material entering a watercourse during a flood event is minimised
 - (c) appropriate activities and methodologies should be put in place that addresses awareness, preparedness, response and recovery from a flood event in regard to such things as work health and safety, waterway impacts, site impacts and site reestablishment should a flood event occur during construction
 - (d) temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

NO OBSTRUCTION OF THE PUBLIC WAY

- C40. Unless otherwise authorised, the public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

- C41. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

BUNDING

- C42. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

SETTING OUT OF STRUCTURES

- C43. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved development application.

CONTACT TELEPHONE NUMBER

- C44. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

ACTIVITIES ON WATERFRONT LAND

- C45. Outlets onto the adjacent watercourse should be in accordance with the Guidelines for Controlled Activities (NRAR 2018).

PUBLIC UTILITIES AND SERVICE ALTERATIONS

- C46. Where required, all mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

WORKS ON PUBLIC ROADS

- C47. Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

STORMWATER - HOLD POINTS DURING CONSTRUCTION – COUNCIL DRAINAGE WORKS

- C48. Council requires inspections to be undertaken by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, for all Council stormwater drainage works/for all stormwater drainage works in Council's land.

The Applicant shall submit to the Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, Stage 1 SSD 8903 approved plans and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken. Upon excavation of trenches shown on the approved drainage drawings.

- (a) Upon installation of pit reinforcement but prior to concrete pour for cast insitu pits.
- (b) Upon installation of pipes and other drainage structures prior to backfilling.
- (c) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- (d) Upon building headwalls to discharge to creek.
- (e) Final inspection upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

GFA AND HEIGHT CERTIFICATION

- D1. A Registered Surveyor is to certify that the GFA of Building C2 does not exceed 4,624 ~~1,527~~ m² and the height of the building does not exceed RL ~~64.7~~ **62.7** m AHD. Details ~~shall~~ **will** be provided to the Certifying Authority demonstrating compliance with this condition prior to the occupation or use of Building C2.
- D2. A Registered Surveyor is to certify that the GFA of Building C3 does not exceed 15,000 m² and the height of the building does not exceed RL 105.9 m AHD. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the occupation or use of Building C3.
- D3. A Registered Surveyor is to certify that the GFA **of** Building C4 does not exceed ~~37,758~~ **37,462** m² and the height of the building does not exceed RL ~~101.4~~ **101.7** m AHD to the top of the north-western tower, RL ~~121.6~~ **122** m AHD to the top of the south-eastern tower, and RL ~~58.68~~ **59.42** m AHD to the top of the three storey townhouses. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the occupation or use of Building C4

SOCIAL HOUSING

- D4. A minimum of ~~216~~ **211** apartments within Building C4 must be provided as social housing. Details demonstrating compliance must be submitted to the Certifying Authority prior to the occupation or use of Building C4.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

- D5. Prior to the occupation or use of each building, evidence shall be submitted to the Certifying Authority demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA/NCC, consistent with the requirements of **Condition B15**.

PROTECTION OF PUBLIC INFRASTRUCTURE

- D6. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure including roads that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

TREE PLANTING

- D7. Prior to the occupation or use of each relevant building, evidence shall be submitted to the Certifying Authority demonstrating compliance with the required tree planting (**Condition B24**).

REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)

- D8. All public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

VILLAGE GREEN WORKS

- D9. All public domain works which are required to provide access to the relevant building and landscaping/tree planting are to be completed in accordance with the approved plans prior to the occupation or use of the relevant building.
- D10. Village Green works associated with Stage 2 of the development shall be completed in accordance with the approved plans under **Condition B78**.

Evidence shall be submitted to the Certifying Authority demonstrating the works approved under **Condition B78** have been completed, prior to the occupation or commencement of use of the Village Green.

- D11. Prior to the occupation or commencement of use of the Village Green, the Applicant shall submit to Council the following documentation:
- (a) certification from a qualified Landscape Architect confirming that the Village Green landscaping works have been constructed in accordance with the approved plans under **Condition B78**.
 - (b) Works-as-Executed Plans to ensure the Village Green works have been completed in accordance with the approved plans under **Condition B78**.

BASIX COMMITMENTS

- D12. Prior to the occupation or use of each building, the Applicant shall implement the commitments outlined in:
- (a) Building C3: BASIX Certificate No. ~~1207739M_05~~ [1207739M_09](#)
 - (b) Building C4: BASIX Certificate No. ~~1199962M_06~~ [1199962M_07](#)

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- D13. Prior to the occupation or use of each building, evidence shall be submitted to the Certifying Authority demonstrating compliance with the recommendations and principles provided within the Midtown Stage 2 Sustainability report, prepared by Frasers Property, dated July 2021.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- D14. Prior to the occupation or use of each building, evidence shall be submitted to the Certifying Authority demonstrating consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, mailbox security, bicycle security and general crime and safety prevention for the development and compliance with **Condition B45**.

WIND MITIGATION MEASURES

- D15. Prior to the occupation or use of each building, evidence shall be submitted to the Certifying Authority demonstrating compliance with all wind mitigation recommendations of the Environmental Wind Tunnel Study, prepared by SLR, reference number 610.30337-R02-v1.0, dated 24 December 2021 (**Condition B28**).

PUBLIC ART

- D16. Prior to the occupation or use of the relevant building and the Village Green, evidence ~~shall~~ **will** be submitted to the Certifying Authority demonstrating public art has been installed in accordance with the approved Public Art plan under **Condition B74** **B73**.

FIRE SAFETY CERTIFICATION

- D17. Prior to the occupation or use of each building, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in each building.

CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

- D18. Prior to the occupation or use of each building, details shall be provided to the Certifying Authority demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B58, B59, B60 and B62** and facilities for cyclists required under **Condition B62**.

OPERATIONAL TRAFFIC MANAGEMENT PLAN FOR WASTE COLLECTION VEHICLES

- D19. Prior to the occupation or use of each building, the Applicant must submit to the satisfaction of the Certifying Authority an Operational Traffic Management Plan for Building C3 and C4 prepared in consultation with Council. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock for waste collection vehicles are mitigated. The Plan needs to specify, but not be limited to, the following:
- (a) a signage and line making plan, and any other desirable traffic management devices (e.g. mirrors, speed humps, wheel stops, warning devices etc)
 - (b) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (c) details of measures to manage any potential traffic and safety impacts of the car parking and loading dock operation for waste collection vehicles.

STRUCTURAL INSPECTION CERTIFICATE

- D20. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifying Authority prior to the occupation or use of each building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:
- (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

POST CONSTRUCTION DILAPIDATION REPORT

- D21. Prior to the occupation or use of each building:
- (a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
 - (b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;
 - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and
 - (iii) a copy of this report is to be forwarded to the Certifying Authority, the Planning Secretary and each of the affected property owners.

WASTE STORAGE AREAS

- D22. Prior to the occupation or use of each residential building, a final inspection of the waste storage areas and facilities must be undertaken by a member of Council's Waste Team. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council.
- D23. Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas of each building. Standard signage is available through Council.
- D24. Prior to the occupation or use of each residential building, two separate receptacles must be provided inside each dwelling to store up waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables

ACOUSTIC COMPLIANCE

- D25. Prior to the occupation or use of each building, evidence shall be submitted to the Certifying Authority demonstrating compliance with all noise mitigation measures required under **Condition B26** and **Condition B27**.

VERTICAL TRANSPORTATION SERVICES DESIGN REQUIREMENTS

- D26. Prior to the occupation or use of Building C4, evidence shall be submitted to the Certifying Authority demonstrating compliance with the vertical transportation services design requirements, required under **Condition B70**.

TRAVEL ACCESS GUIDE

- D27. Prior to the occupation or use of each residential building, a Travel Access Guide (TAG), must be prepared by a suitably qualified person and provided to satisfaction of the Certifying Authority. The TAG must contain measures to promote public transport use, cycling and walking.

MECHANICAL VENTILATION

- D28. Prior to the occupation or use of each building, the Applicant shall provide evidence to the Certifying Authority, prior to the use of each building, that the installation and performance of any new mechanical systems complies with:
- (a) the Building Code of Australia;
 - (b) Australian Standard AS1668 and other relevant codes;
 - (c) the development consent and any relevant modifications; and
 - (d) any dispensation granted by the Fire and Rescue NSW.

WATER AUTHORITY COMPLIANCE

- D29. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to the occupation or use of each building.

UTILITY PROVIDERS

- D30. Prior to the occupation or use of each building, written advice or certification shall be obtained from the relevant water supply authority, 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.

NUMBERING

- D31. Prior to the occupation or use of each building, street numbers and the building name must be clearly displayed at either end of the ground level frontage of each building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

COMMUNITY FACILITY OPERATIONAL MANAGEMENT PLAN

- D32. The Applicant shall update the draft Midtown MacPark Community Centre User Guide (prepared by Mission Australia, dated July 2021) to prepare a detailed Operational Management Plan. The Plan shall be prepared by Mission Australia and be subject to Aboriginal participation with reference to the Connecting with Country Strategy (prepared by The Fulcrum Agency, dated 21 June 2021, revision C).

A copy of the Community Facility Operational Management Plan shall be submitted to the Planning Secretary.

Evidence demonstrating compliance shall be submitted to the Certifying Authority prior to the occupation or use of Building C2.

REGISTERED SURVEYOR FINAL CERTIFICATE

- D33. Upon completion of all construction works and before the occupation or use of each building, a Certification from a Registered Surveyor must be submitted to the Certifying Authority, stating that all works (above and below ground) are contained within the site's land boundary.

SUPERVISING ENGINEER FINAL CERTIFICATE

- D34. Prior to the occupation or use of each building, the Applicant shall submit to the Certifying Authority, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the approved drawings. The certificate shall include commentary to support any variations from the approved drawings.

EXTERNAL WORKS AND PUBLIC INFRASTRUCTURE RESTORATION

- D35. All works in the road reserve associated with the relevant stage, including all public domain improvement works and restoration of infrastructure assets external of the site, that have dilapidated as a result of the works must be completed to Council's the relevant public authority's satisfaction.

POSITIVE COVENANT FOR WASTE COLLECTION

- D36. Where it is necessary for waste collection vehicles to enter either residential building to service the waste containers, a Positive Covenant must be created on each property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7.

The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the occupation or use of each building. The application to Council for endorsement of the Positive Covenant must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles.

CREATION OF EASEMENTS FOR WASTE COLLECTION

- D37. An easement entitling Council waste contractors to enter both residential buildings for the purposes of garbage collection must be granted to Council by the owner of the land. The easement terms are to be generally in accordance with the standard terms (available from Council) and undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons.

UTILITIES

- D38. Each building is to be connected to all available services (water, electricity and telephone) prior to the occupation or use of each building. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Applicant.

POSITIVE COVENANT – OVERLAND FLOW

- D39. A positive covenant shall be created for the existing overland flow path through the subject site, under Section 88E of the Conveyancing Act 1919. All associated costs shall be borne by the applicant.

This is to place a restriction on the title that the overland flow path and flood storage areas adjoining Building C4 and adjacent to Shrimptons Creek are maintained and kept free of debris/weed to allow unobstructed passage of overland flow of water through the site and underneath the residence. The new buildings shall not have the subfloor area enclosed or utilised for storage.

The wording of the Instrument shall be submitted to, and approved by Council's City Works Directorate prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the occupation or use of each building.

FLOODING – ENGINEERING COMPLIANCE CERTIFICATE

- D40. A certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Certifying Authority, prior to the occupation or use of each building, confirming that all requirements of condition "Flooding - Flood and Overland Flow Protection" have been satisfied. The qualified and practising Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) shall have experience in the area respective of the certification unless stated otherwise.
- D41. A **Detailed Flood Emergency Response Plan (FERP)** is to be developed for all relevant buildings within the Ivanhoe Estate. The FERP shall consider floods up to and including the Probable Maximum Flood (PMF). Implementation and maintenance of the FERP shall be the responsibility of the relevant owner's corporation and relevant building management. All owners and tenants of the building must be made aware of the FERP. Details of the FERP prepared by a qualified Engineer are to be submitted to Council prior to the occupation or use of each building.

STORMWATER – POST CONSTRUCTION CCTV REPORT

- D42. To ensure Council's existing and new stormwater infrastructures are is adequately protected, and that there are no damages and no protruding pipes inside Council's pipeline the stormwater infrastructure due to proposed construction activities and the property drainage connection, a post-construction CCTV report on the Council's stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council the relevant public authority.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, Council's City Works Directorate the relevant public authority, prior to the occupation or commencement of use of each building.

The report ~~shall~~ will be used by Council the relevant public authority to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required, at no cost to Council the relevant public authority.

Note: The applicant shall contact Council's Assets and Integration Section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey. All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted.

EASEMENTS

- D43. Prior to the occupation or use of each building, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Registry Services.

MANAGEMENT PLAN OF VILLAGE GREEN

- D44. Prior to the occupation or use of the Village Green, the Applicant must prepare a plan of management for the on-going maintenance and management of the Village Green. The Plan must be prepared in consultation with Council, and must address:
- (a) maintenance standards, maintenance schedule, security, and safety measures of the Village Green, including any water features and public art
 - (b) safe pedestrian movements
 - (c) methods/arrangements to ensure the Village Green is publicly accessible 24 hours-a-day, 7-days-a-week
 - (d) provision for future reviews and updates

The plan must be submitted to the Planning Secretary for approval together with evidence of consultation. The plan should be reviewed and revised from time to time in response to any reasonable direction of the Department and Council to address any public safety and amenity issues.

COMMUNITY FACILITY USE

- D45. A community facility (as that term is defined in the Ryde Local Environmental Plan 2014 at the date of this consent) and including the area noted as 'social enterprise café/café' on the approved plans under **Condition A2** must be operated in Building C2 (upper ground floor) and Building C1 (community room and office approved under SSD 8903) in perpetuity.
- D46. Prior to the occupation or commencement of use of the Community Facility, the Applicant shall provide to the Planning Secretary evidence of:
- (a) registration of a public positive covenant on terms acceptable to the Planning Secretary, which requires the operation of a community facility in accordance with **Condition D45**. The public positive covenant shall burden the future Community Facility lot(s) and benefit Council, to ensure the use of the lot burdened is to remain in perpetuity as a community facility. The terms of the public positive covenant are to include that the lot must be used as a community facility which is owned or controlled by a public authority or non-profit community organisation and used for the physical, social, cultural or intellectual development or welfare of the community.

REGISTRATION OF EASEMENTS

- D47. Prior to the occupation or use of each building, the Applicant must provide to the Certifying Authority evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- D48. Easements under section 88A, 88B and/or restrictions or public positive covenants under section 88E of the Conveyancing Act 1919 naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for public use and access to parks and paths that are identified to be privately owned lands but publicly accessible, including the Village Green and Town Square, must be registered on title prior to occupation or use or issue of Subdivision Certificate, whichever is earlier.

CREATION OF RESTRICTIONS/POSITIVE COVENANTS

- D49. Prior to the occupation or use of each building, if required the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:
- (a) Positive Covenant – Stormwater Pump:
The subject site must be burdened with a positive using the "basement stormwater pump system" terms included in the standard recitals.
 - (b) Positive Covenant – Onsite Waste Collection
The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.
 - (c) Restriction/ Covenant – Onsite Stormwater Detention
The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.
 - (d) Restriction/ Covenant – Water Sensitive Urban Design

CONSOLIDATED CONSENT

The subject site must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

TIMING FOR DELIVERY OF THE VILLAGE GREEN AND COMMUNITY CENTRE

- D50. The Village Green must be completed and operational prior to the occupation or use of the 1425th dwelling (being equal to or exceeding) in any building, in relation to development within the Ivanhoe Estate.
- D51. The Community Centre must be completed and operational prior to the occupation or use of the 2000th dwelling (being equal to or exceeding) in any building, in relation to development within the Ivanhoe Estate.

PART E POST OCCUPATION – DURING OPERATION

HOURS OF OPERATION

- E1. The development is restricted to the following hours of operation:
- | | |
|--|---------------------------------------|
| (a) Building C3 retail premises: | 6.00 am to 10.00 pm, Monday to Sunday |
| (b) Building C2 gymnasium and pool: | 6.00 am to 10.00 pm, Monday to Sunday |
| (c) Building C2 and C1, community rooms: | 9.00 am to 4.30 pm, Monday to Sunday |
| (d) Building C2 café: | 6.30 am to 3.30 pm, Monday to Sunday |

LOADING AND UNLOADING

- E2. All loading and unloading operations associated with the site and approved buildings must be carried out within the confines of the site at all times and must not obstruct other properties/units or the public way.
- E3. At all times the driveway and loading/unloading areas must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- E4. All vehicles must enter and exit the site and approved buildings in a forward direction.
- E5. All vehicles are to be wholly contained on-site before being required to stop.

NO OBSTRUCTION OF THE PUBLIC WAY

- E6. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

ANNUAL FIRE SAFETY CERTIFICATE

- E7. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

FIRE SAFETY CERTIFICATION

- E8. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition D17** of this consent.

NOISE CONTROL – PLANT AND MACHINERY

- E9. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:
- | | |
|-----|---|
| (a) | transmission of “offensive noise” as defined in the <i>Protection of the Environment Operations Act 1997</i> to any place of different occupancy; |
| (b) | a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and |
| (c) | notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am. |

TRAVEL ACCESS GUIDE

- E10. The TAG, required by **Condition D27** must be displayed in all common areas throughout each residential building for residents. The TAG must be updated annually to reflect changes in services and the environment.

WASTE MANAGEMENT

- E11. The measures contained in the Waste Management Plan for each building, prepared by Elephants Foot Recycling Solutions, dated July 2021 and as amended by **Condition B72**, must be implemented to ensure the effective

management of operational waste associated with the approved buildings. No waste materials are to be stored outside the buildings or approved waste storage areas at any time.

- E12. No waste materials are to be stored outside the buildings or approved waste storage areas at any time. All waste servicing instructions from Council must be complied with at all times, including any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.
- E13. All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

EXTERNAL LIGHTING

- E14. All external lighting is to be inward facing and limited to pathways and communal areas.

OUTDOOR LIGHTING

- E15. All new outdoor lighting shall operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting (Condition B33)*.

USE OF COMMUNAL FACILITIES

- E16. The use of the communal facilities within Building C3 and Building C4 is restricted to the residents of each building and their guests only.

Noted: The Community Facility is permitted to be used by all members of the public.

ANTI-GRAFFITI

- E17. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE

- E18. Within six months of the occupation or use of each residential building, a Plan of Management for the ongoing maintenance of landscaped areas within common communal areas is to be prepared and adopted by the Owners Corporation or owner of the building.

REPLACEMENT TREE PLANTING

- E19. Replacement trees shall be maintained for a minimum of 12 months. Should any trees die during this maintenance period, they must be replaced with an identical or similar species and be of pot size consistent with the original pot size of the tree to be replaced.

BUILDING C3 RETAIL PREMISES

- E20. The use of the retail premises in Building C3 shall operate in accordance with the recommendations in the Extending Trading Hour Assessment, prepared by Acoustic Logic (dated 17 March 2022, reference number 20210325.3/2103A/R1/PF).

COMMUNITY FACILITY OPERATIONAL MANAGEMENT PLAN

- E21. The Community Facility Operational Management Plan required by **Condition D32** shall be implemented by the Applicant following occupation or the commencement of use of the Community Facility, whichever is earlier.

OPERATIONAL TRAFFIC MANAGEMENT PLAN

- E22. The Operational Traffic Management Plan required by **Condition D19** shall be implemented by the Applicant following occupation or the commencement of the use of Building C3 and C4, whichever is earlier.

VILLAGE GREEN MANAGEMENT PLAN

- E23. The Village Green Management Plan required by **Condition D44** shall be implemented by the Applicant following occupation or the commencement of the use of the Village Green, whichever is earlier.

COMMUNITY FACILITY

- E24. At least 60 days prior to any change of operator and/or use of the approved community facility, the owner or occupier of the lot affected by the Community Facility must give notice to the Planning Secretary and Council, including sufficient evidence to the satisfaction of the Planning Secretary and Council that the use and operation would be consistent with **Condition D45**.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E25. Unless otherwise agreed by the Planning Secretary, within twelve months of the occupation or use of each building, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifying Authority and the Planning Secretary.

PART F PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/S

REQUIREMENTS OF THE EP&A ACT

- F1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate.

For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the subdivision defined by **Condition A2**.

SUBDIVISION CERTIFICATE

- F2. A Subdivision Certificate shall be obtained prior to the registration of a final subdivision plan with the Registrar-General at the NSW Land and Property Information.
- F3. Before granting any Subdivision Certificate for stratum subdivision, the Certifying Authority must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

BUILDING MANAGEMENT STATEMENT

- F4. Prior to the occupation or use of any building that includes stratum subdivision of the stage, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the Conveyancing Act 1919 or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the Strata Schemes Development Act 2015 and submitted to the Certifying Authority. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development the subject of the stage as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision
 - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision
 - (c) any other matters which the Certifying Authority considers relevant and pertinent to the issue of a Subdivision Certificate.

CREATION OF EASEMENTS

- F5. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

REGISTRATION OF EASEMENTS

- F6. Prior to the issue of the final Subdivision Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, approvals and other consents have been lodged for registration or registered at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

- F7. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

ACCESS EASEMENT – GROUND LEVEL

- F8. Prior to, or upon, the registration of each stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to each building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifying Authority. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings.

- F9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by the occupation or commencement of use of each relevant building.

STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT

- F10. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifying Authority demonstrating that the approved subdivision is consistent with relevant conditions of any relevant development consent (to the extent they are relevant and required for that stage) issued in respect to the building (or part of the building) or public domain areas, roads and infrastructure proposed to be subdivided. This includes, but is not limited to, any conditions relating to the allocation of the following to the respective lot(s):
- (a) Car parking spaces, bicycle parking spaces, loading spaces
 - (b) Public domain and public infrastructure
 - (c) Shared user paths
 - (d) Stormwater/drainage and associated restoration works, including Sydney Water requirements
 - (e) Waste.

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

ADVISORY NOTES

APPEALS

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

OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council or other relevant authority for all necessary permits, including crane permits, road opening permits, stormwater drainage, footpaths, kerb and gutter, street trees, street lighting and signage, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

CONTRIBUTIONS

AN3. Section 7.11 contributions are to be payable consistent with the Concept Approval (SSD 8707).

SHRIMPTONS CREEK TENURE

AN4. Should the Applicant require Shrimptons Creek (or part thereof) to develop the site, then this property would need to be acquired.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN5. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN6.

- (a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA/NCC.
- (b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA/NCC which references AS 1428.1 - *Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN8.

- (a) The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- (b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN9. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015. The Tap in™ service provides 24/7 access to a range of services, including: building plan approvals, connection and disconnection approvals, diagrams, trade waste approvals, pressure information, water meter installations, pressure boosting and pump approvals, changes to an existing service or asset, e.g. relocating or moving an asset.

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

WORKS AND SIGNPOSTING

AN10. All works and signposting (including any adjustment/relocation works) shall be at no cost to TfNSW (RMS).

CROWN BUILDING WORKS CERTIFICATE

AN11. Any reference to Crown Building Works Certificate throughout this consent is to be taken to also be a reference to Construction Certificate or Subdivision Works Certificate.

END OF ADVISORY NOTES