CONSOLIDATED INSTRUMENT

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of *the State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979,* approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Member of the Commission **Member of the Commission**

Sydney 18 August 2022 File: SSD-15882721

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

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

CONSOLIDATED INSTRUMENT

SCHEDULE 1

Application Number:	SSD-15882721
Applicant:	Deicorp Construction Pty Ltd
Consent Authority:	NSW Independent Planning Commission
Site:	2 Mandala Parade, Castle Hill Lot 55 DP 1253217
Development:	Construction of the Doran Drive Plaza Precinct within the Hills Showground Station Precinct, comprising: • four residential towers above a retail/commercial podium • basement car parking • infrastructure upgrades, civil and stormwater works • outdoor public plaza (Doran Drive Plaza) • signage strategy • stratum subdivision

CONSOLIDATED INSTRUMENT

Summary of Modifications

SSD-15882721	**Approved by NSW Independent Planning Commission on 18 August 2022**
SSD-15882721-Mod-1	**Approved by the Team Leader, Key Sites Assessments on 14 October 2022, for:** • **Stratum subdivision plans to be referenced in the development consent**
SSD-15882721-Mod-2	**Approved by the Acting Team Leader, Key Sites Assessments on 9 January 2023, for:** • **Design changes and staging payment of development contributions**

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
AQMP	Air Quality Management Sub-Plan
Applicant	Deicorp Construction Pty Ltd, the person having the benefit of this consent from time to time, or any person carrying out any of the development to which this consent applies
AS	Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken
AHD	Australian Height Datum
CCS	Community Communication Strategy
Certifier	A council or person registered as a registered certifier under the *Building and Development Certifiers Act 2018*
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Sub-Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including site establishment works, relocation of utilities, earthworks, and erection of buildings and other infrastructure permitted by this consent
Construction Certificate	A certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation
Council	The Hills Shire Council
CPTED	Crime Prevention Through Environmental Design Assessment
CPTMP	Construction Pedestrian and Traffic Management Sub-Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The destruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development approved pursuant to this consent, as defined in Condition A2 and as modified by the conditions of this consent
EIS	The Environmental Impact Statement submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
ESD	Ecologically Sustainable Development
Feasible	Means what is possible and practical in the circumstances
GANSW	Government Architect NSW, including a person nominated by the GANSW to exercise its functions for the purposes of this consent
GTP	Green Travel Plan
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance *Note: "material harm" is defined in this consent*

Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: • involves actual or potential harm to the health or safety of people or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of approved land uses upon completion of construction
Owner	Means the registered proprietor of the Property from time to time
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate)
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information
RtS	The Applicant's response to issues raised in submissions received in relation to the application for this development consent under the EP&A Act, including any additional information provided by the Applicant in support of the application
RRFI	The Applicant's response to requests for information from the Department in relation to the application for this development consent under the EP&A Act
SDRP	State Design Review Panel
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Site	The land identified in Schedule 1
SSD	State Significant Development
TfNSW	Transport for NSW
Tenanted Component	Has the same meaning as the definition of the term in clause 41A of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

A2. The development must only be carried out:

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

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

(c) in accordance with the EIS, RtS and any RRFI;

(d) in accordance with the approved plans in the table below:

Architectural drawings prepared by Turner			
Drawing Number	**Rev**	**Name of Plan**	**Date**
DA-010-003	02	Building Separation	21.04.22
DA-110-002	18	Basement 06	21.04.22
DA-110-003	18	Basement 05	21.04.22
DA-110-004	18	Basement 04	21.04.22
DA-110-005	19	Basement 03	21.04.22
DA-110-006	19	Basement 02	21.04.22
DA-110-007	22	Basement 01	21.04.22
DA-110-008	29	Ground Level	21.04.22
DA-110-009	26	Upper Ground Level	21.04.22
DA-110-010	30	Level 01	21.04.22
DA-110-020	37	Level 02	21.04.22
DA-110-030	32	Level 03	21.04.22
DA-110-040	31	Level 04	21.04.22
DA-110-050	32	Level 05	21.04.22
DA-110-060	33	Level 06	21.04.22
DA-110-070	31	Level 07	21.04.22
DA-110-080	33	Level 08	21.04.22
DA-110-090	33	Level 09	21.04.22
DA-110-100	31	Level 10	21.04.22
DA-110-110	31	Level 11	21.04.22

DA-110-120	31	Level 12	21.04.22
DA-110-130	31	Level 13	21.04.22
DA-110-140	31	Level 14	21.04.22
DA-110-150	31	Level 15	21.04.22
DA-110-160	31	Level 16	21.04.22
DA-110-170	31	Level 17	21.04.22
DA-110-180	31	Level 18	21.04.22
DA-110-190	31	Level 19	21.04.22
DA-110-200	30	Level 20	21.04.22
DA-110-210	21	Level 21	21.04.22
DA-110-220	09	Roof Level	21.04.22
DA-210-101	15	North Elevation	07.12.22
DA-210-201	15	West Elevation	07.12.22
DA-210-301	16	South Elevation	07.12.22
DA-210-401	14	East Elevation	21.04.22
DA-310-101	12	Internal Elevation Buildings A & B	07.12.22
DA-310-201	12	Internal Elevation Buildings C & D	21.04.22
DA-310-301	12	Internal Elevation Buildings A & C	07.12.22
DA-310-401	11	Internal Elevation Buildings B & D	21.04.22
DA-200-101	07	North Elevation Context	21.04.22
DA-200-201	07	West Elevation Context	21.04.22
DA-200-301	07	South Elevation Context	21.04.22
DA-200-401	07	East Elevation Context	21.04.22
DA-260-101	05	Street Level Activation – North & East Elevations	21.04.22
DA-260-102	05	Street Level Activation – South & West Elevations	21.04.22
DA-320-101	04	Facade Sections 1	21.04.22
DA-320-201	04	Facade Sections 2	21.04.22
DA-320-301	04	Facade Sections 3	21.04.22
DA-350-101	04	Retail Sections	21.04.22
DA-795-001	05	Staging Diagram	21.04.22

DA-890-001	08	Material and Finishes Sample Board	21.04.22
Supermarket drawings prepared by D + R Architects			
Drawing Number	**Rev**	**Name of Plan**	**Date**
DA 1.01	E	Basement 1 Supermarket Pick Up Plan	05/04/22
DA 1.02	G	Ground Level Plan	05/04/22
DA 1.03	F	Level 1 Supermarket Loading Dock Plan	05/04/22
DA 1.04	F	Reflected Ceiling Plan	05/04/22
DA 1.05	D	Internal Elevations	15/03/22
DA 1.06	D	Internal Elevations	15/03/22
DA 1.07	E	Internal Elevations	15/03/22
Landscape drawings prepared by Urbis			
Drawing Number	**Rev**	**Name of Plan**	**Date**
003	I	GL Illustrative Plan	18.05.22
004	A	Upper Level Illustrative Plan	04.04.22
005	G	Level 2 Illustrative Plan	04.04.22
006	G	Level 3 Illustrative Plan	04.04.22
007	A	Level 5 Illustrative Plan	04.04.22
008	G	Level 6 Illustrative Plan	04.04.22
009	G	Level 8 Illustrative Plan	04.04.22
010	G	Level 09 Illustrative Plan	04.04.22
Stratum subdivision plans prepared by LTS			
Drawing Number	**Rev**	**Name of Plan**	**Date**
Sheet 1 of 17 sheet(s)	B	Location Plan	22.04.22
Sheet 2 of 17 sheet(s)	B	Basement 06 & Below	22.04.22
Sheet 3 of 17 sheet(s)	B	Basement 05	22.04.22
Sheet 4 of 17 sheet(s)	B	Basement 04	22.04.22
Sheet 5 of 17 sheet(s)	B	Basement 03	22.04.22
Sheet 6 of 17 sheet(s)	B	Basement 02	22.04.22
Sheet 7 of 17 sheet(s)	B	Basement 01	22.04.22
Sheet 8 of 17 sheet(s)	B	Ground Level	22.04.22

Sheet 9 of 17 sheet(s)	B	Upper Ground Level	22.04.22
Sheet 10 of 17 sheet(s)	B	Level 01	22.04.22
Sheet 11 of 17 sheet(s)	B	Level 02	22.04.22
Sheet 12 of 17 sheet(s)	B	Level 03	22.04.22
Sheet 13 of 17 sheet(s)	B	Level 04	22.04.22
Sheet 14 of 17 sheet(s)	B	Level 05	22.04.22
Sheet 15 of 17 sheet(s)	B	Level 06 - 19	22.04.22
Sheet 16 of 17 sheet(s)	B	Level 20	22.04.22
Sheet 17 of 17 sheet(s)	B	Level 21 & Above	22.04.22

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. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

A5. This consent will lapse five years from the date the consent is published on the NSW planning portal unless the works associated with the development have physically commenced.

A6. This consent does not approve the following:

(a) the detailed fitout and operation of the retail and commercial premises, other than the supermarket

(b) the installation of signage other than signage zones identified in the Doran Drive Facade and External Signage Strategy, dated 21 April 2022.

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

PRESCRIBED CONDITIONS

A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

PLANNING SECRETARY AS MODERATOR

A8. In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.

LEGAL NOTICES

A9. Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.

EVIDENCE OF CONSULTATION

A10. Where conditions of this consent require consultation with an identified party, the Applicant must:

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

(b) provide details of the consultation undertaken including:

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

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

STRUCTURAL ADEQUACY

A11. 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 National Construction Code (NCC).

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

OPERATION OF PLANT AND EQUIPMENT

A12. 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

A13. 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.

A14. 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

A15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

COMPLIANCE

A16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A17. Within three months of:

(a) the submission of a compliance report under this consent;

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

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

(d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or

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

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

A18. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

COMPLIANCE REPORTING

A19. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.

A20. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.

A21. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

A22. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

A23. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.

A24. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A25. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

A26. In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:

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

(b) submit the response to the Planning Secretary; and

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

A27. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.

A28. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

SYDNEY METRO CORRIDOR PROTECTION

A29. At any time during the construction of the development, Sydney Metro and persons authorised by that entity may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:

(a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and

(b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

A30. Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

A31. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from that entity that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

A32. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the Applicant.

APARTMENT MIX

A33. A minimum of 10% of the apartments must have 3 bedrooms.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DESIGN EXCELLENCE AND INTEGRITY

B1. The architectural design team comprising Turner (Nominated Architect Nicholas Turner 6695) is to have direct involvement in the design documentation, contract documentation and construction stages of the project.

B2. The architectural design team is to have full access to the site, following safety induction, and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the project.

B3. Evidence of the architectural design team's commission is to be provided to the Certifier prior to the release of the first Construction Certificate.

B4. The architectural design team is not to be changed without prior written notice and approval of the Planning Secretary.

B5. To ensure the scheme retains, or is an improvement upon, the approved design excellence qualities, the Applicant must notify the Planning Secretary of any proposed modifications to the approved architectural drawings.

B6. The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the State Design Review Panel (SDRP) or GANSW.

MATERIALS AND FINISHES

B7. Prior to the issue of the Construction Certificate for above ground works, the Applicant must prepare in consultation with GANSW, and submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:

(a) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application;

(b) confirmation of the process and methods in arriving at the final choice for all materials and finishes; and

(c) detailed architectural drawings of the façade details, including glazing specification and sun shading devices. This must include:

(i) Andalusian Way ground level façade to demonstrate:

- that the loading dock and service openings are minimised; and
- the use of high-quality materials and finishes to provide an activated street frontage.

(ii) the blank wall facades between Buildings A and B and Buildings C and D, including modulation devices to articulate these facades; and

(iii) snapshots at different points in the façade.

(d) evidence of consultation with GANSW and the Applicant's response to its advice.

The plans lodged to satisfy this consent must be in plan, elevation and section to a scale of 1:20 or 1:50, as necessary, and include final specifications of colour, material and, where relevant, manufacturer.

MAXIMUM BUILDING HEIGHT

B8. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum height of the building does not exceed RL 165.05 m AHD, including plant and lift overruns, but excluding communication devices, antennas, satellite dishes, masts, flagpoles, chimneys, flues and the like.

GROSS FLOOR AREA CERTIFICATION

B9. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 51,065 m².

COMMUNITY FACILITIES GFA

B10. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence, in the form of a draft GFA certificate, that the community facility GFA will be at least 500 m² and be endorsed with the Construction Certificate plans by the Certifier.

LONG SERVICE LEVY

B11. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit https://www.longservice.nsw.gov.au/bci/levy/about-the-levy.

DEVELOPER CONTRIBUTIONS

B12. Prior to the issue of the relevant Construction Certificate, the Applicant must obtain evidence of receipt from Council confirming the monetary contribution for the development pursuant to the provisions of The Hills Contribution Plan – Showground Precinct No. 19 has been paid. The Applicant must submit evidence of receipt to the certifier and the Planning Secretary. Payments are to comprise of the following:

Stage 1: Comprising the basement, podium and residential towers A and B

The following contributions are required prior to the issues of a Construction Certificate for Stage 1 of the Development: $4,830,220.39:

Development Category	***Rate per m² of Total Floor Space:***	***12,514.00 m2***	***Total S7.11***
Transport Facilities - Land	$	46.67	***$ 584,012.89***
Transport Facilities - Capital	$	72.63	***$ 908,888.14***
Water Management - Capital	$	12.64	***$ 158,164.68***
Administration	$	1.15	***$ 14,330.80***
Total	**$**	**133.08**	**$ 1,665,396.52**

	Purpose: 1 bedroom unit	***Purpose: 2 bedroom unit***	***Purpose: 3 bedroom unit***	***No. of 1 Bedroom Units: 70***	***No. of 2 Bedroom Units: 159***	***No. of 3 Bedroom Units: 11***	***Sum of Units***	***Total S7.11***
Open Space - Land	$ 4,502.04	$ 6,302.84	$ 7,803.52	$ 315,142.67	$ 1,002,150.96	$ 85,838.67	$ 1,403,132.30	**$ 1,403,132.30**
Open Space - Capital	$ 2,275.62	$ 3,185.87	$ 3,944.41	$ 159,293.45	$ 506,553.84	$ 43,388.55	$ 709,235.84	**$ 709,235.84**
Transport Facilities - Land	$ 1,119.69	$ 1,567.55	$ 1,940.78	$ 78,378.04	$ 249,241.13	$ 21,348.61	$ 348,967.79	**$ 348,967.79**
Transport Facilities - Capital	$ 1,742.38	$ 2,439.33	$ 3,020.12	$ 121,966.37	$ 387,853.40	$ 33,221.30	$ 543,041.07	**$ 543,041.07**
Water Management - Capital	$ 454.92	$ 636.89	$ 788.54	$ 31,844.52	$ 101,266.25	$ 8,673.97	$ 141,784.73	**$ 141,784.73**
Administration	$ 59.86	$ 83.84	$ 103.79	$ 4,190.52	$ 13,329.91	$ 1,141.70	$ 18,662.13	**$ 18,662.13**
Total	**$ 10,154.51**	**$ 14,216.32**	**$ 17,601.16**	**$ 710,815.57**	**$ 2,260,395.50**	**$ 193,612.80**	**$ 3,164,823.87**	**$ 3,164,823.87**

Stage 2: Comprising residential towers C and D

The following contributions are required prior to the issues of a Construction Certificate for Stage 2 of the Development: $2,785,045.51:

	Purpose: 1 bedroom unit	***Purpose: 2 bedroom unit***	***Purpose: 3 bedroom unit***	***No. of 1 Bedroom Units: 6***	***No. of 2 Bedroom Units: 152***	***No. of 3 Bedroom Units: 32***	***Sum of Units***	***Total S7.11***
Open Space - Land	$ 4,502.04	$ 6,302.84	$ 7,803.52	$ 27,012.23	$ 958,031.11	$ 249,712.50	$ 1,234,755.83	**$ 1,234,755.83**
Open Space - Capital	$ 2,275.62	$ 3,185.87	$ 3,944.41	$ 13,653.72	$ 484,252.73	$ 126,221.23	$ 624,127.68	**$ 624,127.68**
Transport Facilities - Land	$ 1,119.69	$ 1,567.55	$ 1,940.78	$ 6,718.12	$ 238,268.25	$ 62,105.06	$ 307,091.43	**$ 307,091.43**
Transport Facilities - Capital	$ 1,742.38	$ 2,439.33	$ 3,020.12	$ 10,454.26	$ 370,778.09	$ 96,643.78	$ 477,876.14	**$ 477,876.14**
Water Management - Capital	$ 454.92	$ 636.89	$ 788.54	$ 2,729.53	$ 96,807.99	$ 25,233.36	$ 124,770.87	**$ 124,770.87**
Administration	$ 59.86	$ 83.84	$ 103.79	$ 359.19	$ 12,743.06	$ 3,321.30	$ 16,423.55	**$ 16,423.55**
Total	**$ 10,154.51**	**$ 14,216.32**	**$ 17,601.16**	**$ 60,927.05**	**$ 2,160,881.23**	**$ 563,237.23**	**$ 2,785,045.51**	**$ 2,785,045.51**

The contributions above are applicable at the time this consent was issued and are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 19. Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

STRUCTURAL DETAILS

B13. Prior to the issue of the-relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the NCC; and

(b) this development consent.

EXTERNAL WALLS AND CLADDING

B14. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

B15. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the

requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

B16. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.

MECHANICAL VENTILATION

B17. The premises must be ventilated in accordance with the NCC and applicable Australian Standards.

B18. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

B19. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

SITE STABILITY AND CONSTRUCTION WORK

B20. Prior to the issue of the first Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:

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

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

(c) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;

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

(e) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B21. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Barker Ryan Stewart, dated July 2021.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B22. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Environmental Performance and ESD Report, prepared by ARUP, dated 1 June 2021.

B23. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier 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).

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B24. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:

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

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

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

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

MECHANICAL PLANT NOISE MITIGATION

B25. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant Construction Certificate drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry (EPA, 2017) and other guidelines applicable to the development.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B26. Prior to the issue of the relevant Construction Certificate, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic Report, prepared by Koikas Acoustics, dated 10 June 2022.

WIND MITIGATION MEASURES

B27. Prior to the issue of the first above ground Construction Certificate, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Study, prepared by RWDI Australia Pty Ltd, dated 24 March 2022.

SYDNEY WATER ASSETS

B28. Prior to the issue of the first Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

CAR PARKING

B29. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:

(a) on site car parking spaces provided as follows:

(i) maximum 421 residential spaces, (including not less than 13 spaces for 22 affordable housing units), increasing up to 430 residential spaces when affordable housing agreement expires;

(ii) maximum 341 retail / commercial spaces; and

(iii) minimum 7 carshare spaces.

(b) all vehicles must enter and leave the subject site in a forward direction without interfering with any on-street parking space;

(c) all vehicles are to be wholly contained on site before being required to stop;

(d) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;

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

(f) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority; and

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

BICYCLE PARKING

B30. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:

(a) a minimum of 148 residential bicycle parking spaces;

(b) a minimum of 36 residential visitor bicycle parking spaces;

(c) a minimum of 24 non-residential bicycle parking spaces

B31. The layout, design and security of bicycle facilities must comply with the applicable Australian Standards.

LANDSCAPING

B32. Prior to the issue of the relevant Construction Certificate, the Applicant must prepare in consultation with GANSW and submit to the satisfaction of the Planning Secretary, a detailed Landscape Plan. The plan must be generally consistent with the Landscape Plans and Report prepared by Urbis, dated April 2022 and include:

(a) details of tree planting, including pot sizes;

(b) details of soil depth and volume consistent with the recommendations contained in Soil Specification Design Report, prepared by SESL Australia, dated April 2021

(c) detail the location, species, maturity and height at maturity of plants to be planted on-site;

(d) demonstrate adequate drainage and watering systems for the planters;

(e) landscaping that interprets or reflects the local/cultural setting, including the relationship of the Site to Cattai Creek as part of the overall connection to Country response;

(f) details of plant maintenance and watering for the first 12 months;

(g) a commitment to replace plants with the same species if any plant loss occurs within the maintenance period;

(h) detail of all landscape materials, surfaces and finishes; and

(i) evidence of consultation with GANSW and the Applicant's response to its advice.

PUBLIC ART

B33. Prior to the issue of the relevant Construction Certificate, the Applicant must consult with GANSW regarding the Public Art Strategy, prepared by CK Stathum and Jennifer Turpin (EIS, Appendix 19), and the Connecting to Country Strategy, prepared by Danny Eastwood & Jamie Eastwood (RtS, Appendix 15). Evidence of consultation with GANSW and the Applicant's response to its advice, including any necessary amendments to these documents, must be provided to the satisfaction of the Planning Secretary.

STORMWATER MANAGEMENT SYSTEM

B34. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier an operational stormwater management system for the development. The system must:

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

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

(c) be in accordance within Council's Design Guidelines Subdivisions/Developments and Works Specifications Subdivisions/Developments;

(d) be in accordance with applicable Australian Standards;

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

(f) reduce annual average pollution export loads from the development in line with the following environmental targets:

(i) 90% reduction in the annual average load of gross pollutants

(ii) 85% reduction in the annual average load of total suspended solids

(iii) 65% reduction in the annual average load of total phosphorous

(iv) 45% reduction in the annual average load of total nitrogen

STORMWATER QUALITY

B35. Prior to the issue of the relevant Construction Certificate, detailed stormwater management plans consistent with the approved Stormwater Management Plan, dated June 2022, prepared by AECOM and with written evidence of endorsement by Council must be submitted to the certifying authority where it relates to existing or proposed public/ street drainage must be submitted to the Certifier.

B36. Prior to the issue of the relevant Construction Certificate, the Applicant should comply to managing flood risk within and in the vicinity of the site in accordance with the recommendations of the Flood Impact Assessment report prepared by ACE Civil Stormwater Pty Ltd, dated July 2021 (ref: ACE200124).

ADAPTABLE UNITS

B37. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report from a suitably qualified consultant that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

B38. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1205244M_03 and any updated certificate issued if amendments are made. The BASIX Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

WASTE MANAGEMENT

B39. Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Certifier evidence the development has incorporated separate dedicated waste storage areas, to facilitate the separation of residential waste and recycling from commercial material, designed and constructed in accordance with the following requirements:

(a) the residential waste areas must provide minimum storage facility for 12 x 1100 litre garbage and 12 x 1100 litre recyclable bins within collection areas and waste chute termination points must have appropriate infrastructure to accommodate at least 2 days' worth of waste i.e. 2 x 2 bin linear track system for garbage (compacted 2:1) and recycling;

(b) the commercial waste storage areas must accommodate all necessary bins required to service the development as detailed in the Waste Management Plan;

(c) the waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above;

(d) the layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide;

(e) the design of the waste storage areas must ensure that commercial tenants do not have access to the residential waste storage areas, and vice versa for residential occupants;

(f) the walls of the waste storage areas must be constructed of brickwork;

(g) the floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building);

(h) the waste storage areas must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred);

(i) the waste servicing door for the residential waste storage area must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection;

(j) the residential waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage areas;

(k) all doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened;

(l) the waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units;

(m) the waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas, it is not to conflict with the space designated for the placement of bins;

(n) the waste storage areas must be provided with internal lighting such as automatic sensor lights;

(o) the maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins;

(p) the waste storage areas must have appropriate signage (Council approved designs for residential and NSW EPA for commercial), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation; and

(q) finishes and colours of the waste storage areas are to complement the design of the development.

SYDNEY METRO CORRIDOR PROTECTION

B40. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

(a) Impact Assessment on Sydney Metro Assets (Doc Ref. E24724.G06_Rev6) Revision 6, prepared by EI Australia, dated 22 June 2022, including but not limited to the following appended drawings:

(i) Finite Element Analysis 2 Mandala Parade, Castle Hill NSW Borehole Location and Section Plan dated 22 June 2022

(ii) Plaxis 2D Outputs – Deformed Mesh IUI (scaled up 100 times) dated 21 June 2022
(iii) Plaxis 2D Outputs – Total Displacements IUI (scaled up 100 times) dated 21 June 2022(
(iv) Plaxis 2D Outputs – Deformed Mesh IUI (scaled up 500 times) dated 21 June 2022
(v) Plaxis 2D Outputs – Deformed Mesh IUI (scaled up 200 times) dated 22 June 2022
(vi) Plaxis 2D Outputs – Total Displacements IUI (scaled up 200 times) dated 22 June 2022
(vii) Plaxis 2D Outputs – Total Displacements IUI (scaled up 500 times) dated 22 June 2022
(viii) Plaxis 2D Outputs – Deformed Mesh IUI (scaled up 200 times) dated 21 June 2022
(ix) Plaxis 2D Outputs – Total Displacements IUI (scaled up 200 times) dated 21 June 2022
(x) Plaxis 2D Outputs – Total Displacements IUI (scaled up 200 times) dated 22 June 2022
(xi) Plaxis 2D Outputs – Total Displacements IUI (scaled up 1.00*103 times) dated 21 June 2022

(b) Structural Assessment Report External Development Adjacent to Transport for NSW (TfNSW) Railway Corridor (Doc No. 20025-SAR) Revision B prepared by ABC Consultants dated 22 December 2021, including but not limited to the following appended drawings:

(i) Site Retention Notes – Dwg no. S01.101 Revision P3 dated 12 April 2021
(ii) Site Retention Plan – Dwg no. S01.105 Revision P5 dated 11 November 2021
(iii) Loading Plan – Dwg no. S01.106 Revision P2 dated 11 November 2021
(iv) Shoring Wall Elevation SW1 & SW2 – Dwg no. S01.111 Revision P6 dated 18 November 2021
(v) Shoring Wall Elevation SW3 & SW4 – Dwg no. S01.112 Revision P6 dated 18 November 2021
(vi) Shoring Wall Elevation SW5 & SW6 – Dwg no. S01.113 Revision P6 dated 18 November 2021
(vii) Shoring Wall Elevation SW7 & SW8 – Dwg no. S01.114 Revision P6 dated 18 November 2021
(viii) Shoring Sections Sheet 1 – Dwg no. S01.121 Revision P4 dated 12 April 2021
(ix) Shoring Sections Sheet 2 – Dwg no. S01.122 Revision P5 dated 11 November 2021
(x) Typical Site Retention Details – Dwg no. S01.125 Revision P3 dated 12 April 2021
(xi) Foundation Details – Dwg no. S01.131 Revision P1 dated 18 November 2021

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

B41. The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

B42. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro North West Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro North West Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

B43. If required by Sydney Metro, prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

B44. The development must:

(a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);

(b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and

(c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

B45. The Applicant must:

(a) if required by Sydney Metro, update the Acoustic Response Letter (Doc Ref. 4214R20211027jt) prepared by Koikas Acoustics dated 28 October 2021 and ensure compliance with each of the matters outlined in condition 1.4; and

(b) incorporate as part of the development all the measures recommended in the acoustic assessment report.

B46. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

B47. Prior to the issue of a Construction Certificate, the Applicant must incorporate in the development all the measures recommended in the electrolysis report Electrolysis and Stray Traction Current Report (Doc No. A715-498-293) Revision 4 prepared by Cathodic Protection Services dated 25 November 2021 to control that risk. This is subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

B48. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

B49. No work is permitted within the rail corridor, any easements or stratum which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

B50. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements unless the Applicant has obtained prior written consent from Sydney Metro for any proposed use of rock anchors. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

B51. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement: (a) Machinery to be used during excavation/construction; and (b) Demolition, excavation and construction methodology and staging. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

B52. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

B53. A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

B54. If required by Sydney Metro, prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

B55. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

B56. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

B57. If required by Sydney Metro, prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

B58. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been

obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

B59. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

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

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

(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;

(b) keep such information up to date, to the satisfaction of the Planning Secretary: and

(c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

SURVEY CERTIFICATE

C4. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier:

(a) all footings/ foundations; and

(b) at other stages of construction - any marks that are required by the principal certifier.

C5. Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

(a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

(b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

C6. Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

C7. Prior to the commencement of works, the Applicant must:

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

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

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

UTILITIES AND SERVICES

C8. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.

C9. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

DIAL BEFORE YOU DIG SERVICE

C10. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

COMMUNITY COMMUNICATION STRATEGY

C11. Before the commencement of construction, the Applicant must prepare a Community Communication Strategy (CCS) for the development 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.

C12. The CCS for the development must:

(a) identify people to be consulted during the design and construction phases;

(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

(d) set out procedures and mechanisms:

- through which the community can discuss or provide feedback to the Applicant;
- through which the Applicant will respond to enquiries or feedback from the community; and
- 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.

C13. The CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.

C14. Construction must not commence until the CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

C15. The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

DEMOLITION

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

PRE-CONSTRUCTION DILAPIDATION REPORTS

C17. Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.

C18. The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the ‘zone of influence’, as defined in any Pre-Construction Dilapidation Report Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the ‘zone of influence’. A copy of the report is to be forwarded to the Planning Secretary and each of the affected property owners.

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

C20. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

C21. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

(a) Details of:

(i) hours of work

(ii) 24 hour contact details of the site manager

(iii) community consultation and complaint handling procedure

(iv) traffic management

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

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

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

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

(ix) waste management

(x) external lighting in compliance with applicable Australian Standards

(xi) flora and fauna management.

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

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

(d) Air Quality Management Sub-Plan;

(e) Construction Waste Management Sub-Plan;

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

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

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

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

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN SUB-PLAN

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

(a) a description of the development;

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

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

(d) haulage routes;

(e) proposed construction hours;

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

(g) construction vehicle access arrangements;

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

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

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

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

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

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

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

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

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

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

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

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

(e) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;

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

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

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

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

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

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

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

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

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

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

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

AIR QUALITY MANAGEMENT SUB-PLAN

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

(a) be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);

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

(c) mission statement;

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

(i) objectives and targets;

(ii) risk assessment;

(iii) suppression improvement plan;

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

(v) communication strategy; and

(vi) system and performance review for continuous improvements.

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

C27. The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

C28. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Waste Management Sub-Plan for the development. The Sub-Plan must include, as a minimum, the following elements:

(a) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

(b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;

(c) procedures for minimising the movement of waste material around the site and double handling;

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

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

(f) the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;

(g) details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):

(i) a traffic plan showing transport routes within the site;

(ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and

(iii) the name and address of each licensed facility that will receive waste from the site (if appropriate).

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

C29. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan which must be prepared by a suitably qualified expert, in consultation with Council and address, but not be limited to the following:

(a) describe all erosion and sediment controls to be implemented during construction;

(b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the Site);

(c) detail all off-Site flows from the Site; and

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

CONSTRUCTION PARKING

C30. Prior to the commencement of any earthwork or construction, the Applicant must submit to the satisfaction of the Certifier evidence that sufficient off-street parking has been provided for heavy vehicles and for site personnel (where required), to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.

COMPLIANCE

C31. Prior to the commencement of any earthwork or construction, the Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

BARRICADE PERMIT

C32. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

C33. An application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

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

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

OUTDOOR LIGHTING

C34. Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

PUBLIC LIABILITY INSURANCE

C35. Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of $10 million. A copy of the Insurance cover is to be provided to Council.

REMEDIATION – UNEXPECTED FINDS PROTOCOL

C36. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

GROUNDWATER REQUIREMENTS AND MANAGEMENT

C37. Prior to commencement of works the Applicant is to undertake the following to the satisfaction of DPE Water and the Natural Resources Access Regulator:

(a) demonstrate adequate groundwater entitlements can be obtained for the project's operational water take;

(b) ensure sufficient water entitlement is held in a water access licence/s (WAL) to account for the maximum predicted take for each water source prior to take occurring;

(c) develop a Ground Water Management Plan for the construction phase;

(d) develop a dewatering reporting schedule covering duration of construction; and

(e) develop a proposed operational phase (after building completion) monitoring and reporting schedule.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON-SITE

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

SITE NOTICE

D2. A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:

(a) state the name, address and telephone number of the principal certifier for the work;

(b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;

(c) state the approved hours of work;

(d) state that unauthorised entry to the work site is prohibited;

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

(f) the notice is to be durable and weatherproof and is to be displayed throughout the works period; and

(g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.

HOURS OF CONSTRUCTION

D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:

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

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

D4. No work may be carried out on Sundays or public holidays.

D5. Activities may be undertaken outside of these hours if required:

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

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

D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9am to 12pm, Monday to Friday;

(b) 2pm to 5pm, Monday to Friday; and

(c) 9am to 12pm, Saturday.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

D8. 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.

D9. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

D10. 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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

D11. 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.

D12. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

SAFEWORK REQUIREMENTS

D13. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

IMPLEMENTATION OF MANAGEMENT PLANS

D14. The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE LIMITS

D15. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.

D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.

D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.

D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

D19. Any noise generated during construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* or exceed approved noise limits for the Site.

VIBRATION CRITERIA

D20. Vibration caused by construction at any residence or structure outside the Site must be limited to:

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

(b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

D21. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

D22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

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

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

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

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

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

SHORING AND ADEQUACY OF ADJOINING PROPERTY

D23. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

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

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

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

TREE PROTECTION

D24. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

D25. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book'.

CUT AND FILL

D26. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:

(a) all excavated material removed from the Site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and

(b) the classification and the volume of material removed must be reported to the Certifier.

D27. All fill material imported to the Site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

D28. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

D29. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

D30. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

D31. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

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

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

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

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

CONSTRUCTION TRAFFIC

D32. All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.

ROAD OCCUPANCY LICENCE

D33. A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.

NO OBSTRUCTION OF PUBLIC WAY

D34. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on Site.

CONTACT TELEPHONE NUMBER

D35. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

COVERING OF LOADS

D36. All vehicles involved in the excavation and / or demolition process and departing from the Site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

D37. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

D38. All works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW in respect of a relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning and Environment.

D39. In this condition:

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

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

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

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

SYDNEY METRO CORRIDOR PROTECTION

D40. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

D41. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:

(a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;

(b) acts as the authorised representative of the Applicant; and

(c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.

D42. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

D43. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

D44. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.

D45. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

D46. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

(a) site investigations;

(b) foundation, pile and anchor set out;

(c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;

(d) foundation, pile and anchor excavation;

(e) other excavation;

(f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;

(g) other concreting; or

(h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

D47. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

OCCUPATION CERTIFICATE

E1. The Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

E2. Prior to the issue of an Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier works-as-executed drawings, signed by a registered surveyor, demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.

E3. The Certifier must provide a copy of the plans to the consent authority with the Occupation Certificate.

NOTIFICATION OF OCCUPATION

E4. The Department must be notified in writing at least one month prior to the proposed occupation of the development.

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

GFA AND BUILDING HEIGHT CERTIFICATION

E6. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details must be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

E7. Prior to any Occupation Certificate being issued, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.

E8. The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.

PROTECTION OF PUBLIC INFRASTRUCTURE

E9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

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

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

Infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.

MECHANICAL VENTILATION

E10. Prior to occupation or commencement of use, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with:

(a) any conditions of this consent;

(b) the NCC;

(c) any applicable Australian Standards; and

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

OPERATIONAL WASTE MANAGEMENT PLAN

E11. Prior to the occupation or commencement of use, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:

(a) be prepared in consultation with Council;

(b) confirm the location of waste collection and establish appropriate routes to the collection point;

(c) provide confirmation of the engagement of a qualified private waste collection contractor;

(d) detail the type and quantity of waste to be generated during operation of the development;

(e) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA);

(f) detail the materials to be reused or recycled, either on or off site; and

(g) include the Management and Mitigation Measures included in the EIS.

FINAL INSPECTION OF WASTE STORAGE AREAS

E12. Prior to the issue of any occupation certificate, a final inspection of the waste storage areas and associated management facilities must be undertaken by council's resource recovery project officer. this is to ensure compliance with council's design specifications and that necessary arrangements are in place for domestic waste collection by council and its domestic waste collection contractor. the time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

DOMESTIC WASTE COLLECTION RISK ASSESSMENT

E13. Prior to the issue of any occupation certificate, a risk assessment must be undertaken on site by council's coordinator resource recovery. the time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for council's domestic waste contractor to perform a mock collection run at the site.

WASTE AND RECYCLING COLLECTION

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

POST-CONSTRUCTION DILAPIDATION REPORT

E15. Before the issue of any Occupation Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:

(a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and

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

(c) relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.

E16. Before the issue of any Occupation Certificate, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).

ROAD DAMAGE

E17. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the Site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

FIRE SAFETY CERTIFICATION

E18. Prior to the issue of the any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

E19. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary and the Council after:

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

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

WARM WATER SYSTEMS AND COOLING SYSTEMS

E20. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with *the Public Health Act 2010, Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

OUTDOOR LIGHTING

E21. Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

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

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

STORMWATER

E22. Prior to the issue of any Occupation Certificate, the Applicant must submit a copy of the stormwater drainage works-as-executed (WAE) plans certified by a licensed surveyor. The stormwater drainage WAE plans can be marked-up versions of the stormwater drainage design plans must be prepared by a Practicing Professional Engineer experienced in the design of stormwater drainage systems.

E23. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier an Operation and Maintenance Plan (OMP) to ensure the proposed stormwater quality measures remain effective. The OMP must contain the following:

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

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

(c) record and reporting details;

(d) relevant contact information; and

(e) Work Health and Safety requirements.

SYDNEY WATER COMPLIANCE

E24. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

E25. Before the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

E26. Before the issue of any Occupation Certificate, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.

ENVIRONMENTAL PERFORMANCE

E27. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

GREEN TRAVEL PLAN

E28. Prior to the issue of any Occupation Certificate, the Applicant must prepare a Green Travel Plan (GTP) in consultation with TfNSW. The GTP must consider, but limited to, the following matters:

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

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

(c) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;

(d) quantification and analysis of staff shift times and numbers on the Site and analysis of workforce residential post code data to properly understand public transport and car parking demand and develop effective strategies in response, as well as help to inform service planning considerations;

(e) consideration of a staff travel survey and workforce data analysis to inform likely staff travel patterns and resultant travel plan strategies to / from the Site;

(f) strategies for promoting higher mode share targets for alternate transport use, particularly amongst day shift and administrative staff;

(g) identification of a responsible party (or Committee) for the ongoing implementation of the Travel Plan and its initiatives;

(h) confirmation of extent and nature of end of trip facilities and bike parking, including their location, and how they will be promoted to staff;

(i) encourages the use of carpooling through the implementation of a carpooling scheme for staff;

(j) considers the potential for fleet bikes to be used for travel within the site and its surrounds;

(k) identification of a communications strategy for conveying Travel Plan information to staff, and visitors, including for the Travel Access Guide;

(l) consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets (such as pricing, prioritisation for those that carpool, use of wait lists, etc);

(m) a detailed action plan comprising specific tasks needed to complete the proposed actions, the person/s responsible for completion of the task, completion date and anticipated costs;

(n) an implementation checklist to achieve the proposed initiatives;

(o) alternative actions to undertake where targets are not achieved;

(p) the establishment and composition of a steering group or committee of relevant internal and external stakeholders to inform future targets and the ongoing monitoring and revision of the GTP for five years; and

(q) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

The Applicant must submit a copy of the Green Travel Plan to sco@transport.nsw.gov.au for the endorsement of TfNSW.

E29. The Plan must be reviewed and updated annually in consultation with TfNSW and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes. The plan (as reviewed and updated annually) must be implemented by the Applicant for the life of the development.

E30. The Plan must be made available to the Planning Secretary upon request.

LOADING AND SERVICING MANAGEMENT PLAN

E31. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a detailed Loading and Servicing Management Plan prepared in consultation with TfNSW. This Plan must ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated. The Applicant must submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

(a) details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

(b) details of measures to manage any potential traffic and safety impacts of the loading dock operation; and

(c) details of how vehicles larger than a 6.4m SRV delivering to the site must be managed.

The Loading and Servicing Management must be implemented by the Applicant following the issue of the Occupation Certificate.

LANDSCAPE PRACTICAL COMPLETION REPORT

E32. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

PUBLIC ART

E33. The installation of all public art in accordance with the Public Art Strategy, prepared by CK Stathum and Jennifer Turpin (EIS, Appendix 19), and the Connecting to Country Strategy, prepared by Danny Eastwood & Jamie Eastwood (RtS, Appendix 15), as amended by Condition B33, shall occur prior to the issue of the final Occupation Certificate.

STREET NUMBERING

E34. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

COMPLIANCE WITH BASIX CERTIFICATE

E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

REGISTRATION OF EASEMENTS

E36. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

E37. Easements under section 88A 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, plazas and paths that are identified to be privately owned lands but publicly accessible, including Doran Drive Plaza, must be registered on title prior to occupation or issue of Subdivision Certificate, whichever is earlier.

CREATION OF RESTRICTIONS/POSITIVE COVENANTS

E38. Before an Occupation Certificate is issued 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

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.

COMMUNITY FACILITIES USE

E39. Prior to the issue of any Occupation Certificate, the Applicant shall provide to the Planning Secretary evidence of:

(a) registration of a restrictive covenant on title burdening the future community facility lot(s) and to the benefit of Council, to ensure the use of the lot burdened is to remain in perpetuity as a community facility. The terms of the restriction are to be that the lot must not be used other than for community facilities which are 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

(b) the operator of the community facility space must be a non-profit community organisation by demonstrating that:

(i) its Object is "*To operate as a non-profit community organisation, providing services to the community in a way which supports the physical, social, cultural and intellectual development or welfare of the community*" and

(ii) it has been registered as a "registered charity" under the *Charities Act 2013 (Cth)* or

(iii) a "company limited by guarantee" which has the legal status of a company but do not owe financial duties to shareholders and:

- its constitution provides that the company's income and property are only to be used for the company's purpose and funds are not to be distributed to members
- its constitution provides that on winding-up, the assets of the company must be transferred to another Not For Profit (NFP) organisation with similar objects
- in addition to others on its Board, the management and operations of the non-profit community organisation must be overseen by a member or members of the community or consumer group that will be served by the community facility.

AFFORDABLE HOUSING

E40. A minimum of 22 dwellings, comprising 5 x 1 bedroom, 13 x 2 bedroom and 4 x 3 bedroom dwellings, within the approved development must be used for the purpose of affordable housing as defined by the State Environmental Planning Policy (Affordable Rental Housing) 2009, for a minimum tenure of 10 years from the date of the issue of the occupation certificate. All affordable housing at the site must be managed by a registered community housing provider.

E41. Prior to the issue of an occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, requiring a minimum of 22 dwellings, comprising 5 x 1 bedroom, 13 x 2 bedroom and 4 x 3 bedroom dwellings, within the approved development to be used for the purposes of affordable housing as defined by the State Environmental Planning Policy (Affordable Rental Housing) 2009 for a minimum of 10 years from the date of issue of the

occupation certificate and are managed by a registered community housing provider. The restriction shall specifically nominate those units to be allocated as affordable housing.

CARSHARE SPACES

E42. Prior to the issue of an Occupation Certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, requiring a minimum of seven car parking spaces within the approved Basement 01 to be used for the exclusive use of carshare schemes.

MANAGEMENT PLAN OF DORAN DRIVE PLAZA

E43. Prior to the issue of any Occupation Certificate, the Applicant must prepare a plan of management for the on-going maintenance and management of Doran Drive Plaza. The Plan must be prepared in consultation with Council and TfNSW (including Sydney Metro), and must address:

(a) maintenance standards, schedule and safety measures of the plaza, including any water features and public art ;

(b) safe pedestrian movements;

(c) hours of operation;

(d) programming, events and community use of the plaza;

(e) security measures;

(f) provision for future reviews and updates; and

(g) management of amenity impacts on occupants of the development.

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 public authorities to address public safety and amenity issues.

FLOOD EMERGENCY RESPONSE PLAN

E44. Prior to the issue of the Occupation Certificate, the Applicant shall prepare a Flood Emergency Response Plan to the satisfaction of the Certifier. The Flood Emergency Response Plan shall be prepared in consultation with Council and in accordance with the recommendations contained within the document titled Flood Impact Assessment, prepared by ACE Civil Stormwater Pty Ltd, dated July 2021 (ref: ACE200124).

SYDNEY METRO CORRIDOR PROTECTION

E45. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifier, Council and Sydney Metro certifying that the completed development meets the requirements of:

(a) State Environmental Planning Policy (Transport and Infrastructure) 2021;

(b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and

(c) any other noise and vibration requirements imposed by this consent.

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

E46. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

E47. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

E48. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

E49. At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the

Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

PART F OCCUPATION AND ONGOING USE

ANNUAL FIRE SAFETY STATEMENT

F1. During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

FIRE SAFETY CERTIFICATION

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

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE (IF APPLICABLE)

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

STORAGE AND HANDLING OF WASTE

F4. All waste collection services must be undertaken in accordance with this consent.

F5. Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

F6. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

F7. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the Council prior to commencing operation of commercial uses of the Site.

LOADING/UNLOADING

F8. All loading and unloading operations associated with the site must be carried out:

(a) in accordance with the Loading Management Plan approved under this consent;

(b) within the confines of the site, at all times and must not obstruct other properties or the public way; and

(c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

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

CAR PARKING MANAGEMENT

F9. The approved car parking is to operate and be managed consistent with the Doran Drive Showground Car Park Management Report, prepared by InterPark Australia, dated June 2022.

ENVIRONMENTAL AMENITY AND ENVIRONMENTAL HEALTH

F10. External lighting on the Site must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

F11. The use and operation of the Site must not give rise to an environmental health or public nuisance.

F12. There are to be no emissions or discharges from the Site which give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

NOISE CONTROL – MECHANICAL PLANT AND EQUIPMENT

F13. The operation of plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

OPERATION OF PLANT AND EQUIPMENT

F14. All plant and equipment used in the development, or used to monitor the performance of the development must be:

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

(b) operated in a proper and efficient manner.

SIGNAGE

F15. Any future external signage must be consistent with the approved Doran Drive Façade and External Signage Strategy prepared by Turner dated 21 April 2022 (Rev E)..

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

F16. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, 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 Certifier and the Planning Secretary.

GREEN TRAVEL PLAN

F17. The Green Travel plan approved under this consent shall be implemented following occupation of the development. The Green Travel Plan is to be reviewed and updated annually.

SUPERMARKERT PLAN OF MANAGEMENT

F18. The operation of the supermarket must be consistent with the approved Supermarket Plan of Management, prepared by D+R Architects, dated July 2021 (EIS, Appendix 22) approved under this consent. The plan must be reviewed and updated annually and be amended to address any reasonable direction of public authorities in respect to public safety and public amenity issues.

CENTRE PLAN OF MANAGEMENT

F19. The operation of the retail podium and the supermarket must be consistent with the approved Showground Shopping Centre – Operational Management Plan prepared on behalf of the Applicant, dated April 2021 (EIS, Appendix 23) approved under this consent. The plan must be reviewed and updated annually and be amended to address any reasonable direction of public authorities in respect to public safety and public amenity issues.

CHANGE OF OPERATOR FOR COMMUNITY FACILITY

F20. At least 60 days prior to any change of operator and/or use of the approved community facility, the owner or the occupier of the lot affected by the community facility must give notice to the Planning Secretary, including sufficient evidence to the satisfaction of the Planning Secretary that the use and operation would be consistent with the definition of a community facility under The Hills Local Environmental Plan 2019.

PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

G1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate. For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the development carried out in accordance with the documents set out in Condition A2.

SUBDIVISION CERTIFICATE

G2. Before granting any Subdivision Certificate, the Certifier must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

BUILDING MANAGEMENT STATEMENT

G3. Prior to the issue of a Subdivision Certificate, 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 Certifier.

G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development 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) the use, operation and management of carshare spaces;

(d) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate; and

(e) the implementation of the approved Flood Emergency Response Plan in accordance with Condition E47.

CREATION OF EASEMENTS

G5. Prior to the issue of a Subdivision Certificate, easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

REGISTRATION OF EASEMENTS

G6. Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Condition A2, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

G7. Any pipes, service lines or the like servicing each lot must be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

ACCESS EASEMENT – GROUND LEVEL

G8. Prior to the registration of the stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to the 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 Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.

G9. 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 an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

COMPLIANCE CERTIFICATE

G10. Prior to issue of any Subdivision Certificate, a compliance certificate issued under Part 6, Division 9 of the *Sydney Water Act 1994* must be obtained from Sydney Water and must be provided to the Certifier demonstrating that the development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.

G11. Prior to the issue of each Subdivision Certificate (as relevant), a Registered Surveyor has confirmed that the parcel boundary of the plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement or Strata Management Statement, to enable the registration of the plan.

STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT

G12. 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 development consent.

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 the relevant authority for all necessary permits including crane permits, road opening permits, 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*.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

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

TEMPORARY STRUCTURES

AN4. An approval must be obtained from the relevant authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the NCC.

AN5. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN6. 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 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

AN7. 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.

AN8. 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 Climate Change, Energy, the Environment and Water, 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. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water’s assets (e.g. water, sewer and stormwater mains).

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

FIRE SAFETY CERTIFICATE

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

COPIES OF DOCUMENTS

AN11. A copy of all Construction Certificates and Occupation Certificates must be provided to the Planning Secretary within 30 days of each being issued.

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 D10 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.