

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Alan Bright
Director
State Significant Acceleration

Sydney

2 March 2023

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-35609161
Applicant:	Q HASSALL STREET DEVELOPER PTY LTD & THE TRUSTEE FOR G HASSALL STREET DEVELOPMENT TRUST
Consent Authority:	Minister for Planning
Site:	Lot 156 DP 1240854, 12 Hassall St Parramatta
Development:	The construction of a 54-storey mixed use building comprising of: • three levels of basement carparking, • four storey podium providing commercial floorspace and residential amenities; • a residential tower (levels 5 to 52) providing 438 build to rent apartments. • Level 53 providing residential amenities including a rooftop terrace, [deleted] and lounge

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-35609161-MOD-1	19 June 2026	Director	To modify SSD-35609161 by reducing building height, adding 47 dwellings, adjusting layouts, setbacks, façades, and amenities, and relocating services—all within the approved envelope.

DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Applicant	Gurner GQ Pty Ltd or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CCS	Community Communication Strategy
Certifier	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
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 construction and public domain works permitted by this consent
Council	City of Parramatta
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and public domain works, as modified by the conditions of this consent
EIS	The Environmental Impact Statement, prepared by Think Planners dated 12 July 2022, 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	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Heritage	Encompasses both aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, state and/ or national heritage significance, and/or an aboriginal object or aboriginal place as defined under the national parks and wildlife act 1974', the world heritage list, or the national heritage list or commonwealth heritage list under the environment protection and biodiversity conservation act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Feasible	Means what is possible and practical in the circumstances
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
Independent audit post approval requirements	Independent audit post approval requirements as available on the department's website

CONSOLIDATED CONSENT

Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the EIS and RTS
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) 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
MOD 1	Section 4.55(2) modification application (SSD-35609161 Mod 1) prepared by Think Planners dated 31 October 2025, including any additional information provided by the Applicant in support of the application.
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	Protection of the Environment Operations Act 1997
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Site auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SSD	State Significant Development
Site	Land referred to in Schedule 1
Supplementary Response to Submissions	The Applicant's supplementary response to submissions
TfNSW	Transport for New South Wales
Waste	Has the same meaning as the definition of the term in the dictionary to the POEO Act
Year	A period of 12 consecutive months

CONSOLIDATED CONSENT

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, Response to Submissions, Supplementary Response to Submissions, **and MOD 1**;
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by PTW Architects			
Drawing No.	Rev	Name of Plan	Date
A-General Information			
DA-05-1000	B	Site Plan	27/06/25
DA-05-1200	B	Building Control Envelope Diagram	27/06/25
DA-07-1000	E	Development Data Sheet	11/03/26
DA-07-1100	D	Unit Schedule	18/02/26
DA-07-1200	C	Unit Storage Schedule	27/06/25
B - General Arrangement Plans			
DA-10-0400	B	Lift Pit Floor Plan	27/06/25
DA-10-0500	B	Basement Level 4 Floor Plan	27/06/25
DA-10-0600	B	Basement Level 3 Floor Plan	27/06/25
DA-10-0700	B	Basement Level 2 Floor Plan	27/06/25
DA-10-0800	D	Basement Level 1 Floor Plan	18/02/26
DA-10-0900	B	Basement Level 1M Floor Plan	27/06/25
DA-10-1000	C	Level 00 Ground Floor Plan	11/03/26
DA-10-1100	B	Level 01 Floor Plan	27/06/25
DA-10-1200	B	Level 02 Floor Plan	27/06/25
DA-10-1300	B	Level 03 Floor Plan	27/06/25
DA-10-1400	B	Level 04 Floor Plan	27/06/25
DA-10-1500	C	Levels 05 - 08 Floor Plan	18/02/26
DA-10-1900	D	Levels 09 - 22 Floor Plan	18/02/26
DA-10-2000	D	Levels 23 - 24 Floor Plan	18/02/26
DA-10-2500	D	Level 25 Floor Plan (Plant)	18/02/26
DA-10-3000	D	Levels 26 - 43 Floor Plan	18/02/26
DA-10-4900	C	Level 44 Floor Plan (Plant)	18/02/26
DA-10-5500	D	Levels 45 - 52 Floor Plan	18/02/26
DA-10-6000	B	Level 53 Floor Plan (COS)	27/06/25
DA-10-6101	B	Plant Room Plan	27/06/25

CONSOLIDATED CONSENT

DA-10-6102	B	Lift Machine Room	27/06/25
DA-10-6200	B	Roof Plan	27/06/25
C – Elevations			
DA-20-1000	B	Hassall Street Elevation 1-500	27/06/25
DA-20-1100	C	North and East Elevations 1-500	18/02/26
DA-20-1200	C	South and West Elevations 1-500	18/02/26
DA-20-1300	C	North Elevation 1-300	18/02/26
DA-20-1400	B	South Elevation (Hassall Street) 1-300	27/06/25
DA-20-1500	C	East Elevation 1-300	18/02/26
DA-20-1600	C	West Elevation 1-300	18/02/26
C-External Materials Finishes			
DA-50-1000	C	External Material Finishes + Colours Board	18/02/26
DA-50-1100	C	Podium External Material Finishes + Colours	18/02/26
DA-50-1200	C	Tower External Material Finishes + Colours	18/02/26
DA-50-1300	C	Tower External Material Finishes + Colours	18/02/26
C-Façade Details			
DA-40-1100	C	Podium Elevation South	18/02/26
DA-40-1200	C	Podium Elevation North	18/02/26
DA-40-1300	C	Podium Elevation West	18/02/26
DA-40-1500	C	Podium Façade Details	18/02/26
DA-40-1600	C	Tower Façade Details – North	18/02/26
DA-40-1600B	B	Tower Façade Details - North (L25-52)	18/02/26
DA-40-1601	C	Tower Façade Details – South (L05-L24)	18/02/26
DA-40-1601B	B	Tower Façade Details – South (L25-L52)	18/02/26
DA-40-1602	B	Tower Façade Details – North West, North East	18/02/26
D-Sections			
DA-30-1000	B	Section A & B 1-500	27/06/25
DA-30-1200	B	Section A 1-300	27/06/25
DA-30-1300	B	Section B 1-300	27/06/25
DA-30-1400	B	Section C 1-300	27/06/25
G-Adaptable Apartments			
DA-80-1000	D	Adaptable 1B Apartment Plans	18/02/26
DA-80-1100	D	Adaptable 1B Apartment Plans	18/02/26
DA-80-1200	C	Adaptable 2B Apartment Plans	27/06/25
DA-80-1300	B	Livable Apartment Plans	18/02/26
N-Gross Floor Area Plans			
DA-91-1000	B	GFA Diagrams (Sheet 1)	27/06/25
DA-91-1100	D	GFA Diagrams (Sheet 2)	18/02/26
DA-91-1200	D	GFA Diagrams (Sheet 3)	18/02/26
DA-91-1300	D	GFA Diagrams (Sheet 4)	18/02/26
DA-91-1400	D	GFA Diagrams (Sheet 5)	18/02/26
DA-91-1500	B	GFA Diagrams (Sheet 6)	27/06/25
Landscape Plans prepared by Arcadia			

CONSOLIDATED CONSENT

L-000	A	Landscape Coversheet	27/06/25
L-001	A	Planting Schedule	27/06/25
L-401	A	Softworks Plan - Ground Floor	27/06/25
L-402	A	Softworks Plan - Level 4	27/06/25
L-403	A	Softworks Plan - Level 53 Rooftop	27/06/25
L-601	A	Landscape Details - Planting	27/06/25
L-701	A	Landscape Specification	27/06/25
Civil Drawings prepared by Webber Design Structural Engineering			
C0000	P4	Cover Sheet	22/07/25
C0001	P4	Civil Notes	22/07/25
C0010	P4	Sediment and Erosion Control Plan	22/07/25
C0020	P4	Sediment and Erosion Control Plan Typical Details	22/07/25
C0030	P4	Cut and Fill Plan	22/07/25
C0050	P4	Basement 5 – Drainage Plan	22/07/25
C0060	P4	Basement 4 – Drainage Plan	22/07/25
C0070	P4	Basement 3 – Drainage Plan	22/07/25
C0080	P4	Basement 2 – Drainage Plan	22/07/25
C0090	P4	Basement 1 – Drainage Plan	22/07/25
C0100	P4	Ground Floor – Drainage Plan	22/07/25
C0200	P4	Ground Floor – Overland Flow Path Plan	22/07/25
C0250	P1	Level 1 - Drainage Plan	22/07/25
C0300	P4	Civil Sections – Sheet 1	22/07/25
C0500	P4	Outfall Drain Long Sections – Sheet 1	22/07/25
C0600	P4	Typical Civil Details – Sheet 1	22/07/25
C0610	P4	Typical Civil Details – Sheet 2	22/07/25
C0700	P4	Typical Pavement Details – Sheet 1	22/07/25
C0710	P4	Typical Pavement Details – Sheet 2	22/07/25

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

Limits of Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not approve the following:

- (a) Demolition; and
 - (b) Retail fit out.
- A7. Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

Prescribed Conditions

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

Build-to-Rent Housing to Apply for at least 15 Years

- A9. It is a condition of the development consent that during the relevant period –
- (a) The buildings to which the development consent relates must contain at least 50 dwellings occupied or intended to be occupied, by individuals under residential tenancy agreements, and
 - (b) for development on land in Zone **MU1 Mixed Use**—the buildings to which the development consent relates must not be subdivided into separate lots, and
 - (c) for development on land in another zone—the tenanted component of the buildings to which the development consent relates must not be subdivided into separate lots, and
 - (d) the tenanted component of the buildings to which the development consent relates must—
 - (i) be owned and controlled by 1 person only, and
 - (ii) be operated by 1 managing agent only, who provides on-site management.

Note: In this section—

- *This is a prescribed condition under s 81 of the Environmental Planning and Assessment Regulation 2021*
- *relevant period has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 73.*
- *tenanted component has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 71.*

Details of Owner and Managing Agent of Build-to-Rent Housing to be re-notified if Changed

- A10. If the owner or managing agent of the build-to-rent components of the development changes, the Applicant must provide written notification to the Planning Secretary, the Council and the Certifier identifying the new owner and/or managing agent.

Note: A change in the owner or managing agent of the build-to-rent components does not affect the 15-year period prescribed by Condition A9

Planning Secretary as Moderator

- A11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Legal Notices

- A12. Any advice or notice to the consent authority must be served on the Planning Secretary.

Structural Adequacy

- A13. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

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

Evidence of Consultation

- A14. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide details of the consultation undertaken including:

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging

- A15. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A16. A Staging Report prepared in accordance with condition A15 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A17. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A18. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report including independent auditing requirements.

Staging, Combining and Updating Strategies, Plans or Programs

- A19. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A20. Any strategy, plan or program prepared in accordance with condition A19, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

- A21. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A22. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

External Walls and Cladding

- A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Applicability of Guidelines

- A24. 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.
- A25. 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

- A26. 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, Site audit report and independent 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.

Access to Information

- A27. 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 audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

Compliance

A28. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

A29. The Planning Secretary must be notified through the major projects portal 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.

A30. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 1**.

Non-Compliance Notification

A31. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A32. 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.

A33. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

A34. Within three months of:

- (a) the submission of an Incident Report under condition A29;
- (b) the submission of an Independent Audit under condition D37;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A3 which requires a review,

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

A35. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the 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.

Firearms Control

A36. The Applicant must not permit any firearm (within the meaning of the Firearms Act 1996 (NSW)) to be brought on to or stored on the site or any part of the development approved by this consent, except for any firearm that is in the apparent possession of a police officer or a recognised law enforcement officer (as defined in the Police Act 1990 (NSW)) or a member of the Australian Federal Police (as defined in the Australian Federal Police Act 1979 (Cth)) in the course of that person's duties.

Memorandum of Understanding

A37. Within 6 months of the date of this consent, the Applicant shall prepare a memorandum of understanding in consultation with NSW Police, which shall include policies to be implemented by the Applicant in respect of tenant selection, on-site management of tenanted areas, and

CONSOLIDATED CONSENT

emergency response procedures (including in circumstances where NSW Police requires the development to be locked down or evacuated).

FOR INFORMATION

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Design Excellence and Integrity

- B1. To ensure design continuity and excellence of the approved scheme is maintained, PTW Architects (lead architect for the EIS) is to be retained throughout the development process, to:
- (a) endorse the design drawings for construction;
 - (b) endorse the design drawings for the contract documentation;
 - (c) maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project;
 - (d) provide any documentation required by the consent authority verifying the design intent has been achieved at completion;
 - (e) attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required; and
 - (f) demonstrate how and when the Design Integrity Panel (DIP) will be involved in the review and input into the design development to ensure design integrity of the project, including any subsequent modifications and post approval matters. The Design Integrity Panel must be made up of suitably qualified members and provide independent expert advice in relation to the scheme achieving (and maintaining) design excellence.
- B2. Prior to the issue of construction certificate, the DIP is to review the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages, and provide confirmation to the Certifier that these are consistent with the approved design.

DESIGN AMENDMENTS

B2A. Prior to the issue of the first Construction Certificate, the Applicant must submit amended plans and specifications to the satisfaction of the Planning Secretary demonstrating that the loading dock achieves a minimum floor to ceiling height clearance of 4.5m.

Maximum Building Height

- B3. The maximum height of the approved building must not exceed RL **190.7m** AHD, inclusive of all lift over-runs, vents, and any roof features. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of the Construction Certificate.

Gross Floor Area Certification

- B4. The gross floor area of the development must not exceed **33,153m²**. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of the Construction Certificate.

External Walls and Cladding

- B5. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Structural Details

- B6. Prior to the issue of the relevant construction certificate for the development, 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 BCA; and
 - (b) this development consent.

Mechanical Ventilation

- B7. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.

- B8. Details of any mechanical ventilation and/or air conditioning system for the development complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Reflectivity

- B9. The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Controlled Activities within Protected Airspace

- B10. The development is to be carried out in accordance with the requirements of the decision under the Airports (Protection of Airspace) Regulation 1996 dated 2 March 2023 File Ref. F17/968-91.
- B11. Prior to the issue of any construction certificate related to the approved development, separate approval must be sought from the Australian Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA), under the Airports (Protection of Airspace) Regulations 1996 for any potential 'controlled activities' that are likely to intrude into prescribed airspace for Bankstown and/or Sydney airports. This includes any construction equipment (e.g. cranes, concrete pumps, etc.) related to the development that are proposed to intrude into prescribe airspace.
- The development and construction of the development must be carried out in accordance with the requirements of the decision issued under the Airports (Protection of Airspace) Regulations 1996.
- B12. The Secretary shall be notified of any amendments to the approved development required by the determination of the DITRDCA, and any relevant approvals / modifications to existing approvals will need to be sought by the Applicant.

Site Stability and Construction Work

- B13. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifier for the development:
- (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 to demonstrate that the proposed methods of support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (c) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work; and
 - (d) written approval must be 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) and details must be provided to the certifier.

Heritage Interpretation

- B14. A Heritage Interpretation Plan, must be prepared in accordance with the Historical Archaeological Assessment, prepared by Comber Consultants dated November 2022 and relevant NSW Heritage Division guidelines, and must be submitted to and approved by the Planning Secretary.

The Plan must be prepared in consultation with the Registered Aboriginal Party and local community, and document the findings and recommendations raised in consultation. The Plan must:

- (a) detail methods and elements to retain and interpret the site's heritage to be included in the detailed design; and

- (b) identify when the various interpretation elements will be delivered

Crime Prevention Through Environmental Design

- B15. 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 the CPTED management and mitigation measures included within the CPTED report Crime Prevention Through Environmental Design Assessment prepared by Think Planners, dated 12 May 2022.

Ecologically Sustainable Development

- B16. The development must incorporate all design, construction and operation measures as identified in the Ecologically Sustainable Design Report prepared by ADP Consulting Pty Ltd, dated 21 April 2022. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the relevant construction certificate.
- B17. The Applicant must demonstrate to the Certifier that Ecologically Sustainable Development is being delivered by achieving a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia) and a 4.5 Star NABERS Office Energy Rating for the base building design. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the relevant construction certificate.

Installation of Water Efficient Fixtures and Fittings

- B18. Prior to the issue of construction certificate, details of the installation of water efficient fixtures and fittings shall be submitted to the Certifier, including:
- (a) all toilets installed within the development must 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 must be water efficient with at least a 3-star rating under the WELS, where available;
 - (c) urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the WELS; and
 - (d) systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved.

High Performing Building Design

- B19. The Applicant must demonstrate to the Certifier that the development implements High Performing Building Design measures, including:
- (a) exceedance of the applicable BASIX target for water by 10 points;
 - (b) exceedance of the applicable BASIX target for energy by 10 points; and
 - (c) for the part of the building used for the purposes of office premises:
 - (i) a maximum energy target of 140kg CO₂e/m² per year,
 - (ii) a maximum water target of 0.65kL/m² per year.

Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the relevant construction certificate.

BASIX Certificate

- B20. Prior to the issue of construction certificate, any requirement, recommendation or mitigation measure identified in the completed BASIX certificates, which were submitted with the development application the subject of this consent (refer to EIS and RTS), must be specified on the plans forming part of the construction certificate documentation.

The BASIX certificates must be submitted to the Certifier with all commitments clearly shown on the construction certificate plans.

Dual Piping

- B21. Prior to the issue of the relevant construction certificate, the Applicant shall submit evidence to the satisfaction of the Certifier demonstrating that a dual reticulation (dual pipe) system is to be

installed throughout the development to support the immediate or future connection to a recycled water network. If a recycled water network is not currently available, the design of the dual reticulation system is to be such that a future connection to an alternative water supply can be achieved without significant civil or building work, disruption or cost. To facilitate this, the dual reticulation system is to have:

- (a) one reticulation system servicing drinking water uses, connected to the drinking supply;
- (b) one reticulation system servicing all non-drinking water uses; and
- (c) the non-drinking water system is to be supplied with harvested rainwater, with drinking water backup, until such time as an alternative water supply connection is available.

Stormwater Management System

- B22. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development in consultation with Council and submit relevant plans to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design as listed in the table below (and as amended by the conditions of the conditions of this consent where applicable)
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

Operational Noise – Design of Mechanical Plant and Equipment

- B23. Prior to the issue of any construction certificate for the mechanical plant and equipment, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment dated April 2022 and prepared by E-LAB Consulting have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the Noise and Vibration Impact Assessment.
- B24. Prior to the issue of the construction certificate for waste storage and processing areas, and where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:
- (a) is constructed using solid non-combustible materials;
 - (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
 - (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
 - (d) is naturally ventilated or an air handling exhaust system must be in place; and
 - (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Adaptable Housing

- B25. Prior to a construction certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Certifier confirming that the building has been designed to accommodate 44 adaptable residential apartment units, with the requirements specified on the relevant Construction Certificate drawings.

Access for People with Disabilities

- B26. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of above ground works, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Car Parking and Service Vehicle Layout

- B27. Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) a minimum of **81** on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
 - (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

- B28. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- (a) the provision of a minimum **240 resident**, staff and visitor bicycle parking spaces outlined in plans listed in condition A2;
 - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 *Parking facilities - Bicycle parking*, and;
 - (c) the provision of **[deleted]** end-of-trip facilities **[deleted]** with personal lockers and showers

Loading and Servicing Management

- B29. Prior to the issue of construction certificate, the Applicant shall prepare a Loading and Servicing Management Plan in consultation with TfNSW and NSW Police and submit to the satisfaction of the Planning Secretary.

This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. 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; and
- (b) Details of measures to manage any potential traffic and safety impacts of the loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading dock and pedestrian / cyclists and potential conflicts with vehicles accessing the driveway at 1 Charles Street Parramatta.

Landscaping

- B30. Prior to the issue of a construction certificate, the Applicant must prepare a revised Landscape Plan to the satisfaction of the Planning Secretary. The plan(s) must:
- (a) incorporate any necessary amendments resulting from the Heritage Interpretation Plan required by condition B14 and Public Art required by condition B32;
 - (b) include the planting of the street tree species *Flindersia australis*, (common name Australian Teak), with a minimum pot size of 400L along Hassall Street;
 - (c) provide for the planting of 42 trees;
 - (d) detail the location, species, maturity and height at maturity of plants to be planted on-site;
 - (e) include species (trees, shrubs and groundcovers) indigenous to the local area;
 - (f) include the planting of trees with a pot container of 100 litres or greater; and
 - (g) be generally in accordance with the landscape concept masterplan as listed in the table in condition A2(d) (and as amended by the conditions of this consent where applicable).

Site Audit Statement

- B31. Prior to the issue of the relevant construction certificate, a Detailed Site Investigation is to be undertaken to confirm that soil contaminant levels are below the relevant health investigation level for the proposed land uses and that the site is suitable for the proposed uses. Investigation shall be carried out in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2020) and a Remedial Action Plan is to be prepared.

A site audit statement must be issued at the completion of the investigation by an accredited auditor in accordance with the Guidelines for the NSW Site Auditor Scheme (EPA, 2007). A copy of the Remedial Action Plan and site audit statement must be provided to the Certifier.

Public Art

- B32. Prior to the issue of construction certificate, the final details of the public artwork must be developed in consultation with Council, with the final details submitted to the Planning Secretary for approval.

The Public Art must reflect the social and cultural history of the site, in accordance with public art strategy outlined in the 12 Hassall St, Parramatta Public Art Strategy, prepared by FCAD & Curio Projects undated.

The Public Artwork must be in accordance with Council's Public Art policy.

Public Domain Works

- B33. Prior to the issue of construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

Development Contributions

- B34. Prior to the issue of a construction certificate for any part of the development, payment of a levy of 3% of the proposed cost of carrying out the development must be paid to Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Parramatta CBD Development Contributions Plan 2007 (Amendment 5).

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may be subject to indexation.

Parramatta CBD Development Contributions Plan 2007 (Amendment 5) can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/development/planning/development-contributions>

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

Notification of Commencement

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

Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising structural engineer that demonstrates compliance with this development consent.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C4. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C5. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of commercial buildings that are likely to be impacted by the development.
- C6. Where the offer for a pre-construction survey is accepted (as required by condition C5), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert prior to the commencement of vibration generating works that could impact on the identified buildings.
- C7. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C5 the Applicant must:
 - (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- C8. No later than four weeks before the commencement of construction (including any site preparation or excavation work), a Community Communication Strategy must be submitted to the Planning Secretary for approval prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, NSW Police, 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.

The Community Communication Strategy 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:
 - (i) through which the community can discuss or provide feedback to the Applicant;
 - (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Outdoor Lighting

- C9. Prior to the installation of outdoor lighting, evidence must be submitted to 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.

Environmental Management Plan Requirements

- C10. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020).

Note: The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- C11. Prior to the commencement of construction (including any site preparation or excavation work), the Applicant must prepare to the satisfaction of the Planning Secretary, a Construction Environmental Management Plan (CEMP), and provide a copy to the Certifier. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (v) community consultation and complaints handling;
 - (vi) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) Construction Pedestrian and Traffic Management Sub-Plan (see condition C13);
- (c) Construction Noise and Vibration Management Sub-Plan (see condition C14);
- (d) Construction Soil and Water Management Sub-Plan (see condition C15);
- (e) Construction Dewatering Management Sub-Plan (see condition C16);
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site;

CONSOLIDATED CONSENT

- C12. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C13. The Construction Pedestrian and Traffic Management Sub-Plan (CPTMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council, NSW Police and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists, pedestrians, bus services and operation of the driveway at 1 Charles Street Parramatta; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C14. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C14(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B16.
- C15. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.
 - (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including 1 in 5 year ARI.
- C16. The Construction Dewatering Management Sub-Plan (CDMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
 - (b) provides an assessment of the activities against the 'minimal impact considerations' of the Aquifer Interference Policy;
 - (c) describes how the design would limit the ongoing take of groundwater following completion of construction to 3 ML/yr or less, unless an approval by the Planning Secretary allows for greater take;

- (d) describes all relevant licences and authorities obtained to authorise and account for dewatering activities including a Water Access Licence (WAL) under the *Water Management Act 2000*, unless the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the *Water Management (General) Regulation 2018*;
 - (e) quantifies the predicted water take and provides estimates of groundwater inflows both during construction and operation;
 - (f) describes how the proposed design and construction of the work:
 - (i) would limit the ongoing take of groundwater following completion of construction to 3 ML/yr or less unless a Dewatering Management Plan approved by DPE Water Assessment allows for greater take;
 - (ii) would limit obstruction of groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure and be able to demonstrate that any groundwater mounding shall not have material impacts on surrounding buildings, infrastructure and natural environment;
 - (iii) would prevent an elevated water table from rising to within 1.0m below the natural ground surface; and
 - (iv) would address the disposal of the groundwater to the stormwater including any proposed water treatment.
 - (g) provides a dewatering reporting schedule covering duration of construction;
 - (h) develop a proposed operational phase (after building completion) monitoring and reporting schedule; and
 - (i) be prepared in consultation with Council.
- C17. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Construction Worker Transportation Strategy

- C18. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

Construction Waste Management

- C19. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

Site Contamination

- C20. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Barricade Permit

- C21. 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

- C22. For the relevant street frontages and duration of the development, a separate 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
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- C23. Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

PART D DURING CONSTRUCTION

Approved Plans to be on Site

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

Operation of Plant and Equipment

- D3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 5pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 5pm, Saturdays.

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

- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

Implementation of Management Plans

- D7. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans) as last approved by the Planning Secretary.

Construction Traffic

- D8. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone as part of the CPTMSP required by condition C13 and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D9. The following hoarding requirements must be complied with:

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

No Obstruction of Public Way

- D10. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- D11. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential and commercial precincts outside of the construction hours of work outlined under condition D4.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D14. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D15. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D14.
- D16. The limits in conditions D15 and D15 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C11 of this consent.

Air Quality

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D18. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D19. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by condition C15.

Imported Fill

D20. The Applicant must:

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

Disposal of Seepage and Stormwater

D21. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

D22. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

Archaeological and Aboriginal Monitoring

D23. Archaeological and Aboriginal monitoring of works within the site are to be undertaken to ensure no potential relics are harmed, in accordance with the recommendations of the Historic Archaeological Assessment, prepared by Comber, dated November 2022.

D24. The Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Comber Associates dated July 2022 is to be updated with the results of the Aboriginal archaeological excavations, including a revised significance assessment, as soon as practicable following completion of the excavations and all associated analyses. The final ACHAR must be prepared in consultation with Registered Aboriginal Parties and to the satisfaction of the Planning Secretary.

Unexpected Finds Protocol – Aboriginal Heritage

D25. In the event that surface disturbance identifies a new Aboriginal object:

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

Unexpected Finds Protocol – Historic Heritage

D26. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
- (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

D27. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

- D28. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D29. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D30. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D31. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- D32. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Site Contamination

- D33. The Applicant must conduct site investigations to confirm the full nature and extent of the contamination at the project area and comply with the following requirements:
- (a) the site investigations must be undertaken, and the subsequent report(s), must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;
 - (b) the reports must be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and
 - (c) the recommendations of the Remedial Action Plan as required by condition B30 and the unexpected finds procedure must be updated following results of further site investigations and implemented throughout duration of project work.
- D34. Remediation of the site must be carried out in accordance with the Remedial Action Plan as required by condition B30 and any variations to the Remedial Action Plan approved by an NSW EPA-accredited Site Auditor.
- D35. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- D36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Independent Environmental Audit

- D37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- D38. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- D39. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- D40. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition D37 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and

- (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- D41. 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 Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- D42. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), 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 an audit has demonstrated operational compliance.

Inspection of Public Domain Works

- D43. The Applicant must notify Council of the following inspections:
- (a) commencement of public domain works including set out of tree pits;
 - (b) subgrade inspection following excavation for footings;
 - (c) installation of required underground conduits;
 - (d) formwork;
 - (e) commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
 - (f) completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
 - (g) completion of (raised) planting beds;
 - (h) completion of unit (granite) paving and furniture (seatings) installation;
 - (i) completion of paving sealant application and tactile indicator installation;
 - (j) delivery of street trees to site;
 - (k) installation of street trees including required sub-drainage layer; and
 - (l) final defects inspection after all work has been completed.

Note: Trees must be installed within 24 hrs of delivery; the contractor shall provide to Council officers, certification that the trees have been grown in accordance with AS2303:2018

- D44. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work and ensure it is completed in accordance with Council's (2017) Public Domain Guidelines.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

Notification of Occupation

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

Details of Owner and Managing Agent of Build-to-Rent Housing to be Notified

- E2. Before an occupation certificate is issued for any of the build-to-rent components of the development, the Applicant must provide written notification to the Planning Secretary, the Council and the Certifier identifying a single owner and managing agent of the build-to-rent components of the development.

Occupation Certificate

- E3. An occupation certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

GFA and Building Height Certification

- E4. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area and building height. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of the final occupation certificate.

Ecologically Sustainable Development

- E5. Prior to the issue of any occupation certificate, all environmental commitments referred to in the ESD Report, prepared by ADP Consulting: Engineering, dated 21 April 2022 and condition B16 must be implemented, with evidence demonstrating compliance with this requirement submitted to the Certifier.
- E6. Prior to the issue of any occupation certificate, the Applicant must implement the commitments outlined in the completed BASIX certificates, which were submitted with the development application the subject of this consent (condition B20).

External Walls and Cladding

- E7. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E8. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Post-Construction Dilapidation Report – Protection of Public Infrastructure

- E9. Following completion of all construction works and prior to the issue of any occupation certificate, a Post -Construction Dilapidation Report must be prepared by a qualified structural engineer tot:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition C4 of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E10. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.

Road Damage

- E11. Prior to the issue of an occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Post-Construction Survey – Adjoining Properties

- E12. Where a pre-construction survey has been undertaken in accordance with condition C5, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with condition C5;
 - (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.
- E13. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Utilities and Services

- E14. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

Works as Executed Plans

- E15. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Green Travel Plan

- E16. Prior to the commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and (Sydney Coordination Office) TfNSW
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets;

- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Operational Transport and Access Management Plan (OTAMP)

- E17. Prior to the commencement of operation or issue of occupation certificate, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, NSW Police and TfNSW, and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure people are able to access and leave the Site in a safe and efficient manner;
 - (b) the location of all car parking spaces on the site and their allocation (i.e. visitor, accessible, staff etc.);
 - (c) the delivery and service vehicle access management arrangements;
 - (d) the provision of a traffic signal management system which includes forewarning flashing lights / signage to advise entering / exiting traffic of vehicles using the loading dock facility
 - (e) management of approved access arrangements including after-hours access;
 - (f) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing parking from Hassall Street;
 - (g) the provision of internal queuing capacity sufficient to accommodate within the development a queue of at least 21 cars (as shown in Drawing Nos. SK-1011 Rev A and SK-1012 Rev A in Appendix A to the Positive Traffic letter dated 8 November 2022 titled “Responses to Matters Raised by NSW Police”); and
 - (h) a monitoring and review program.

Mechanical Ventilation

- E18. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
 - (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- E19. Prior to the issue of an occupation certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B23 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project noise trigger levels identified in the Noise and Vibration Impact Assessment prepared by E-LAB Consulting dated April 2022 .

Car Parking, Service Vehicles and Bi-cycle parking Arrangements

- E20. Prior to the issue of an occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas, bi-cycle parking facilities comply with conditions B27;
 - (b) appropriate pedestrian and cyclist advisory signs are to be provided;

- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bi-cycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (e) end-of-trip facilities for staff are provided.

Fire Safety Certification

E21. Prior to the issue of an occupation certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Structural Inspection Certificate

E22. Prior to the issue of an occupation certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works 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.

Stormwater Quality Management Plan

E23. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information; and
- (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

E24. The installation 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 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

E25. Prior to the issue of the occupation certificate, 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.

Archaeological Salvage – Historic Archaeology

E26. The Applicant must prepare an archaeological report of the salvage excavation undertaken in accordance with condition D23. An interim report of the salvage excavation must be provided to the satisfaction of the Planning Secretary within one month of completion of the salvage work and a final report provided within 12 months of completion of the salvage work or within another

timeframe agreed with the Planning Secretary. Copies of the report must also be provided to the Heritage NSW and Council.

Signage

- E27. Prior to the issue of an occupation certificate, way-finding signage and signage identifying the location of staff car parking must be installed.
- E28. Prior to the issue of an occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- E29. Prior to the issue of an occupation certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) 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* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site; and
 - (d) include the Management and Mitigation Measures included in EIS and RtS.

Site Contamination

- E30. Prior to the issue of an occupation certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.

Landscaping

- E31. Prior to the issue of an occupation certificate, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition B30.
- E32. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
 - (b) be consistent with the Applicant's Management and Mitigation Measures in the EIS and RtS;
- E33. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

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

Community Communication Strategy

- F3. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

Heritage Interpretation Plan Implementation

- F4. Prior to the issue of any Occupation Certificate, evidence must be submitted to the Certifier demonstrating all elements of the Heritage Interpretation Plan required under condition B14 have been implemented.

Operational Noise Limits

- F5. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Noise and Vibration Impact Assessment report prepared by E-LAB Consulting and dated April 2022.
- F6. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry 2017 or any latest version* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Noise and Vibration Impact Assessment report prepared by E-LAB Consulting and dated April 2022.

Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- F7. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Green Travel Plan

- F8. The Green Travel Plan required by condition E16 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

Ecologically Sustainable Development

- F9. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

Outdoor Lighting

F10. Notwithstanding condition D32, should 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.

Landscaping

F11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B30 for the duration of occupation of the development.

Operational Plans of Management

F12. The following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following occupation or commence of the use of the development:

- (a) Loading Management Plan (Condition B29);
- (b) Operational Waste Management Plan (Condition E29); and
- (c) Green Travel Plan (Condition E16).

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

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

Legal Notices

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

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground 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.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN12. 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.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal 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 A29 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.