

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

The conditions imposed under this consent are required to:

- meet statutory requirements
- prevent, minimise, or offset adverse environmental impacts
- set standards and performance measures for acceptable environmental performance

[NAME]
Member of the Commission

[NAME]
Member of the Commission

[NAME]
Member of the Commission

Sydney

[DATE]

File: SSD-61400212

SCHEDULE 1

Application Number: SSD-61400212

Application lodged by: Thirdiproperty Pty Ltd

Consent Authority: Independent Planning Commission

Site: 25 Hume Street, Crows Nest
(Lot 3 DP 1296669)

Development: The proposal seeks approval for the detailed design and construction of a 15 storey residential tower above the completed Crows Nest Metro Station, involving:

- three storeys of parking, containing 78 car parking spaces
- 12 storeys of residential accommodation, comprising 122 dwellings
- 12,987 m² of residential gross floor area (including 5% for affordable housing)
- use of commercial tenancies within the station box

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act. There is no right of appeal against a decision of the Independent Planning Commission as consent authority in relation to the carrying out of any development that is made after a public hearing by the Commission into the carrying out of that development.

DEFINITIONS

Interpretation

References in the conditions of this consent to any guideline, protocol, or policy are to such documents in the form they are in as at the date of this consent.

Definitions

Unless otherwise defined in the following definitions table, words and expressions that occur in this development consent have the same meanings as they have in the EP&A Act and EP&A Regulations.

Applicant	The person having the benefit of this consent, or who is carrying out the development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	Means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> (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.
Council	North Sydney Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	The development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled <i>Proposed Over Station Development at Crows Nest – Site B</i> , prepared by Willowtree Planning, dated 14 October 2024, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	A written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of

professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.

Sensitive Receiver

Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

SCHEDULE 2
PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

- A1. The development must be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
 - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Woods Bagot			
Drawing Number	Rev	Name of Plan	Date
DA-1104	B	Proposed Site Plan	01/07/25
DA-1105	B	Demarcation Diagrams	01/07/25
DA-2208	B	B0 Plant Mezzanine	01/07/25
DA-2209	B	Ground Level – Hume Street	01/07/25
DA-2210	B	Level 01	01/07/25
DA-2212	B	Level 02	01/07/25
DA-2215	B	Carpark Level 05	01/07/25
DA-2216	B	Carpark Level 06	01/07/25
DA-2217	B	Carpark Level 07	01/07/25
DA-2218	B	Level 08	01/07/25
DA-2219	B	Typical Apartment Levels – L09-13	01/07/25
DA-2225	A	Typical Apartment Levels – L15-16	01/07/25
DA-2228	B	Typical Apartment Levels – L17-18	01/07/25
DA-2229	B	Lower Penthouse – L19	01/07/25
DA-2230	B	Upper Penthouse – L20	01/07/25
DA-2231	B	Roof Terrace	01/07/25
DA-2232	B	Roof Plan	01/07/25
DA-2311	B	Detailed Plan – Adaptive Unit Layouts	01/07/25
DA-2312	B	Detailed Plan – Adaptive Unit Layouts	01/07/25
DA-2313	B	Detailed Plan – Adaptive Unit Layouts	01/07/25
DA-3201	B	Elevations	01/07/25

DA-3202	B	Elevations	01/07/25
DA-3206	B	Long Section	01/07/25
DA-3207	B	Short Section	01/07/25
DA-3208	B	Short Section	01/07/25
DA-8801	B	Materiality	01/07/25

Note: Development which is 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or another environmental planning instrument may be carried out without development consent.

- A2. To the extent of any inconsistency:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition A1(c).
- A3. 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 that employees, contractors (and their sub-contractors) carry out in respect of the development.

LIMITS ON CONSENT

- A4. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- (a) the fit-out and operation of the commercial premises; and
 - (b) signage.

AGENCY CONDITIONS

TRANSPORT FOR NSW

- A6. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on the Pacific Highway or Falcon Street are to be submitted to TfNSW for approval, prior to the issue of a Construction Certificate and the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- A7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
- The developer is to submit all documentation at least six (6) weeks prior to the commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.
- If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- A8. Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.
- A9. The developer is required to enter a Works Authorisation Deed for the abovementioned works in Conditions A7, A8 and A9. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved plans by TfNSW.
- A10. A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on the Pacific Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- A11. Prior to the issue of the first Occupation Certificate, the proponent shall prepare a Green Travel Plan (GTP) in consultation with TfNSW. The NSW Government provides a range of resources to help in the development of a GTP at www.mysydney.nsw.gov.au/travelchoices/tdm#support

The Applicant shall submit a copy of the final GTP to TfNSW at development.sco@transport.nsw.gov.au for endorsement, prior to the issue of any Occupation Certificate.

- A12. Construction vehicle movements need to be managed to mitigate transport network issues and to coordinate with other nearby developments which could create significant cumulative effects.

TRANSPORT FOR NSW (SYDNEY METRO)

- A13. The Applicant must provide Sydney Metro a summary of all Over Station Development (OSD) design loads that will be transferred to the corresponding station support elements and so demonstrate that these loads remain within the specified limits for all load cases. This confirmation must be submitted for Sydney Metro review, prior to the commencement of any works. This is required to ensure that the station structure remains capable of supporting the OSD developments on Site B, without adverse impact on the station or its operations.

The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this Condition has been satisfied.

- A14. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Department of Planning, Housing and Infrastructure for its records prior to the issue of any Construction Certificate.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN EXCELLENCE AND INTEGRITY

- B1. To ensure that the development is consistent with assessed and approved design excellence requirements, the Applicant must:
- (a) commission Woods Bagot (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the development;
 - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned; and
 - (c) if the Applicant proposes changes to the approved architectural drawings, seek the Planning Secretary's advice as to whether such changes are likely to require review by the State Design and Review Panel.

MATERIALS AND FINISHES

- B2. Prior to the issue of the first Construction Certificate involving the external facades of the buildings, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
 - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
 - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Report, prepared by Stantec, dated 25 September 2024.

STRUCTURAL DETAILS

- B5. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B6. Prior to the issue of the first Construction Certificate involving any stormwater works, the Applicant must submit to the Certifier details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
 - (b) in accordance with applicable Australian Standards; and

- (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

SYDNEY WATER ASSETS

- B7. Prior to the issue of the first Construction Certificate, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

Note: Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

LANDSCAPING

- B8. Prior to the issue of the first Construction Certificate involving any landscaping works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is generally consistent with the landscape report and plans prepared by RPS, dated 5 August 2025, as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS;
 - (g) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) a maximum of 78 car parking spaces;
 - (ii) provision of 2 motorcycle parking spaces;
 - (iii) a minimum of 156 bicycle parking spaces; and
 - (iv) compliance with Australian Standards for the layout, design and security of bicycle facilities;

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Stantec, dated 5 September 2024.

WIND MITIGATION MEASURES

- B11. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Environmental Wind Assessment Report, prepared by ARUP, dated 23 September 2024 and subsequent addendum letter, prepared by ARUP, dated 8 July 2025.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise

and Vibration Impact Assessment, prepared by PWNA, dated 30 October 2024 and subsequent addendum memorandum, prepared by PWNA, dated 2 July 2025

ADAPTABLE UNITS

- B13. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B14. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate BSX-29075M_02 must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

PUBLIC ART STRATEGY

- B15. Prior to the issue of the Construction Certificate involving public art, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy prepared in consultation Council.
- B16. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.
- B17. Prior to the issue of the relevant Construction Certificate, details demonstrating compliance with the above requirements shall be submitted to the Certifier and to the Planning Secretary.

AFFORDABLE HOUSING

- B18. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary, construction certificate plans and supporting evidence to confirm:
- (a) a minimum of 5% of the approved residential GFA within the development will be used for the purposes of affordable housing, as defined by the EP&A Act and the State Environmental Planning Policy (Housing) 2021, including nominating units to be allocated and used for affordable housing; and
 - (b) an agreement with a registered community housing provider for the management of the affordable housing.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the development with measures to reduce environmental impacts and harm during construction of the development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition C2;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition C3;
 - (d) Air Quality Management Sub-Plan in accordance with Condition C4;
 - (e) Construction Waste Management Sub-Plan in accordance with Condition C5;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with Condition C6;
 - (g) an unexpected finds protocol for remediation in accordance with Condition C16;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D26;
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP) for the development with measures to reduce environmental impacts and harm during construction of the development arising from construction traffic, including, at a minimum, the following information:
- (a) consultation with road authorities;
 - (b) location of proposed work zone(s);
 - (c) construction vehicle access arrangements and haulage routes;
 - (d) predicted number and timing of construction vehicle movements and vehicle types;
 - (e) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles; and
 - (f) any works undertaken along the development sites Pacific Highway frontage must have regard for the existing 'Transit Lane' requirements along the development sites Pacific Highway frontage and must have no impact upon the operation of the Hume Street/Pacific Highway signalised intersection.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (RBL) for Sensitive Receivers;

- (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time);
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures;
 - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods;
- (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
 - (b) dust and odour management practices to be implemented, including:
 - (i) watering of exposed surfaces and stockpiles;
 - (ii) covering of truck loads;
 - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
 - (iv) progressive land stabilisation works to minimise exposed surfaces.
 - (v) monitoring requirements;
 - (vi) communication strategy; and
 - (vii) system and performance review for continuous improvements; and
 - (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;

- (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
- (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) for the development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction
 - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
 - (c) detail all off-site flows from the site during construction; and
 - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C8. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

PRE-CONSTRUCTION DILAPIDATION REPORTS

- C9. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C10. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C14. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C15. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C16. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C17. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C18. If the construction or operation of the development is to be staged, the Applicant must notify the Department 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.

UTILITIES AND SERVICES

- C19. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

BEFORE YOU DIG AUSTRALIA

- C20. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from Before You Dig Australia that the proposed excavation will not conflict with any underground utility services.

DEMOLITION

- C21. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work;
 - (d) stating that unauthorised entry to the work site is prohibited.
- D2. The site notices must:
- (a) be positioned prominently at the site informing the public of key project details;
 - (b) have dimensions of at least A1 size with large writing
 - (c) be durable and weatherproof.

HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday
 - (b) 8am to 1pm, Saturday
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D8. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) Vibration in Buildings - Effects on Structures, English Translation (German Institute for Standardisation, 2016);
 - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

- D13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

AIR QUALITY

- D14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D15. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

TREE PROTECTION

- D17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

EROSION AND SEDIMENT CONTROL

- D18. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

CUT AND FILL

- D19. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.
- D20. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant authority in accordance with the *Protection of the Environment Operations Act 1997*.
- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D23. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

ASBESTOS

- D24. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;

- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – ‘Transportation and management of asbestos waste’.

CONTACT TELEPHONE NUMBER

- D25. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D26. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D28. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D30. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: A non-compliance which has been notified as an Incident does not need to also be notified as a non-compliance.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation or use of the whole or any part of a new building or, an altered portion of, an extension to an existing building.

NOTIFICATION OF OCCUPATION

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the development.
- E3. If the occupation or use of the development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

- E4. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E5. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E7. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and
 - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the development that is damaged by carrying out the development.
- E9. Prior to the occupation or commencement of the use of the development, any damage identified in Condition E5 as being caused by the carrying out of the development not subject to Condition E8 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E10. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

- E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

- E12. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

- E13. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

- E14. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B12.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E15. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under Condition B4.

STRUCTURAL INSPECTION CERTIFICATE

- E16. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E17. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E18. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan required under Condition B8 has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the development.

FIRE SAFETY CERTIFICATION

- E19. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development.
- E20. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E21. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and

- (c) 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.

SYDNEY WATER COMPLIANCE

- E22. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E23. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E24. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

BICYCLE PARKING

- E25. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier evidence the secure bicycle parking has been provided in accordance with Condition B9.
- E26. Prior to the operation or commencement of use of the development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E27. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E28. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management of communal areas and open spaces, including the through-site link;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) tenant induction and behaviour/ house rules;
 - (h) community consultation and complaint procedures.
- E29. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

- E30. Prior to the occupation or commencement of use of the development, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
 - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (e) detail the type and quantity of waste to be generated during operation of the development;
 - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

Note: Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the development.

STORMWATER

- E31. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E32. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan (SOMP) that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E33. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Car Parking, Loading and Servicing Management Plan that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the carpark, vehicle lift and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - (i) temporary measures and arrangements in case of failure of the vehicle lift;
 - (ii) 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;
 - (iii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iv) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

REGISTRATION OF EASEMENTS

- E34. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E35. Prior to the issue of any Occupation Certificate, a positive covenant registered under section 88B of the *Conveyancing Act 1919* must be obtained, which can only be revoked, varied or modified at the request of the registered proprietor where it can be demonstrated to Council's reasonable satisfaction that the property can accommodate a residential waste service to Council's requirements at the relevant time and with the consent of the Prescribed Authority, being Council, and which requires the registered proprietor or managing entity of the Burdened Lot to provide all waste and recycling services for the Development is registered on title of the lot.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the development, the Applicant must:
- (a) implement the SOMP; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- F2. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the development, the Applicant must implement the Operational Waste Management Plan.
- F3. The Applicant must ensure that at all times during the life of the development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces, vehicle lift, and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F6. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

LANDSCAPING

- F7. Landscaping for the development must be carried out and maintained in accordance with the Landscape Plan required under Condition B8.

FIRE SAFETY CERTIFICATION

- F8. The development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F9. If any outdoor lighting results 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.

BASIX CERTIFICATION

- F10. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate BSX-29075M_02 and any updated certificate issued if amendments are made.

HOUSING

AFFORDABLE HOUSING

- F11. A minimum of 5% of the approved residential GFA within the development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
- F12. For a period of 10 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) the affordable housing component must be used for affordable housing; and
 - (b) the affordable housing component must be managed by a registered community housing provider; and

- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
 - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F13. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:
- (a) the affordable housing component is complete and ready for occupation;
 - (b) a restriction has been registered against the title of the site on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
 - (i) a minimum of 5% of the approved residential GFA within the development to be used for the purposes of affordable housing as defined by the EP&A Act and the State Environmental Planning Policy (Housing) 2021 for a minimum of 10 years from the date of issue of the occupation certificate;
 - (ii) specifically nominating those units to be allocated and used for affordable housing; and
 - (iii) the affordable housing component must be managed by a registered community housing provider;
 - (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
 - (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.
- F14. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure the affordable housing component is at full occupancy and, by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:
- (a) the occupancy rate of the affordable housing component for that year; and
 - (b) compliance with the requirement in this condition to use best endeavours to achieve full occupancy.

ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
 - (b) certificates under Part 6 of the EP&A Act;
 - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
 - (d) approvals for the installation of any hoardings over Council footways or road reserves;
 - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
 - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (c) *Disability Discrimination Act 1992* (Cth);
 - (d) *Building and Construction Industry Long Service Payments Act 1986*;
 - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
 - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water-cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D28 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D28), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D29):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident;
4. The Applicant must submit any further reports as directed by the Planning Secretary.