

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I:

- (a) approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.
- (b) determine that pursuant to Section 4.37 of the Environmental Planning and Assessment Act 1979, any subsequent stage of the development:
 - (i) with a capital investment value of less than \$30 million, or
 - (ii) which is development solely for the purposes of the creation of new roads, subdivision and recreation areas

is to be determined by the relevant consent authority and that stage of the development ceases to be State Significant Development.

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

Anthony Witherdin
Director
Key Sites Assessments

Sydney

26 February 2025

File: SSD 62802207

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

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

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-62802207
Applicant:	Deicorp Construction Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	3 Andalusian Way (Lot 56 DP 1253217)
Development:	Staged construction of the Precinct East within the Hills Showground Station Precinct, comprising: • design and construction of five residential flat developments • basement parking, loading and services facilities • landscaping, civil and stormwater works • stratum subdivision

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-62802207-Mod-1	07 October 2025	Team Leader, Key Sites Assessments	Modification to amend draft stratum subdivision drawings referenced in Condition A1 to enable the affordable housing units to be allocated on a separate stratum

SCHEDULE 2 PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The Development must be carried out:

- in compliance with the conditions of this consent;
- in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information **and Section 4.55 SSD-62802207-MOD-1**; and
- in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by Group GSA			
Drawing Number	Rev	Name of Plan	Date
DA-2000	K	Basement 04 Floor Plan	09/10/2024
DA-2001A	D	Basement 03 Floor Plan	09/10/2024
DA-2001B	K	Basement 02 Floor Plan	09/10/2024
DA-2002	M	Basement 01 Floor Plan	09/10/2024
DA-2003	M	Lower Ground Floor Plan	09/10/2024
DA-2004	K	Ground Floor Plan	09/10/2024
DA-2005	J	Level 1-2 Floor Plan (typical)	09/10/2024
DA-2006	J	Level 3 Floor Plan	09/10/2024
DA-2007	K	Level 4 Floor Plan	09/10/2024
DA-2008	I	Level 5-7 Floor Plan (typical)	09/10/2024
DA-2008A	C	Level 8-11 Floor Plan (typical)	09/10/2024
DA-2009	J	Level 12 Floor Plan	09/10/2024
DA-2010	I	Level 13-14 Floor Plan (typical)	09/10/2024
DA-2012	J	Level 15 Floor Plan	09/10/2024
DA-2013	K	Roof Plan	09/10/2024
DA-2101	K	A - Ground Floor Plan	09/10/2024
DA-2102	K	A - Level 1-3 Plan (typical)	09/10/2024
DA-2103	J	A - Level 4 Floor Plan	22/07/2024
DA-2104	I	A - Level 5-12 Plan (typical)	22/07/2024
DA-2105	J	A - Level 13-15 Floor Plan (typical)	22/07/2024

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DA-2106	H	A - Roof Plan	22/07/2024
DA-2110	J	B - Lower Ground Floor Plan	09/10/2024
DA-2111	J	B - Ground Floor Plan	09/10/2024
DA-2112	J	B - Level 1-2 Floor Plan (typical)	09/10/2024
DA-2113	J	B - Level 3 Floor Plan	09/10/2024
DA-2114	K	B - Level 4 Floor Plan	09/10/2024
DA-2115	I	B - Level 5-11 Floor Plan (typical)	09/10/2024
DA-2117	J	B - Level 12-15 Floor Plan	09/10/2024
DA-2118	I	B - Roof Plan	09/10/2024
DA-2119	E	C - Basement 1 Floor Plan	09/10/2024
DA-2120	M	C - Lower Ground Floor Plan	09/10/2024
DA-2121	M	C - Ground Floor Plan	09/10/2024
DA-2122	L	C - Level 1-2 Floor Plan (typical)	09/10/2024
DA-2123	L	C - Level 3 Floor Plan	09/10/2024
DA-2124	L	C - Level 4 Floor Plan	09/10/2024
DA-2125	J	C - Level 5-7 Floor Plan (typical)	22/07/2024
DA-2126	J	C - Level 8-12 Floor Plan (typical)	22/07/2024
DA-2127	K	C - Level 13-14 Floor Plan	22/07/2024
DA-2128	D	C - Level 15 Floor Plan	22/07/2024
DA-2129	J	C - Roof Plan	09/10/2024
DA-3000	H	Overall Elevation A	09/10/2024
DA-3001	H	Overall Elevation B	09/10/2024
DA-3002	G	Building A - North & South Elevation	09/10/2024
DA-3003	G	Building A&B - East Elevation	09/10/2024
DA-3004	H	Building A&B - West Elevation	09/10/2024
DA-3005	H	Building B - South Elevation	09/10/2024
DA-3006	H	Building B - North Elevation	09/10/2024
DA-3007	I	Building C - North & East Elevations	09/10/2024
DA-3008	I	Building C - South & West Elevations	09/10/2024

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DA-3012	B	Building A - North & South Elevation Render	22/07/2024
DA-3013	B	Building A&B - East Elevation Render	22/07/2024
DA-3014	B	Building A&B - West Elevation Render	22/07/2024
DA-3015	B	Building B - South Elevation Render	22/07/2024
DA-3016	B	Building B - North Elevation Render	22/07/2024
DA-3017	B	Building C - North & East Elevations Render	22/07/2024
DA-3018	B	Building C - South & West Elevations Render	22/07/2024
DA-3200	J	Section A-A	09/10/2024
DA-3201	I	Section B-B	09/10/2024
DA-3202	I	Section C-C	09/10/2024
DA-3203	I	Section D-D	09/10/2024
DA-3204	J	Section E-E	09/10/2024
DA-3210	C	Entry Driveway Section	19/12/2023
DA-3211	C	Carpark Ramp Section	19/12/2023
DA-3212	D	Section - Design Related to Metro Infrastructure	22/07/2024
DA-9250	A	Building A - Materials & Finishes	19/12/2023
DA-9251	A	Building B - Materials & Finishes	19/12/2023
DA-9252	B	Building C - Materials & Finishes	22/07/2024
Architectural drawings prepared by Turner			
Drawing Number	Rev	Name of Plan	Date
DA-010-016	S4	Staging Diagram	14/08/2024
DA-010-017	S4	Staging Diagram 2	14/08/2024
DA-110-005	S6	Basement 02	17/10/24
DA-110-006	S6	Basement 01	17/10/24
DA-110-007	S6	Lower Ground Level	17/10/24
DA-110-008	S6	Ground Level	17/10/24
DA-110-010	S6	Level 01	17/10/24
DA-110-020	S6	Level 02	17/10/24

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DA-110-030	S6	Level 03	17/10/24
DA-110-040	S6	Level 04	17/10/24
DA-110-050	S6	Level 05	17/10/24
DA-110-060	S6	Level 06	17/10/24
DA-110-070	S6	Level 07	17/10/24
DA-110-080	S6	Level 08	17/10/24
DA-110-090	S6	Level 09	17/10/24
DA-110-100	S6	Level 10	17/10/24
DA-110-110	S6	Level 11	17/10/24
DA-110-120	S6	Level 12	17/10/24
DA-110-130	S6	Level 13	17/10/24
DA-110-140	S6	Level 14	17/10/24
DA-110-150	S6	Level 15	17/10/24
DA-110-160	S6	Level 16	17/10/24
DA-110-170	S6	Level 17	17/10/24
DA-110-180	S6	Roof Level	17/10/24
DA-110-190	S2	Plant Roof Plan	17/10/24
DA-111-006	S6	Basement 02	17/10/24
DA-111-007	S6	Basement 01	17/10/24
DA-111-008	S6	Lower Ground Level	17/10/24
DA-111-009	S6	Ground Level	17/10/24
DA-111-010	S6	Level 01	17/10/24
DA-111-020	S6	Level 02	17/10/24
DA-111-030	S6	Level 03	17/10/24
DA-111-040	S7	Level 04	17/10/24
DA-111-050	S6	Level 05	17/10/24
DA-111-060	S6	Level 06	17/10/24
DA-111-070	S6	Level 07	17/10/24
DA-111-080	S6	Level 08	17/10/24

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DA-111-090	S6	Level 09	17/10/24
DA-111-100	S6	Level 10	17/10/24
DA-111-110	S6	Level 11	17/10/24
DA-111-120	S6	Level 12	17/10/24
DA-111-130	S6	Level 13	17/10/24
DA-111-140	S6	Level 14	17/10/24
DA-111-150	S6	Level 15	17/10/24
DA-111-160	S6	Roof Level	17/10/24
DA-112-006	S6	Basement 02	17/10/24
DA-112-007	S6	Basement 01	17/10/24
DA-112-008	S8	Lower Ground Level	17/10/24
DA-112-009	S7	Ground Level	17/10/24
DA-112-010	S6	Level 01	17/10/24
DA-112-020	S6	Level 02	17/10/24
DA-112-030	S7	Level 03	17/10/24
DA-112-040	S6	Level 04	17/10/24
DA-112-050	S6	Level 05	17/10/24
DA-112-060	S6	Level 06	17/10/24
DA-112-070	S6	Level 07	17/10/24
DA-112-080	S6	Level 08	17/10/24
DA-112-090	S6	Level 09	17/10/24
DA-112-100	S6	Level 10	17/10/24
DA-112-110	S6	Level 11	17/10/24
DA-112-120	S6	Level 12	17/10/24
DA-112-130	S6	Level 13	17/10/24
DA-112-140	S6	Level 14	17/10/24
DA-112-150	S6	Level 15	17/10/24
DA-112-160	S6	Level 16	17/10/24
DA-112-170	S8	Level 17	17/10/24

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DA-112-180	S6	Roof Level	17/10/24
DA-210-101	S5	Building D1 North Elevation	17/10/24
DA-210-102	S5	Building D1 South Elevation	17/10/24
DA-210-201	S5	Building D2 North Elevation	17/10/24
DA-210-202	S5	Building D2 South Elevation	17/10/24
DA-210-301	S5	Building E1 North Elevation	17/10/24
DA-210-302	S5	Building E1 South Elevation	17/10/24
DA-210-401	S5	Building E2 North Elevation	17/10/24
DA-210-402	S5	Building E2 South Elevations	17/10/24
DA-210-501	S5	Building E East Elevation	17/10/24
DA-210-502	S5	Building D East Elevation	17/10/24
DA-210-503	S5	Building D West Elevation	17/10/24
DA-210-504	S5	Building E West Elevation	17/10/24
DA-210-601	S5	Building D Internal Courtyard East Elevation	17/10/24
DA-210-602	S5	Building E Internal Courtyard East Elevation	17/10/24
DA-310-101	S4	Section AA	17/10/24
DA-320-101	S3	Ramps 1, 2, 3 & 4	14/08/24
DA-890-001	S3	External Materials and Finishes	14/08/24
Draft subdivision drawings prepared by Daw & Walton Consulting Surveyors			
Drawing Number	Rev	Name of Plan	Date
Sheet 1 of 6	04	Basement 2 and Below (Lot 5 in DP 1301318)	20/08/24
Sheet 2 of 6	04	Basement 1 (Lot 5 in DP 1301318)	20/08/24
Sheet 3 of 6	04	Lower Ground (Lot 5 in DP 1301318)	20/08/24
Sheet 4 of 6	04	Ground Floor and Above (Lot 5 in DP 1301318)	20/08/24
Sheet 5 of 6	04	Level 1- 2 (Lot 5 in DP 1301318)	20/08/24
Sheet 6 of 6	04	Level 3 and Above (Lot 5 in DP 1301218)	20/08/24
Sheet 1 of 6	06	Basement 4 and Below (Lot 4 in DP 1301318)	20/08/25
Sheet 2 of 6	06	Basement 3 (Lot 4 in DP 1301318)	20/08/25

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Sheet 3 of 6	06	Basement 2 (Lot 4 in DP 1301318)	20/08/25
Sheet 4 of 6	06	Basement 1 (Lot 4 in DP 1301318)	20/08/25
Sheet 5 of 6	06	Lower Ground (Lot 4 in DP 1301318)	20/08/25
Sheet 6 of 6	05	Ground Floor and Above (Lot 4 in DP 1301318)	20/08/24
Sheet 1 of 10	01	Site Plan	20/08/25
Sheet 2 of 10	01	Basement 1 and Below (Lot 3 in DP 1214911)	20/08/25
Sheet 3 of 10	01	Lower Ground (Lot 3 in DP 1214911)	20/08/25
Sheet 4 of 10	01	Ground (Lot 3 in DP 1214911)	20/08/25
Sheet 5 of 10	01	Level 1-2 (Lot 3 in DP 1214911)	20/08/25
Sheet 6 of 10	01	Level 3 (Lot 3 in DP 1214911)	20/08/25
Sheet 7 of 10	01	Level 4-8 (Lot 3 in DP 1214911)	20/08/25
Sheet 8 of 10	01	Level 9 (Lot 3 in DP 1214911)	20/08/25
Sheet 9 of 10	01	Level 10-11 (Lot 3 in DP 1214911)	20/08/25
Sheet 10 of 10	01	Level 12 and above (Lot 3 in DP 1214911)	20/08/25

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 any document and/ or plan listed in Condition A1.
- 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.

ROAD WORKS AND PUBLIC DOMAIN WORKS

- A4. No approval is granted for works for the proposed public domain or roadway. The approved Subdivision Works Certificate obtained for the preceding DA 988/2022/JPZ requires the road works and public domain works for the creation of the development lots relate to the subject development.

Note: Separate approval must be obtained for the works within existing roads, under section 138 of the Roads Act 1993.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A5. Prior to the issue of the first Construction Certificate for above ground works for each respective building, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of The Hills Contribution Plan – Showground Precinct No. 19 has been paid to Council as follows:
- (a) **Building A**

CONSOLIDATED CONSENT

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 29
Open Space - Land	\$ 4,729.95	\$ 6,621.92	\$ 8,198.57	\$ 137,168.66
Open Space - Capital	\$ 2,390.82	\$ 3,347.16	\$ 4,144.10	\$ 69,333.89
Transport Facilities - Land	\$ 1,176.37	\$ 1,646.91	\$ 2,039.04	\$ 34,114.74
Transport Facilities - Capital	\$ 1,830.58	\$ 2,562.82	\$ 3,173.01	\$ 53,086.95
Water Management - Capital	\$ 477.95	\$ 669.14	\$ 828.46	\$ 13,860.61
Administration	\$ 62.90	\$ 88.08	\$ 109.05	\$ 1,823.96
Total	\$ 10,668.58	\$ 14,936.03	\$ 18,492.22	\$ 309,388.82

No. of 2 Bedroom Units: 59	No. of 3 Bedroom Units: 28	Sum of Units	Total S7.11
\$ 390,693.12	\$ 229,559.92	\$ 757,421.70	\$ 757,421.70
\$ 197,482.33	\$ 116,034.78	\$ 382,851.00	\$ 382,851.00
\$ 97,167.79	\$ 57,092.99	\$ 188,375.52	\$ 188,375.52
\$ 151,206.42	\$ 88,844.33	\$ 293,137.70	\$ 293,137.70
\$ 39,479.11	\$ 23,196.95	\$ 76,536.67	\$ 76,536.67
\$ 5,196.73	\$ 3,053.26	\$ 10,073.95	\$ 10,073.95
\$ 881,225.49	\$ 517,782.23	\$ 1,708,396.54	\$ 1,708,396.54

(b) **Building B**

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 18
Open Space - Land	\$ 4,729.95	\$ 6,621.92	\$ 8,198.57	\$ 85,139.17
Open Space - Capital	\$ 2,390.82	\$ 3,347.16	\$ 4,144.10	\$ 43,034.83
Transport Facilities - Land	\$ 1,176.37	\$ 1,646.91	\$ 2,039.04	\$ 21,174.67
Transport Facilities - Capital	\$ 1,830.58	\$ 2,562.82	\$ 3,173.01	\$ 32,950.52
Water Management - Capital	\$ 477.95	\$ 669.14	\$ 828.46	\$ 8,603.14
Administration	\$ 62.90	\$ 88.08	\$ 109.05	\$ 1,132.11
Total	\$ 10,668.58	\$ 14,936.03	\$ 18,492.22	\$ 192,034.44

No. of 2 Bedroom Units: 107	No. of 3 Bedroom Units: 32	Sum of Units	Total S7.11
\$ 708,545.15	\$ 262,354.19	\$ 1,056,038.52	\$ 1,056,038.52
\$ 358,145.91	\$ 132,611.18	\$ 533,791.92	\$ 533,791.92
\$ 176,219.56	\$ 65,249.13	\$ 262,643.35	\$ 262,643.35
\$ 274,221.81	\$ 101,536.37	\$ 408,708.70	\$ 408,708.70
\$ 71,597.71	\$ 26,510.80	\$ 106,711.64	\$ 106,711.64
\$ 9,424.57	\$ 3,489.44	\$ 14,046.13	\$ 14,046.13
\$ 1,598,154.71	\$ 591,751.11	\$ 2,381,940.26	\$ 2,381,940.26

(c) **Building C**

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 21
Open Space - Land	\$ 4,729.95	\$ 6,621.92	\$ 8,198.57	\$ 99,329.03
Open Space - Capital	\$ 2,390.82	\$ 3,347.16	\$ 4,144.10	\$ 50,207.30
Transport Facilities - Land	\$ 1,176.37	\$ 1,646.91	\$ 2,039.04	\$ 24,703.78
Transport Facilities - Capital	\$ 1,830.58	\$ 2,562.82	\$ 3,173.01	\$ 38,442.28
Water Management - Capital	\$ 477.95	\$ 669.14	\$ 828.46	\$ 10,036.99
Administration	\$ 62.90	\$ 88.08	\$ 109.05	\$ 1,320.80
Total	\$ 10,668.58	\$ 14,936.03	\$ 18,492.22	\$ 224,040.18

No. of 2 Bedroom Units: 85	No. of 3 Bedroom Units: 41	Sum of Units	Total S7.11
\$ 562,862.97	\$ 336,141.31	\$ 998,333.31	\$ 998,333.31
\$ 284,508.43	\$ 169,908.07	\$ 504,623.81	\$ 504,623.81
\$ 139,987.50	\$ 83,600.44	\$ 248,291.72	\$ 248,291.72
\$ 217,839.75	\$ 130,093.48	\$ 386,375.51	\$ 386,375.51
\$ 56,876.68	\$ 33,966.96	\$ 100,880.63	\$ 100,880.63
\$ 7,486.81	\$ 4,470.85	\$ 13,278.46	\$ 13,278.46
\$ 1,269,562.15	\$ 758,181.12	\$ 2,251,783.45	\$ 2,251,783.45

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(d) Building D

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 37
Open Space - Land	\$ 4,729.95	\$ 6,621.92	\$ 8,198.57	\$ 175,008.29
Open Space - Capital	\$ 2,390.82	\$ 3,347.16	\$ 4,144.10	\$ 88,460.49
Transport Facilities - Land	\$ 1,176.37	\$ 1,646.91	\$ 2,039.04	\$ 43,525.70
Transport Facilities - Capital	\$ 1,830.58	\$ 2,562.82	\$ 3,173.01	\$ 67,731.63
Water Management - Capital	\$ 477.95	\$ 669.14	\$ 828.46	\$ 17,684.23
Administration	\$ 62.90	\$ 88.08	\$ 109.05	\$ 2,327.12
Total	\$ 10,668.58	\$ 14,936.03	\$ 18,492.22	\$ 394,737.46

No. of 2 Bedroom Units: 188	No. of 3 Bedroom Units: 56	Sum of Units	Total S7.11
\$ 1,244,920.45	\$ 459,119.84	\$ 1,879,048.59	\$ 1,879,048.59
\$ 629,265.71	\$ 232,069.56	\$ 949,795.77	\$ 949,795.77
\$ 309,619.41	\$ 114,185.97	\$ 467,331.08	\$ 467,331.08
\$ 481,810.28	\$ 177,688.66	\$ 727,230.56	\$ 727,230.56
\$ 125,797.84	\$ 46,393.89	\$ 189,875.96	\$ 189,875.96
\$ 16,559.06	\$ 6,106.53	\$ 24,992.72	\$ 24,992.72
\$ 2,807,972.76	\$ 1,035,564.45	\$ 4,238,274.67	\$ 4,238,274.67

(e) Building E

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 31
Open Space - Land	\$ 4,729.95	\$ 6,621.92	\$ 8,198.57	\$ 146,628.57
Open Space - Capital	\$ 2,390.82	\$ 3,347.16	\$ 4,144.10	\$ 74,115.54
Transport Facilities - Land	\$ 1,176.37	\$ 1,646.91	\$ 2,039.04	\$ 36,467.48
Transport Facilities - Capital	\$ 1,830.58	\$ 2,562.82	\$ 3,173.01	\$ 56,748.12
Water Management - Capital	\$ 477.95	\$ 669.14	\$ 828.46	\$ 14,816.51
Administration	\$ 62.90	\$ 88.08	\$ 109.05	\$ 1,949.75
Total	\$ 10,668.58	\$ 14,936.03	\$ 18,492.22	\$ 330,725.98

No. of 2 Bedroom Units: 88	No. of 3 Bedroom Units: 53	Sum of Units	Total S7.11
\$ 582,728.72	\$ 434,524.14	\$ 1,163,881.43	\$ 1,163,881.43
\$ 294,549.91	\$ 219,637.27	\$ 588,302.72	\$ 588,302.72
\$ 144,928.23	\$ 108,068.87	\$ 289,464.58	\$ 289,464.58
\$ 225,528.22	\$ 168,169.62	\$ 450,445.96	\$ 450,445.96
\$ 58,884.10	\$ 43,908.50	\$ 117,609.11	\$ 117,609.11
\$ 7,751.05	\$ 5,779.39	\$ 15,480.20	\$ 15,480.20
\$ 1,314,370.23	\$ 980,087.78	\$ 2,625,183.99	\$ 2,625,183.99

- A6. The contributions above are applicable at the time this consent was issued. The amount may be adjusted at the time of payment in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.
- A7. Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Contributions Plan No 19.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A8. Prior to the issue of the first Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$9,274.437.72
Total housing and productivity contribution	\$9,274.437.72

- A9. The HPC must be paid using the NSW planning portal.

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- A10. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- A11. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A 1979 agrees.
- A12. The HPC 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 1979 to the development, or the HPC Order exempts the development from the contribution.
- A13. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Note: The contribution amount is subject to indexation in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

AGENCY CONDITIONS

INSPECTIONS – SYDNEY METRO

- A14. At any time during the construction of the Development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the Development; and
 - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the Development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

OTHER – SYDNEY METRO

- A15. Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- A16. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate for that Stage, as the case may be, until written confirmation has been received from those entities that the particular condition has with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- A17. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the Applicant.

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 Group GSA (Buildings A, B and C) and Turner (Buildings D and E) (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design teams engaged to prepare the design documentation, contract documentation and construction stages of the Development;
 - (b) prior to the issue of the first Construction Certificate for each respective building, provide the Certifier with evidence that the relevant architectural design team has been 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.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B2. Prior to the issue of a Construction Certificate for each Stage, 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

- B3. Prior to the issue of a Construction Certificate for above ground works for each Stage, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design measures or equivalent, as identified in the ESD Memo, prepared by E-Lab Consulting, dated 16 August 2024.

STRUCTURAL DETAILS

- B4. Prior to the issue of a Construction Certificate for each Stage, 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

- B5. Prior to the issue of a Construction Certificate for each Stage, the Applicant must submit to Council for endorsement an Operational Stormwater Management System incorporating adequate measures to ensure the downstream street drainage network can accommodate the Development, and to ensure the public domain area is always safe from flood risks at each Stage of construction and at the completion of the final Stage of the Development. The Operational Stormwater Management System must be prepared by a suitably qualified and experienced engineer and include:
- (a) updated TUFLOW model and Flood Impact Assessment report to determine the flood behaviour in the locality including the development precinct and the downstream road network, and to ensure no adverse impacts at all stages, Interim construction phases and Ultimate stage at completion of the developments.
 - (b) updated DRAINS model designed for the minor-major events as per Council's Subdivision Design Guidelines, extended to downstream existing drainage network to ensure no adverse impact over the existing drainage system by the developments.

- (c) updated MUSIC model designed to ensure adequate measures are incorporated to achieve the stormwater water quality treatment targets.
- (d) Stormwater Management Concept plans reflective to the endorsed TUFLOW, DRAINS and MUSIC models above.

Note:

- approval must be obtained for works within existing roads, under section 138 of the *Roads Act 1993*.
- all costs associated with drainage upgrade works must be borne by the Applicant.
- (e) detailed design for construction must be prepared in accordance with:
 - Council's Design Guidelines for Subdivision & Development
 - Council's Works Specification – Subdivision & Development
 - applicable Australian Standards
 - Australian Rainfall and Runoff (Engineers Australia, 2016) and
 - Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

B6. Prior to the issue of a Construction Certificate for each Stage, the Applicant must submit construction Stormwater Management documentation to the Certifier for approval that must be reflective to the Operational Stormwater Management System and associated Stormwater Management Concept plans endorsed by Council under Condition B5 to ensure the detailed construction plans comply with the site's flooding and stormwater drainage constraints and design requirements. The documentation package must:

- (a) detail the stormwater quantity and quality control measures;
- (b) detail the upgrade works required over the public drainage system external to site;
- (c) include a maintenance schedule of all stormwater quantity control and quality treatment devices; and
- (d) accompany Stormwater Certifications certifying that the detailed drawings are reflective to the endorsed documents by council, prepared to the relevant standards.

GROUNDWATER MANAGEMENT SYSTEM

B7. Prior to the issue of a Construction Certificate for each Stage, the Applicant must submit to Council and WaterNSW to obtain endorsement of an Operational Groundwater Management System prepared by a suitably qualified and experienced engineer, which must include and address the following:

- (a) given the impacts of the proposed basements to the groundwater table, a geotechnical investigation report must provide design recommendations to address the impact on seepage/ water table on the basement and tunnel design, during construction phase and the post construction phase. Adequate provisions must be made to manage and discharge the external groundwater collected within the site.
- (b) 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 obtained in writing by the WaterNSW or EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- (c) design and construction of the basements and tunnel of the Development and disposal strategy prepared in accordance with the requirements of Council and/ or WaterNSW. This must include any tanking and waterproofing requirements as informed by the geotechnical investigation report.

SYDNEY WATER ASSETS

B8. Prior to the issue of a Construction Certificate for each Stage, 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™ in online service is available at:

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

LANDSCAPING

B9. Prior to the issue of a Construction Certificate for above ground works for each Stage, the Applicant must submit to the Certifier a detailed Landscape Plan which:

- (a) is consistent with the landscape plans, prepared by Land and Form, dated 03.10.24, as amended by the landscape plans, dated 07.11.24, 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;

- (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period; and
- (g) for the Stage involving the approved pedestrian connection between Buildings D and E, include details of the Connecting to Country artwork, consistent with the Connecting to Country Strategy, prepared by Danny Eastwood and Jamie Eastwood (EIS, Appendix 63).

PARKING

- B10. Prior to the issue of a Construction Certificate for each Stage, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and 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) provision of crest to provide adequate freeboard to the driveways located in the vicinity of flood inundation area;
 - (e) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (f) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
 - (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as simultaneous manoeuvrability of a heavy rigid vehicle with a light vehicle through the site, must be in accordance with AUSTROADS; and
 - (h) submit to the Certifier a Report demonstrating compliance with the following:
 - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (ii) compliance with the car and bicycle parking rates outlined in the approved Transport Assessment report, prepared by JMT Consulting, dated 12 August 2024.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B11. Prior to the issue of a Construction Certificate for each Stage, 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 Barker Ryan Stewart, dated December 2023.

WIND MITIGATION MEASURES

- B12. Prior to the issue of a Construction Certificate for above ground works for each Stage, 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 W1084-07F02(rev2) - WE Memo, prepared by Windtech, dated 09 August 2024.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B13. Prior to the issue of a Construction Certificate for above ground works for each Stage, 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 acoustic report, prepared by Acoustic Logic, dated 3 May 2024.

COMPLIANCE WITH ARBORICULTURAL MANAGEMENT ASSESSMENT

- B14. Prior to the issue of a Construction Certificate for above ground works for each Stage, the Applicant must submit a Report to the Certifier demonstrating that the Development has incorporated all recommendations contained in the Arboricultural Management report, prepared by rain Tree consulting, dated 20 December 2023.

ADAPTABLE UNITS

- B15. Prior to the issue of a Construction Certificate for above ground works for each Stage, 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

- B16. Prior to the issue of a Construction Certificate for above ground works for each Stage, BASIX Certificate No. 1734878M_03 and 1731594M_04 must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

AGENCY CONDITIONS

TUNNEL – COUNCIL

- B17. Prior to the issue of a Construction Certificate involving the access tunnel between Buildings B and C, the Applicant must submit to the Council and obtain endorsement of the detailed design drawings and other supporting documents, including geotechnical report(s), which covers all tunnel related and site excavation works prepared by a suitably qualified and suitably experienced engineer. The geotechnical report(s) must provide details on the groundwater discharge strategy and how the proposed road will be appropriately monitored for settlement during the tunnel construction period/ excavation period and to clearly demonstrate to Council's satisfaction how settlement risks will be minimised.

Note:

- (a) *Permanent ground anchors are not permitted within the road reserve.*
- (b) *The Applicant is required to meet any cost incurred for the assessment by Council.*
 - *The review of the above documentation will require a peer review by Council adopted Geotechnical Panel at the applicant's expense.*

- B18. The Applicant is responsible for the operation and maintenance of the proposed tunnel. Prior to the issue of the first Construction Certificate involving the access tunnel between Buildings B and C, appropriate agreement(s) endorsed between Council and the Applicant are to be in place to cover the tunnel, including maintenance and operation. Any agreement(s) must include lighting, ventilation, fire safety, traffic barriers, traffic management, drainage and other systems associated with the tunnel. The agreement(s) must include inspection, monitoring and reporting to Council's requirements.

ENGINEERING – SYDNEY METRO

- B19. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) detail Survey, sheets 1-9 of 9, ref. 5999-23, revision 7, prepared by Daw & Walkton, dated 18 January 2024
 - (b) architectural drawings for Buildings A, B1, B2 and C, including but not limited to:
 - (i) Basement 04 Floor Plan, ref. DA-2000, issue J, prepared by Group GSA, dated 22 July 2024
 - (ii) Basement 03 Floor Plan, ref. DA-2001A, issue C, prepared by Group GSA, dated 22 July 2024
 - (iii) Basement 02 Floor Plan, ref. DA-2001B, issue J, prepared by Group GSA, dated 22 July 2024
 - (iv) Basement 01 Floor Plan, ref. DA-2002, issue L, prepared by Group GSA, dated 22 July 2024
 - (v) Lower Ground Floor Plan, ref. DA-2003, issue L, prepared by Group GSA, dated 22 July 2024
 - (vi) Ground Floor Plan, ref. DA-2004, issue J, prepared by Group GSA, dated 22 July 2024
 - (vii) Section A-A, ref. DA-3200, issue I, prepared by Group GSA, dated 22 July 2024 Section E-E, ref. DA-3204, issue I, prepared by Group GSA, dated 22 July 2024
 - (c) Architectural drawings for Buildings D1, D2, E1 and E2, including but not limited to:
 - (i) GA Plans Overall Basement 2, ref. DA-110-005, revision S5, prepared by Turner, dated 14 August 2024
 - (ii) GA Plans Overall Basement 1, ref. DA-110-006, revision S5, prepared by Turner, dated 14 August 2024
 - (iii) GA Plans Overall Lower Ground Level, ref. DA-110-007, revision S5, prepared by Turner, dated 14 August 2024
 - (iv) GA Plans Overall Ground Level, ref. DA-110-008, revision S5, prepared by Turner, dated 14 August 2024
 - (v) GA Sections Section AA, ref. DA-310-101, revision S3, prepared by Turner, dated 14 August 2024
 - (d) Structural drawings, including but not limited to:
 - (i) Site Retention Overall Plan, S01.100, revision P4, prepared by ABC Consultants, dated 27 August 2024
 - (ii) Shoring Wall Sections – Sheet 1, S01.200, revision P5, prepared by ABC Consultants, dated 28 August 2024
 - (iii) Shoring Wall Sections – Sheet 2, S01.201, revision P5, prepared by ABC Consultants, dated 28 August 2024
 - (iv) Shoring Wall Sections – Sheet 3, S01.202, revision P4, prepared by ABC Consultants, dated 28 August 2024

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- (v) Shoring Wall Sections – Sheet 4, S01.203, revision P4, prepared by ABC Consultants, dated 28 August 2024
- (vi) Shoring Wall Sections – Sheet 5, S01.204, revision P4, prepared by ABC Consultants, dated 26 August 2024
- (vii) Building C Shoring Elevation – Sheet 1, ref. S01.400, revision P3, prepared by ABC Consultants, dated 26 August 2024
- (viii) Building C Shoring Elevation – Sheet 2, ref. S01.401, revision P4, prepared by ABC Consultants, dated 28 August 2024
- (ix) Building C Shoring Elevation – Sheet 3, ref. S01.402, revision P3, prepared by ABC Consultants, dated 26 August 2024
- (x) Building C Shoring Elevation – Sheet 4, ref. S01.403, revision P3, prepared by ABC Consultants, dated 26 August 2024
- (xi) Building C Shoring Elevation – Sheet 5, ref. S01.404, revision P4, prepared by ABC Consultants, dated 28 August 2024
- (xii) Building A & B Site Retention Plan, ref. S01.110, revision P1, prepared by ABC Consultants, dated 02 July 2024
- (xiii) Building C Site Retention Plan With Metro, ref. S01.120, revision P5, prepared by ABC Consultants, dated 26 August 2024
- (xiv) Building D & E Site Retention Plan With Metro, ref. S01.121, revision P3, prepared by ABC Consultants, dated 02 July 2024
- (xv) Building A & B Shoring Elevation – Sheet 1, ref. S01.300, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (xvi) Building D & E Shoring Elevation – Sheet 1, ref. S01.350, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (xvii) Building D & E Shoring Elevation – Sheet 2, ref. S01.351, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (xviii) Typical Site Retention Details – Sheet 1, ref. S01.500, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (xix) Typical Site Retention Details – Sheet 2, ref. S01.501, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (xx) Typical Site Retention Details – Sheet 3, ref. S01.502, revision P2, prepared by ABC Consulting, dated 12 December 2023
- (e) Structural Assessment Report, ref. 23058-Structural Report, revision C, prepared by ABC Consultants, dated 26 August 2024
- (f) Geotechnical Investigation, ref. E26143.G03_Rev1, revision 1, prepared by EI Australia, dated 25 January 2024
- (g) Sydney Metro Impact Assessment, ref. 6535-DLV-MEM-001-C, revision C, prepared by Delve Underground, dated 23 January 2025
- (h) Finite Element Analysis, ref. E26143.G06_Rev4, prepared by EI Australia, dated 16 August 2024
- (i) Acoustic Assessment, ref. 20231023.1/0305A/R2/RL, revision 2, prepared by Acoustic Logic, dated 3 May 2024
- (j) Electrolysis Risk Report, ref. W23989A/NSW-P100207, revision A, prepared by Corrosion Control Engineering, dated 16 November 2023
- (k) Monitoring Plan for Sydney Metro, ref. E26143.G10_Rev3, revision 3, prepared by EI Australia, dated 4 November 2024

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

The Certifier must not issue a Construction Certificate for Buildings B, C or E, including any basement or excavation works, until the Applicant has confirmed which documents (including the versions of those documents) apply to the development and the Applicant has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- B20. The Certifier must not issue a Construction Certificate for Buildings B, C or E, including any basement or excavation works, unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

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- (a) Final structural drawings for construction, with loadings in line with the Sydney Metro Impact Assessment, ref. 6535-DLV-MEM-001-C, revision C, prepared by Delve Underground, dated 23 January 2025.
- (b) Revised monitoring plan considering minimum monitoring requirements as outlined in the Sydney Metro Underground Corridor Protection Technical Guidelines (Table 10.1 and 10.2) as well as updated to capture outcomes from documents referenced in Condition 1.1(g) and 1.1(h)

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

RAIL CORRIDOR – SYDNEY METRO

- B21. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the Development without damaging or otherwise interfering with the Sydney Metro City & Southwest rail corridor or rail operations. Where any part of the Development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

SURVEY AND SERVICES

- B22. Prior to the issue of a Construction Certificate for Buildings B, C or E, including any basement or excavation works, a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.
- B23. Prior to the issue of a Construction Certificate for Buildings B, C or E, including any basement or excavation works, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the relevant stage.

NOISE AND VIBRATION – SYDNEY METRO

- B24. The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Acoustic Assessment, ref. 20231023.1/0305A/R2/RL, revision 2, prepared by Acoustic Logic, dated 3 May 2024. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

ELECTROLYSIS – SYDNEY METRO

- B25. The Applicant must incorporate all the measures recommended in the electrolysis assessment report Electrolysis Risk Report, ref. W23989A/NSW-P100207, revision A, prepared by Corrosion Control Engineering, dated 16 November 2023. A copy of this report is to be provided to the Certifier with the application for a Construction Certificate for Buildings B, C or E, including any basement or excavation works. Prior to issuing a Construction Certificate for Buildings B, C or E, including any basement or excavation works, the Certifier must ensure that these recommendations are incorporated in the construction.

CONSTRUCTION – SYDNEY METRO

- B26. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for Buildings B, C or E, including any basement or excavation works, until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B27. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for Buildings B, C or E, including any basement or excavation works, until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- B28. Prior to the issuing of a Construction Certificate for Buildings B, C or E, including any basement or excavation works, information on machinery to be used during excavation/ construction must be submitted to Sydney Metro for review and endorsement.

CONSOLIDATED CONSENT

- B29. The Certifier must not issue a Construction Certificate for Buildings B, C or E, including any basement or excavation works, until it has received written confirmation from Sydney Metro that this condition has been satisfied. If required by Sydney Metro, prior to the issue of a Construction Certificate for the stage a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the stage until written confirmation has been received from Sydney Metro that this condition has been satisfied. If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate for Buildings B, C or E, including any basement or excavation works. The Certifier must not issue a Construction Certificate for the stage until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- B30. Prior to the issuing of a Construction Certificate for above ground structure for Buildings B, C or E, which involves installation of the proposed construction tower crane, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for above ground works for each stage until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- B31. If required by Sydney Metro, prior to the issue of a Construction Certificate for Buildings B, C or E, including any basement or excavation works, the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for Buildings B, C or E, including any basement or excavation works, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- B32. If required by Sydney Metro, prior to the issue of a Construction Certificate for Buildings B, C or E, including any basement or excavation works the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for Buildings B, C or E, including any basement or excavation works, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

DRAINAGE – SYDNEY METRO

- B33. The Applicant must ensure that all drainage for each stage is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Buildings B, C or E, including any basement or excavation works, unless this condition has been satisfied.

DOCUMENTATION – SYDNEY METRO

- B34. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to the Planning Secretary and Council for its records prior to the issue of the Construction Certificate for Buildings B, C or E, including any basement or excavation works.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work for each Stage, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for that Stage 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 for each Stage, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (CTPMP), prepared in consultation with TfNSW and Council, 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) location of proposed work zone(s);
 - (b) construction vehicle access arrangements and haulage routes;
 - (c) predicted number and timing of construction vehicle movements and vehicle types;
 - (d) 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;
 - (e) the management of traffic flows in the local area should there be a major problem / emergency occur to the tunnel works.

Note: The CTMP may be submitted to the Council's Local Traffic Committee for approval prior to the commencement of any roadworks.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work for each Stage, 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 for each Stage, 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 for each Stage, 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 for each Stage, 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 for each Stage, 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 for each Stage, 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 for each Stage or before the Occupation Certificate is issued for the that Stage, whichever is the sooner, unless otherwise as agreed with Council in writing.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C15. Prior to the commencement of works for each Stage, 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;

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- (b) prepare a Pre-construction Dilapidation Report identifying the condition of all public 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) in the vicinity of the Stage and within the 'zone of influence' that have potential to be affected, and submit a copy of the Dilapidation Report to the Planning Secretary and Council;
- (c) ensure all street trees directly outside the Stage not approved for removal are retained and protected in accordance with the applicable Australian Standards;
- (d) any damage to the public infrastructure 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;
- (e) 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 Occupation Certificate is issued for each Stage, whichever is the sooner, unless otherwise as agreed with Council in writing.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C16. Prior to the commencement of any earthwork or remediation works for each Stage, 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.

REMEDIAL ACTION PLAN

- C17. The Applicant must remediate each Stage in accordance with the specifications and requirements detailed in the Remedial Action Plan, prepared by EI Australia, dated 25 January 2024, and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

- C18. Prior to the commencement of any earthwork or remediation works for each Stage, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- C19. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C20. Upon completion of the remediation works and prior to the commencement of construction of each Stage, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- C21. Within one month following the completion of the remediation works for each Stage, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C22. 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

- C23. 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.

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DIAL BEFORE YOU DIG SERVICE

- C24. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

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) 7am to 5pm, 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);

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- (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 for each Stage 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 for each Stage, 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 EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D22. Implementation of the discharge of seepage/ rainwater collected onsite during construction or groundwater in accordance with the Operational Groundwater Management System endorsed by Council and WaterNSW/ EPA. Pumping the collected water to the street stormwater system is not permitted unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- 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.

AGENCY CONDITIONS

SUPERVISION – SYDNEY METRO

- D31. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

CONSULTATION – SYDNEY METRO

- D32. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in
 - (b) accordance with correspondence issued by Sydney Metro; acts as the authorised representative of the Applicant; and

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- (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- D33. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the relevant stage works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- D34. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

DRAINAGE – SYDNEY METRO

- D35. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- D36. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

INSPECTIONS – SYDNEY METRO

- D37. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
 - (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation; other excavation;
 - (e) surveying of foundation, pile and anchor excavation and surveying of as-built excavations; other concreting; or
 - (f) any other event that Sydney Metro has notified to the Applicant in writingso that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- D38. If required by Sydney Metro, prior to the commencement of works for Buildings B, C or E, including any basement or excavation works, or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

PART E 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 for each Stage, the Applicant is to provide documentation to the Certifier demonstrating the development for that Stage 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 for each Stage, the Applicant is to provide a Report (Post-Construction Dilapidation Report) prepared by a suitably qualified and experienced expert 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, roads or public assets;
 - (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, roads and public assets.
- E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report for each Stage to the Planning Secretary and to the relevant adjoining property owner(s).

ROAD DAMAGE

- E7. Prior to the occupation or commencement of the use for each Stage, 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, unless otherwise agreed to by Council or applicable public authority in writing.

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 an Occupation Certificate for each Stage, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for that Stage; and

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- (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 for each Stage, 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 an Occupation Certificate for each Stage, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificates approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

E13. Prior to the issue of an Occupation Certificate for each Stage, 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 an Occupation Certificate for each Stage, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B13.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E15. Prior to the issue of an Occupation Certificate for each Stage, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design measures, as required under Condition B3.

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 each Stage 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 an Occupation Certificate for each Stage, 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;
- (b) verifies that a maintenance program under the Landscape Plan required under Condition B9 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 an Occupation Certificate for each Stage, 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 for each Stage, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with that Stage:

- (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 an Occupation Certificate for each Stage, 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 an Occupation Certificate for each Stage, 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 an Occupation Certificate for each Stage, 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 each Stage, the Applicant must submit to the Certifier evidence the secure bicycle parking have been provided in accordance with Condition B10.
- E26. Prior to the operation or commencement of use of each Stage, 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 an Occupation Certificate for each Stage, 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 of each Stage, 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 Pedestrian through-site link;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) community consultation and complaint procedures.
- E29. The Operational Plan of Management approved under this consent shall be implemented following occupation of the Development.

OPERATIONAL WASTE MANAGEMENT

- E30. Prior to the occupation or commencement of use of each Stage, the Applicant must prepare an Operational Waste Management Plan for that Stage 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;

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- (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.

WASTE STORAGE INSPECTION

- E31. Prior to the issue of an Occupation Certificate for each Stage, the Applicant must submit evidence to the Certifier that a final inspection of the waste storage area(s) and associated management facilities has been undertaken by Council's Resource Recovery Project Officer to assess compliance with the design specifications and ensure that the necessary arrangements are in place for domestic waste collection. The time for the inspection must be arranged with Council for a mutually convenient time.

STORMWATER

- E32. Prior to the issue of an Occupation Certificate for each Stage, the Applicant must submit to the Certifier a copy of the work-as-executed details endorsed by a registered surveyor on a copy of approved stormwater drainage design plans with the Construction Certificate.
- E33. Prior to the issue of an Occupation Certificate for each Stage, the Applicant must submit to the Certifier a Stormwater Operation and Maintenance Plan including certifications, evidence of compliance with the approved construction certificates. The documentation must:
- (a) ensure the constructed stormwater quantity and quality control measures comply with and remain effective;
 - (b) include, 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

- E34. Prior to the issue of an Occupation Certificate for each Stage, 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 and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - (i) 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;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

REGISTRATION OF EASEMENTS

- E35. Prior to the issue of an Occupation Certificate for each Stage, all matters required to be registered on title including easements, restrictions and positive covenants required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E36. Prior to the issue of any Occupation Certificate for Building E, evidence of an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming Council as the prescribed authority, which can only be revoked, varied or modified with the consent of Council, and which provides for public access within and through the "Pedestrian Link", located between Buildings D2 and E1 (if not dedicated to Council or other public authorities) being registered on title.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of an Occupation Certificate or commencement of use of each Stage, and throughout the life of the Development, the Applicant must:
- (a) implement the Stormwater Operation and Maintenance Plan; 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 an Occupation Certificate or commencement of use of each Stage, 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 each Stage 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 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 B9.

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 No. 1734878M_03 and 1731594M_04 and any updated certificate issued if amendments are made.

GREEN TRAVEL PLAN

- F11. The Green Travel Plan approved under this consent shall be implemented following occupation of each Stage.

AFFORDABLE HOUSING

AFFORDABLE HOUSING

- F12. A minimum of 44 dwellings within Building C must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021* and in accordance with the correspondence, prepared by St George Community Housing, dated 15 December 2023.
- F13. For a period of 10 years commencing on the day an Occupation Certificate is issued for all parts of Building C (Lot 3):
- (a) the affordable housing component must be used for affordable housing; and

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- (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.
- F14. Prior to the issue of any Occupation Certificate for Building C, 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 44 dwellings within Building C are 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 for Building C (Lot 3);
 - (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.

AGENCY CONDITIONS

FLOOD EMERGENCY RESPONSE PLAN – COUNCIL

- F15. Prior to the issue of an Occupation Certificate for Building C, the Applicant must submit to the Certifier a flood emergency response plan, together with evidence of consultation with Council.

NOISE AND VIBRATION – SYDNEY METRO

- F16. Prior to the issue of an Occupation Certificate for each stage, an acoustic assessment report must be prepared and submitted to the Certifying Authority and Sydney Metro certifying that the completed development meets the requirements of:
- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - (b) the Department of Planning, Infrastructure and Environment's Development Assessment
 - (c) Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
 - (d) any other noise and vibration requirements imposed by this consent.
- F17. The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

DOCUMENTATION – SYDNEY METRO

- F18. Prior to the issue of an Occupation Certificate for Buildings B, C or E, including any basement or excavation works, the Applicant is to submit as-built drawings to Sydney Metro. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate for each Stage until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- F19. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to the Planning Secretary and Council for its records prior to the issue of an Occupation Certificate for each Stage.

INSPECTIONS – SYDNEY METRO

- F20. If required by Sydney Metro, prior to the issue of an Occupation Certificate Buildings B, C or E, including any basement or excavation works, a joint inspection of the rail infrastructure and property in the vicinity of the Development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration

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during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for Buildings B, C or E, including any basement or excavation works, until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- F21. At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the Development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the Development to be observed and rectified at the Applicant's cost.

FOR INFORMATION

PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

REQUIREMENTS OF THE EP&A ACT – PART 6 CERTIFICATES

- G1. In undertaking the subdivision approved for each Stage under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate for that Stage. For the purpose of this approval, the issue of a Subdivision Certificate(s) is restricted to the Development carried out in accordance with the documents set out in Condition A1.

SUBDIVISION CERTIFICATE

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

Note: Modification Approval to the preceding subdivision DA 988/2022/JPZ must be obtained to incorporate the Tunnel under the public road and must be incorporated in all relevant subsequent subdivision plans.

BUILDING MANAGEMENT STATEMENT

- G3. Prior to the issue of any Subdivision Certificate for each Stage, a Building Management Statement must be prepared for that Stage in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifier.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to each Stage as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision;
 - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision;
 - (c) the ongoing maintenance, use, operation and structural adequacy of the tunnel between Buildings B and C;
 - (d) access management of the Pedestrian Link in accordance with the requirements of this consent; and
 - (e) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

CREATION OF EASEMENTS

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

REGISTRATION OF EASEMENTS

- G6. Prior to the issue of any Subdivision Certificate for each Stage, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Condition A1, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

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

ACCESS EASEMENT – GROUND LEVEL

- G8. Prior to the registration of the stratum plan for each Stage, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the Certifier. Each easement is to address construction staging, including any restrictions to access, as a result of the construction activities, including erecting hoardings as relevant.

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- G9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

STORMWATER AND GROUNDWATER MANAGEMENT

- G10. Restrictions and positive covenants under section 88E provisions of the *Conveyancing Act 1919* must be included in the subdivision plans for each Stage and associated instruments to ensure the constructed seepage and stormwater management systems are not modified without the approval of council. The system must include:
- (a) stormwater quantity control on-site stormwater detention systems
 - (b) stormwater quality control measures
 - (c) seepage and groundwater collection and discharge system.

COMPLIANCE CERTIFICATE

- G11. Prior to issue of any Subdivision Certificate for each Stage, a compliance certificate issued under Part 6, Division 9 of the *Sydney Water Act 1994* must be obtained from Sydney Water and must be provided to the Certifier demonstrating that the Development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.
- G12. Prior to the issue of each Subdivision Certificate for each Stage (as relevant), a Registered Surveyor has confirmed that the parcel boundary of the plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement or Strata Management Statement, to enable the registration of the plan.

STATEMENT OF COMPLIANCE

- G13. Prior to the issue of any Subdivision Certificate for stratum subdivision of each Stage (as relevant), a Statement of Compliance shall be provided to the Certifying Authority demonstrating that the approved subdivision is consistent with relevant conditions of development consent for that Stage, **including compliance with the allocation of parking and storage as required by conditions of this consent.**

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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, which 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, work zones, special permits, 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 EP&A Act 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; and
- (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, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.