

# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the delegate of the Minister for Planning and Public Spaces, approves the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- meet statutory requirements;
- protect the amenity of the locality; and
- ensure amenity for future residents.

**Michael Wright (Chair)**  
Member of the Commission

**Duncan Marshall AM**  
Member of the Commission

Sydney

23 December 2024

File: SSD-66826207

*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.*

### SUMMARY OF MODIFICATIONS TO SSD-66826207

MOD No.	Determination	Decider	Modification Description
MOD 1	22 October 2025	Team Leader	Deletion of one basement level, amendments to Sydney metro conditions and respite periods for construction.
MOD 2	12 December 2025	Director	<p><b>Modifications including:</b></p> <ul style="list-style-type: none"> <li>• remove commercial and reduce retail uses</li> <li>• include 100 bed hotel, fit-out and operation</li> <li>• increase building height and amend external design and materials</li> <li>• increase apartments (to 212) and car parking spaces (to 231) and revise bicycle parking</li> <li>• amend apartment, internal building, basement, open space and roof plant layouts</li> <li>• delete one basement level</li> <li>• amended and new service vehicle and hotel operation hours</li> <li>• install an illuminated advertising sign</li> <li>• revise stratum subdivision and site address.</li> </ul>

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-66826207
<b>Application lodged by:</b>	Deicorp Construction Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	<b>405 Pacific Highway, 5 Falcon Street and 8 Alexander Street (Lot 1 DP 1305703)</b>
<b>Development:</b>	<p>Demolition of existing structures, early works, site remediation and construction of a 22-storey mixed-use development with infill affordable housing comprising:</p> <ul style="list-style-type: none"><li>• three storey podium (with mezzanine) with retail <b>use</b> and <b>hotel accommodation (including 100 rooms and fit-out)</b>;</li><li>• 19-storey residential tower above podium comprising <b>212</b> apartments (including 48 affordable housing apartments);</li><li>• communal open space at podium <b>and roof</b> levels;</li><li>• <b>five</b> levels of basement car parking with <b>231</b> car <b>parking</b> spaces;</li><li>• two-way vehicular access from Alexander Street; and</li><li>• <b>one static, illuminated advertising sign</b>;</li><li>• associated landscaping works, and stratum subdivision</li></ul>

### Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

## DEFINITIONS

### Interpretation

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

### Definitions

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

<b>Applicant</b>	The person having the benefit of this consent, or who is carrying out the Development.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
<b>Amendment Report</b>	The Amendment Report, prepared by <b>Gyde</b> , dated <b>12 September 2024</b> , submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application, including additional information provided to the Commission dated 12 December 2024.
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
<b>Consultation</b>	When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>
<b>Council</b>	<b>North Sydney Council</b>
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure.
<b>Development</b>	Where capitalised, means the Development approved pursuant to this consent.
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement - Mixed Use Development, Including In-Fill Affordable Housing Five Ways, Crows Nest, prepared by <b>Gyde</b> , dated <b>6 May 2024</b> , submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
<b>Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> .
<b>EP&amp;A Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
<b>Fire Safety Certificate</b>	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.

## CONSOLIDATED CONSENT

**Report**

When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.

**Sensitive Receiver**

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

FOR INFORMATION ONLY

**SCHEDULE 2**  
**PART A GENERAL CONDITIONS**

**ADMINISTRATIVE CONDITIONS**

**TERMS OF CONSENT**

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with the EIS and Amendment Report, the Applicant's response to submissions, and the Applicant's response to requests for further information **as amended by the**;
    - (i) section 4.55 (1A) Modification Application Report for SSD 66828207-MOD 1 prepared by Deicorp Projects (Crows Nest) Pty Ltd;**
    - (ii) section 4.55 (2) Modification Application Report (SSD 66828207-MOD 2) and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd; Response to Submissions and Amendment Report (SSD 66828207-MOD 2) and accompanying appendices prepared by Deicorp Project (Crows Nest) Pty Ltd and additional information prepared by Deicorp Project (Crows Nest) Pty Ltd; and**
  - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

<b>Architectural drawings prepared by Turner (Project No. 19073)</b>			
<b>Drawing/Sheet No.</b>	<b>Rev.</b>	<b>Name of Plan</b>	<b>Date</b>
DA-010-030	C	Context and Analysis – Demolition Plan	21.03.24
DA-110-003	<b>T</b>	GA Plans – Basement 05	<b>17.11.25</b>
DA-110-004	<b>V</b>	GA Plans – Basement 04	<b>17.11.25</b>
DA-110-005	<b>V</b>	GA Plans – Basement 03	<b>17.11.25</b>
DA-110-006	<b>V</b>	GA Plans – Basement 02	<b>17.11.25</b>
DA-110-007	<b>W</b>	GA Plans – Basement 01	<b>17.11.25</b>
DA-110-008	<b>P</b>	GA Plans – Ground Level	<b>13.06.25</b>
DA-110-009	<b>N</b>	GA Plans – Mezzanine	<b>13.06.25</b>
DA-110-010	<b>N</b>	GA Plans – Level 01	<b>13.06.25</b>
DA-110-020	<b>P</b>	GA Plans – Level 02	<b>22.08.25</b>
DA-110-030	<b>R</b>	GA Plans – Level 03	<b>22.08.25</b>
DA-110-040	<b>L</b>	GA Plans – Level 04	<b>13.06.25</b>
DA-110-050	<b>L</b>	GA Plans – Level 05	<b>13.06.25</b>
DA-110-060	<b>L</b>	GA Plans – Level 06	<b>13.06.25</b>
DA-110-070	<b>L</b>	GA Plans – Level 07	<b>13.06.25</b>
DA-110-080	<b>L</b>	GA Plans – Level 08	<b>13.06.25</b>
DA-110-090	<b>L</b>	GA Plans – Level 09	<b>13.06.25</b>
DA-110-100	<b>L</b>	GA Plans – Level 10	<b>13.06.25</b>
DA-110-110	<b>L</b>	GA Plans – Level 11	<b>13.06.25</b>
DA-110-120	<b>L</b>	GA Plans – Level 12	<b>13.06.25</b>
DA-110-130	<b>L</b>	GA Plans – Level 13	<b>13.06.25</b>
DA-110-140	<b>O</b>	GA Plans – Level 14	<b>13.06.25</b>
DA-110-150	<b>L</b>	GA Plans – Level 15	<b>13.06.25</b>

DA-110-160	L	GA Plans – Level 16	13.06.25
DA-110-170	L	GA Plans – Level 17	13.06.25
DA-110-180	L	GA Plans – Level 18	13.06.25
DA-110-190	L	GA Plans – Level 19	13.06.25
DA-110-200	L	GA Plans – Level 20	13.06.25
DA-110-210	O	GA Plans – Level 21	13.06.25
DA-110-220	O	GA Plans – Roof Level & Upper Roof Level	22.08.25
DA-210-101	H	Context Elevations – North Elevation – Falcon Street	22.08.25
DA-210-201	H	Context Elevations – East Elevation – Alexander Street	22.08.25
DA-210-301	H	Context Elevations – South Elevation – Pacific Highway	22.08.25
DA-220-101	Q	GA Plans-Elevations – North Elevation – Falcon Street	12.09.25
DA-220-201	R	GA Plans-Elevations – East Elevation – Alexander Street	12.09.25
DA-220-301	Q	GA Plans-Elevations – South Elevation – Pacific Highway	12.09.25
DA-220-401	G	GA Elevations – Internal Elevations	13.06.25
DA-230-101	E	Street Activation Elevations – North Elevation – Falcon Street	22.08.25
DA-230-201	E	Street Activation Elevations – East Elevation – Alexander Street	22.08.25
DA-230-301	E	Street Activation Elevations – South Elevation – Pacific Highway	22.08.25
DA-310-101	N	GA Sections – Section AA	17.11.25
DA-310-201	M	GA Sections – Section BB	17.11.25
DA-310-301	K	GA Sections – Section CC	17.11.25
DA-310-401	H	GA Sections – OSD & Substation Section	21.03.24
DA-320-101	D	Façade Sections – Façade Section Details 01	13.06.25
DA-320-102	D	Façade Sections – Façade Section Details 02	13.06.25
DA-320-103	E	Façade Sections – Façade Section FT01	13.06.25
DA-320-104	G	Façade Sections – Façade Section FT02	22.08.25
DA-320-105	G	Façade Sections – Façade Section FT03	22.08.25
DA-320-106	E	Façade Sections – External Corridor System	13.06.25
DA-320-107	C	Podium Section Details 01	13.06.25
DA-801-001	I	Supplementary Drawings Signage	03.07.25
DA-801-030	E	Supplementary Drawings Signage Sections	03.07.25
DA-810-001	G	Adaptable Plan Layouts – (DA Stage) Adaptable/Liveable Layouts 01	13.06.25
DA-810-002	B	Adaptable Plan Layouts - (DA Stage) Adaptable/Liveable Layouts 02	13.06.25
DA-840-001	A	840 Entry Nooks – Entry Nooks	29.08.24
DA-890-001	G	Material & Finishes Board – External	12.09.25
<b>Landscaping plans prepared by Land and Form (Job No. 2023027)</b>			
LD-DA000	1	Cover Sheet & Design Statement	25.06.25
LD-DA001	1	Planting Schedule & Legends	25.06.25
LD-DA002	1	Compliance Diagram	25.06.25
LD-DA010	1	Tree Management Plan	25.06.25

LD-DA100	1	Ground Floor Plan	25.06.25
LD-DA110	1	Mezz Plan	25.06.25
LD-DA120	1	Level 2 Plan and Planting Plan	25.06.25
LD-DA130	1	Level 3 – Level 21 Plan and Planting Plan	25.06.25
LD-DA140	1	Rooftop Plan	25.06.25
LD-DA200	1	Ground Floor Planting Plan	25.06.25
LD-DA210	1	Mezz Planting Plan	18.06.25
LD-DA220	1	Level 2 Planting Plan	18.06.25
LD-DA900	1	Typical Details & Outline Maintenance Specification	25.06.25
<b>Stratum Subdivision plans prepared by Daw &amp; Walton Consulting Surveyors (Job No. 19073)</b>			
1	16	SUBDIVISION OF LOT 1 IN DP1305704 – SITE PLAN	11.09.2025
2	16	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 3 & BELOW	11.09.2025
3	16	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 2	11.09.2025
4	16	SUBDIVISION OF LOT 1 IN DP1305704 – BASEMENT 1	11.09.2025
5	16	SUBDIVISION OF LOT 1 IN DP1305704 – GROUND FLOOR	11.09.2025
6	16	SUBDIVISION OF LOT 1 IN DP1305704 – MEZZANINE	11.09.2025
7	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 1	11.09.2025
8	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 2	11.09.2025
9	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 3	11.09.2025
10	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 4-5	11.09.2025
11	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 6	11.09.2025
12	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 7-21	11.09.2025
13	16	SUBDIVISION OF LOT 1 IN DP1305704 – LEVEL 22 COMMUNAL TERRACE	11.09.2025
14	16	SUBDIVISION OF LOT 1 IN DP1305704 – UPPER ROOF AND ABOVE	11.09.2025

**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:
- the more recent document in Condition A1(b) prevails over an earlier document in that section; and
  - the conditions of consent prevail over a document listed in Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

#### LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.  
**Note: refer to condition A18 for the static, illuminated sign consent duration.**
- A5. This consent does not include approval for any external signage, **except for the one static, illuminated sign as identified in drawings listed at condition A1.**
- A6. This consent does not approve fit-out of any retail premises or use of any premise as awellness area.

Note: fit-out of the hotel accommodation forms part of this consent pursuant to the approval of SSD-66826207 MOD 2 and as identified in drawings listed at condition A1.

## HOTEL ACCOMMODATION

- A6A.** The maximum number of guest hotel rooms permissible within the hotel / visitor accommodation is 100 rooms.
- A6B.** The maximum length of stay for any guest within the hotel / visitor accommodation is 90 consecutive days.
- A6C.** This consent does not approve strata subdivision of the hotel / visitor accommodation to create individual lots and/or hotel rooms.

## INFRASTRUCTURE CONTRIBUTIONS

### DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of:
- (a) the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Council's Local Infrastructure Contributions Plan 2020(LICP) has been paid to Council. Council must be contacted for calculation of required contributions.
- (b) the first amended Construction Certificate associated with modification application (SSD-66826207-Mod-2) the Applicant must contact Council to determine the amount of monetary contributions payable for the additional 24 dwellings and hotel use under SSD-66826207-Mod-2. Written evidence must be given to the Certifier before the issue of this Construction Certificate.

### 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
Total housing and productivity contribution	\$1,527,874.24

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](mailto:hpc.enquiry@planning.nsw.gov.au).

- A8A.** Prior to the issue of the first amended Construction Certificate associated with modification application (SSD-66826207-Mod-2) the Applicant is to contact the Department of Planning, Housing and Infrastructure at [hpc.enquiry@planning.nsw.gov.au](mailto:hpc.enquiry@planning.nsw.gov.au) to obtain an assessment and invoice for the amount of Housing and Productivity Contribution that is payable for the hotel use and 24 additional dwellings approved under SSD-66826207-Mod-2. Written evidence must be given to the Certifier before the issue of an amended construction certificate.

## AIRSPACE PROTECTION

- A9. For the purposes of controlled activities within the prescribed airspace for Sydney Airport under the Commonwealth *Airports Act 1996*, the Development must not exceed a maximum height of RL 177.9 metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- A10. The Applicant must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-874.
- A11. At the completion of the construction of the building, a certified surveyor is to notify (in writing) Sydney Airport Corporation Limited of the finished height of the building.

## BOND TO COUNCIL

- A12. Prior to commencement of any works, a security deposit or bank guarantee (bond money) must be paid to Council for any/all of the following:
- (a) making good any damage caused to any property of the Council as a consequence of works approved

under this consent;

- (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; and
- (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

Details of the security deposit and the amount must be obtained from Council prior to the commencement of works and the payment made.

A copy of the receipt of payment of bond must be provided to the Certifier for information.

**Note:** Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

## **SYDNEY METRO - GENERAL**

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### **INSPECTION**

- A13. At any time during the construction of the development, Sydney Metro and persons authorised by that entity may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
  - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

### **OTHER**

- A14. Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- A15. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from that entity that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- A16. All reasonable Sydney Metro costs associated with review of plans, designs and legal review must be borne by the applicant.

## **HERITAGE NSW**

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- A17. The Registered Aboriginal Parties (RAP) must be kept informed about the progress of the application and the development. The RAP must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

## **STATIC ADVERTISING SIGN**

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### **DURATION OF CONSENT**

- A18. Consent for the static advertising sign is issued for a limited period of 15 years. The consent will cease to be in force / expire 15 years after the date of the issue of consent for SSD-66826207 MOD 2.**

**Note:** Should it be intended that the advertising sign is to continue to exist / operate on the site beyond the limited period of 15 years, then a new development application must be submitted prior to the cessation date.

### **DESIGN AND OPERATION**

- A19. The static sign must be designed and operated in accordance with the requirements set out in the Transport Corridor Outdoor Advertising and Signage Guidelines (Department of Planning and Environment, 2017), and the documents listed in Condition A1.**
- A20. The static sign must comply with the relevant requirements of the NSW Department of Planning's**

*Development Near Rail Corridors and Busy Roads – Interim Guidelines, December 2008.*

- A21.** The static sign must meet wind loading requirements as specified in Australian Standard *AS 1170.1: Structural Design Actions – Permanent, Imposed and Other Actions* and *AS 1170.2: Structural Design Actions – Wind Actions*.
- A22.** The level of reflectance of the materials used in the static sign structure and advertisements must meet the requirements specified in *AS/NZS 1906.1:2017 Retroreflective materials and devices for road traffic control purposes*.
- A23.** The display of any name or logo of the entity who owns or leases an advertisement or advertising structure on the sign must comply with the following requirements:
- (a) the name or logo may appear only within the advertising display area;
  - (b) if the advertising display area has no border or surrounds, any such name or logo is to be located:
    - (i) within the advertisement; or
    - (ii) within a strip below the advertisement that extends for the full width of the advertisement;
  - (c) the area of any such name or logo must not be greater than 0.25 m<sup>2</sup>; and
  - (d) the area of any such strip is to be included in calculating the size of the advertising display area.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DETAILED DESIGN

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#### DESIGN AMENDMENTS

- B1. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:
- (a) at least **42** adaptable units identified within the building;
  - (b) include fully openable windows above or adjoining the entry to apartments facing the central breezeway;
  - (c) **the** following design elements added/revised as recommended in section 5.2.4 of the **S4.55** Acoustic Assessment Report Rev **2** prepared by Acoustic Logic dated **19 August 2025**:
    - (i) the proposed trickle ventilation system deleted from all effected apartments;
    - (ii) awning windows to the living rooms and bedrooms with direct connection to balconies for all apartments on levels 4 to 13 facing **the** Pacific Highway;
    - (iii) awning windows to the following rooms with direct connection to balconies:
      - bedrooms of all apartments on levels 4 to 13 facing Falcon Street; and
      - living rooms for all apartments on levels 4 to 11 facing Falcon Street;
    - (iv) **alternative air ventilation strategy for** bedroom windows with **NO** direct connection to balconies, for all apartments on levels **3 to 14** facing **the** Pacific Highway;
    - (v) **alternative air ventilation strategy for bedrooms of all apartments on levels 3 to 14 facing Falcon Street** with **NO** direct connection to balconies; **and**
  - (d) the proposed awnings over the footway of the Pacific Highway and Falcon Street setback a minimum distance of 0.6 metres from the face of kerb to protect against the overhang of large vehicles.
  - (e) **amend the design of the sign structure to reduce sky-glow impacts in accordance with the recommendations of the Five Ways, Crows Nest – Backlit Static Signage Report External Signage Revision [B] prepared by JHA Services and dated 19 May 2025.**

#### MATERIALS AND FINISHES

- B2. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application; and
  - (c) a certification from a suitably qualified consultant certifying that the reflectance of façade materials complies with the reflectance criteria identified in the Solar Light Reflectivity Study, prepared by Windtech Consultants dated 25 March 2023.

### PRE-CONSTRUCTION REQUIREMENTS

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#### SITE STABILITY

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

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B4. Prior to the issue of the first Construction Certificate (excluding demolition and excavation works), the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Fiveways Crows Nest ESD Report, prepared by E-Lab Consulting, dated **24 June 2025**.

## STRUCTURAL DETAILS

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

## STORMWATER MANAGEMENT SYSTEM

- B6. Prior to the issue of the first Construction Certificate (excluding demolition and excavation works), the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- generally in accordance with the conceptual design in the EIS (as refined by the Amendment Report **and SSD-66826207 MOD 2**) and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - in accordance with applicable Australian Standards;
  - with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
  - designed for an average recurrence interval (ARI) of 1 in 20 years;
  - in compliance with the following requirements:
    - pipelines within the footpath to comprise hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
    - rainwater tank(s) to be in accordance with BASIX and Sydney Water requirements with overflow connected by gravity to the stormwater disposal system;
    - include provisions for collection and disposal of any overland flow entering the site;
    - surface inlet pits to be located to catch surface flows and be provided at pipe junctions, changes in pipe direction exceeding 45 degrees, prior to connection to the public drainage system;
    - all pits and pipes to be of sufficient size to accept the flow;
    - sub-soil seepage drainage to be discharged via a suitable silt arrester pit; and
    - sub-soil drainage to be provided to all necessary areas with pump out facilities;
  - designed to include an on-site detention system with capacity to ensure that the maximum discharge of stormwater collected from the undeveloped site, during a 1 in 5 year storm event, is not exceeded;
  - designed to include a pump-out system for the basement only, with:
    - two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm;
    - a holding tank, capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20-year storm; and
    - a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line, for any drainage disposal from the pump out system to the public infrastructure.

## SYDNEY WATER ASSETS

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

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

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

**Note:** Refer to Sydney Water's Wastewater Blockages webpage and Diagram 5 Planting Trees within Sydney Water's Technical Guidelines for guidance on inappropriate tree types and for how to plant trees near Sydney Water assets refer to

## LANDSCAPING

- B8. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Land and Form approved in condition A1(c) as amended by any requirement of these conditions;
  - (b) includes details of tree planting including a detailed podium level planting plan with diverse range of ground covers and mid-storey planting;
  - (c) includes details of planting at the podium level and ground level that are consistent with the Planting Schedule and Legends (LD-DA001);
  - (d) includes Planting Mix Type 1 identified in the approved landscape plans in condition A1(c);
  - (e) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (f) confirms that the replacement street trees would comprise of *Liriodendron tulipifera* planted in 200L containers;
  - (g) demonstrates adequate drainage and watering systems;
  - (h) includes details of plant maintenance and watering for the first 12 months; and
  - (i) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

## CAR PARKING

- B9. Prior to the issue of the first Construction Certificate (excluding demolition and excavation works), the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
  - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
  - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
  - (g) submit to the Certifier a Report demonstrating compliance with the following:
    - (i) provision of **215** residential car parking spaces including **43** adaptable car parking spaces within the basement;
    - (ii) provision of **three** car share spaces **and one car wash bay** within the basement;
    - (iii) provision of **six** service vehicle spaces within the basement (**including four van spaces, a small rigid vehicle space and medium rigid vehicle space**);
    - (iv) provision of **eight** car spaces within the basement dedicated for retail **and hotel** use including two adaptable car spaces;
    - (v) compliance with Australian Standards for the layout, design and security of car parking spaces and bicycle facilities;
    - (vi) provision of electric vehicle charging infrastructure in accordance with the NCC;
    - (vii) provision of **270 bicycle parking spaces, comprising a minimum of:**
      - (i) **212** bicycle parking spaces for residential use
      - (ii) **21** residential visitor **bicycle** spaces;
      - (iii) **37** bicycle parking spaces for **retail and hotel** use; and
    - (viii) provision of end-of-trip facilities identified in the approved plans listed in condition A1.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B10. Prior to the issue of the first Construction Certificate for above ground works, 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 15 March 2024.

## WIND MITIGATION MEASURES

- B11. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures as contained within Appendix F of the document titled Pedestrian Wind Environment Study Rev 2, prepared by Windtech Consultants, dated 25 March 2024.

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the **S4.55** Acoustic Assessment Report Rev 2, prepared by Acoustic Logic, dated **19 August 2025**, including (but not limited to) **the** additional acoustic treatments **as set out in** section 5.2.4 of the report.

## ADAPTABLE UNITS

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

## BASIX CERTIFICATION

- B14. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate No. **1738270M\_05** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## FLOODING LEVELS

- B15. The Construction Certificate Plans must demonstrate that the crest of the basement entry is at RL 96.370, which is above the Probable Maximum Flood Level for the site.

## PUBLIC ART STRATEGY

- B16. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy developed in consultation with Council, consistent with the Connecting with Country report submitted as Appendix 3 of the Amendment Report.
- B17. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.
- B18. Prior to the issue of any relevant Construction Certificate, details demonstrating compliance with the above requirements shall be submitted to the Certifier and to the Planning Secretary.

## ROAD, FOOTPATH AND INFRASTRUCTURE WORKS

- B19. Prior to the issue of the Construction Certificate for works outside the site boundary (excluding removal of street trees), the Applicant must submit engineering design plans and specifications prepared by a qualified civil design engineer for the following infrastructure works to Council for endorsement:
- new footpath across all site frontages, placed on a single straight grade in accordance with Council's public domain requirements;
  - new kerb and gutter across all site frontages in accordance with Council and TfNSW requirements;
  - reconstructed carriageway shoulder on Pacific Highway and Falcon Street in accordance with TfNSW requirements;
  - vehicular crossing on Alexander Street;
  - vehicular access way in accordance with Australian Standards and Council's guidelines and specifications, so that a B85 vehicle will not scrape/strike the surface of the carriageway, layback or vehicular crossing;
  - reconstructed existing stormwater pits (to align with new kerb and gutter) along Alexander Street consistent with Council's specifications;
  - streetscape design, treatment and pedestrian management of the footpath and public domain in accordance with Council's requirements; and
  - all civil and drainage works in accordance with Council's specifications.

**Notes:**

- Approval must be obtained for the roadworks under section 138 of the Roads Act 1993.
- All costs associated with the roadworks must be borne by the Applicant.

## **SYDNEY METRO CONDITIONS**

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### **ENGINEERING**

**B20.** 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) Architectural drawings, including but not limited to:
  - (i) Basement 05 plan, Drawing no. DA-110-003, Revision **I**, prepared by Turner, dated **17 November 2025**;
  - (ii) Basement 04 plan, Drawing no. DA-110-004, Revision **V**, prepared by Turner, dated **17 November 2025**;;
  - (iii) Basement 03 plan, Drawing no. DA-110-005, Revision **V**, prepared by Turner, dated **17 November 2025**;;
  - (iv) Basement 02 plan, Drawing no. DA-110-006, Revision **V**, prepared by Turner, dated **17 November 2025**;;
  - (v) Basement 01 plan, Drawing no. DA-110-007, Revision **W**, prepared by Turner, dated **17 November 2025**;;
  - (vi) Section AA plan, Drawing no. DA-310-101, Revision **N**, prepared by Turner, dated **17 November 2025**;
  - (vii) Section BB plan, Drawing no. DA-310-201, Revision **M**, prepared by Turner, dated **17 November 2025**; and
  - (viii) Section CC plan, Drawing no. DA-310-301, Revision **K**, prepared by Turner, dated **17 November 2025**;
- (b) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 1 of 2, prepared by Stantec, dated 20 August 2024;
- (c) Survey plan, Drawing no. 3050-01109-001-004, Revision 01, Sheet 2 of 2, prepared by Stantec, dated 20 August 2024;
- (d) Report on Geotechnical Investigation, Ref. 86645.03.R.001.Rev1.docx, Revision 1, prepared by Douglas Partners dated 14 September 2023;
- (e) Construction Environmental Management Plan, Project ref. CC200015, Revision 2, prepared by Barker Ryan Stewart dated 11 March 2024;
- (f) Construction Vibration Management Plan, Revision 2, prepared by Acoustic Logic, dated 02 August 2024;
- (g) Structural Impact Assessment, Document ref. 6466-DLV-MEM-001-H, Revision H, prepared by Delve Underground, dated 8 April 2025;
- (h) Structural Report – External Development Adjacent Metro Corridor, Report No. 23012, Revision A, prepared by ABC Consultants, dated 19 May 2025;
- (i) Report on Dewatering Management Plan, Project no. 86645.03, Document no. R.004.Rev1, Revision 1, prepared by Douglas Partners, dated 10 January 2025;
- (j) Report on Numerical Analysis, Report Ref 86645.03.R002, Revision 2, prepared by Douglas Partners, dated **10 January 2025**;
- (k) Letter on Comparison of Numerical Models, Project no. 86645.03, R.005. Rev 0, dated **23 July 2025**;
- (l) Instrumentation and Monitoring Strategy for Sydney Metro Underground Infrastructure Protection, including, but not limited to:
  - (i) Document no. DLV-6466-IM00-000, Revision 2, prepared by Delve Underground, dated 26 February 2025;
  - (ii) Document no. DLV-6466-IM01-001, Revision 4, prepared by Delve Underground, dated 4 April 2025;
  - (iii) Document no. DLV-6466-IM01-011, Revision 4, prepared by Delve Underground, dated 4 April 2025;
  - (iv) Document no. DLV-6466-IM01-012, Revision 4, prepared by Delve Underground, dated 4 April 2025;
  - (v) Document no. DLV-6466-IM02-001, Revision 2, prepared by Delve Underground, dated 2 February 2025;
  - (vi) Document no. DLV-6466-IM03-001, Revision 5, dated 9 May 2025; and
  - (vii) Document no. DLV-6466-IM03-002, Revision 4, dated 4 July 2025.
- (m) Letter from Acoustic Logic, ref 20241259.4/1303A/R0/PF, dated 13 March 2025;

- (n) Letter from Acoustic Logic – Operational Impact Assessment, ref 20241259.6/1405A/R0/PF, dated 14 May 2025;
- (o) Rail Risk Management Plan, Report No. GKA CRO 001, Revision 5, prepared by GKA Management, dated 26 May 2025;
- (p) Structural drawings, including but not limited to;
  - (i) Site retention plan, Drawing no. S01-001, Revision 02, prepared by ABC Consultants dated 19 May 2025;
  - (ii) Shoring surcharge loading plan, Drawing no. S01-002, Revision 03, prepared by ABC Consultants dated 19 May 2025;
  - (iii) Shoring wall elevations - Sheet 1, Drawing no. S01-005, Revision 05, prepared by ABC Consultants dated 30 May 2025;
  - (iv) Shoring wall elevations, Sheet 2, Drawing no. S01-006, Revision 06, prepared by ABC Consultants dated 30 May 2025;
  - (v) Shoring wall sections, Sheet 1, Drawing no. S01-011, Revision 04, prepared by ABC Consultants dated 30 May 2025;
  - (vi) Shoring wall sections, Sheet 2, Drawing no. S01-012, Revision 04B, prepared by ABC Consultants dated 30 May 2025;
  - (vii) Shoring wall sections, Sheet 3, Drawing no. S01-013, Revision 04, prepared by ABC Consultants dated 30 May 2025;
  - (viii) Shoring wall sections, Sheet 4, Drawing no. S01-014, Revision 04, prepared by ABC Consultants dated 30 May 2025;
  - (ix) Shoring wall sections, Sheet 5, Drawing no. S01-015, Revision 04, prepared by ABC Consultants dated 30 May 2025;
  - (x) Shoring wall sections, Sheet 6, Drawing no. S01-016, Revision 04, prepared by ABC Consultants dated 30 May 2025;
  - (xi) Typical site retention details, Drawing no. S01-021, Revision 05, prepared by ABC Consultants dated 30 May 2025; and
  - (xii) Site retention plan with Metro Rail Tunnel, Drawing no. S01-101, Revision 02, prepared by ABC Consultants dated 19 May 2025;
  - (xiii) Site sections with Metro Rail Tunnel, Drawing no. S01-102, Revision 2, prepared by ABC Consultants dated 19 May 2025; and
  - (xiv) Typical foundation details, Drawing no. S02-011, Revision P06, prepared by ABC Consultants dated 12 June 2025;
- (q) Letter of Support from Delve Underground, dated 22 August 2025 – Development Modification – 5 Level Basement;
- (r) Letter from ABC Consultants ref 23012-015 dated 21 July 2025;
- (s) Letter from ABC Consultants, ref. 23012-016, dated 24 July 2025; and
- (t) Letter from ABC Consultants, ref 23012-017, dated 24 July 2025.
- (u) Rail Risk Management Plan, Report No. GKA CRO 001, Revision 5, prepared by GKA Management, dated 26 May 2025

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

- B21. The Certifier must not issue a Construction Certificate for the development (excluding demolition) unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written endorsement of the following items:
- (a) Structural Assessment Report, Report No. 23012 Rev A, prepared by ABC Consultants, dated 19 May 2025 updated to address the following;
    - (i) Clarification on the inclusion of a Geotechnical Reduction Factor of 0.5 applied to an "Allowable End Bearing Capacity" of 6000 kPa;
 

*Note: This may necessitate modifications to footing sizes, which must be addressed in the updated footing design and structural report/drawings prior to the issuance of the Construction Certificate.*
    - (ii) Drawing No. S00-005, updated as necessary prior to the issuance of the Construction Certificate;
    - (iii) Construction Drawings that clearly indicate final footing details and their relationship to the Sydney Metro First Reserve, ensuring that no foundations or anchors are permitted within the First Reserve.

- (b) Rail Risk Management Plan, Report No. GKA CRO 001, Rev 5, prepared by GKA Management, dated 26 May 2025, updated to consider any additional hazards, if applicable, as well as the likelihood and consequence of occurrence for all identified hazards;
- (c) clarification on the pile installation method, ensuring consistency between the construction vibration management plan and the method indicated in the structural drawings; and
- (d) details of the extent of dilapidation surveys undertaken of Sydney Metro infrastructure.

## RAIL CORRIDOR

B22. 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 and South West 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 and South West rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

## SURVEY AND SERVICES

B23. Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey, undertaken by a registered surveyor, of the development and its location relative to the rail corridor boundary and any rail infrastructure; and
- (b) a registered surveyor must 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.

B24. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro in accordance with the following:

- (a) a services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service;
- (b) persons performing the service search must use equipment that will not have any impact on rail services and signalling; and
- (c) should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

## NOISE AND VIBRATION

B25. The development must:

- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info));
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

**B25A. The Applicant must:**

- (a) incorporate as part of the development all the measures recommended in the acoustic assessment report *Acoustic Assessment, Document no. 20230371.1/3107A/R4/PF, Revision 4*, prepared by Acoustic Logic, dated 31 July 2024; and
- (b) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

**B25B. A copy of the acoustic assessment report must be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier.**

**B25C. 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

- B26. The Applicant must incorporate as part of the development all the measures recommended in the electrolysis assessment report Electrolysis Risk Desktop Study, Document ref. W23437/P100136, prepared by Corrosion Control Engineering, dated 9 May 2022.
- B27. A copy of the electrolysis assessment report must be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier.
- B28. The Certifier must ensure that the recommendations of the electrolysis assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

## CONSTRUCTION

- B29. 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.
- B30. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements, unless the Applicant has obtained prior written consent from Sydney Metro for any proposed use of rock anchors.
- B31. Prior to the issuing of a Construction Certificate (excluding demolition), the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction; and
  - (b) Demolition, excavation and construction methodology and staging;
- B32. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor.
- B33. Prior to issue of a Construction Certificate, the Applicant must provide the Certifier evidence that an updated tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) has been submitted to and endorsed by Sydney Metro. The monitoring plan must confirm that movements of Sydney Metro Underground Infrastructure (including, but not limited to tunnel lining and cross passages) would not exceed 10mm during excavation or construction.
- B34. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements.
- B35. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that condition B29, B30, B31, B32, B33 and B34 have been satisfied.
- B36. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.  
*Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*
- B37. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.  
*Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro North West Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.*
- B38. If required by Sydney Metro, prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

## DRAINAGE

- B39. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

## DOCUMENTATION

- B40. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

## TRANSPORT FOR NSW (TfNSW) CONDITIONS

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### CIVIL WORKS ON FALCON STREET AND PACIFIC HIGHWAY

- B41. Prior to the issue of the first Construction Certificate for the stormwater management system, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on the Pacific Highway or Falcon Street are to be submitted to TfNSW for approval.

**Note 1:** All documentation should be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**Note 2:** A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved plans by TfNSW.

- B42. The Applicant must submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.  
The Applicant is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW.

**Note:** All documentation to be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

- B43. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- B44. Detailed design plans of the proposed kerb and gutter works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works.

**Note 1:** All documentation is to be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**Note 2:** A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- B45. Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works.

The Applicant must also obtain any necessary approvals from the various public utility authorities and/or their agents.

**Note 1:** All documentation to be sent to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

**Note 2:** A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

## ROADWORKS

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### PROHIBITED RIGHT TURN TO ALEXANDER STREET

- B46. Prior to the issue of the first Construction Certificate for above ground works the Applicant must submit to the Certifier details of roadworks to prohibit right turn movements to/from the driveway within the site onto Alexander Street. Written endorsement of the roadworks from the relevant roads authority must be provided in the submission to the Certifier.

**Notes:**

- Approval must be obtained for the roadworks under section 138 of the Roads Act 1993.
- All costs associated with the roadworks must be borne by the Applicant.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24 hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) prevention and management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) road reserve safety during construction;
    - (xii) external lighting in compliance with applicable Australian Standards; and
    - (xiii) 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 D30;
  - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

#### CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) 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.

#### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development with measures to reduce 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;
- (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) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (g) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
- (h) include a complaints management system that would be implemented for the duration of the development.

#### **AIR QUALITY MANAGEMENT SUB-PLAN**

C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:

- (a) relevant environmental criteria to be used to guide management of dust and odours;
- (b) dust and odour management practices to be implemented, including:
  - (i) watering of exposed surfaces and stockpiles;
  - (ii) covering of truck loads;
  - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
  - (iv) progressive land stabilisation works to minimise exposed surfaces.
  - (v) monitoring requirements;
  - (vi) communication strategy; and
  - (vii) system and performance review for continuous improvements; and
- (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:

- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
- (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
- (c) procedures for minimising the movement of waste material around the site and double handling;
- (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
- (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
- (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
  - (i) a traffic plan showing transport routes within the site;
  - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
  - (iii) the name and address of each licensed facility that will receive waste from the site.

#### **CONSTRUCTION SOIL AND WATER MANAGEMENT SUB-PLAN**

C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water

Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:

- (a) describe all erosion and sediment controls to be implemented during construction;
- (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
- (c) detail all off-site flows from the site during construction; and
- (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

## **PRE-CONSTRUCTION DOCUMENTATION AND MEASURES**

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### **SURVEY CERTIFICATE**

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

### **PRE-CONSTRUCTION DILAPIDATION REPORTS**

- C9. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an 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 as soon as possible by the Applicant to the satisfaction of the public authority responsible for the public way.
- C14. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

### **PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES**

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

## REMEDIATION

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### UNEXPECTED FINDS PROTOCOL

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

### HAZARDOUS MATERIALS SURVEY

- C17. Prior to the commencement of any demolition works, the Applicant must submit a hazardous building material survey in accordance with the specifications and requirements detailed in the Pre-demolition Detailed Site Investigation (Contamination) prepared by Douglas Partners dated August 2023 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- C18. Removal of all identified hazardous materials must be undertaken by a suitably qualified and experienced consultant(s).
- C19. Prior to commencement of demolition works qualified occupational hygienist must certify the clearance of the existing buildings once identified hazardous building materials are removed.

## NOTIFICATIONS AND COMMENCEMENT OF WORKS

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### NOTIFICATION OF COMMENCEMENT

- C20. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C21. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### UTILITIES AND SERVICES

- C22. 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.

### DIAL BEFORE YOU DIG SERVICE

- C23. 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.

### DEMOLITION

- C24. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person that the work plans complies with the safety requirements of the Australian Standard.

### PARKING METER RELOCATION

- C25. Prior to the commencement of any works, existing parking meters affected by the proposed construction works along the frontage of the site, must be relocated to the satisfaction of Council, if required.

### ROADWORKS

- C26. A copy of the endorsed plans required by Condition B19 must be submitted to the Certifier prior to the commencement of works.

## TRANSPORT FOR NSW (TfNSW) CONDITIONS

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### CONSTRUCTION IMPACT

- C27. A Road Occupancy Licence (ROL) must be obtained from Transport Management Centre (TMC) for any works

that may impact on traffic flows on Pacific Highway and Falcon Street during construction activities.

A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

## **SYDNEY METRO CONDITIONS**

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- C28.** Prior to the commencement of any works, the Certifier must provide written verification to Sydney Metro that condition B20 has been complied with.

FOR INFORMATION ONLY

## 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 structural 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) between 7am and 6pm, Mondays to Fridays inclusive;
  - (b) between 8am and 1pm, Saturdays; and
  - (c) no work may be carried out on Sundays or public holidays.
- D4. 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.
- D5. Notification of activities undertaken in the circumstances in condition D4 must be given to sensitive receivers, as identified in the Construction Noise and Vibration Management Sub-Plan in condition C3 before undertaking the activities or as soon as is practical afterwards.
- D6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) **8am to 12pm, Monday to Friday;**
  - (b) **1pm to 5pm Monday to Friday; and**
  - (c) **8am to 12pm, Saturday.**

### IMPLEMENTATION OF MANAGEMENT PLANS

- D7. 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

- D8. 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.
- D9. 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.
- D10. 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.
- D11. 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 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D12. 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**

- D13. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

#### **SHORING AND ADEQUACY OF ADJOINING PROPERTY**

- D14. 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.
- D15. 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**

- D16. 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**

- D17. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

#### **CUT AND FILL**

- D18. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D19. 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**

- D20. 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*.
- D21. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D22. 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 AND HAZARDOUS MATERIALS**

- D23. 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'.

#### **POST DEMOLITION INVESTIGATION**

- D24. Post demolition of the buildings and hardstand areas, the following must be undertaken:
- (a) clearance of the ground surface by a qualified occupational hygienist;
  - (b) intrusive investigation to confirm and formalise the waste classification of fill prior to off-site disposal; and
  - (c) intrusive investigation following the removal of all fill to confirm and formalise the classification of natural soils are bedrock to be excavated in forming the basement.

#### **GROUNDWATER INTERCEPTION**

- D25. Should groundwater be intercepted during construction a Water Access Licence and a Water Supply Works Approval under the *Water Management Act 2000* must be obtained unless an exemption applies.
- D26. Post demolition works, a groundwater assessment must be undertaken and a monitoring and reporting program implemented in accordance with the recommendations of Dewatering Management Plan, Five Ways prepared by Douglas Partners dated October 2023.
- D27. The project geotechnical engineer must be notified immediately when measured groundwater levels are lower than the predicted construction groundwater levels in accordance with the recommendations of the Dewatering Management Plan, Five Ways prepared by Douglas Partners dated October 2023.
- D28. At the completion of the excavation works, the Applicant must submit a compliance report to the Certifier confirming the results of dewatering monitoring to confirm that the groundwater quality complies with the nominated criteria for disposal. Additional treatment systems must be recommended and implemented prior to disposal of groundwater, where the quality does not comply with nominated requirements in Dewatering Management Plan, Five Ways prepared by Douglas Partners dated October 2023.

#### **CONTACT TELEPHONE NUMBER**

- D29. 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**

- D30. If a Relic (as defined in the *Heritage Act 1977*) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) or human remains are unexpectedly discovered:
- (a) all works must cease immediately;
  - (b) the Applicant must notify the Heritage NSW in respect of a Relic and notify the Planning Secretary and the Heritage 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.
- D31. Building work may recommence at a time confirmed by either Heritage NSW or the Planning Secretary.
- D32. Construction must be undertaken in accordance with the recommendations of the *Aboriginal Cultural Heritage Assessment* prepared by Urbis dated 16 April 2024, the *Heritage Impact Statement* prepared by Urbis dated 18 March 2024 and supplementary *Heritage Memo* dated 20 August 2024, and the *Response to Request for Further Information* prepared by Gyde dated 12 December 2024.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D33. 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.
- D34. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

## NON-COMPLIANCE NOTIFICATION

- D35. 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.*

## PARKING RESTRICTIONS

- D36. Any changes to the public parking provisions in the vicinity of the site due to the construction of the development, must be endorsed by Council.

*Note: Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Applicant will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.*

## RE-USE OF SANDSTONE

- D37. If sandstone blocks are removed from site, they are to be either stored for re-use on site or offered to Council in the first instance.

## SYDNEY METRO CONDITIONS

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### SUPERVISION

- D38. 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

- D39. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.
- D40. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- D41. 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**

- D42. 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.
- D43. 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**

- D44. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
  - (b) foundation pile and anchor set out;
  - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - (d) foundation, pile and anchor excavation;
  - (e) other excavation;
  - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
  - (g) other concreting; or
  - (h) any other event that Sydney Metro has notified to the Applicant in writing
- so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- D45. Prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

## **TRANSPORT FOR NSW (TfNSW) CONDITIONS**

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### **PUBLIC TRANSPORT**

- D46. If construction works will impact pedestrian or vehicular access to the bus stop adjacent to the site on Pacific Highway (Bus Stop ID 2065137), the bus stop must be temporarily relocated to a suitable location to be determined in consultation with Transdev John Holland Buses (NSW) Pty Ltd and TfNSW.

After the construction works affecting access to the bus stop are complete, the bus stop sign and seat shall be returned to the bus stop.

These works shall be at no cost to TfNSW.

## PART E COMMENCEMENT OF OCCUPATION AND USE

### GENERAL REQUIREMENTS

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#### 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.

#### AFFORDABLE HOUSING

- E2. An Occupation Certificate for the 48 affordable housing units must be issued concurrently or before an Occupation Certificate for the remainder of the development.

#### NOTIFICATION OF OCCUPATION

- E3. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E4. 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

- E5. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

### DILAPIDATION AND REPAIRS

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#### POST-CONSTRUCTION DILAPIDATION REPORT

- E6. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (**Post-Construction Dilapidation Report**) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
  - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of Development;
  - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E7. The Applicant is to provide a copy of the Post-Construction Dilapidation Report to the Planning Secretary and to the relevant adjoining property owner(s).

#### ROAD DAMAGE

- E8. Prior to the occupation or commencement of use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

#### PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E9. 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;
- E10. Prior to the occupation or commencement of the use of the Development, any damage identified in condition E6 as being caused by the carrying out of the Development not subject to condition E9 must be fully repaired and rectified by the Applicant.

## COMPLIANCE REPORTING

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### WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E11. Prior to the issue of final Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development;
  - (b) recording of completed details of all conduits that will revert to the care and control of Council, conducted in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2013;
  - (c) any compliance certificates and any other evidence confirming the following completed works:
    - (i) all stormwater drainage systems and storage systems; and
    - (ii) stormwater quality treatment measures.
- E12. Prior to the issue of any Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
- E13. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that
- (a) a digital video inspection recording of completed drainage work within the public domain has been carried out by a suitably qualified person;
  - (b) the recording has been submitted, reviewed and endorsed by Council.

*Note: Bonds held by Council will be returned after receipt of satisfactory information.*

### COMPLIANCE WITH BASIX CERTIFICATE

- E14. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

### GFA AND BUILDING HEIGHT CERTIFICATION

- E15. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating that the Development complies with and does not exceed the approved gross floor area (GFA) and building height.

### ACOUSTIC COMPLIANCE

- E16. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under condition B12.
- E17. The Report in condition E16 must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the worst Leq 1 hour period 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.

### STRUCTURAL INSPECTION CERTIFICATE

- E18. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E19. 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 have been checked with those listed on the final Design Certificate/s.

## LANDSCAPE PRACTICAL COMPLETION REPORT

- E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
  - (b) verifies that a maintenance program under the Landscape Plan required under condition B8 has been commenced;
  - (c) includes details of plant maintenance and watering for the first 12 months; and
  - (d) includes details of plant maintenance and watering for the life of the Development.

## FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.
- E22. 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

- E23. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); 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.

## PUBLIC ART

- E24. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier documentary evidence that the Public Art Strategy required by B16 has been implemented.

## SYDNEY WATER COMPLIANCE

- E25. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

## UTILITY PROVIDERS

- E26. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- E27. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

## BICYCLE PARKING, END-OF-TRIP FACILITIES AND GREEN TRAVEL PLAN

- E28. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence of compliance with the requirements for secure bicycle parking and end-of-trip facilities as identified in condition B9(g).
- E29. Prior to the operation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E30. Prior to the operation or commencement of use of the Development, the Applicant must:
- (a) prepare a final Green Travel Plan (**GTP**) in consultation with TfNSW. **the GTP must be prepared by a suitably qualified traffic consultant and include:**
    - (i) a mechanism to monitor the effectiveness of the measures of the **GTP**; and

- (ii) an implementation strategy for the **GTP** that commits to specific management actions and operational procedures, and timeframes for implementation;
- (iii) **objectives and modes share targets to reduce car use and increase public transport use (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;**
- (iv) **specific tools and actions to help achieve the objectives and mode share targets of the GTP;**
- (v) **measures to promote and support the implementation of the plan, roles and responsibilities for relevant employees involved in the implementation of the GTP;**
- (vi) **consideration of car parking management strategies that may be required to encourage sustainable transport use / mode share targets;**
- (b) submit a copy of the final **GTP** to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au) for the endorsement of TfNSW; and
- (c) provide a copy of the approved **GTP** to the Planning Secretary.

**Note: Information on preparing the GTP can be found at [www.mysydney.nsw.gov.au/travelchoices/tdm](http://www.mysydney.nsw.gov.au/travelchoices/tdm)**

**Note: Send the GTP to [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@transport.nsw.gov.au) for review and endorsement**

**E30A. Prior to the operation or commencement of use of the development, a Travel Access Guide (TAG) relating to the hotel use must be submitted to TfNSW for endorsement. The TAG must include:**

- (a) a comprehensive map showing all modes of public and active transport, including buses (private and public), trains, walking and cycling routes, as well as times for these public transport options;**
- (b) provide information advising about service routes and timetables for buses and trains available on the Trip Planner at [transportnsw.info/](http://transportnsw.info/);**
- (c) provide information about walking routes available on the Trip Planner at [transportnsw.info/](http://transportnsw.info/);**
- (d) number and location of End of Trip facilities and bicycle parking (bicycle racks, showers, lockers, change rooms) and locate on map; and**
- (e) provide detail and locations of any shuttle bus provision of dedicated carpooling area / share car parking spaces.**

**Note: Send the TAG to [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@transport.nsw.gov.au) for review and endorsement**

## **STREET NUMBERING**

E31. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

## **REDUNDANT DRIVEWAYS**

E32. Prior to occupation, the Applicant must remove any redundant driveway and stormwater pipes and replace them with new kerb and gutter and the footway with turf and a concrete footpath.

## **ROADWORKS**

E33. Prior to the issue of any Occupation Certificate, the Applicant must complete the roadworks approved in condition B46 to the satisfaction of the relevant roads authority and submit a copy of the endorsement to the Certifier.

## **MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS**

### **OPERATIONAL PLAN OF MANAGEMENT**

E34. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):

- (a) details of the managing agent;
- (b) management of communal areas and open spaces, including the through-site links;
- (c) loading and unloading;
- (d) security and staff management;
- (e) emergency management/ evacuation and incident response protocols;
- (f) waste management for commercial uses and residential uses;
- (g) tenant induction and behaviour/ house rules;
- (h) community consultation and complaint procedures; **and**
- (i) confirmation that each set of tandem residential car parking spaces (i.e two spaces located one behind the other) within the basement would be allocated to the same apartment and not divided for**

use between different apartments.

#### HOTEL OPERATIONAL MANAGEMENT PLAN

- E34A.** Prior to the occupation of the hotel or commencement of hotel use, whichever is earlier, a Hotel Operational Management Plan (HOMP) must be prepared in consultation with Council and the NSW Police and submitted to the Certifier. The HOMP must include (but not be limited to):
- (a) details of the hotel operator / managing agent;
  - (b) consideration of the draft Hotel Plan of Management, prepared by Deicorp (Crows Nest) Pty Ltd, submitted with SSD-66826207 MOD 2;
  - (c) incorporation of the hotel operational restrictions and requirements contained within this consent;
  - (d) use and operation of the hotel bar / licenced area, including:
    - (i) a site plan clearly outlining the licensed area within the hotel;
    - (ii) measures to prevent patrons from removing alcohol from the bar and consuming it elsewhere in the hotel or in guest rooms;
    - (iii) expected patron numbers during peak periods;
    - (iv) details of any entertainment planned within the bar;
    - (v) incorporation of the Crime Scene Preservation Guidelines – Licensed Premises;
  - (e) management of hotel ground flood access, hotel lobby, reception and any communal areas;
  - (f) loading, unloading / deliveries and waste management
  - (g) bus access, parking and movements;
  - (h) security and staff management;
  - (i) guest behaviour / hotel rules;
  - (j) emergency management / evacuation and incident response protocols; and
  - (k) community consultation and complaint procedures.
- E35. The Operational Plan of Management **and Hotel Operational Management Plan** approved under this consent shall be implemented following occupation of the development. The **Plans are** to be reviewed and updated annually.

#### OPERATIONAL STATIC SIGN MAINTENANCE PLAN

- E35A.** Prior to the commencement of the use of the static sign, an Operational Static Sign Maintenance Plan (OSSMP) detailing the process for maintenance and changing sign content is to be prepared and submitted to the Certifier. The OSSMP shall address, but not be limited to, the following matters:
- (a) environmental and safety risk assessment;
  - (b) hours of work/inspections of sign (to ensure minimal disruption of any surrounding residential amenity and traffic operation);
  - (c) contact details of site manager;
  - (d) safety, including preparation of a safe work method statement;
  - (e) traffic management, including details of the location of parking for vehicles associated with the operation (i.e. parked vehicles shall not impede the movement of traffic or pedestrians in and around the site);
  - (f) external lighting in compliance with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;
  - (g) removal of graffiti; and
  - (h) maintenance of vegetation immediately surrounding the sign.
- E35B.** The Operational Static Sign Maintenance Plan approved under this consent shall be implemented following the first use of the static sign and a copy of the Plan shall be sent to the Planning Secretary and Council.

#### OPERATIONAL WASTE MANAGEMENT

- E36. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an **Operational Waste Management Plan** for the Development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council;
  - (b) be consistent with the Operational Waste Management Plan Revision E prepared by Elephants Foot dated **20 June 2025**;

- (c) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (d) set out separate waste management procedures for commercial/retail and residential uses;
- (e) confirm the procedures in place for building management to transfer waste bins and bulky goods from the bin room and the bulky goods rooms respectively to the bin collection area adjacent to Alexander Street before waste collection and the return of waste bins to the bin room after waste collection has taken place;
- (f) confirm the location of waste collection and establish appropriate routes to the collection point;
- (g) detail the type and quantity of waste to be generated during operation of the Development;
- (h) 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.

- E37. Prior to the occupation or commencement of use of the Development, the Applicant must provide documentary evidence to the Certifier demonstrating that:
- (a) appropriate arrangements have been made for the collection of waste (residential and commercial);
  - (b) all internal walls of waste storage areas are rendered to a smooth surface, covered at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
  - (c) separation and storage are provided in appropriate categories of material suitable for recycling;
  - (d) garbage enclosures serving residential units are not located within areas designated for non-residential uses;
  - (e) each collection point is readily accessible from waste and recycling storage areas;
  - (f) the access pathway for transferring bins and bulky waste between storage areas, the waste presentation point and the collection point are direct, level and free of obstacles, steps or kerbs;
  - (g) the maximum manual handling distance for wheeling bins and transferring bulky waste is 10 m (for bins including 120L, 240L, 660L and 1 x 100L Mobile Garbage Bins (MGBs));
  - (h) the path for wheeling bins between a waste storage area and the collection point does not exceed a grade of 1:14 at any point;
  - (i) bulky waste storage areas are separated from bin rooms with adequate space;
  - (j) bin storage rooms are able to accommodate 80L/apartment waste, 60L/apartment recycling, 120L/15 units of food waste and a cardboard bulky bin (such as 660 L MGB x 2), as per Council requirements;
  - (k) bin storage areas provide space for 10cm between all bins, depth to store no more than two bins and a 1.5m wide aisle;
  - (l) the waste or recycling collection vehicle(s) (HRV) can stand safely adjacent to the bin collection area; and
  - (m) garbage enclosures serving non-residential uses are not located within areas designated for dining purposes.

## STORMWATER

- E38. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E39. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
  - (b) specifies, but is not limited to:
    - (i) a maintenance schedule of all stormwater quality treatment devices;
    - (ii) record and reporting details;
    - (iii) relevant contact information; and
    - (iv) Work Health and Safety requirements.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park 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.

#### **HOTEL MINI-BUS AND VAN MANAGEMENT**

**E40A. Prior to the operation or commencement of use of the development a Mini-bus and Van Management Plan (MVMP) for the hotel use must be submitted to and endorsed by TfNSW. The MVMP must include, but not be limited to:**

- (a) details of the location of mini-bus / van parking spaces available within the site;**
- (b) pedestrian travel paths; and**
- (c) how arrivals will be managed and any impacts mitigated.**

#### **AFFORDABLE HOUSING**

- E41. Prior to the issue of any Occupation Certificate for the residential component of the development, 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 48 dwellings within the Development to be used for the purposes of affordable housing for a minimum of 15 years from the date of issue of the occupation certificate, as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021*;
    - (ii) specifically nominating those units to be allocated and used for affordable housing; and
    - (iii) the affordable housing component to 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 of such has been provided to the Planning Secretary.

#### **REGISTRATION OF EASEMENT**

- E42. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E43. 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 ground level through site links identified in GA Plans – Ground Level, Revision N prepared by Turner dated 30 August 2024 must be registered on title prior to occupation or issue of the subdivision certificate, whichever is earlier.
- E44. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that a "restriction on the use of land" and "positive covenant" (under section 88E of the *Conveyancing Act 1919*) has been placed on the title of the subject property to ensure that all drainage systems involving on-site detention are maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) of Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

**Notes:**

- The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's required wording/layout for the restriction and positive covenant may be obtained from Council.
- The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.

## SYDNEY METRO CONDITIONS

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### NOISE AND VIBRATION

- E45. Prior to the issue of the final Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- State Environmental Planning Policy (Transport and Infrastructure) 2021*;
  - the Department's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
  - any other noise and vibration requirements imposed by this consent.
- E46. 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 worst Leq 1 hour period 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

- E47. Prior to the to the issue of any Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- E48. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

### INSPECTIONS

- E49. If required by Sydney Metro, prior to the issue of any Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- E50. 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.

## NSW POLICE CONDITIONS

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### SECURITY AND SAFETY

- E51. Prior to the issue of final Occupation Certificate, the applicant must demonstrate the following to the Certifier:
- an electronic surveillance system has been included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas including the through site links;
  - cameras cover public footpath areas around the premises;
  - the surveillance system is capable of recording high-quality digital images of events;
  - the recording equipment is locked away to reduce the likelihood of tampering;
  - all corridors include artificial lighting provisions and the breezeway circulation areas from level 4 – 15 are artificially lit;
  - all lighting within the site is sufficient to support images from any CCTV camera footage;
  - mailboxes and parcel delivery areas and bicycle parking areas for the residential part of the building are secure and covered with CCTV cameras;
  - residential storage cages are made of solid materials to prevent theft;
  - appropriate signage is erected inside and around the perimeter of the entire property to warn of security

treatments in place e.g. "This site is under 24-hour video surveillance";

- (j) "Park Smarter" signage is displayed in the commercial car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars;
- (k) windows and doors within the site are of solid construction, fitted with quality window/door lock sets that comply with the Australian Standards – Lock Sets AS:4145;
- (l) glass within doors and windows are reinforced to restrict unauthorised access or physical attacks; and
- (m) the landscaping design around the site are free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities.

FOR INFORMATION ONLY

## PART F OCCUPATION AND ONGOING USE

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

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

### STORAGE AND HANDLING OF WASTE

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

### TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;
  - within the confines of the site at all times and must not obstruct other properties or the public way; and
  - 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, bin collection area entry point, 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 B8.

### FIRE SAFETY CERTIFICATION

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

### OUTDOOR LIGHTING

- F9. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- F10. Within 24 months of commencement of operation, the Applicant must obtain written evidence from a suitably qualified ESD consultant demonstrating that the development operating in accordance with this consent is capable of achieving a minimum 4 Star Green Star As-Built or equivalent rating. The written evidence must be provided to the Certifier and the Planning Secretary.

### BASIX CERTIFICATION

- F11. The Development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. **1738270M\_05** and any updated certificate issued if amendments are made.

### GREEN TRAVEL PLAN

- F12. Following occupation or commencement of use of the Development, the Applicant must:

- (a) review and update the Green Travel Plan required by condition E30 annually in consultation with TfNSW; and
- (b) implement the Green Travel Plan (as updated annually) for the life of the development.

#### **IMPLEMENTATION OF THE VARIOUS OTHER OPERATIONAL MANAGEMENT PLANS**

**F12A. The following operational management plans, shall be implemented and adhered to at all times following the issue of the Occupation Certificate:**

- (a) **Operational Plan of Management (Conditions E34 and E35);**
- (b) **Hotel Operational Management Plan (Condition E34A and E35);**
- (c) **Operational Static Sign Maintenance Plan (Conditions E35A and E35B);**
- (d) **Operational Waste Management Plan (Condition E36 and E37);**
- (e) **Stormwater Operational Management Plan (Condition E39);**
- (f) **Car Parking and Loading Management Plan (Condition E40);**
- (g) **Mini-bus and Van Management Plan (Condition E40A); and**
- (h) **Operational Noise (Conditions E45 and E46).**

**F12B. The operation of the retail ground floor must be consistent with the Retail Operational Management Plan (at Appendix 10 of MOD2 Response to Submissions). The Plan must be reviewed and updated annually and be amended to address any reasonable direction of public authorities in respect to public safety and public amenity issues.**

## **HOUSING**

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### **IN-FILL AFFORDABLE HOUSING**

- F13. A minimum of 48 dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
- F14. For a period of 15 years commencing on the day the final Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) the affordable housing component must be used for affordable housing; and
  - (b) the affordable housing component must be managed by a registered community housing provider; and
  - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
  - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F15. The Applicant must use best endeavours to ensure that the affordable housing units are at full occupancy and by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:
- (a) the occupancy rate of the affordable housing units for that year; and
  - (b) compliance with the requirement in this condition to use best endeavours.

### **HOTEL USE**

**F16. The hotel hours of operation are limited as follows:**

- (a) **the hotel may operate 24 hours a day, seven days a week; and**
- (b) **the hotel bar shall not operate outside the hours of 10am to midnight, seven days a week.**

**F17. The triangular hard/soft landscaped area (226m<sup>2</sup>) located within the Central Atrium at Mezzanine Level (as shown on drawing DA-110-009 Rev N) shall:**

- (a) **not be used as a publicly accessible open space, or as residential private or communal open space, or as a hotel guest amenity / open space or a place of gathering or activity of any kind at any time;**
- (b) **only be accessed:**
  - (i) **for maintenance purposes (as required); and**
  - (ii) **in case of emergency.**

## USE OF COMMUNAL OPEN SPACES

- F18. The residential outdoor communal open spaces and ancillary indoor amenities shall only be used by residents and their guests and shall not be available for use or hire by the general public or hotel staff / guests or retail staff.
- F19. No amplified music shall be played within the residential outdoor communal open spaces that gives rise to a public nuisance or results in an offence under the *Protection of the Environment Operations Act 1997* and Regulations.

## SERVICE VEHICLES

- F20. The loading dock facility and service vehicle parking spaces located at basement level 1:
- (a) must not to be used for collections and deliveries relating to the retail and residential uses outside the hours of 7am to midnight, seven days a week; and
  - (b) may be used for hotel collections and deliveries 24 hours a day, seven days a week.

## STATIC ADVERTISING SIGN

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### SIGN ILLUMINATION

- F21. The sign may be illuminated 24 hours a day, seven days a week. The maximum sign illumination is limited as follows:
- (a) between 6am and 11pm, the maximum sign illumination must not exceed 12.5 lux; and
  - (b) between 11pm and 6am, the maximum sign illumination must not exceed 2.5 lux.

### SIGN MAINTENANCE

- F22. The Operational Static Sign Maintenance Plan required by Conditions E35A and E35B must be implemented and regular maintenance must be undertaken in accordance with that Plan.
- F23. Parked vehicles associated with maintenance activities must at no time impede the movement of traffic or pedestrians in and around the site.
- F24. The owner/manager of the site or sign must remove all graffiti from the advertising structure in accordance with the timeframes specified in the Operational Static Sign Maintenance Plan required by Condition E35A.

### SIGN DESIGN AND CONTENT

- F25. The design advertisements and any other images displayed on the advertising sign must comply with conditions A18 to A23 of this consent.
- F26. The advertisements and any other images displayed on the advertising sign must be displayed in a completely static manner and must not contain and/or use:
- (a) motion, flashing or flickering lights or content, illumination or content that distracts or dazzles or any illumination beyond the sign illumination approved by this consent;
  - (b) electronically changeable messages;
  - (c) digital content, animated display, moving parts, or simulated movement, including through fade, dissolve, or vertical or horizontal scrolling;
  - (d) video/movie style advertising or messages, including live television, satellite, internet or similar broadcasts;
  - (e) complex displays, including text and information which hold drivers' attention beyond glance appreciation;
  - (f) patterns, symbols or displays that resemble traffic signals or may result in the advertisement being mistaken for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles, or other relevant shapes or patterns;
  - (g) text or messaging providing instruction to drivers (for example "stop" or "halt" and the like); and
  - (h) technology that interacts with in-vehicle electronic devices or mobile devices.

## PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

### REQUIREMENTS OF THE EP&A ACT – PART 6 CERTIFICATES

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

### SUBDIVISION CERTIFICATE

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

### BUILDING MANAGEMENT STATEMENT

- G3. Prior to the issue of a Subdivision Certificate, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the *Conveyancing Act 1919* or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the *Strata Schemes Development Act 2015* and submitted to the Certifier.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the Development as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:
- (a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision;
  - (b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision; and
  - (c) 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 a Subdivision Certificate, easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to section 88B of the *Conveyancing Act 1919*.

### REGISTRATION OF EASEMENTS

- G6. Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in condition 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 the site, appropriate ground level access easement/s are to be created to provide access to the building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings as relevant.
- G9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas (including the through site links) 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.

- G10. Suitable easements for access or rights-of-way benefiting Council are to be created over the ground level bin collection area fronting Alexander Street at each stage in the stratum subdivision to ensure Council access to the bin collection area. The rights of access are to be triggered by an Occupation Certificate for the bin collection area (temporary or permanent) within the site.

**COMPLIANCE CERTIFICATE**

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

## ADVISORY NOTES

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

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW Planning Portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition D33 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 D34), the Applicant is required to submit a subsequent Incident report that:
  - (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;
  - (e) a summary of the Incident;
  - (f) outcomes of an Incident investigation, including identification of the cause of the Incident;
  - (g) 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
  - (h) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.