

SUMMARY OF MODIFICATIONS

Application Number	Determination Dates	Decider	Modification Description
SSD-67419241-Mod-1	25 March 2026	Team Leader, Affordable Housing Assessments	Modification to the scope of works under this consent by excluding the basement structure construction works (proposed to be undertaken under DA2023/0235), amend development consent conditions to facilitate staging of construction works / occupation of the building and foreshore areas, and deletion of condition E38 relating to the preparation of a site audit report.

The Department has prepared a consolidated version of the approval which is intended to include all modification in the original determination instrument.

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

FOR INFORMATION

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, I grant consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

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

Ben Lusher
Executive Director
Housing and Key Sites Assessment

Sydney

25 September 2025

File: SSD-67419241

SCHEDULE 1

Application Number:	SSD-67419241
Application lodged by:	Billbergia Pty. Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	25-27 Leeds Street, Rhodes (Lot 2 DP 1192949, Lot A DP 329241 and Lot C DP 367132)
Development:	Construction of a mixed-use development with affordable housing comprising: • six mixed-use and residential towers (10 to 17 storeys) including: ○ 342 residential apartments (including 58 affordable housing apartments); ○ ground level retail use in four buildings; and ○ communal open spaces on rooftops and podiums. • part three level shared basement with 400 car parking spaces; • through site links and public domain works; • delivery of public open space, including a promenade and part of the 'Foreshore Park'; and • associated landscaping, tree removal and flood mitigation works including construction of a new seawall.

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.

Applicant	The person having the benefit of this consent, or who is carrying out the Development.
Amendment Report	The document titled Amendment Report (SSD-67419241) 25-27 Leeds Street, Rhodes, prepared by Urbis dated 30 June 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Australian Standard (AS)	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	City of Canada Bay Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the Development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled Environmental Impact Statement (SSD-67419241) 25-27 Leeds Street, Rhodes, prepared by Urbis dated 4 November 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: - involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or - results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.

Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
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.
Stage CC2B	Construction of Building A to D podium structure up to the underside of approved level 3
Stage CC2C	Construction of Building E and F podium structure up to underside of approved level 3
Stage CC3	Construction of Building A to D remaining structure inducing basement fit-out and services
Stage CC4	Construction of Building E and F remaining structure
Stage CC5	Construction of Building A to D services, façade, fit-out and landscape including public domain
Stage CC6	Construction of Building E and F services, façade, fit-out and landscape
Stage CC7	Foreshore and Public Art
Stage OC1	Building A and B including public domain and partial basement
Stage OC2	Building C and D
Stage OC3	Building E
Stage OC4	Building F including remainder of basement and foreshore

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, Amendment Report, the Applicant's response to submissions, the Applicant's response to requests for further information, **and the Modification Report and additional information as amended by section 4.55(1A) for SSD-67419241-Mod-1 prepared by Urbis**; and
- (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

Architectural drawings prepared by SJB			
Drawing Number	Rev	Name of Plan	Date
DA-0102	12	SITE PLAN - PROPOSED CONTEXT	9/05/2025
DA-1000	12	BASEMENT 02	9/05/2025
DA-1000A	12	BASEMENT 01	9/05/2025
DA-1001	12	GROUND FLOOR (LEVEL 01)	9/05/2025
DA-1002	12	LEVEL 02	9/05/2025
DA-1003	12	LEVEL 03	9/05/2025
DA-1004	12	LEVEL 04	9/05/2025
DA-1005	12	LEVEL 05-08 TYPICAL	9/05/2025
DA-1009	12	LEVEL 09	9/05/2025
DA-1010	12	LEVEL 10	9/05/2025
DA-1011	12	LEVEL 11	9/05/2025
DA-1012	12	LEVEL 12	9/05/2025
DA-1013	12	LEVEL 13	9/05/2025
DA-1014	12	LEVEL 14-16	9/05/2025
DA-1017	12	LEVEL 17	9/05/2025
DA-1018	12	ROOF (LEVEL 18)	9/05/2025
DA-1019	12	ROOF	9/05/2025
DA-1401	12	NORTH ELEVATION	9/05/2025
DA-1402	12	SOUTH ELEVATION	9/05/2025
DA-1403	12	EAST ELEVATION	9/05/2025

CONSOLIDATED APPROVAL

DA-1404	12	WEST ELEVATION	9/05/2025
DA-1405	12	BLDG A & D_PODIUM NORTH ELEVATION	9/05/2025
DA-1406	12	BLDG E & F_PODIUM SOUTH ELEVATION	9/05/2025
DA-1407	12	BLDG C,D & E_PODIUM EAST ELEVATION	9/05/2025
DA-1408	12	BLDG A & F_PODIUM WEST ELEVATION	9/05/2025
DA-1501	12	SECTION A	9/05/2025
DA-1502	12	SECTION B	9/05/2025
DA-1503	12	SECTION C	9/05/2025
DA-1601	12	DETAILED WALL SECTION - SHEET 01	9/05/2025
DA-1602	12	DETAILED WALL SECTION - SHEET 02	9/05/2025
DA-1603	12	DETAILED WALL SECTION - SHEET 03	9/05/2025
DA-1604	12	DETAILED WALL SECTION - SHEET 04	9/05/2025
DA-1605	12	DETAILED WALL SECTION - SHEET 05	9/05/2025
DA-1606	12	DETAILED WALL SECTION - SHEET 06	9/05/2025
DA-2511	12	EXTERNAL MATERIALS AND FINISHES	9/05/2025
DA-4401	12	DA-4401 LHA GOLD - TYPICAL APARTMENT F	9/05/2025
DA-4402	12	LHA TYPICAL PLATINUM APARTMENT F	9/05/2025
DA-4403	12	LHA GOLD - TYPICAL APARTMENT A-B	9/05/2025
DA-4404	12	LHA TYPICAL PLATINUM APARTMENT TYPE E	9/05/2025
DA-5001	12	DRIVEWAY SECTION	9/05/2025
DA-6151	12	INTERNAL STORAGE DIAGRAMS - SHEET 01	9/05/2025
DA-6152	12	INTERNAL STORAGE DIAGRAMS - SHEET 02	9/05/2025
DA-6153	12	INTERNAL STORAGE DIAGRAMS - SHEET 03	9/05/2025
DA-6154	12	INTERNAL STORAGE DIAGRAMS - SHEET 04	9/05/2025
DA-9001	12	DA-9001 BICYCLE PARKING DIAGRAM	9/05/2025
DA-9101	12	LIVEABLE AND AFFORDABLE DIAGRAMS - SHEET 01	9/05/2025
DA-9102	12	LIVEABLE AND AFFORDABLE DIAGRAMS – SHEET 02	9/05/2025
DA-9103	12	LIVEABLE AND AFFORDABLE DIAGRAMS - SHEET 03	9/05/2025
AR-0-0361	4	CC and OC Staging Plan	16/06/2025
DA-1001	14	Landscape Staging Plan	18/12/2025

DA-1002	15	Landscape Staging Plan	18/02/2026
DA-1003	13	Landscape Staging Plan	26/11/2025
Landscape Plans prepared by Land and Form			
LD-DA001	2	PLANTING SCHEDULE & LEGENDS	8/09/2025
LD-DA010	2	PRECINCT PLAN	8/09/2025
LD-DA011	2	TREE MANAGEMENT PLAN	8/09/2025
LD-DA100	2	GROUND FLOOR & PUBLIC DOMAIN PLAN	8/09/2025
LD-DA110	2	LEVEL 2 COMMUNAL OPEN SPACE PLAN	7/08/2025
LD-DA120	2	LEVEL 3 COMMUNAL OPEN SPACE PLAN	7/08/2025
LD-DA130	2	LEVEL 9 COMMUNAL OPEN SPACE PLAN	7/08/2025
LD-DA140	2	LEVEL 11 COMMUNAL OPEN SPACE PLAN	7/08/2025
LD-DA150	2	ROOFTOP PLAN	7/08/2025
LD-DA160	2	BUILDING F ROOFTOP PLAN	7/08/2025
LD-DA170	2	TYPICAL TOWER F LANDSCAPE PLAN	7/08/2025
LD-DA200	2	GROUND FLOOR & PUBLIC DOMAIN PLANTING PLAN	8/09/2025
LD-DA400	2	SECTION A - TYPICAL FORESHORE SECTION	7/08/2025
LD-DA401	2	SECTION B - LEEDS LANE & POOL TERRACE SECTION	7/08/2025
LD-DA900	2	TYPICAL DETAILS & OUTLINE MAINTENANCE SPECIFICATION	8/09/2025

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:
- (a) the more recent document in Condition A1(b) prevails over an earlier document in that section; and
 - (b) the conditions of consent prevail over a document listed in Condition PART AA1(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.
- A5. This consent does not approve the following:
- (a) demolition works
 - (b) excavation and early works
 - (c) external signage
 - (d) fit-out or operating hours and first use of the retail and retail tenancies.
- A6. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

MODIFICATION OF DEVELOPMENT CONSENT DA2023/0235

A7. Prior to the issue of any construction certificate or commencement of any works under this consent, the Applicant must submit for approval by the Planning Secretary a marked-up document with track changes to the conditions in development consent DA2023/0235 granted by the Sydney Eastern City Planning Panel (as modified by Council under MOD2025/0089), which removes all of the development approved under DA2023/0235 (as modified by Council under MOD2025/0089) pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979 except for the following:

- (a) demolition of existing structures;
- (b) early works including site remediation;
- (c) bulk excavation and earthworks to facilitate the future basement construction; **and**
- (d) detailed excavation, substructure works and construction of basement structure on levels B1 and B2.**

The modification(s) to DA2023/0235 (as modified by Council under MOD2025/0089) proposed in the marked-up document must not authorise or require anything that is inconsistent with the conditions of this consent. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict.

A8. Prior to the issue of the first construction certificate or commencement of any works under this consent, the Applicant is to provide written notice to City of Canada Bay Council (Council) which includes a copy of the document approved in Condition A7 pursuant to section 67 of the Environmental Planning and Assessment Regulation 2021 to modify DA2023/0235 (as modified by Council under MOD2025/0089) in accordance with Condition A7.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

A9. Prior to the issue of the first Construction Certificate the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Canada Bay Local Infrastructure Contribution Plan, section 6.12 of the Council's Local Environmental Plan 2013 and the City of Canada Bay Affordable Housing Contribution Scheme has been paid to Council. Council must be contacted for calculation of required contributions.

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

A10. Prior to the issue of the first Construction Certificate under this consent, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$3,077,007.97
Total housing and productivity contribution	\$3,077,007.97

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.

BOND TO COUNCIL

A11. Prior to commencement of any works **under this consent**, a security deposit or bank guarantee (bond money) must be paid to Council for any/all of the following relevant to this development consent only:

- (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 TRAINS - GENERAL

- A12. The development must meet the following electrical standards/guidelines as it is located immediately adjacent to Sydney Train 11 kV High Voltage Aerial Transmission Line:
- (a) ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure;
 - (b) The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”; and
 - (c) “WorkCover Code of Practice – Work near Overhead Power Lines (The Code)”.
- A13. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
- A14. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- A15. All Landscaping on the Blaxland Road frontage and within 25 metres of the railway corridor must be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan
- A16. The Applicant must ensure that at all times **in Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, they have a representative (which has been notified to Sydney Trains 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 Trains;
 - (b) acts as the authorised representative of the Applicant; and
 - (c) is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during construction works forming part of this development consent, consult in good faith with Sydney Trains 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 Trains in relation to the works.
- A17. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North and they can be contacted via email on north_Interface@transport.nsw.gov.au.
- A18. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to the Department for its records prior to the issuing of the Construction Certificate of **Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7 (as needed)** or the Occupation Certificate of **Stage OC1, Stage OC2, Stage OC3 and Stage OC4 (as relevant)**.
- A19. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- A20. **During construction works**, the Applicant/Developer must not, block any existing corridor access gates on Blaxland Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- A21. During **Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, of the development, the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

STAGING

- A22. **The development may be constructed and operated in stages generally as follows:**
- (a) **in accordance with the items/conditions of consent, including any design amendments required by conditions B1;**
 - (b) **generally, in accordance with the Staging Plans and Landscape Staging Plans listed in Condition A1 and the stage report title ‘Staging Report – 25-27 Leeds Street Rhodes’ prepared by Billbergia dated 16 March 2026, as amended by the conditions of this consent.**

- A23.** Staging of the proposed development may be varied (for either construction or operation) in accordance with a revised Staging Report submitted to and approved by the Planning Secretary.
- A24.** Any revised Staging Report prepared in accordance with condition A23 must:
- (a) if staged construction is proposed, set out how the construction of the whole project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project;
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.

TIMING OF DELIVERY OF WORKS

- A25.** The occupation certificate for Stage OC4 must be delivered and a copy sent to the Planning Secretary for information within six months of delivery of Stage OC1 (unless otherwise agreed with the Planning Secretary).

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN AMENDMENTS

- B1. Prior to the issue of the first Construction Certificate for above ground works **in Stage CC2B, Stage CC2C**, 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) The incorporation of design measures to the balconies (excluding winter gardens) on the western facade of Buildings C, D and E, located within 20 metres of the railway corridor, to prevent throwing of objects onto the rail corridor in accordance with condition B31. The design measures must:
 - (i) be integrated with the façade design; and
 - (ii) not result in fully enclosed balconies.
 - (b) The provision of impermeable screens, with the use of transparent materials, at identified locations as recommended in the Environmental Wind Tunnel Study prepared by SLR dated March 2025; and
 - (c) The removal of doors/walls to all enclosed habitable areas within apartments (such as study rooms or other enclosed habitable spaces), with no direct access to ventilation (windows or similar) or provision of other alternative design measures to ensure that these habitable areas/rooms are not fully enclosed.

DESIGN EXCELLENCE AND INTEGRITY

- B2. To ensure that the Development is consistent with assessed and approved design excellence requirements, the Applicant must:
- (a) commission SJB (in collaboration with Land and Form) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
 - (b) prior to the issue of the first Construction Certificate for **Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, provide the Certifier with evidence that this architectural design team has been so commissioned; and
 - (c) if the Applicant proposes changes to the approved architectural drawings, seek the Planning Secretary's advice as to whether such changes are likely to require review by the Design Integrity Panel.

MATERIALS AND FINISHES

- B3. Prior to the issue of the first Construction Certificate for **Stage CC2B and Stage CC2C**, 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 digital sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B4. Prior to the issue of the first Construction Certificate for **Stage CC2B and Stage CC2C, Stage CC3 and Stage CC4**, the Applicant must submit to the Certifier **report** from an Engineer, which includes the following:
- (a) 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; and
 - (b) 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.

FLOOD PLANNING

- B5. Prior to the issue of the Construction Certificate of **Stage CC2B and Stage CC2C**, the Applicant must submit a Report to the Certifier demonstrating that:
- (a) the design of the Development has incorporated the flood mitigation measure as contained in Flood Assessment Report (Revision H) prepared by BG&E dated 15 May 2025 including (but not limited to) confirmation that all floor levels comply with the recommendations in Table 4-1 of the Flood Assessment Report (Revision H) prepared by BG&E dated 15 May 2025;
 - (b) all structures below the flood planning level (1% AEP + 0.5 mm freeboard as identified in Flood Assessment Report (Revision H) prepared by BG&E dated 15 May 2025) and fencing within the flood affected areas are designed to withstand forces of floodwater, debris and buoyancy;

- (c) all new works, including electrical equipment, power supply, wiring etc are to be constructed with flood compatible materials to a minimum level of 1% AEP + 0.5 mm freeboard Flood Assessment Report (Revision H) prepared by BG&E dated 15 May 2025, in accordance with Part B of the Canada Bay Development Control Plan;
- (d) all paving over the flood affected areas are to be fixed; and
- (e) fencing within the flood affected areas are designed to not impede the flow of flood waters or increase the flood effect on surrounding land.

STRUCTURAL DETAILS

- B6. Prior to the issue of the first Construction Certificate **for Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC (most current version); and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B7. Prior to the issue of the first Construction Certificate **for Stage CC2B, Stage CC2C, Stage CC3 and Stage CC4**, 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), which:
- (a) is generally in accordance with the conceptual design in the Amendment Report and any Council stormwater requirements and specifications which are consistent with that conceptual design;
 - (b) is in accordance with applicable Australian Standards;
 - (c) includes all flood mitigation measures and stormwater quality treatment measures as recommended in the Stormwater Report;
 - (d) includes a central on-site recycle water supply system for supplying at least 20KL of recycled water per day to the proposed development in accordance with the ESD Report by Greenperch dated October 2024;
 - (e) includes details to demonstrate that overflow from the recycled water supply system will be drained into the existing wastewater drainage system;
 - (f) includes details of the dual water reticulation system containing pipes for portable water and recycles water for all internal and external uses; and
 - (g) has a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

GEOTECHNICAL REPORT

- B8. Prior to the issue of the first Construction Certificate **for Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, the Applicant must submit to the Certifier evidence to demonstrate that the construction drawings comply with the recommendations of the Geotechnical Report prepared by JK Geotechnics dated 12 July 2024.

NEW SEAWALL

- B9. Prior to the issue of the Construction Certificate for the proposed new seawall **in Stage CC7**, the Applicant submit to the Certifier details prepared by a suitably qualified engineer, demonstrating the following:
- (a) the engineering details of the proposed new seawall are in accordance with Council's specifications;
 - (b) the top of the vertical proposed new seawall designed to be set at 3 m AHD minimum;
 - (c) electropolished sandstone balustrade are provided along the edge of the wall;
 - (d) 2 x 400mm high and 1000 – 2000mm wide steps are provided;
 - (e) the foreshore promenade is designed with a crossfall of 2.5% to the top of the seawall from the property boundary;
 - (f) no part of the proposed new seawall or any associated works are below the Mean High Water Mark;
 - (g) the asset life of the proposed new seawall has been designed to be greater than 100 years; and
 - (h) the design of the proposed new seawall has been prepared in consultation with Council.

SYDNEY WATER ASSETS

- B10. Prior to the issue of the first Construction Certificate **for Stage CC2B**, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

LANDSCAPING

- B11. Prior to the issue of the first Construction Certificate for landscaping works in **Stage CC5, Stage CC6 and Stage CC7**, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans listed in condition A1 (**including the landscape staging plan**), as amended by any requirement of these conditions and condition B24;
 - (b) includes details of tree planting including 159 replacement planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) demonstrates that the landscape planting plan can achieve 25% tree canopy within the site;
 - (f) includes the landscaping wind mitigation measures recommended in the Environmental Wind Tunnel Study prepared by SLR dated March 2025;
 - (g) demonstrates the following minimum soil depth provisions:
 - (i) grass and ground cover: 350-450 mm;
 - (ii) shrubs: 600 – 650 mm;
 - (iii) small trees: 800 mm;
 - (iv) medium trees: 1000 mm; and
 - (v) large trees: 1200 mm;
 - (h) includes details for the publicly accessible areas within the site with robust materials and finishes for public furniture and paving;
 - (i) includes details of plant maintenance and watering for the first 12 months; and
 - (j) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B12. Prior to the issue of the first Construction Certificate for basement works **in Stage CC3**, 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 12.5 m long 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 358 residential car parking spaces within the basement car parking areas;
 - (ii) provision of 17 residential visitor's car parking spaces;
 - (iii) provision of 9 car share spaces and 2 car wash bays;
 - (iv) provision of 14 car spaces dedicated for commercial/retail use and visitors including 2 adaptable car spaces;
 - (v) compliance with Australian Standards for the layout, design and security of bicycle facilities;
 - (vi) provision of at least one EV charging station;
 - (vii) provision of electric vehicle charging infrastructure in accordance with the NCC (most recent version);
 - (viii) provision of 342 bicycle parking spaces for residential use within storage cages;
 - (ix) provision of a minimum of 148 bicycle parking spaces for residential visitors;
 - (x) provision of 146 bicycle spaces for residential and retail (staff and visitor/customer) use within the basement floors; and
 - (xi) provision of 68 motorcycle spaces for residential use within the basement floors.

- (h) a stop sign and a speed hump must be provided at the exit point of the driveway from the site, designed in accordance with all relevant Australian Standards.
- (i) the stop sign must be accompanied by the associated line marking and the speed hump must be set back by 1.5 m from the boundary alignment in accordance with the provision of

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B13. Prior to the issue of the first Construction Certificate **for Stage CC3 and Stage CC4**, 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 Urbis dated 10 September 2024.

WIND MITIGATION MEASURES

- B14. Prior to the issue of the Construction Certificate **for Stage CC5 and Stage CC6**, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures contained within the Environmental Wind Tunnel Study prepared by SLR dated March 2025.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B15. Prior to the issue of the Construction Certificate for above ground works **for Stage CC5 and Stage CC6**, 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 Noise and Vibration Impact Assessment, prepared by E-Lab Consulting dated 26 May 2025.
- B16. Prior to the issue of any Construction Certificate for above ground works **for Stage CC5 and Stage CC6**, the Applicant must submit an addendum Acoustic Report to the Certifier prepared by a suitably qualified acoustic engineer providing:
- (a) a schedule of each of the habitable areas of all apartments that would require alternate ventilation systems as recommended Noise and Vibration Impact Assessment, prepared by E-Lab Consulting dated 26 May 2025; and
 - (b) details of the proposed alternate ventilation system.
- B17. The Construction Certificate Plans for above ground works **for Stage CC5 and Stage CC6** must include the details of all alternate ventilation systems approved by condition B16.

ADAPTABLE UNITS

- B18. Prior to the issue of the Construction Certificate for above ground works **in Stage CC2B and Stage CC2C**, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings (if proposed and/or specified in the approved plans or supporting documentation) comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B19. Prior to the issue of the Construction Certificate for above ground works **for Stage CC5 and Stage CC6**, BASIX Certificate No. 1762032M_04 must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

PUBLIC ART STRATEGY

- B20. Prior to the issue of the Construction Certificate **for Stage CC7** for landscaping works, the Applicant must submit a detailed Public Art Strategy prepared in consultation Council, to the Certifier for approval.
- B21. 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.
- B22. Prior to the issue of Construction Certificate **for Stage CC7** for landscaping works, details demonstrating compliance with the above requirements shall be submitted to the Planning Secretary for information along with evidence of consultation with Council.

PUBLIC DOMAIN PLAN, FORESHORE WORKS PROMENADE AND LANDSCAPING WORKS

- B23. Prior to the issue of any Construction Certificate **for Stage CC5 and Stage CC7** for public domain works, the Applicant must consult with Council and prepare plans for public domain works in accordance with Council's specifications, including:
- (a) longitudinal and cross section showing the reconstruction of the existing footpath and pram ramp for the entire site's frontages to Leeds Street and Blaxland Road (including transition works), in accordance with the design requirements of the Appendix 2 – Engineering Specifications for Rhodes East precinct, in the Canada Bay Development Control Plan;

- (b) longitudinal and cross section showing the reconstruction of the existing concrete kerb and gutter for the entire site's frontages to Leeds Street and Blaxland Road, in accordance with the design requirements of the Appendix 2 – Engineering Specifications for Rhodes East precinct, in the Canada Bay Development Control Plan;
- (c) reconstruction/re-sheeting of the adjacent road pavement for Blaxland Road and Leeds Street (i.e minimum half of the road);
- (d) street lighting (existing and proposed) on Blaxland Road and Leeds Street frontages and the foreshore promenade, designed in accordance with the requirements of AS1158 and Council's design guide and specifications;
- (e) proposed structures such as planter boxes, shelters, post, fences, signs and trees (existing and proposed); and
- (f) all services near the work areas (e.g telecom/stormwater pits, poles, sewer etc) and any adjustments or relocations along with relevant approvals from public authorities (if applicable)

B24. Prior to the issue of any Construction Certificate **for Stage CC7** for foreshore promenade and associated landscaping works, the Applicant must consult with Council and prepare final plans for these works in accordance with the conceptual landscape design prepared by Land and Form, listed in condition **A1**, Council's specifications and incorporating the following amendments:

- (a) lesser formalisation of the new sea wall and alignment with the design of the proposed new seawall endorsed by Council in condition B9;
- (b) expansion of the proposed viewing deck towards the river;
- (c) organic design of the sandstone terraces rather than steps;
- (d) addition of public art element(s);
- (e) reduction of landscaped areas below the 3m proposed new seawall level;
- (f) maintaining a continuous 15m width of the promenade when measured between the northern edge of the land marked in blue in the Land Dedication Plan submitted to the Department on 12/09/2025 and the decked seating areas;
- (g) including additional footpaths, lighting and public domain elements;
- (h) robust materials and finishes for public furniture;
- (i) a maximum of 1m fall heights between the adjacent levels of the sandstone blocks, seating steps and walling to the foreshore public domain area;
- (j) slip resistant paving finished in the foreshore areas affected by water and regular tidal movements; and
- (k) obtain endorsement of the foreshore landscaping plans from Council.

SYDNEY TRAINS CONDITIONS

- B25. Prior to the issue of any Construction Certificate **for Stage CC2B**, the Applicant must provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- B26. Prior to the issue of any Construction Certificate **for Stage CC2B**, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- B27. Prior to the issue of any Construction Certificate **for Stage CC2B**, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents and provide a copy to the Certifier. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. The Certifier must ensure that the recommendations of the Electrolysis Report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- B28. If required by Sydney Trains, prior to the issue of any Construction Certificate **for Stage CC2B**, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue any Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- B29. Prior to the issuing of any Construction Certificate **for Stage CC2B**, the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Certifier must not to issue the

Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

- B30. Prior to the issuing of a Construction Certificate **for Stage CC2B**, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- (a) Machinery to be used during construction; and
- (b) Construction methodology and staging (as applicable).

The Certifier must not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- B31. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Certifier must not issue the Construction Certificate **for Stage CC2B** until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- B32. The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Certifier is not to issue the Construction Certificate **for Stage CC2B** until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work **under Stage CC2B**, 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) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (a) Construction Traffic and Pedestrian Management Sub-Plan in accordance with condition PART CC2;
 - (b) Construction Noise and Vibration Management Sub-Plan in accordance with condition PART CC3;
 - (c) Air Quality Management Sub-Plan in accordance with condition PART CC4;
 - (d) Construction Waste Management Sub-Plan in accordance with condition PART CC5;
 - (e) Construction Soil and Water Management Sub-Plan in accordance with condition PART CC6;
 - (f) an unexpected finds protocol for remediation in accordance with condition PART CC16;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage, human remains and associated communications procedure, including but not limited to ensuring compliance with condition PART DD28;
 - (h) 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 **under Stage CC2B**, 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 **under Stage CC2B**, 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 the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;

- (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) describe the measures to be implemented to manage high noise generating works or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaint;
- (h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and
- (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work **under Stage CC2B**, 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 **under Stage CC2B**, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

- C6. Prior to the commencement of any work **under Stage CC2B**, 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
 - (b) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. Prior to the commencement of works **under Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5 and Stage CC7**, 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 **for Stage CC2B** – 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 **under Stage CC2B**, 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, **prior to the commencement of any works under Stage CC2B**.
- C13. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C14. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate **in Stage OC4** is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C15. Prior to the commencement of works **under Stage CC2B**, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C16. Prior to the commencement of any earthwork or remediation works **under Stage CC2B**, 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.

ACID SULFATE SOIL MANAGEMENT PLAN

- C17. Prior to the commencement of any works **under Stage CC2B**, the Applicant must provide evidence to the satisfaction of the Certifier, demonstrating that Acid Sulfate Soil has been managed in accordance with the conditions of DA2023/0235.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C18. The Applicant must notify the Department in writing of the dates of commencement of any physical works **under this consent** and operation at least 48 hours before those dates.
- C19. 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

- C20. Prior to the commencement of works **under Stage CC2B and Stage CC2C** 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

- C21. Prior to the commencement of any excavation on or near the site **under Stage CC2B and Stage CC2C, Stage CC5, Stage CC6 and Stage CC7**, 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.

DEWATERING

- C22. At the completion of the excavation works under DA2023/0235 and prior to the commencement of any works **under Stage CC2B**, the Applicant must submit a compliance report, prepared by a suitably qualified person, to the Certifier confirming that the recommendations of the Dewatering Management Plan, Leeds Street prepared by Reditus dated 21 October 2024 have been complied with.

SYDNEY TRAINS CONDITIONS

- C23. Prior to the commencement of works **under Stage CC2B**, the Applicant must provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section. The report must demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains.

The report shall include details of potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities (approved under DA2023/0235), and loadings imposed on Sydney Trains Facilities by the development.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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 5pm, Mondays to Saturdays, inclusive; and
 - (b) no work may be carried out on Sundays or public holidays.
- D4. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** notification of activities undertaken in the circumstances in Condition D4 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D6. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** ~~R~~rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

- D7. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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.

ACID SULFATE SOIL MANAGEMENT

- D18. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** all works must be undertaken in accordance with the recommendations of the Acid Sulfate Soil Management Plan prepared by ADE Consulting Group dated 16 February 2023.

CUT AND FILL

- D19. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** while building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
 - (b) the classification and the volume of material removed must be reported to the Certifier.

- D20. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** all fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

DISPOSAL OF SEEPAGE AND STORMWATER

- D21. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D22. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D23. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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*.

GROUNDWATER INTERCEPTION

- D24. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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.
- Note:** information on water exemption can be obtained at:
<https://water.dpie.nsw.gov.au/our-work/licensing-and-approvals/exemptions-for-water-licences-and-works-and-or-use-approvals/groundwater-wal-exemptions>
- D25. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** all relevant works must be carried out in accordance with the recommendations of the Dewatering Management Plan, Leeds Street prepared by Reditus dated 21 October 2024.

ASBESTOS

- D26. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** the Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
 - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
 - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
 - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

CONTACT TELEPHONE NUMBER

- D27. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** 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, ABORIGINAL OBJECTS OR HUMAN REMAINS

- D28. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** if a Relic (as defined in the *Heritage Act 1977*) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
 - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
 - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D29. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7,** building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D30. The Applicant must notify the Department within 24 hours of becoming aware of an Incident in **construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**. 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.
- D31. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements), **for construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**.

NON-COMPLIANCE NOTIFICATION

- D32. Within seven days of becoming aware of a non-compliance **in construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, 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.*

SYDNEY TRAINS CONDITIONS

- D33. **In construction Stage CC2B, Stage CC2C, Stage CC3, Stage CC4, Stage CC5, Stage CC6 and Stage CC7**, excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

- E1. In accordance with the EP&A Act, the Applicant must obtain an Occupation Certificate from the Certifier prior to commencement of occupation **for each occupation stage** 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 58 affordable housing units must be issued **under Stage OC1** 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 of **Stage OC1, Stage OC2, Stage OC3 and Stage OC4** of the Development.
- E4. **The Applicant must notify the Department in writing of the date of commencement of the occupation or use of each occupation stage at least one month before that date.**

ENVIRONMENTAL PERFORMANCE

- E5. Prior to the occupation or commencement of use **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E6. Before the issue of any Occupation Certificate **under Stage OC1**, 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. **Under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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 issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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. **Under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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 issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E11. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and
 - (b) any compliance certificates and any other evidence confirming the following completed works, in accordance with the conditions of this consent:
 - (i) public domain;
 - (ii) internal laneways and other publicly accessible areas; and
 - (iii) foreshore promenade, park, proposed new seawall and other foreshore works.
- E12. The works-as-executed plans for the development and the foreshore works **in Stage OC4** must demonstrate that no works to the proposed new seawall or foreshore areas are proposed below the Mean High Water Mark.
- E13. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must submit to the 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.
- E14. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must provide to Council:
- (a) one hard copy and one electronic copy of works-as-executed plan, certified by a registered surveyor (with relevant dimensions and finished floor levels), for the public domain, foreshore promenade and foreshore park, proposed new seawall and other foreshore areas, demonstrating that all works have been completed per Council's specifications and the conditions of this consent including (but not limited to) condition B9 (new seawall), condition B23 (public domain) and condition B24 (foreshore landscaping); and
 - (b) details of (in an approved format) all public infrastructure created as part of the proposed development, including a certification from a suitably qualified engineer.

Note: all public infrastructure and foreshore works are to be completed by the Applicant at no cost to Council.

COMPLIANCE WITH BASIX CERTIFICATE

- E15. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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

- E16. Prior to the issue of an Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height.

ACOUSTIC COMPLIANCE

- E17. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B15 and B16.

STRUCTURAL INSPECTION CERTIFICATE

- E18. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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 **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4** with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected, and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

LANDSCAPE PRACTICAL COMPLETION REPORT

- E20. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4 (as needed)** 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 the foreshore park, promenade, publicly accessible internal laneways and all public domain areas have been completed in accordance with the approved landscape plans in condition A1, requirements of condition B11 and condition B23;
- (c) verifies that a maintenance program under the Landscape Plan required under condition PART AB11 has been commenced;
- (d) includes details of plant maintenance and watering for the first 12 months; and
- (e) 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 **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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 **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4** to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E23. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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.

SYDNEY WATER COMPLIANCE

- E24. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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

- E25. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- E26. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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.

CAR PARKING AND BICYCLE PARKING

- E27. Prior to the issue of any Occupation Certificate **under Stage OC1**, the Applicant must submit to the Certifier evidence of compliance demonstrating that:
 - (a) **the following car parking facilities are provided within the basement car parking areas:**
 - (i) 245 residential car parking spaces (for market and affordable apartments);**
 - (ii) 4 residential visitor parking spaces;**
 - (iii) 7 car share spaces;**
 - (iv) 8 car spaces dedicated for commercial/retail use and visitors;**
 - (v) 410 bicycle spaces for residents, visitors and for non-residential use; and**
 - (vi) 52 motorbike spaces for residents.**
 - (b) all end-of-trip facilities (as relevant), turning areas, parking space dimensions, stop sign and speed hump at the exit have been provided in accordance with Condition B12;
 - (c) driveways have been constructed in accordance with Council's specifications;

- (d) signage displaying “Entry only” and “Exit only” are prominently displayed at the entrance and exit points for the driveway respectively; and
- (e) one-way directional arrows are painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.

E27A. Prior to the issue of any Occupation Certificate under Stage OC4, the Applicant must submit to the Certifier evidence of compliance demonstrating that:

- (a) all car parking and bicycle parking spaces along with end-of-trip facilities (as relevant), turning areas, stop sign and speed hump at the exit have been provided in accordance with Condition B12;
- (b) driveways have been constructed in accordance with Council’s specifications;
- (c) signage displaying “Entry only” and “Exit only” are prominently displayed at the entrance and exit points for the driveway respectively; and
- (d) one-way directional arrows are painted on the driveway pavement within the site to indicate the required vehicular directional movement through the car parking area.

E28. Prior to the issue of any Occupation Certificate **under Stage OC1**, the Applicant must prepare a final Green Travel Plan, consistent with the Green Travel Plan prepared by Traffix dated June 2024.

E29. Prior to the operation or commencement of use of the Development **under Stage OC1 and Stage OC4**, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

E30. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

SWIMMING POOL FENCING

E31. Prior to the issue of any Occupation Certificate **under Stage OC1**, the Applicant must provide to the Certifier that the swimming pool and associated fencing have been completed in accordance with the relevant Australian Standards.

REDUNDANT DRIVEWAYS

E32. Prior to the issue of any Occupation Certificate **under Stage OC1 and Stage OC4**, the Applicant must remove any redundant driveway and replace it with new kerb and gutter and the footway must be reinstated in accordance with Council standards.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

E33. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures set out in Condition B13.

WIND MITIGATION MEASURES

E34. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must submit to the Certifier evidence demonstrating that the design of the Development has incorporated the wind mitigation measures set out in Condition B14.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

E35. Prior to the issue of any Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant must provide evidence to the Certifier demonstrating compliance with the commitments in the BASIX Certificate No. 1762032M_04 and ESD Report prepared by Greenperch Pty Ltd dated October 2024.

PUBLIC DOMAIN AND FORESHORE WORKS

E36. Prior to the issue of any Occupation Certificate **under Stage OC4**, the Applicant must submit evidence to the Certifier demonstrating that:

- (a) the areas coloured blue and orange in the Land Dedication Plan (LD-DA100 Rev 2 with highlighted colours) prepared by Land and Form dated 6/09/2025 and submitted to the Department on 12 September 2025, have been dedicated to Council at no cost to Council; **or**
- (b) satisfactory arrangements have been made (in the form of a Voluntary Planning Agreement or other documentary evidence) confirming that the areas coloured blue and orange in the Land Dedication Plan (LD-DA100 Rev 2 with highlighted colours) prepared by Land and Form dated 8/09/2025 and submitted to the Department on 12 September 2025, will be dedicated to Council at no cost to Council; **or**

- (c) an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* over the land marked in blue and orange in the Land Dedication Plan (LD-DA100 Rev 2 with highlighted colours) prepared by Land and Form dated 6/09/2025 and submitted to the Department on 12 September 2025, 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 foreshore park, promenade and proposed new seawall areas within the site boundary, is registered on title; **and**
- (d) Council has provided written agreement to the implementing condition PART AE36(a) or (b) or (c).

PUBLIC ART

- E37. Prior to the occupation or commencement of use of the development **under Stage OC4**, the Applicant must submit to the Certifier documentary evidence that the Public Art Strategy required by condition B20 has been implemented.
- E38. **DELETE**

ACID SULFATE SOIL MANAGEMENT

- E39. Prior to the issue of any Occupation Certificate **under Stage OC1 and Stage OC4**, the Applicant must provide to the Certifier, certification from a suitably qualified person, demonstrating that all works have been undertaken in accordance with the recommendations of the Acid Sulfate Soil Management Plan prepared by ADE Consulting Group dated 16 February 2023.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E40. Prior to the occupation or commencement of use **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, 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 publicly accessible open spaces, including the through-site link;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) tenant induction and behaviour/ house rules;
 - (h) noise management of communal open space areas, loading docks and retail/commercial uses;
 - (i) details to confirm that communal open space areas on the rooftops and the swimming pool are not to be used between 10pm and 7am;
 - (j) flood emergency management response for non-residential and residential occupants in all flood events; and
 - (k) community consultation and complaint procedures.
- E41. The Operational Plan of Management approved under this consent shall be **updated under Stage OC1, Stage OC2, Stage OC3 and Stage OC4 (as relevant)** implemented following occupation of the development **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4 (as relevant)**. The Operational Plan of Management is to be reviewed and updated annually.

OPERATIONAL WASTE MANAGEMENT

- E42. Prior to the issue of any Occupation Certificate **under Stage OC1**, 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 updated prior to Stage OC2, Stage OC3, and Stage OC4;**
 - (c) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
 - (d) confirm the location of waste collection and establish appropriate routes to the collection point;
 - (e) provide confirmation that appropriate arrangements have been made for the collection of waste;
 - (f) detail the type and quantity of waste to be generated during operation of the Development;

- (g) describe the handling, storage and disposal of all waste streams generated on site, consistent with the specifics, but is not limited to;
- (h) *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA); and
- (i) confirm that collection of waste and recycling will occur only between 6am – 8pm weekdays and 9am – 5pm on weekends and public holidays.

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

STORMWATER

- E43. Prior to the issue of any Occupation Certificate **under Stage OC1 and Stage OC4**, 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.
- E44. Prior to the issue of any Occupation Certificate **under Stage OC1 and Stage OC4**, 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
 - (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

- E45. Prior to the issue of any Occupation Certificate **under Stage OC1**, 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.

E45A. The Car Parking, Loading and Servicing Management Plan, required by this development consent, must be updated prior to the issue of the occupation certificate for Stage OC4, to incorporate the entire development.

PUBLIC ACCESS EASEMENT AND RESTRICTION

- E46. Prior to the issue of any Occupation Certificate **under Stage OC1 and Stage OC4**, 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.
- E47. Prior to the issue of any Occupation Certificate **under Stage OC1**, the existing covenant 595257 of Lot A DP 32941 must be suspended.
- E48. 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 internal laneways (Leeds Lane and Blaxland Lane) identified in the plans listed in condition A1, must be registered on title prior to occupation certificate **for Stage OC1**.
- E49. The registered proprietor of the lot burdened must grant Council and members of the public full and free right to go, pass and repass over the easement site at all times:
 - (a) with or without companion animals (as defined in the Companion Animals Act 1998) or other small pet animals; and
 - (b) on foot and with bicycles, wheelchairs or other disabled access aids; for all lawful purposes.

AFFORDABLE HOUSING

- E50. Prior to the issue of any Occupation Certificate **under Stage OC1**, 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 58 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 has been given to the Planning Secretary.

SYDNEY TRAINS CONDITIONS

- E51. Prior to the issuing of an Occupation Certificate **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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 **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, and throughout the life of the Development, the Applicant must:
- (a) implement the SOMP; and
 - (b) otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

STORAGE AND HANDLING OF WASTE

- F2. Following the issue of the Occupation Certificate or commencement of use **under Stage OC1, Stage OC2, Stage OC3 and Stage OC4**, and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- F3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;
 - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
 - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces 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.

PUBLIC DOMAIN

- F7. All public domain works must be maintained by the Applicant for a minimum period of six months following completion **and issue of the occupation certificate of Stage OC4**.
- Note: During this period, the Applicant is liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design loading conditions.*

LANDSCAPING

- F8. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under condition B11.

FIRE SAFETY CERTIFICATION

- F9. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

OUTDOOR LIGHTING

- F10. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

BASIX CERTIFICATION

- F11. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1762032M_04 and any updated certificate issued if amendments are made.

PUBLIC ACCESS TO THE INTERNAL LANEWAYS

- F12. The registered proprietor of the lot burdened by the requirements of Condition E48 to the satisfaction of Council, acting reasonably:
- (a) keep the easement site (including any services in, on or under the Lot burdened) in good repair and condition;

- (b) maintain and repair the easement site and all improvements on the easement site to a standard commensurate to its use as a publicly accessible footway;
 - (c) keep the easement site clean and free from rubbish; and
 - (d) maintain sufficient public liability insurance covering the use of the easement site in accordance with the terms of this easement.
- F13. If the registered proprietor of the lot burdened the requirements of Condition E48 is an owners corporation or community association, then it must ensure that any rules or by-laws adopted by it in relation to the easement site are not inconsistent with the terms of this easement.
- F14. The registered proprietor of the lot burdened by the requirements of Condition E48 must:
- (a) not construct or permit the construction of any buildings or structures on the easement site without the prior written consent of Council;
 - (b) not make or permit or suffer the making of any alterations to the finished levels or remove any of the structures constructed on the easement site as at the date of creation of this restriction on use, without the prior consent of Council; and
 - (c) not carry out any work or erect any buildings or structures such as fences which would prevent Council or members of the public from moving between the easement site and the adjacent land owned by Council.
- F15. The two internal laneways and the associated publicly accessible areas must be accessible for public at all times.

HOUSING

IN-FILL AFFORDABLE HOUSING

- F16. A minimum of 58 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*.
- F17. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) the affordable housing component must be used for affordable housing; and
 - (b) the affordable housing component must be managed by a registered community housing provider; and
 - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
 - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F18. 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 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.

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;
 - (g) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
 - (h) *Disability Discrimination Act 1992* (Cth);
 - (i) *Building and Construction Industry Long Service Payments Act 1986*;
 - (j) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
 - (k) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
 - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D30 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 D30), 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; and
 - (a) a summary of the Incident;
 - (b) outcomes of an Incident investigation, including identification of the cause of the Incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
 - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.