

# Development Consent

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

I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

The Hon. Paul Scully  
**Minister for Planning and Public Space**

Sydney

14 June 2025

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

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

### SCHEDULE 1

# CONSOLIDATED CONSENT

**Application Number:** SSD-71454960

**Applicant:** Homes NSW

**Consent Authority:** Minister for Planning and public Spaces

**Site:** Lot 1 DP 668769, Lot 248 DP 36345 and Lot 249 DP 36345  
195-213 Fitzgerald Ave & 40-64 Yorktown Parade, Maroubra

**Development:** Affordable housing redevelopment comprising:

- demolition of existing structures
- tree removal and bulk earthworks
- construction of four, three storey and two, part three, part four storey residential flat buildings with 144 affordable and social dwellings
- basement parking
- communal open space
- landscaping and infrastructure services

# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-71454960-MOD-1	1 May 2026	Team Leader	amend the building envelope, landscaping, basement parking and internal layout

## DEFINITIONS

<b>Applicant</b>	Homes NSW, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent (Condition A19)
<b>Council</b>	Randwick City Council
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
<b>EIS</b>	Environmental Impact Statement
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent

## CONSOLIDATED CONSENT

<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>

FOR INFORMATION

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

**ADMINISTRATIVE CONDITIONS**

**TERMS OF CONSENT**

A1. The Development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
- (c) **As amended by, and generally in accordance with, the following modification applications:**
  - (i) **Section 4.55(1A) Modification Application report prepared for SSD 71454960 Mod 1 by TBA Urban dated 1 December 2025 and Response to Request for Information prepared by TBA Urban dated 3 February 2026.**
- (d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

<b>Architectural drawings prepared by Hayball</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
AR.DA-0103	A	Site Plan	21.11.2025
AR.DA-0252	A	Demolition Plan	21.11.2025
AR.DA-0801	A	3D Overall Axonometric - Sheet 1	21.11.2025
AR.DA-0802	A	3D Overall Axonometric - Sheet 2	21.11.2025
AR.DA-1002	A	Floor Plan – Lower Ground	21.11.2025
AR.DA-1003	A	Floor Plan - Ground	21.11.2025
AR.DA-1004	A	Floor Plan – Level 1	21.11.2025
AR.DA-1005	A	Floor Plan – Level 2	21.11.2025
AR.DA-1006	A	Floor Plan – Level 3	21.11.2025
AR.DA-1010	A	Floor Plan - Roof	21.11.2025
AR.DA-1401	A	Elevations – Sheet 1	21.11.2025
AR.DA-1402	A	Elevations – Sheet 2	21.11.2025
AR.DA-1501	A	Overall - Sections	21.11.2025
AR.DA-1503	A	Building 1 – 1A-B - Entry	21.11.2025
AR.DA-1504	A	Building 1 – 1C-D - Entry	21.11.2025
AR.DA-1510	A	Building 1 – Core 1A	21.11.2025
AR.DA-1511	A	Building 1 – Core 1B	21.11.2025
AR.DA-1512	A	Building 1 – Core 1C	21.11.2025
AR.DA-1513	A	Building 1 – Core 1D	21.11.2025
AR.DA-1514	A	Building 2 – Core 2A	21.11.2025
AR.DA-1516	A	Building 2 – Core 2C	21.11.2025
AR.DA-4050	A	Apartment Types	21.11.2025

<b>AR.DA-8101</b>	<b>A</b>	Area Plans - GFA	<b>21.11.2025</b>
<b>AR.DA-8106</b>	<b>A</b>	Area Plans – Deep Soil	<b>21.11.2025</b>
<b>Landscape Plans prepared by McLean Design</b>			
LDA-01	<b>E</b>	General Arrangement Plan	<b>21.11.2025</b>
LDA-02	<b>E</b>	Landscape Finishes Plan	<b>21.11.2025</b>
LDA-03	<b>E</b>	Landscape Grading & Drainage Plan	<b>21.11.2025</b>
LDA-04	<b>E</b>	Landscape Long Section	<b>21.11.2025</b>
LDA-05	<b>E</b>	Landscape Planting Plan – Tree Planting	<b>21.11.2025</b>
LDA-06	<b>E</b>	Plant Imagery - Trees	<b>21.11.2025</b>
LDA-07	<b>E</b>	Landscape Planting Plan – Understorey Planting	<b>21.11.2025</b>
LDA-08	<b>E</b>	Plant Imagery - Understorey	<b>21.11.2025</b>
LDA-09	<b>E</b>	Plant Material Schedule	<b>21.11.2025</b>
LDA-11	<b>E</b>	Landscape Details	<b>21.11.2025</b>
LDA-12	<b>E</b>	Landscape Soil Depths	<b>21.11.2025</b>
LDA-13	<b>E</b>	Tree Canopy Coverage	<b>21.11.2025</b>
<b>Civil Plans prepared by Robert Bird Group</b>			
<b>25213-RGB-XX-XX-CV-DR-81001</b>	<b>P02</b>	<b>Erosion and Sediment Control Plan</b>	<b>23.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-81101</b>	<b>P02</b>	<b>Erosion and Sediment Control Details</b>	<b>09.09.25</b>
<b>25213-RGB-XX-XX-CV-DR-82001</b>	<b>P03</b>	<b>Bulk Earthworks – Basement Excavation</b>	<b>19.11.25</b>
<b>25213-RGB-XX-XX-CV-DR-82011</b>	<b>P03</b>	<b>Bulk Earthworks Plan – Cut and Fill</b>	<b>24.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-87001</b>	<b>P04</b>	<b>Basement and Lower Ground Drainage Plan</b>	<b>19.11.25</b>
<b>25213-RGB-XX-XX-CV-DR-87011</b>	<b>P04</b>	<b>Ground Floor Drainage Plan</b>	<b>31.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-87101</b>	<b>P02</b>	<b>Stormwater Details</b>	<b>23.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-87201</b>	<b>P03</b>	<b>On-Site Detention Tank Details</b>	<b>31.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-87401</b>	<b>P02</b>	<b>Pre-Development Catchment Plan</b>	<b>23.10.25</b>
<b>25213-RGB-XX-XX-CV-DR-87411</b>	<b>P04</b>	<b>Post-Development Catchment Plan</b>	<b>19.11.25</b>

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

- A2. To the extent of any inconsistency:
- the more recent document in **Condition A1(b)** prevails over an earlier document in that section; and
  - the conditions of consent prevail over a document listed in **Condition A1(d)**.
- 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 does not approve the following:

- (a) subdivision
- (b) the installation of signage, unless required by conditions of this consent.

A5. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

FOR INFORMATION

## **PART B PRIOR TO ISSUE OF CONSTRUCTION OR CROWN BUILDING WORKS CERTIFICATE**

### **DETAILED DESIGN**

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#### **DESIGN AMENDMENTS**

- B1. Prior to the issue of the first Crown Building works certificate, 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) privacy measures consisting of screening, partial opaque glazing to portrait-oriented windows and high line horizontal windows along the western elevation of Buildings 1A and 2A.

#### **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 (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
  - (b) prior to the issue of the first Crown Building works certificate, provide the Certifier with evidence that this architectural design team has been so commissioned.

#### **MATERIALS AND FINISHES**

- B3. Prior to the issue of the first Crown Building works certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes shown in drawings **AR.DA-1401**, revision **A**, dated **21/11/2025** and **AR.DA-1402**, revision **A**, dated **21/11/2025**, both prepared by **Hayball**, including their final specifications of colour, material and, where relevant and manufacturer.

### **PRE-CONSTRUCTION REQUIREMENTS**

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#### **SITE STABILITY**

- B4. Prior to the issue of the first Crown Building works certificate, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
  - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
  - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
  - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
  - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
  - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B5. Prior to the issue of the first Crown Building works certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the ESD Report, prepared by ADP Consulting Pty Ltd, dated 14 October 2024.

#### **STRUCTURAL DETAILS**

- B6. Prior to the issue of the first Crown Building works certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:

- (a) relevant clauses of the NCC; and
- (b) this development consent.

#### **STORMWATER MANAGEMENT SYSTEM**

- B7. Prior to the issue of the first Crown Building works certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) in accordance with applicable Australian Standards; and
  - (c) with a system capacity designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

#### **DEWATERING AND GROUNDWATER**

- B8. Prior to the issue of a Crown Building works certificate for excavation works, the Applicant must:
- (a) quantify the maximum annual groundwater take due to aquifer interference activities during construction and operation
  - (b) if groundwater take be predicted to exceed 3ML/yr:
    - (i) an assessment in accordance with the NSW Aquifer Interference Policy and preparation of a Dewatering Management Plan (DMP) is required. The assessment shall be prepared in accordance with the Groundwater Assessment Toolbox (DPE 2022) and the Minimum Requirements for Building Site Groundwater Investigations and Reporting (DPE 2022). The DMP shall be prepared in consultation with DCCEE Water.
    - (ii) a water access licence must be obtained from the relevant water source prior to extracting more than 3ML/yr, unless an exemption applies.

#### **SYDNEY WATER ASSETS**

- B9. Prior to the issue of the Crown Building works certificate, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

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

#### **LANDSCAPING**

- B10. Prior to the issue of the Crown Building works certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared listed at **Condition A1**, as amended by any requirement of these conditions;
  - (b) formalise the following indicative landscape sketches by McLean Design as part of the updated plans:
    - (i) Proposed Amended Screen Planting NW Corner, LSK-01, dated 10/2/2025, subject to **Condition B11**; and
    - (ii) Additional Street Trees Option B – Avenue, dated 4/2/2025;
  - (c) includes details of tree planting, including the additional off-site tree plantings on Yorktown Parade under **Condition B12**;
  - (d) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (e) demonstrates adequate drainage and watering systems;
  - (f) includes details of plant maintenance and watering for the first 12 months and an ongoing maintenance strategy;

- (g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period; **and**
- (h) **identifies the location, species and planting details for one new street tree on Fitzgerald Avenue. The species must be a locally endemic species endorsed by Council, and the tree stock must comply with AS 2303:2018 Tree stock for landscape use.**

**B10A. Prior to the issue of the Crown Building works certificate for above ground works, updated landscaping and lighting plans must be submitted to and approved by the Planning Secretary. The updated plans must include:**

- (a) **an updated landscape plan detailing the final landscaping embellishments within the central communal open space and supporting information which:**
  - (i) **demonstrates how the final embellishments respond to the outcomes of additional Connecting with Country consultation/workshops; and**
  - (ii) **includes a copy of the outcomes of the Connecting with Country consultation/workshops; and**
- (b) **an updated site wide lighting plan which:**
  - (i) **reflects the final landscape plan required by B10A(a);**
  - (ii) **responds to the additional Connecting with Country consultation/workshops; and**
  - (iii) **is otherwise consistent with the lighting design for the areas outside of the central communal open space.**

B11. The Proposed Amended Screen Planting in the north-west corner of the site shall reflect the access and sightline recommendations detailed in the Transport and Accessibility Impact Assessment, prepared by The Transport Planning Partnership, dated 10 October 2024 and response letter dated 31 January 2025.

B12. The detailed landscape plans required by **Condition B10** shall detail the planting of seven additional Coast Banksia (*Banksia integrifolia*) on the southern side of Yorktown Parade indicatively shown on the plan at **Condition B10(b)(ii)**. Planting details shall:

- (a) be prepared in consultation with Council;
- (b) demonstrate the plantings have a pot size of a minimum of 45 litres at the time of planting, or as otherwise agreed by Council; and
- (c) demonstrate the planting and maintenance will be carried out in accordance with the Randwick City Council Tree Management Technical Manual.

#### **TREE REMOVAL AND RETENTION**

B13. No tree removal shall occur prior to the commencement of any demolition or construction works. Tree removal and retention shall be in accordance with the following:

- (a) all tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice;
- (b) existing trees identified for retention, must be retained and protected throughout construction and development; and
- (c) only the trees identified for removal in the Arboricultural Impact Assessment Report, AIA-01, revision A, dated 18 October 2024 **and as amended by the Supplementary Arboricultural Report dated 27 November 2025**, prepared by Arterra are to be removed from the site.

#### **CAR PARKING**

B14. Prior to the issue of the Crown Building works certificate, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:

- (a) all vehicles must enter and leave the subject site in a forward direction;
- (b) all vehicles are to be wholly contained on site before being required to stop;
- (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards, **with the exception of the driveway ramp where in accordance with the plans and documents listed at Condition A1;**

- (d) appropriate pedestrian advisory signs and/or mirrors must be provided at the egress from parking areas;
- (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
- (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS;
- (g) a minimum of **70** car parking spaces (including **5** accessible spaces);
- (h) providing convex mirrors at blind corners where vehicles manoeuvre;
- (i) providing a sight line triangle in accordance with relevant Australian Standards and a bollard at the threshold of the driveway and sidewalk at the property line to demarcate the site and driveway; and
- (j) submit to the Certifier a Report demonstrating compliance with the following:
  - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities.

#### **FLOOD AND OVERLAND FLOW PROTECTION**

- B15. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Certifying Authority stating compliance with this condition prior to the issue of the of the relevant Crown Building Works Certificate or Construction Certificate for the following items:
- (a) The Applicant shall comply with the flood recommendations provided in the Flood Impact and Risk Assessment, revision E, dated 28/03/2025, prepared by Mott MacDonald, **unless otherwise superseded by the Fitzgerald & Yorktown, Maroubra – Section 4.55 Modification Flood Review prepared by WMS and dated 8 December 2025;**
  - (b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Impact Statement by Flood Impact and Risk Assessment, revision E, dated 28/03/2025, prepared by Mott MacDonald;
  - (c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100-year ARI) flood level plus 500 mm freeboard. Where it is not practical and feasible to install the equipment above the AEP (100-year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9- Requirements for Utilities;
  - (d) **The substation shall be designed and constructed with a minimum 300mm freeboard above the surrounding existing surface level, measured within a 1m x 1m area in the vicinity of the substation;**
  - (e) All basement carpark areas and service/ventilation ducts to the basement shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk;
  - (f) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100-year ARI) flood plus 500 mm freeboard;
  - (g) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event; and
  - (h) Details of the location of signage to communicate flood emergency details, including flow paths, locations of flood risk and contact details/information.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- B16. Prior to the issue of the Crown Building works certificate, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated all of the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures included within the CPTED report prepared by TBA Urban, dated 27 September 2024.

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B17. Prior to the issue of the Crown Building works certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by ADP Consulting Pty Ltd, dated 4 October 2024.

## ADAPTABLE UNITS

- B18. Prior to the issue of the Crown Building works certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

## BASIX CERTIFICATION

- B19. Prior to the issue of the Crown Building works certificate for above ground works, BASIX Certificate No. **HR-EAAVN4-01** must be submitted to the Certifier with all commitments clearly shown on the Crown Building works certificate plans.

## REFLECTIVITY

- B20. Prior to the issue of the relevant crown building works certificate, the applicant must submit to the satisfaction of the certifier a report/documentation demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

## REMEDICATION

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### UNEXPECTED FINDS PROTOCOL

- B21. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

### CONTAMINATION

- B22. Prior to the commencement of works, including remediation activities, the Applicant must prepare a Data Gap Assessment addressing the recommendations of the Remediation Action Plan prepared by Alliance, Revision 2, dated 18 October 2024 and the Interim Audit Advice prepared by Louise Walkden of Ramboll Australia Pty Ltd dated 16 October 2024, and must update the Remediation Action Plan as necessary.

### REMEDIAL ACTION PLAN

- B23. Prior to the start of excavation works, but not including technical investigations, the Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan, unless otherwise updated in response to the Data Gap Assessment in **Condition B22** and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

### SITE AUDITOR

- B24. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- B25. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

### SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- B26. Upon completion of the remediation works and prior to the commencement of **above ground construction works (excluding demolition, basement and substructure works)**, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management -

Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

#### **VALIDATION REPORT**

- B27. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

FOR INFORMATION

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

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#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24-hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) remediation and management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards; and
    - (xii) site security, including fencing or hoarding.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with **Condition C2**;
  - (c) Construction Noise and Vibration Management Sub-Plan in accordance with **Condition C3**;
  - (d) Air Quality Management Sub-Plan in accordance with **Condition C4**;
  - (e) Construction Waste Management Sub-Plan in accordance with **Condition C5**;
  - (f) Construction Soil and Water Management Sub-Plan in accordance with **Condition C6**;
  - (g) an unexpected finds protocol for remediation in accordance with **Condition B21**;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with **Condition D26**;
  - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

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

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) A description of the development;
  - (b) location of proposed work zone(s);
  - (c) details of crane arrangements including location of any crane(s);
  - (d) construction vehicle access arrangements and haulage routes;
  - (e) predicted number and timing of construction vehicle movements and vehicle types;
  - (f) identification of any potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

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

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the

Development arising from construction noise and vibration, including, at a minimum, the following information:

- (a) identification of noise sources and Sensitive Receivers;
- (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
- (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
  - (i) installation of acoustic barriers/enclosures and details of the barriers/enclosures shown on a plan;
  - (ii) alternative excavation methods;
- (f) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (g) include a detailed plan showing the location, specification and effectiveness of each mitigation measure to be implemented and predicted noise level reduction;
- (h) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (i) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;
- (j) 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;
- (k) include a complaints management system that would be implemented for the duration of the development.

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

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

- (a) relevant environmental criteria to be used to guide management of dust and odours;
- (b) dust and odour management practices to be implemented, including:
  - (i) measures to minimise the generation of windborne dust, including 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
  - (viii) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

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

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

- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";

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

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

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

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

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##### **SURVEY CERTIFICATE**

- C7. Following demolition of structures and/or required remediation works for inground contamination, and prior to commencement of basement structure or above ground works, the Applicant must cause the buildings 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 construction of buildings or the basement, whichever is sooner – the positions of all footings/ foundations;
  - (b) at other stages of construction – any marks that are required by the principal Certifier,
  - (c) and provide information on the positions to the principal Certifier.

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

- C9. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C10. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.

- C11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. Any damage caused by the construction of the Development 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 occupation or commencement of use of the development, whichever is the sooner.

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

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

#### **NOTIFICATIONS AND COMMENCEMENT OF WORKS**

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##### **NOTIFICATION OF COMMENCEMENT**

- C16. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C17. 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**

- C18. Prior to the commencement of works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

##### **DIAL BEFORE YOU DIG SERVICE**

- C19. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

##### **DEMOLITION**

- C20. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

## PART D DURING CONSTRUCTION

### SITE NOTICE

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

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) 7am to 6pm, Monday to Friday; and
  - (b) 8am to 3pm, Saturday.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

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

### CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (2016) *Vibration in Buildings - Effects on Structures*, English Translation (German Institute for Standardisation, 2016);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).
- D13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

#### **AIR QUALITY**

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

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

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

#### **TREE PROTECTION**

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

#### **EROSION AND SEDIMENT CONTROL**

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

#### **CUT AND FILL**

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

#### **DISPOSAL OF SEEPAGE AND STORMWATER**

- D21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.

- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D23. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

#### **ASBESTOS**

- D24. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- Work Health and Safety Regulation 2017*;
  - SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'
  - the Hazardous Building Materials Survey, 17716-ER-4-1 Rev 2, prepared by Alliance Geotechnical Pty Ltd, dated 18 October 2024 and the Hazardous Building Materials Action Plan, 17716.2-ER-4-2 Rev 1, prepared by Alliance Geotechnical Pty Ltd, dated 18 October 2024.

#### **CONTACT TELEPHONE NUMBER**

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

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS**

- D26. If a Relic (as defined in the *Heritage Act 1977*) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- all works must cease immediately;
  - 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;
  - the Applicant must notify registered Aboriginal parties (RAPs) in respect of an Aboriginal object, and provide them with the opportunity to be consulted with Aboriginal cultural heritage management requirements; and
  - the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.

- D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

#### **INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

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

- D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

#### **NON-COMPLIANCE NOTIFICATION**

- D30. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-

compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

FOR INFORMATION

## PART E COMMENCEMENT OF OCCUPATION AND USE

### GENERAL REQUIREMENTS

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#### NOTIFICATION OF OCCUPATION

- E1. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E2. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

#### ENVIRONMENTAL PERFORMANCE

- E3. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

### DILAPIDATION AND REPAIRS

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#### POST-CONSTRUCTION DILAPIDATION REPORT

- E4. Before the occupation or commencement of use of the Development, 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.
- E5. 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

- E6. Prior to the occupation or commencement of use of the Development, 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

- E7. 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.
- E8. Prior to the occupation or commencement of the use of the Development, any damage identified in **Condition E4** as being caused by the carrying out of the Development not subject to **Condition E7** must be fully repaired and rectified by the Applicant.

### COMPLIANCE REPORTING

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

- E9. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development; and

- (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.

E10. Prior to occupation or commencement of use of the Development, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:

- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
- (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

#### **COMPLIANCE WITH BASIX CERTIFICATE**

E11. Prior to the occupation or commencement of use of the Development, 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**

E12. Prior to the occupation or commencement of use of the Development, 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**

E13. Prior to the occupation or commencement of use of the Development, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under **Condition B17**.

#### **FLOOD MANAGEMENT**

E14. Prior to the occupation or commencement of use of the Development (whichever occurs first), a Report must be prepared by a suitably qualified and experienced person(s) and submitted to the Certifier stating that the development has been constructed in accordance with the requirements of **Condition B15**.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

E15. Prior to the occupation or commencement of use of the Development, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under **Condition B5**.

#### **STRUCTURAL INSPECTION CERTIFICATE**

E16. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.

E17. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
- (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

#### **LANDSCAPE PRACTICAL COMPLETION REPORT**

E18. Prior to the occupation or commencement of use of the Development, 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, including the off-site landscape works required under **Condition B11**, 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 Crown Building works certificate application;
- (b) verifies that a maintenance program under the Landscape Plan required under **Condition B10** has been commenced;

- (c) includes details of plant maintenance and watering for the first 12 months; and
- (d) includes details of plant maintenance and watering for the life of the Development.

#### **FIRE SAFETY CERTIFICATION**

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

#### **OUTDOOR LIGHTING**

- E21. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2023 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 2023); and
  - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

#### **SYDNEY WATER COMPLIANCE**

- E22. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

#### **UTILITY PROVIDERS**

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

#### **BICYCLE PARKING**

- E25. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence the secure bicycle parking have been provided in accordance with **Condition B14**.
- E26. Prior to the occupation or commencement of use of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

#### **STREET NUMBERING**

- E27. Prior to the occupation or commencement of use of the Development, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

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

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#### **OPERATIONAL PLAN OF MANAGEMENT**

- E28. Prior to the occupation or commencement of use of the Development, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
  - (b) management of communal areas and open spaces, including the through-site link;
  - (c) loading and unloading;
  - (d) security and staff management;
  - (e) emergency management/ evacuation and incident response protocols;
  - (f) waste management;

- (g) tenant induction and behaviour/ house rules;
- (h) community consultation and complaint procedures.

E29. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

#### **OPERATIONAL WASTE MANAGEMENT**

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

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

#### **STORMWATER**

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

#### **REGISTRATION OF EASEMENTS**

- E33. Prior to the occupation or commencement of use of the Development, 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.

## PART F OCCUPATION AND ONGOING USE

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the occupation or commencement of use of the Development 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 occupation or commencement of use of the Development 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. The 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.
- F5. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

### LANDSCAPING

- F6. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under **Condition B10**.

### FIRE SAFETY CERTIFICATION

- F7. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### OUTDOOR LIGHTING

- F8. 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

- F9. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. **HR-EAAVN4-01** and any updated certificate issued if amendments are made.

### ADVISORY NOTES

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

## INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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