

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

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



Anthony Witherdin

Director

Key Sites and TOD Assessments

Sydney: 28 November 2025

File: SSD-76555711

SCHEDULE 1

Application Number:	SSD-76555711
Application lodged by:	Loftex Chatswood Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	3 and 5 Help Street, Chatswood SP134 and SP52320
Development:	Construction of a mixed-use development with shop-top housing and in-fill affordable housing, comprising: • demolition of existing buildings, vegetation clearing and earthworks • a three-storey podium containing commercial and retail uses • maximum gross floor area of 17,583.7m² • a residential tower with a height of 35 storeys containing 160 dwellings, including 32 affordable housing units • five basement levels containing 166 car parking spaces with vehicle access from Help Street • communal open space to Level 02 • services and infrastructure works.

Right of Appeal

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

DEFINITIONS

Interpretation

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

Definitions

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

Advisory notes	Advisory information relating to the consent but do not form a part of this consent.
AQMP	Air Quality Management Sub-Plan
Applicant	The person having the benefit of this consent, or who is carrying out the development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
Construction	The demolition and removal of buildings or works, the carrying out of works for the purposes of development, including site establishment works, relocation of utilities, earthworks, and erection of buildings of other infrastructure permitted by this consent.
Construction Certificate	A certificate to the effect that buildings works completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Act
Consultation	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	Willoughby City Council
CPTED	Crime Prevention Through Environmental Design.
CPTMP	Construction Pedestrian and Traffic Management Sub-Plan.
Day	The period from 7am to 6pm on Monday to Saturday, and from 8am to 6pm on Sundays and Public Holidays.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site.
Department	NSW Department of Planning, Housing and Infrastructure.
Development	The development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled 3-5 Help Street, Chatswood, prepared by Mecone, dated May 2025, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in their social groupings.
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.
ESD	Ecologically Sustainable Development.
Feasible	Means what is possible and practical in the circumstances.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Heritage item or heritage building	A building and/or place identified as an item of environmental heritage within an environmental planning instrument, and/or listed on the State Heritage Register under the Heritage Act 1977.

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.
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent.
Operation	The carrying out of the approved land uses upon completion of construction.
Owner	The registered proprietor of the Property from time to time.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Professional Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Report	A written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
Site	The land identified in Schedule 1.
SDRP	State Design Review Panel.
SSD	State Significant Development
TfNSW	Transport for NSW
Work(s)	Any physical work to construct or facilitate the construction of the development, including low impact work and environmental management measures.

SCHEDULE 2

PART A GENERAL CONDITIONS

ADMINISTRATIVE CONDITIONS

TERMS OF CONSENT

A1. The development must be carried out:

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

Architectural drawings prepared by EMBECE Architects			
Drawing Number	Rev	Name of Plan	Date
SSDA-0000	C	Cover Sheet	2/09/2025
SSDA-0010	-	BASIX Commitments	20/12/2024
SSDA-0102	-	Site Demolition Plan	20/12/2024
SSDA-0110	-	Proposed Site Plan	20/12/2024
SSDA-0111	B	Public Domain Plans	15/10/2025
SSDA-1000	A	B05 Plan	12/02/2025
SSDA-1001	A	B04 Plan	12/02/2025
SSDA-1002	A	B03 Plan	12/02/2025
SSDA-1003	A	B02 Plan	12/02/2025
SSDA-1004	B	B01 Plan	2/09/2025
SSDA-1010	D	LG Plan	2/09/2025
SSDA-1011	C	UG Plan	2/09/2025
SSDA-1100	-	Mezzanine Plan	20/12/2024
SSDA-1101	-	L01 Plan	20/12/2024
SSDA-1102	B	L02 Plan	2/09/2025
SSDA-1103	A	L03-05 Plan	2/09/2025
SSDA-1106	-	L06 Plan	20/12/2024
SSDA-1107	-	L07-13 Plan	20/12/2024
SSDA-1114	-	L14-25 Plan	20/12/2024
SSDA-1116	-	L26-31 Plan	20/12/2024
SSDA-1122	-	L32 Plan	20/12/2024

SSDA-1123	-	L33 Plan	20/12/2024
SSDA-1126	-	Roof Plan	20/12/2024
SSDA-2000	-	West Elevation Cambridge Lane	20/12/2024
SSDA-2001	A	North Elevation McIntosh Street	02/09/2025
SSDA-2002	-	East Elevation	20/12/2024
SSDA-2003	-	South Elevation Help Street	20/12/2024
SSDA-3000	A	Section North-South	29/04/2025
SSDA-3001	A	Section East-West	29/04/2025
SSDA-4000	-	Adaptable Apartment A	20/12/2024
SSDA-4001	-	Adaptable Apartment B	20/12/2024
SSDA-4002	-	Adaptable Apartment C	20/12/2024
SSDA-4004	-	Adaptable Apartment D	20/12/2024
SSDA-4500	-	Driveway Ramp Plan	20/12/2024
SSDA-4501	A	Driveway Ramp Sections	12/02/2025
SSDA-9101	A	Housing SEPP Storage Schedule	07/05/2025
SSDA-9900	-	Material Palette	20/12/2024
Landscape plans prepared by Studio Georgouras, project No. 2210			
L-001	A	Cover Page and Notes	09/05/2025
L-01	A	Existing Tree Plan	09/05/2025
L-02	A	Deep Soil Zone	09/05/2025
L-03	A	Landscape Site Plan	09/05/2025
L-04	A	Landscape Plan - Ground	09/05/2025
L-05	A	Planting Plan - Ground	09/05/2025
L-06	A	Landscape Plan – Mezzanine	09/05/2025
L-07	A	Planting Plan - Mezzanine	09/05/2025
L-08	A	Landscape Plan – Level 1	09/05/2025
L-09	A	Planting Plan – Level 1	09/05/2025
L-10	A	Landscape Plan – Level 2	09/05/2025
L-11	A	Planting Plan – Level 2	09/05/2025
L-12	A	Landscape Plan – Level 6	09/05/2025

L-13	A	Planting Plan – Level 6	09/05/2025
L-101	A	Section 1/101	09/05/2025
L-102	A	Section 1/102	09/05/2025
L-201	A	Typical Details	09/05/2025

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 A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the development.

LIMITS ON CONSENT

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

SURRENDER OF EXISTING CONSENT

- A6. Prior to the issue of any Construction Certificate, or by another time agreed by the Planning Secretary in writing, the Applicant must surrender the existing development consent dated 17 September 2024 for DA-2023/160 in accordance with the EP&A Regulation.

GROSS FLOOR AREA CERTIFICATION

- A7. Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the gross floor area of the development does not exceed 17,583.7m², measured in accordance with the definition provided within the Willoughby Local Environmental Plan 2012.

MAXIMUM BUILDING HEIGHT

- A8. Prior to the issue of any Construction Certificate, the Applicant must submit to the satisfaction of the Certifier details confirming the maximum building height does not exceed RL 208.45m AHD, measured in accordance with the definition provided within the Willoughby Local Environmental Plan 2012.

INFRASTRUCTURE CONTRIBUTIONS

LOCAL DEVELOPER CONTRIBUTIONS

- A9. Prior to the issue of the Construction Certificate, a monetary contribution is to be paid in accordance with section 7.12 of *Environmental Planning and Assessment Act, 1979* in the amount of **\$3,173,619.52** for the purposes of the Local Infrastructure identified in the *Willoughby Local Infrastructure Contributions Plan*.

In accordance with the *Willoughby Local Infrastructure Contributions Plan*, this contribution is based on **3%** of the estimated cost of development, being \$105,787,317.18 provided on 6/5/2025.

Indexation

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Consumer Price Index, All Groups, Sydney, as published by the Australian Bureau of Statistics (ABS) between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the monetary contribution is set out below:

$$\text{\$Co} \times \text{Current CPI} \div \text{Base CPI}$$

Where:

\\$Co = the original development contribution determined by the Council based on a percentage of the cost of development as set out in the Contributions Plan

Current CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the month immediately prior to the date of payment

Base CPI = the Consumer Price Index (All Groups Index), Sydney, as published by the ABS at the month ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Deferred payments of contributions will not be accepted.

Prior to payment, Council can provide the value of the indexed levy.

Copies of the *Willoughby Local Infrastructure Contributions Plan* are available for inspection online at www.willoughby.nsw.gov.au

HOUSING AND PRODUCTIVITY CONTRIBUTIONS

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

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$1,438,413.56
Transport project component	Nil
Strategic Biodiversity Component	Nil
Total housing and productivity contribution	\$1,438,413.56

- A11. The HPC must be paid using the NSW planning portal.
- A12. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- A13. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A 1979 agrees.
- A14. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A 1979 to the development, or the HPC Order exempts the development from the contribution.

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.

AFFORDABLE HOUSING

- A15. In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 4% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent i.e. 15,238.40 m²) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following, at the nomination of the Applicant before the first construction certificate is issued:
- The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 4% of the residential gross floor area of the development (which in this case is **609.54m²** i.e. 4% x 15,238.40m²= **609.54m²**). The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:
 - Within six (6) months of the date DA was determined, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a

similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.

- ii. Alternatively, inclusive of the above, the applicant may prepare a report based on Councils current market valuation approach which is based on current research and valuation data to ensure that the valuation figure reflects the current market values for the LGA (This is reviewed quarterly to ensure that the monetary contribution is sufficient to enable Council to purchase a comparable dwelling to achieve Councils Affordable Housing principles).
 - iii. Councils current market valuation of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice and the most recent average unit size calculated based on Councils review of similar approved dwellings within the LGA as follows:
 - iv. A per meter cost can be calculated based on a the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice, divided by;
 - v. The most recent average unit size which is, 95m².
 - vi. In the event this option is chosen, the report must include a date stamped screenshot of the relevant figure within the Rent and Sales Report, and the payment made within three (3) months of the date displayed in the screenshot.
 - vii. Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
 - viii. If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
 - ix. The applicant is to submit to Council's Director of Planning the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be made within three (3) months of Council's written acceptance of the valuation report.
- (b) The dedication of complete residential dwelling units within the development (being the residential component of the development related to this SSDA consent i.e. unit numbers and levels to be specified; each having a gross floor area of at least 50 m², and equivalent to the mapped percentage of 4% of the residential component of the development related to this consent (residential component is 456m² i.e. 4% x 11,395 = 456 m²). Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A Housing Transfer Deed that identifies all affordable housing units for dedication to Council must be executed prior to issue of the first Occupation Certificate.

The terms of this Housing Transfer Deed must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings and appurtenant car spaces to Council's ownership is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated, or within two months of the issue of an Occupation Certificate, whichever comes first. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

AGENCY CONDITIONS

WORKS NEAR ELECTRICITY INFRASTRUCTURE

- A16. Ausgrid shall be notified, and their written approval obtained prior to the relevant works commencing, for any ground level changes above Ausgrid's underground cables in areas such as footpaths and driveways.
- A17. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable and must not pass over the top of any cable.
- A18. Proposed driveways must be location to maintain a minimum clearance of 1.5m from the nearest face of the existing poles to any part of the driveway, including the layback, to enable future pole replacement. Any variation to the clearance distance requires consultation with Ausgrid.

ABORIGINAL CULTURAL HERITAGE

- A19. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.

- A20. The Registered Aboriginal Parties must be kept informed about the SSD. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- A21. Prior to the issue of any Construction Certificate, the Applicant must ensure Aboriginal cultural heritage management procedures for the development are included in the project's Construction Environmental Management Plan (CEMP). The Aboriginal cultural heritage management procedures must:
- (a) be prepared by suitably qualified and experienced persons
 - (b) be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW
 - (c) include a description of the measures that would be implemented for:
 - (i) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage
 - (ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the Codes of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010). The Unexpected Heritage Finds and Human Remains Procedure must be implemented for the duration of construction
 - (iii) ensuring workers on site receive suitable heritage inductions prior to commencing any works on site, and that records are kept of these inductions.

WATER ACCESS LICENCE

- A22. The Applicant must ensure a water access licence (WAL) is obtained to account for the maximum predicted water take for construction and operation activities, unless an exemption applies under the Water Management (General) Regulation 2018.

APPROVALS AND REQUIREMENTS OF SYDNEY WATER

- A23. A compliance certificate must be obtained from Sydney Water under Section 73 of the Sydney Water Act 1994. The assessment will determine the availability of water and wastewater services, which may require extensions, adjustments or connections to mains.
- A24. A Section 73 Compliance Certificate must be obtained to the satisfaction of the Certifier before an Occupation Certificate or Subdivision Certificate is issued.
- A25. Building Plan Approval must be issued by Sydney Water prior to demolition, excavation or construction works commencing to allow Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by the works. Amendments to plans will require re-approval.
- A26. Any trees proposed or planted that may cause destruction of, damage to or interference with Sydney Water's work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for loss and associated compensation for the removal.
- A27. If the development is to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. Sydney Water's approval must be obtained before any business activities commence.
- A28. A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.
- A29. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Properties with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device as a minimum. A licenced plumber with backflow accreditation will need to be engaged for installation.
- A30. Separate hydrant and sprinkler fire services on non-residential properties require the installation of a testable double check detector assembly located at the boundary of the property.

SYDNEY TRAINS CORRIDOR

- A31. Prior to the issue of a Construction Certificate, the Applicant shall 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.
- A32. Prior to the issue of a Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig 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.

- A33. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- A34. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A35. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- A36. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority 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.
- A37. The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains' Geotechnical section prior to the commencement of works. The report shall 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 the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.
- A38. Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure works are to have no negative impact on the rail corridor and associated rail infrastructure.
- A39. Prior to the commencement of works, the applicant is to prepare and provide to Sydney Trains for review and endorsement a Hydrologic Assessment report demonstrating that the dewatering during construction will not have any adverse settlement impacts on the rail corridor. No works are to commence until this report has been endorsed by Sydney Trains.
- A40. Prior to the issue of a Construction Certificate, the Applicant is to engage with a suitably qualified consultant to prepare a numeric modelling analysis which assesses the different stages of loading and unloading of the site and its effect on the rock mass surrounding the rail corridor. This report is to be submitted to Sydney Trains for review and endorsement demonstrating that the proposed works will not have any adverse impacts on the rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A41. If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- A42. 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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- A43. 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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- A44. The Prior to the issuing of a Construction Certificate 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 Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- A45. Prior to the issue of a Construction Certificate, the Applicant shall include in their Construction Management Plan and Safe Working Method Statements (SWMS) adherence to the load restriction set in place for all nearby rail Bridges, or as per the structural requirements set out in the Interface Agreement [(once finalised)] between Sydney Trains and Council. The Principal Certifying Authority shall not issue a Construction Certificate until these requirements have been met.
- A46. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) 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.
- A47. 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.
- A48. 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.
- A49. The Applicant/Developer shall not at any stage block any nearby corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.
- A50. Sydney Trains advises there is a High Voltage Aerial Transmission Line in proximity to the proposed works. All works within 6 metres of the nearest transmission line conductor must comply with:

- ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.
- The Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 – Working Around Electrical Equipment".
- "WorkCover Code of Practice – Work near Overhead Power Lines (The Code)"

In addition, all Landscaping shall be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan.

- A51. Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:
- a. Machinery to be used during excavation/construction.
 - b. Demolition, excavation and construction methodology and staging

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- A52. 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.
- A53. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
- A54. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

- A55. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset manager NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- A56. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - 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.
- A57. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney 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.
- A58. 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 Interface and they can be contacted via email on North_Interface@transport.nsw.gov.au.

ADAPTABLE UNITS

- A59. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that:
- (a) 34 adaptable dwellings have been provided within the Development; and
 - (b) any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

PUBLIC DOMAIN WORKS AND ROADWORKS

- A60. Prior to issue of a Construction Certificate for aboveground works, the applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:
- (a) Construction of 1.8 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in Help Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
 - (b) Construction of 1.2 metres wide footpath (max. 2.5% crossfall) towards the kerb for the full frontage of the development site in McIntosh Street in accordance with Council's specification and Standard Drawings SD105 and SD100. All adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
 - (c) Reconstruction of existing kerb and gutter, including any kerb ramps, for the full frontage of the development site in Help Street, Cambridge Lane and McIntosh Street in accordance with Council's specifications and Standard Drawing SD105.
 - (d) Reconstruction of the existing road pavement in Cambridge Lane as required to provide a shared zone in accordance with Condition A63.
 - (e) Construction of a 10 metres wide vehicular crossing in Help Street in accordance with Council's specification and Standard Drawings SD105.
 - (f) Construction of a new kerb inlet pit in Help Street and extension of a new 375mm dia Class 4 stormwater pipe to the existing Council pit generally as detailed on Stantec drawing CI-060-201/I.
 - (g) Reconstruction of road pavement in Help Street and McIntosh Street as required to make good following vehicle crossing works, inlet pit and stormwater works and kerb and gutter works.
 - (h) Reinstatement of any Council infrastructure impacted by the construction of the stormwater drainage works and any other works required for the development.
 - (i) Any other works in the road reserve required for the development, including any signage or traffic control measures required by the conditions of consent.

The required plans must be designed in accordance with Council's specifications (AUS[1]SPEC). A minimum of three (3) weeks will be required for Council to assess the Roads Act submissions. Early submission is

recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current Fees and Charge Schedule are payable to Council prior to issue of the approved plans.

Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of the relevant Construction Certificate.

- A61. The Cambridge Lane frontage of the development is to be transformed into a comprehensive 10km/h shared zone, incorporating a dedicated shared pedestrian and bicycle path. The design must be integrated with urban design elements to:
- Extend from the building setback line to connect with the existing cycle path along McIntosh St
 - Enhance the 10km/h zone with road markings indicating the shared nature of the space
 - Include a dedicated shared path within the zone, designed to appropriate width and safety standards for mixed pedestrian and bicycle use
 - Ensure clear delineation between the shared path and the vehicular area while maintaining a cohesive shared zone feel
 - Prioritize pedestrian and cyclist safety while allowing limited vehicular access
 - Feature adequate lighting, signage, and surface treatments to enhance safety and usability for all users
 - Create smooth transitions at connection points with existing infrastructure and at entry/exit points of the shared zone.
- A62. Utilise distinct pavement materials for the road surface to enhance the unique character of the shared zone and serve as an additional traffic calming measure. Should completion of public domain works be affected by concurrent construction on adjacent sites, a deed will need to be entered into with Council confirming the schedule for completion of works, the provision of any interim arrangements for access and public amenity, and the provision of an appropriate bond equal to the costs Council would incur to complete the works based on a Quantity Surveyors report to be provided to Council which is to include material, labour, and project management costs.

PUBLIC ROAD VEHICLE CROSSOVER

- A63. Prior to the issue of the Construction Certificate and in order to assess the susceptibility of vehicles to scraping as they pass over the proposed access driveway, the applicant shall submit longitudinal sections for approval by the Certifying Authority along each side of the proposed vehicular access path drawn at 1:20 Scale. The longitudinal sections shall include the following: -
- (a) Horizontal distance from the centreline of the road to a minimum of 10m within the site, including provision of Council's standard layback as per Council's standard drawing SD105, which is available from Council's website. Council's standard layback is 500mm wide, and the back of the layback is 100mm above the gutter invert.
 - (b) Both existing and proposed levels (in AHD) and gradients represented in percentage (%) of the vehicular crossing and driveway.
 - (c) Crossfall on road pavement shall be shown on long sections.

The design shall be prepared by a suitably qualified civil engineer using the B99 vehicle template from AS/NZS 2890.1. All driveway grades and transitions shall comply with AS/NZS 2890.1 -2004 and Council's specifications.

The new crossing is to be 10 metres wide with no splays and be constructed at right angle to street kerb. The footpath/footpath zone, which forms part of the proposed crossing, shall have a maximum crossfall of 2.5% towards the kerb. For the design levels of the vehicular crossing at the property boundary, the following shall be complied with, unless written approval is gained from Council for alternate levels:

- (a) At back of layback – 100 mm above and parallel to the gutter invert.
- (b) At property boundary – 200mm above and parallel to the gutter invert.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

- A64. Prior to the issue of a Construction Certificate, finished surface levels for all internal works along the street boundary, including finish floor levels, driveways, car spaces, landscaping, drainage structures etc., must be shown on the plans issued for construction. The development's internal surface levels along the street boundary must be consistent with the public domain civil works plans approved by Council under the Roads Act (1993). Any changes required to the finish floor levels approved under this development consent may require an application under S4.55 of the EP&A Act.
- A65. Prior to the issue of the Construction Certificate, the Applicant shall submit, for approval by the Principal Certifier, certification from a suitably qualified and experienced Traffic Engineer relating to the design of vehicular access

and manoeuvring for the development. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- (a) That finished driveway gradients and transitions comply with AS/NZS 2890.1 and AS 2890.2 and will not result in scraping to the underside of cars.
- (b) That the maximum gradient for the first 6 metres from the property's front boundary to the basement complies with Clause 3.3.a of AS/NZS 2890.1 and that all driveway grades comply AS/NZS 2890.1 and AS 2890.2.
- (c) That the proposed vehicular path and parking arrangements comply in full with AS/NZS 2890.1, AS 2890.2 and AS 2890.6 in terms of minimum dimensions provided and grades on parking spaces.
- (d) That visitor parking spaces comply with the requirements for Class 2 Medium term parking in AS/NZS 2890.1.
- (e) That accessible parking spaces, including those required for adaptable units, comply with the requirements of AS 2890.6, including provision of the required shared areas and bollard.
- (f) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction (including overhead services) is provided for compliance with Section 5.3.1 of AS/NZS 2890.1 and Section 2.7 of AS 2890.6.
- (g) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities for compliance with Section 2.7 of AS 2890.6.
- (h) That the headroom clearance required in AS 2890.2 for the largest vehicle using the site (minimum 4.5m headroom) has been provided for the loading area and the path to and from the loading area.
- (i) Simultaneous manoeuvring of B99 and B85 vehicles at all ramps and ramp ends including the clearance lines for each vehicle, in accordance with AS2890.1, is complied with.
- (j) Simultaneous manoeuvrability of the largest vehicle using the site (minimum Council's 10.5m waste vehicle) and a passenger vehicle including clearance in accordance with AS2890.1 and AS2890.2, is provided between the frontage road and the loading bay.
- (k) That the loading bay size is sufficient for Council's 10.5m long waste vehicle with 2m loading area behind the vehicle and the vehicle and loading area clear of the main vehicle access aisle to the basement.
- (l) That sight triangles required by Figure 3.3 of AS/NZS 2890.1 have been provided at the vehicle exit, including provision of kerbs to direct vehicles to compliant locations.

AMENDED LANDSCAPE PLANS

- A66. Prior to the issue of a Construction Certificate, Landscape Plans are to be amended to indicate that the proposed *Livistona australis* palms located along Cambridge Lane are to be of minimum height 4m trunk height at time of planting.

In addition, the Landscape Plans are to show three (3) street trees (*Pyrus calleryana*) planted along McIntosh Street, located within a landscape bed that is contiguous with the proposed landscape strip that runs along McIntosh Street. These trees are to be evenly spaced along the McIntosh Street frontage and be minimum pot size of 75 litres.

Amended Plans are to be submitted to the nominated Certifying Authority for approval prior to issue of a Construction Certificate.

STORMWATER DESIGN

- A67. Prior to the issue of a Construction Certificate, the Applicant shall submit plans and specifications satisfying the following requirements to Willoughby City Council for approval. Documentation confirming approval by Willoughby City Council shall be submitted to the Certifier with any application for a construction certificate.
- (a) Detailed stormwater management plans prepared by a suitably qualified and experienced civil engineer, which include a OSD system and water quality management system for the site. The plans are to be generally in accordance with Stantec drawings CI-060-101/F, CI-060-201/I, CI-060-301/F, CI-500- 001/D, CI-522-001/F, CI-526-001/E and CI-526-002/G, amended to include the following items:
 - Details to confirm that the permitted site discharge (PSD) required by Technical Standard 1 is achieved from the site, which includes allowance for flows that bypass the OSD system. The PSD is to be achieved for the 1%AEP storm event. If the bypass area exceeds 5% of the total site area, then a Drains analysis is to be undertaken and a summary provided on the plans to confirm the OSD volume required and the PSD achieved. For calculation purposes, any areas located over the basement must be considered as impervious areas. The maximum PSD from the site is to be 39L/s in the 1%AEP event, based on a total site area of 2,320m².
 - A hydraulic grade line analysis for the 1%AEP storm event, extending from the OSD tank to the connection point to the Council drainage system in Help Street, with the adopted downstream water level to be the top of kerb level at the Council pit. The analysis is to confirm that the OSD outlet is

above the downstream water level during the 1%AEP storm, with the tank having a minimum invert level of RL91.45m.

- Details to confirm that 300mm freeboard is achieved between the overflow from the OSD system and the adjacent floor level. The overflow from the OSD tank, and the level used to determine the freeboard, must be to ground via the access grate in the roof of the tank or through the side wall, discharging to ground and not to a pipe or internal weir / overflow chamber.
- Details to confirm that the pipe system draining to the OSD tank is able to convey the flow from the 1%AEP storm event or that an overland flows in excess of the pipe's capacity drain to the OSD tank in all storms up to and including the 1%AEP storm.

Calculations are to be submitted as required to demonstrate that the OSD system complies with the requirements of Technical Standard 1, including that the system has been designed for the 1%AEP storm event. The system shall be designed for the entire site area, with a minimum OSD volume of 82m³ and a PSD for the 1%AEP of 39L/s (based on a site area of 2,320m²).

- (b) Detailed swept path diagrams that demonstrate that Council's waste vehicle (10.5m long) is able to service the site using the loading bay, with 2.0m clearance behind the vehicle when in the loading bay. The diagrams are to be prepared using the construction certificate architectural drawings and are to clearly show all structures, kerbs, extent of the roadway and any other items that impact the swept paths.

- A68. Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in Help Street via a 375 mm Class 4 RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system and a kerb inlet pit at the kerb line in front of the property. In this regard, full design and construction details showing the method of disposal of surface and roof water from the site are to be submitted to Council for approval prior to the issue of the Construction Certificate.
- A69. The capacity of the outlet pipe to the Council system shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that the outlet from the OSD system is above the downstream water level for the 1%AEP storm event. The adopted downstream water level used in the analysis shall be the top of kerb level at the connection point to the existing Council pit. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to the certifying authority for approval prior to the issue of the Construction Certificate.

Prior to the issue of the Construction Certificate, submit to the Certifier for approval, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and in accordance with the concept stormwater management plans, prepared by Stantec, amended as required by the conditions of this consent. All drawings shall comply with Part I of Council's Development Control Plan and Technical Standard 1, AS/NSZ3500.3 – Plumbing and Drainage Code and National Construction Code.

The stormwater management system shall include an on-site stormwater detention system that limits the peak stormwater discharge from the site to 39L/s in the 1%AEP storm event and stormwater quality improvement measures that meet the requirements of Technical Standard 1.

- A70. Prior to the issue of the Construction Certificate, the applicant shall submit, for approval by the Certifier, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications shall be generally in accordance with the approved stormwater management plans with the following requirements:
- (a) The pumpout drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
 - (b) Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1% Annual Exceedance Probability storm event 5- minutes duration of the area draining into the system, whichever is greater.
 - (c) An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
 - (d) The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1% Annual Exceedance Probability storm event for 2-hours duration.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part I of Council's Development Control Plan, Technical Standard 1, AS/NZS 3500.3 – Plumbing and Drainage Code and the National Construction Code.

- A71. A suitably qualified and experienced civil engineer must certify that:

- (a) The finished floor levels of the development comply with the requirements of Technical Standard 2.
- (b) All access points to the basement other than the main vehicle access ramp are at or above the 1%AEP water level + 500mm or the PMF, whichever is higher and that the main vehicle access point to the basement is above the 1%AEP water level + 500mm.
- (c) Additional flood mitigation measures, including flood warning systems and flood protection devices (barriers or flow-control mechanisms), will be implemented to further protect the proposed basement from PMF flood events.
- (d) The proposed works comply with the requirements of Technical Standard 2 Floodplain Management.
- (e) That the proposed works comply with the Stantec's report "Flood Risk Assessment for State Significant Development Application" dated 7 May 2025.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted to and approved by Council.

CONTAMINATION INVESTIGATION, REMEDIATION AND VALIDATION

A72. After demolition of the structures on the site but prior to the lodgement of an application for a Construction Certificate:

(a) A systematic and targeted program of supplementary investigations shall be carried out to address data gaps identified in the Preliminary Site Investigation (PSI) by Stantec Pty Ltd, Ref. 301351072.Rev1, dated 24 May 2023. The results from the additional sampling and laboratory analysis shall be presented in a Targeted Site Investigation (TSI) or Detailed Site Investigation (DSI) report to Council for approval in writing. The TSI/DSI shall include, but not be limited to, the following:

- Sampling, testing and validation of soil contaminants within the demolished building footprint areas.

(b) If the TSI/DSI identifies the presence of soil contaminants, a Remediation Action Plan (RAP) shall be prepared and submitted to Council for approval in writing.

(c) Any variations to a required RAP (if one is required) must be approved in writing by Council prior to the commencement of any further work.

(d) The site must be remediated in accordance with any Council-approved RAP;

(e) Prior notice of any remediation work must be given to Council at least 30 days before the commencement of the work in accordance with Clause 16 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);

(f) A Stage 4 Validation Report and a clearance certificate issued by an appropriately qualified occupational hygienist must be submitted to Council for approval in writing (if remediation is necessary). The Validation Report must clearly state that the objectives stated in the approved RAP have been achieved and the land is suitable for the proposed use. In addition, notice of completion of remediation pursuant to clause 18 of SEPP 55 shall be provided.

Notes: (i) Contaminated land reports submitted to Council must be prepared, or reviewed and approved by, a certified contaminated land consultant certified under the Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) or the Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) schemes.

(ii) Contaminated land reports shall be prepared in accordance with:

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land (Department of Urban Affairs and Planning and EPA 1998) (Planning Guidelines) (or updates)
- Consultants reporting on contaminated land – Contaminated Land Guidelines (NSW EPA 2020)

DEWATERING OF SITE

A73. A Construction Site Dewatering Plan (CSDP) shall be prepared by a suitably qualified environmental consultant and submitted to Council for approval prior to the commencement of any work. The CSDP can be incorporated into any Construction Management Plan covering the entirety of siteworks to be carried out on the site, or can be a stand-alone document. It shall contain details on the water treatment method, equipment to be used, water testing regime and a written statement that the water to be discharged will meet the Council-approved design water quality criteria. Where a discrepancy exists between Council's criteria and that from the Australian and New Zealand Environment and Conservation Council: 2000: Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy, the lower value shall prevail.

- A74. On the occasion that any rainfall or other event necessitates dewatering of the site, ongoing water quality sampling, analysis and collation of results shall be conducted prior to each discharge to Council's stormwater system (or other receiving watercourse). Should test results exceed the water quality criteria, dewatering is not permitted and adjustments to the pollution control methodology will need to be made by the suitably qualified environmental consultant. Any changes to the methodology require the written notification of Council.
- A75. A copy of the up-to-date Council-approved Construction Site Dewatering Plan (or other document detailing the water pollution control method), the written approval from Council for the method, and the ongoing water quality test results shall be kept on the site at all times, for the duration of the site works that will require dewatering activity, and produced to an authorised officer of the Council when requested.

DAMAGE DEPOSIT

- A76. Prior to the issue of the Construction Certificate, the applicant shall lodge a Damage Deposit of \$222,000 (GST Exempt) to Council against possible damage to Council's assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development and the issue of the Whole/Part/Final Occupation Certificate. For the purpose of inspections carried out by Council Engineers, an inspection fee as per Council's current fees and charges is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

Total Payable = \$222,000 + Damage Deposit Release Inspection Fee

- A77. Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, subcontractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

WASTE AREAS AND VEHICLE ACCESS

- A78. Prior to the issue of a Construction Certificate, architectural drawings must be submitted to and approved by Council that clearly indicate there is sufficient waste storage space in accordance with the WDCP 2023. A minimum area for each type of waste stream listed below is required.

- (a) All residential bins
- (b) Residential bulky waste
- (c) Charity waste space
- (d) Commercial waste space

The waste storage areas should also indicate amenities (including drainage and taps) and door widths in compliance with WDCP 2023 (NSROC 2018 Section 2.1 and 3.10.3).

- A79. Prior to the issue of a Construction Certificate, the plans must clearly demonstrate the provision of garden organics bins in accordance with Willoughby Development Control Plan 2023 – NSROC 2018 Section 3.6 Waste Generation Rates – at a minimum of 120L/unit/week. This also future proofs the development for the implementation of a food organics collection service.
- A80. Prior to the issue of a Construction Certificate, details must be provided demonstrating the development provides:
- (a) 120L/unit/week is provided for GO (in the Willoughby DCP 2023 through NSROC 2018, p19), alternatively, Council will consider the use of NSW EPA (2019) Better Practice Guide for Resource Recovery in Residential Developments (Table F2) for FOGO.
 - (b) LG/UG non-residential waste generation calculated using retail generation rates in the OWMP (2025, Rev M, Table 4).
 - (c) gradients for wheeling bins of 7% for standard bins and 3% for 600L to 1,100L bins
 - (d) waste room doors a minimum of 2.5m wide
 - (e) heavy rigid vehicle swept path analysis for a 10.5m long truck in a 12.5m long parking space. Clearances must meet AS2890.1-2018 and there must be a rear clearance of 2m behind the parking space and an unobstructed loading zone behind the vehicles for the loading of bulk bins (660L or 1,100L) and bulk waste.
 - (f) designation of "W" for general waste, "R" for recycling and "O" for organics for all bin types on all drawings submitted for the Construction Certificate.
- A81. Where the development incorporates a Waste Chute as part of the waste management system, a design certificate and detailed plans are to accompany any Construction Certificate application which confirms that the waste chute can be constructed to satisfy the Waste Management Guide and specifically the following requirements:
- (a) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material.

- (b) Chute is cylindrical in section, vertical and without bends as it passes through the floors.
 - (c) Chutes must terminate in the waste storage room and discharge into a waste bin.
 - (d) Manufacture's technical specifications and operational limitations.
- A82. Prior to the issue of a Construction Certificate, the chute accesses for general waste and recycling at every residential level must be incorporated into a waste service compartment room. The waste service compartment room must be designed with sufficient space for the chute as well as the storage of one day's recycling in a Mobile Garage bin or other container (noting that recyclable containers can be placed down the chute but recyclable bulky cardboard cannot be placed down the chute) for all residents on that level, in accordance with Willoughby Development Control Plan 2023 Section 5.5 Recycling Cupboard On Each Floor.
- A83. Prior to the issue of the Construction Certificate, the Operational Waste Management Plan with supporting drawings must clearly indicate the carting routes, distance and equipment for caretakers to present waste for collection for all waste types, including garbage, recycling, organic waste and bulky waste to ensure that it is safe and efficient and compliant with WDCP 2023 (Section 3.16).
- A84. A design certificate and detailed plans are to accompany the Construction Certificate application to the satisfaction of the Certifier that confirms that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Guide. The plans are to specifically demonstrate that the path of travel for the waste collection vehicle to the nominated collection area (which includes all entrance/exit, internal driveways, vehicle ramps, loading docks and basement) has been designed in accordance with AS2890.2:2018. The design certificate is also to confirm that the internal driveway, cross over, entry/egress points have been designed to meet the following loading requirements:
- (a) 25 tonne waste collection vehicles
 - (b) Turning circle of 23 metres
 - (c) Truck length of 10.5 metres
 - (d) Clearance height of 4.5 metres throughout the vehicle swept path

RESIDENTIAL WASTE COLLECTION AGREEMENT

- A85. Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided an easement for unimpeded access to and from the waste collection locations for Council and its servants/contractors to enter and exit for the purpose of waste/recycling collection. The development is also required to indemnify Council and its servant/contractors against claims for loss or damage or wear and tear of access roads or other parts of the building.
- A86. By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Council's Waste Management collection requirements.
- A87. The provision of Council's waste collection service will not commence until formalisation of the agreement

PUBLIC TREE PROTECTION

- A88. Unless identified by the development consent, no tree roots over 25mm diameter are to be damaged or cut and all structures are to be bridged over such roots.
- A89. Should any problems arise with regard to the existing or proposed trees on public land during the construction or bond period, the applicant is to immediately Contact Council's Public Trees section and resolve the matter to Council's satisfaction.
- A90. Street tree trunk and branch protection must be installed for all Council Street trees adjoining the site.
- (a) Timber Planks (50mmx100mm) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
 - (b) Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way
- A91. Street Tree Protection Fencing must be installed for all Council Street trees adjoining the site and meet the following requirements:
- (a) The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together in accordance with Australian Standard 4970-2009 The Protection of Trees on Development Sites
 - (b) The fenced area shall not be used for any activities outlines in section 4.2 of the of Australian Standard 4970-2009 The Protection of Trees on Development Sites.
 - (c) A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is

to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

- (d) Such fencing and signage must be erected Prior to Demolition including site preparation and remain in place for the duration of the construction work
- (e) Tree Protection Fencing may only be moved under the direct supervision of the Project Arborist and must be reinstated immediately after the approved works have been conducted.

ELECTRIC VEHICLE CHARGING

A92. Prior to the issue of any Construction Certificate, details must be provided to the satisfaction of the Certifier, the basement carpark must be provided with electrical distribution boards dedicated to electric vehicle charging with the following minimum capacity:

- (a) For the non-residential car parking component of the development the minimum requirements under the National Construction Code.
- (b) For residential car parking component of the development, 100% of the car parking must satisfy the requirements under the National Construction Code (Part J9D4).

PERFORMANCE BOND

A93. Prior to the issue of any Occupation Certificate, the Applicant shall lodge with the Council a performance bond of \$120,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.

SYDNEY METRO CORRIDOR

A94. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Geotechnical Investigation Report Revision 4 prepared by Cardno (Stantec) dated 25 February 2025.
- (b) Civil Drawings Rev I – [General Arrangement Plan – Lower Ground Floor] prepared by Stantec dated 18 February 2025.
- (c) Flood Risk Assessment Rev 06 prepared by Stantec Australia dated 7 May 2025
- (d) Noise Impact Assessment Rev 1 prepared Pulse White Noise Acoustics Pty Ltd

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

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

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

The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

- a) Confirmation that no ground anchors will be installed within the Metro Protection Reserve prior to issue of CC. If ground anchors are proposed to be within the protection reserve, engineering assessment will be required.

A95. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the City & Southwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the City & Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

A96. Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy

of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

- A97. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.
- A98. The development must:
- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);
 - (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
 - (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.
- A99. The Applicant must:
- (a) prepare an acoustic assessment report which confirms compliance with each of the matters outlined in condition [A98]; and
 - (b) incorporate as part of the development all the measures recommended in the acoustic assessment report; and
 - (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.
- The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Noise Impact Assessment, prepared by Pulse White Noise Acoustics Pty Ltd, dated 29 November 2025 Rev 1. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.
- A100. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate.
- Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.
- A101. The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- A102. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- A103. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- A104. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction;
 - (b) Demolition, excavation and construction methodology and staging;
- The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- A105. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- A106. If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- A107. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- A108. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- A109. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.
- A110. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.
- A111. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.
- A112. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE DETAILED DESIGN

DESIGN EXCELLENCE AND INTEGRITY

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

MATERIALS AND FINISHES

- B2. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer;
 - (b) detailed drawings and specifications in relation to the fencing height and privacy screen design between direct facing balcony on Levels L02 and L06 and how they achieve sufficient privacy mitigation.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

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

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Green Star Strategy Report, prepared by Walkerbai Consulting 28 January 2025.

STRUCTURAL DETAILS

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

STORMWATER MANAGEMENT SYSTEM

- B6. Prior to the issue of the first Construction 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.

SYDNEY WATER ASSETS

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

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

LANDSCAPING

- B8. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Studio Georgouras Landscape Architecture dated 9 May 2025 as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

CAR PARKING

- B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
 - (g) the allocation of a maximum of 166 car parking as follows:
 - (i) 15 affordable housing car parking spaces using the following rates:
 - 0.4 spaces per 1 bedroom apartment
 - 0.5 spaces per 2 bedroom apartment
 - (ii) 118 market housing car parking spaces using the following rates:
 - 0.5 spaces per 1 bedroom apartment
 - 1 space per 2 bedroom apartment
 - 1.5 spaces per 3+ bedroom apartment.
 - (iii) 23 visitor parking spaces
 - (iv) 10 commercial parking spaces.
 - (h) the allocation of bicycle parking spaces as follows:
 - (i) 32 residential spaces
 - (ii) 2 non-residential spaces.

WIND MITIGATION MEASURES

- B10. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures

contained within the document titled Pedestrian Wind Assessment, prepared by ARUP Australia dated 1 January 2025.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B11. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Impact Assessment, prepared by PWNA dated 29 November 2024.

ADAPTABLE UNITS

- B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B13. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate No. 1394390M_06, and any updated certificate issued if amendments are made, must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (CEMP) for the development with measures to reduce environmental impacts and harm during construction of the development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards; and
 - (xii) site security, including fencing or hoarding.
 - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with Condition C2;
 - (c) Construction Noise and Vibration Management Sub-Plan in accordance with Condition C3;
 - (d) Air Quality Management Sub-Plan in accordance with Condition C4;
 - (e) Construction Waste Management Sub-Plan in accordance with Condition C5;
 - (f) Construction Soil and Water Management Sub-Plan in accordance with Condition C6;
 - (g) an unexpected finds protocol for remediation in accordance with Condition C16;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D32;
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT SUB-PLAN

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

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (CNVMP) for the development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (RBL) for Sensitive Receivers;
 - (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (ICNG) (as may be updated or replaced from time to time);
 - (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;

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

AIR QUALITY MANAGEMENT SUB-PLAN

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

CONSTRUCTION WASTE MANAGEMENT SUB-PLAN

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (CWMP) for the development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
 - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
 - (c) procedures for minimising the movement of waste material around the site and double handling;
 - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
 - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
 - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;
 - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
 - (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

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

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

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

PRE-CONSTRUCTION DILAPIDATION REPORTS

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

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

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

REMEDIATION

UNEXPECTED FINDS PROTOCOL

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

REMEDIAL ACTION PLAN

- C17. The Applicant must remediate the site in accordance with the recommendations detailed in the Preliminary Site Investigation prepared by Stantec dated 11 February 2025, the Hazardous Materials (HAZMAT) Survey prepared by Douglas Partners Consulting dated 2 December 2024 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

- C18. If required following the Data Gap Investigation specified in the Detailed Site Investigation, 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 any remediation works.
- C19. If required following the Data Gap Investigation, the Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

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

VALIDATION REPORT

- C21. If required following the Data Gap Investigation, within one month following the completion of any 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*.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C22. 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.
- C23. 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

- C24. 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

- C25. 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

- C26. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

PART D DURING CONSTRUCTION

SITE NOTICE

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

HOURS OF CONSTRUCTION

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

IMPLEMENTATION OF MANAGEMENT PLANS

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

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

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

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

AIR QUALITY

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

SYDNEY METRO CORRIDOR

- D15. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.
- D16. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- D17. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.
- D18. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) site investigations;
 - (b) foundation, pile and anchor set out;
 - (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - (d) foundation, pile and anchor excavation;
 - (e) other excavation;
 - (f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - (g) other concreting; or
 - (h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.
- D19. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.
- D20. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- D21. 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.
- D22. 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

- D23. 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

- D24. 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

- D25. 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.
- D26. 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

- D27. 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*.
- D28. 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.
- D29. 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

- D30. 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

- D31. 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

- D32. 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.
- D33. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D34. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
 - (b) a brief description of what occurred and why it has been classified as an Incident;
 - (c) a description of what immediate steps were taken in relation to the Incident; and
 - (d) identifying a contact person for further communication regarding the Incident.
- D35. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

- D36. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

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

AFFORDABLE HOUSING

- E2. Any Occupation Certificate for the 32 in-fill affordable housing apartments to be managed by the CHP must be issued concurrently or before an Occupation Certificate for any market apartment component of the development.

NOTIFICATION OF OCCUPATION

- E3. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the development.
- E4. If the occupation or use of the development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

ENVIRONMENTAL PERFORMANCE

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

PUBLIC DOMAIN WORKS

- E6. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating that the public domain works required by this consent have been completed to the satisfaction of Council.

Note: Should completion of works be affected by concurrent construction on adjacent sites, a deed will need to be entered into with Council confirming the schedule for completion of works, the provision of any interim arrangements for access and public amenity, and the provision of an appropriate bond equal to the cost's Council would incur to complete the works based on a Quantity Surveyors report to be provided to Council which is to include material, labour, and project management costs.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E7. Before the issue of any Occupation Certificate, the Applicant is to provide a Report (Post-Construction Dilapidation Report) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
 - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E8. 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

- E9. Prior to the occupation or commencement of the use, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS

- E10. 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.

- E11. Prior to the occupation or commencement of the use of the development, any damage identified as being caused by the carrying out of the development not subject to Condition E10 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E12. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and
 - (b) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied.
- E13. Prior to the issue of an Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
 - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

COMPLIANCE WITH BASIX CERTIFICATE

- E14. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate (Certificate No. 1394390M_06) approved under this consent have been implemented.

GFA AND BUILDING HEIGHT CERTIFICATION

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

ACOUSTIC COMPLIANCE

- E16. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under this consent.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E17. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under this consent.

STRUCTURAL INSPECTION CERTIFICATE

- E18. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E19. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Structural Inspection Certificate 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, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
 - (b) verifies that a maintenance program under the Landscape Plan required under Condition B8 has been commenced;
 - (c) includes details of plant maintenance and watering for the first 12 months; and
 - (d) includes details of plant maintenance and watering for the life of the development.

FIRE SAFETY CERTIFICATION

- E21. Prior to the issue of any Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development.
- E22. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

OUTDOOR LIGHTING

- E23. Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the development:
- (a) achieves the objective of minimising light spillage:
 - (i) beyond the property boundary; and
 - (ii) to any adjoining or adjacent Sensitive Receivers;
 - (b) complies with the latest version of AS 4282-2023 - 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

- E24. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

UTILITY PROVIDERS

- E25. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.
- E26. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

CAR PARKING, BICYCLE PARKING AND GREEN TRAVEL PLAN

- E27. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence of compliance demonstrating that all car parking and bicycle parking spaces have been provided in accordance with this consent.
- E28. Prior to the issue of any Occupation Certificate, the Applicant must prepare a final Green Travel Plan consistent with the draft Green Travel Plan prepared by PDC Consultants dated 17 February 2025.
- E29. Prior to the operation or commencement of use of the development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E30. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

STATE SURVEY MARKS

- E31. Prior to the issue of a Whole Occupation Certificate, the Applicant shall reinstate any existing State/Permanent Survey Marks damaged by the works to requirements of the Surveying and Spatial Information Regulation 2024. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land Registry Services.

MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

OPERATIONAL PLAN OF MANAGEMENT

- E32. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
 - (b) management of communal areas and open spaces, including the through-site link;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;

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

- E33. 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.
- E34. To minimise the noise intrusion from Common Open Spaces on the amenity of the residential occupants, a Common Open Spaces Management Plan is to be drawn up, establishing controls. These include: Limiting times of use; No high noise generating activities or large gatherings, playing of loud music, parties; No amplified music or use of electrically amplified electronic sound equipment allowed; prominent notices on display to remind residents of these requirements and minimise noise.

OPERATIONAL WASTE MANAGEMENT

- E35. 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

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by a Professional Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E37. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan (SOMP) that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
 - (b) specifies, but is not limited to:
 - (i) a maintenance schedule of all stormwater quality treatment devices;
 - (ii) record and reporting details;
 - (iii) relevant contact information; and
 - (iv) Work Health and Safety requirements.

CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E38. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Car Parking, Loading and Servicing Management Plan that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
 - (b) specifies, but is not limited to, details of:
 - (i) the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) how vehicles delivering to the site must be managed.

REGISTRATION OF EASEMENTS, POSITIVE COVENANTS AND RESTRICTIONS

- E39. Prior to the issue of any Occupation Certificate, all matters required to be registered on title required by this consent, approvals, and other consents must be lodged for registration or registered at the NSW Land Registry Services.

- E40. 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 Pocket Park along the Wilson Street frontage, and the through-site link between Wilson Street and O'Brien Street, must be registered on title prior to occupation or issue of subdivision certificate, whichever is earlier.
- E41. A Positive Covenant and Restriction on the Use of Land under sections 88E(3) of the *Conveyancing Act 1919* in favour of Council as the benefiting authority for the as-built on-site stormwater detention (OSD) system and stormwater treatment system.

SYDNEY METRO REQUIREMENTS

- E42. Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and 8
 - (c) any other noise and vibration requirements imposed by this consent.
- The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.
- E43. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- E44. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.
- E45. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- E46. At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

PART F OCCUPATION AND ONGOING USE

MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

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

STORAGE AND HANDLING OF WASTE

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

TRAFFIC AND CAR 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.

LANDSCAPING

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

FIRE SAFETY CERTIFICATION

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

OUTDOOR LIGHTING

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

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F10. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 4 Star and targets a 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

BASIX CERTIFICATION

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

HOUSING

IN-FILL AFFORDABLE HOUSING

- F12. A minimum of 32 dwellings within the development (the affordable housing component) must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
- F13. 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.

F14. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure the affordable housing component is at full occupancy and, by 30 June each year, must submit to the Planning Secretary a report relating to the previous 12-months period as to:

- (a) the occupancy rates of the affordable housing component for that year; and
- (b) compliance with the requirement in this condition to use best endeavours to achieve full occupancy.

F15. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:

- (a) the affordable housing component is complete and ready for occupation;
- (b) a restriction has been registered against the title of the site on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
 - (i) a minimum of 32 dwellings within the development to be used for the purposes of affordable housing as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021* for a minimum of 15 years from the date of issue of the occupation certificate;
 - (ii) specifically nominating those units to be allocated and used for affordable housing; and
 - (iii) the affordable housing component must be managed by a registered community housing provider;
- (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
- (d) copies of the evidence provided to satisfy paragraphs (b) and (c) have been given to the Planning Secretary.

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:
- (e) modifications to this consent or other development consents required under the EP&A Act;
 - (f) certificates under Part 6 of the EP&A Act;
 - (g) 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;
 - (h) approvals for the installation of any hoardings over Council footways or road reserves;
 - (i) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
 - (j) 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.
- AN8. The Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

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 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, 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.