

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-77608714 -Mod-1	18 March 2026	Team Leader	Modification to reduce thickness of façade materials, minor increase in gross floor area and balcony sizes (levels 12 – 15), minor typology correction and modification to the timing of the remediation works and submission of the Site Audit Statement.

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

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

For Information

# Development Consent

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

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

The conditions imposed under this consent are required to:

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

*A. Watson*

Amy Watson  
**Director**  
**Affordable Housing Assessments**

Sydney

30 June 2025

File: SSD-77608714

### SCHEDULE 1

<b>Application Number:</b>	SSD-77608714
<b>Application lodged by:</b>	Lendlease (One Darling Point) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b> DP	136-148 New South Head Road (Lot 1, 2, 3, 4 and 5 in 1311043)
<b>Development:</b>	Demolition, site remediation and construction of a 17 storey shop top housing development with in-fill affordable housing, comprising: <ul style="list-style-type: none"> <li>• a four-storey podium with retail and commercial uses and above ground car parking for 78 car parking spaces</li> <li>• a residential tower containing 59 apartments (including 18 affordable housing apartments)</li> <li>• communal open space at podium level</li> <li>• adaptive re-use of a portion of the existing heritage listed 136 New South Head Road</li> <li>• publicly accessible through-site link connecting New South Head Road and Darling Point Road</li> <li>• associated works including remediation, landscaping, tree removal, stormwater works, augmentation of utilities, installation of solar panels and consolidation of existing five allotments into a single allotment.</li> </ul>

### Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and

Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

**DEFINITIONS**

**Interpretation**

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

**Definitions**

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

<b>Applicant</b>	The person having the benefit of this consent, or who is carrying out the Development.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
<b>Consultation</b>	When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including:             <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>
<b>Council</b>	Ku-ring-gai Council
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure.
<b>Development</b>	Where capitalised, means the Development approved pursuant to this consent.
<b>EIS</b>	The Environmental Impact Statement titled Proposed Residential Flat Building including in-fill Affordable Housing, prepared by Willowtree Planning (NSW) Pty Ltd, dated 16 April 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
<b>Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> .
<b>EP&amp;A Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
<b>Fire Safety Certificate</b>	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).

## CONSOLIDATED APPROVAL

<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.
<b>Report</b>	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

For Information only

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

**ADMINISTRATIVE CONDITIONS**

**TERMS OF CONSENT**

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information;
  - (c) **in accordance with the section 4.55(1A) Modification Report and accompanying documents for SSD-77608714-Mod-1 prepared by Colliers; and**
  - (d) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

<b>Architectural drawings prepared by Tzannes</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
1DP-2-AD00300	06	Site Plan	26/06/2025
1DP-2-AD00400	05	Demolition Plan	21/05/2025
1DP-2-AD00500	05	Demolition Plan Detail Heritage Building	21/05/2025
1DP-2-AD20000	10	Ground Floor Plan	26/06/2025
1DP-2-AD20100	10	Level 01 Parking Floor Plan	26/06/2025
1DP-2-AD20200	10	Level 01 Commercial / Level 02 Parking Floor Plan	26/06/2025
1DP-2-AD20300	10	Level 02 Commercial / Level 03	26/06/2025
1DP-2-AD20400	10	Level 04 Parking Floor Plan	26/06/2025
1DP-2-AD20500	10	Level 03 Commercial / Level 05	26/06/2025
1DP-2-AD30400	13	Level 04 Commercial and Communal Open Space	26/06/2025
<b>1DP 2 AD30500</b>	<b>11</b>	<b>Level 05 - 06 Floor Plan</b>	<b>04/12/2025</b>
<b>1DP-2-AD30700</b>	<b>12</b>	<b>Level 07 Floor Plan</b>	<b>15/12/2025</b>
<b>1DP-2-AD30800</b>	<b>12</b>	<b>Level 08 - 11 Floor Plan</b>	<b>15/12/2025</b>
<b>1DP-2-AD31200</b>	<b>12</b>	<b>Level 12 - 14 Floor Plan</b>	<b>15/12/2025</b>
<b>1DP-2-AD31500</b>	<b>09</b>	<b>Level 15 Floor Plan</b>	<b>15/12/2025</b>
1DP-2-AD31600	10	Level 16 Floor Plan	26/06/2025
1DP-2-AD31700	07	Level 17 Floor Plan	26/06/2025
1DP-2-AD39000	10	Roof Plan	26/06/2025
1DP-2-AD41000	08	South Elevation	26/06/2025
1DP-2-AD42000	08	West Elevation	26/06/2025
1DP-2-AD43000	08	North Elevation	26/06/2025

1DP-2-AD44000	08	East Elevation	26/06/2025
1DP-2-AD45000	07	136 New South Head Road Heritage Elevations	26/06/2025
1DP-2-AD50000	07	East West Section	26/06/2025
1DP-2-AD51000	07	North South Sections	26/06/2025
1DP-2-AD70301	04	Adaptable Apartment Layouts - Type A	26/06/2025
1DP-2-AD70302	03	Adaptable Apartment Layouts - Type B	22/05/2025
1DP-2-AD93000	03	Materials Schedule	21/05/2025
<b>Landscape Plans prepared by Oculus</b>			
L200	5	Surfaces Finishes Ground Floor	19/05/2025
L201	3	Surface Finishes Level 1	08/05/2025
L204	6	Surface Finishes Level 4	19/05/2025
L205	4	Surface Finishes – Penthouse	08/05/2025
L206	4	Surface Finishes – Upper Penthouse	08/05/2025
<b>Lot Consolidation Plan prepared by CMS Surveyors</b>			
23630A DP2a	-	Plan of consolidation for Lots 1-5 in DP1311043	26/11/2024

- A2. To the extent of any inconsistency:
- the more recent document in Condition A1(b) prevails over an earlier document in that section; and
  - the conditions of consent prevail over a document listed in Condition A1(c).
- A3. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities that employees, contractors (and their sub-contractors) carry out in respect of the Development.

#### LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- signage including business identification signs (excluding wayfinding signs approved by this consent);
  - first use, fit-out or operating hours of the retail tenancies and commercial tenancies; and
  - any works or use on the portion of the land at 136 New South Head Road that is identified under clause 5.1 of the Woollahra Local Environmental Plan for land acquisition.

### INFRASTRUCTURE CONTRIBUTIONS

#### DEVELOPER CONTRIBUTIONS

- A6. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of Council's Section 7.12 Development Contribution Plan has been paid to Council. Council must be contacted for calculation of required contributions.

#### PLANNING AGREEMENT

- A7. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence that the monetary contribution towards affordable housing and public purposes have been paid in accordance with the Voluntary Planning Agreement applying to the site and executed by Edgecliff Central Pty Ltd and Council.

## HOUSING AND PRODUCTIVITY CONTRIBUTIONS

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

Housing and Productivity Contribution	Amount
Total housing and productivity contribution	\$440,402.23

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

## BOND TO COUNCIL

- A9. Prior to commencement of any works, a security deposit or bank guarantee (bond money) must be paid to Council for any/all of the following:
- making good any damage caused to any property of the Council as a consequence of works approved under this consent;
  - completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; and
  - remediating any defects in any such public work that arise within 6 months after the work is completed.

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

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

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

## AUSGRID - GENERAL

- A10. All driveways must maintain a minimum clearance of 1.5m from the nearest face of an existing electricity pole, when measured from any part of the driveway, including the layback, to allow room for future pole replacements, unless otherwise agreed with Ausgrid and evidence of such agreement provided to the Certifier.
- A11. Ausgrid must be consulted for any deviation from this minimum clearance of 1.5 m required.
- A12. All High Voltage equipment must be installed in accordance with Ausgrid's design requirements, or as otherwise approved by Ausgrid.
- A13. Ausgrid must be notified and written approval provided to the Certifier, prior to the works commencing in areas above Ausgrid's undergrounded cables such as footpaths and driveways. Anchors must not be installed within 300mm of any Ausgrid cable, and the anchors must not pass over the top of any cable.
- A14. All existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24- hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

## HERITAGE

### HERITAGE

- A15. A suitably qualified heritage consultant must be engaged to provide ongoing advice throughout the design development, contract documentation and construction stages of the project.

### HERITAGE NSW

#### ABORIGINAL HERITAGE

- A16. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
- A17. The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DETAILED DESIGN

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#### DESIGN AMENDMENTS

- B1. Prior to the issue of the Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that the following documentation, including revised plans as necessary, have been submitted to and approved by the Planning Secretary:
- (a) a wind tunnel study prepared by a suitably qualified consultant which confirms that the proposed plenum ventilation system results in adequate natural cross ventilation for apartments 505, 506, 605, 606 located on Levels 5 and 6 and identified in the approved plans in condition A1(c);
  - (b) if the requirements of B1(a) are not met, revised plans providing for the amended design/layout of apartments 505, 506, 605, 606 located on Levels 5 and 6 identified in the approved plans in condition A1(c) to enable natural cross-ventilation in line with Objective 4B-3 of the Apartment Design Guide; and
  - (c) revised plans demonstrating the waste rooms as identified in the Ground Floor Plan in Condition A1(c) have been redesigned to comply with the requirements of Woollahra Development Control Plan 2015 (WDGP).

**Note:** evidence must be submitted that the bin rooms have been designed in consultation with Council.

#### MATERIALS AND FINISHES

- B2. Prior to the issue of the first Construction Certificate for building facades, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

### PRE-CONSTRUCTION REQUIREMENTS

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#### SITE STABILITY

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

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B4. Prior to the issue of any Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Ecologically Sustainable Report, prepared by JHA, dated 19 December 2024.

#### STRUCTURAL DETAILS

- B5. Prior to the issue of the first Construction Certificate, 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

- B6. Prior to the issue of the first Construction Certificate for stormwater management works, the Applicant must submit amended conceptual stormwater plans to the Planning Secretary for approval. The plans must:
- (a) be prepared in consultation with Council, with evidence of consultation submitted;

- (b) be generally consistent with the stormwater plans titled Civil Engineering Report: Stormwater Management Report prepared by Northorp, dated 4 December 2024 as submitted with the EIS (updated by the RtS);
  - (c) include an on-site Stormwater Detention (OSD) system of sufficient capacity in accordance with the Woollahra DCP, unless otherwise agreed with Council and supporting evidence submitted to the Planning Secretary; and
  - (d) include water quality measures, if required by Council.
- B7. Prior to the issue of the first Construction Certificate for stormwater management works (excluding demolition and excavation works), the Applicant must submit to the Certifier, details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the stormwater plans submitted and approved by the Planning Secretary as required by condition B6 and any other relevant Council stormwater requirements and specifications;
  - (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.

## FLOODING

- B8. Prior to issue of the first Construction Certificate for above ground works, the Applicant must submit plans to the Certifier demonstrating the following:
- (a) the floor levels are above the flood planning levels for 1% Annual Exceedance Probability (AEP), as identified in SSDA Flood Risk Management Report prepared by Northorp, dated 3 December 2024; and
  - (b) design measures for the protection of partition walls, exhaust riser, components of a car lift susceptible to water damage, openings for plant ventilation louvres and other components which may otherwise create a water ingress risk, to resist floodwater ingress for up to the 1% AEP event.

## SYDNEY WATER ASSETS

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

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

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

## LANDSCAPING

- B10. Prior to the issue of the first Construction Certificate for landscaping works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans approved in condition A1(c) 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) ensure that planting around the pedestrian entry to the through site link do not obscure the sightlines;
  - (e) includes dense screen planting at identified locations recommended in the Pedestrian Wind Environment Study, prepared by Windtech, dated 24 December 2024;
  - (f) demonstrates adequate drainage and watering systems;
  - (g) includes details of plant maintenance and watering for the first 12 months; and
  - (h) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

## CAR AND BICYCLE PARKING

- B11. Prior to the issue of the Construction Certificate for above ground works (excluding bulk excavation and site remediation), the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the relevant 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 entering and exiting the site, as well as manoeuvrability through the
- (g) site, must be in accordance with AUSTROADS; and
- (h) submit to the Certifier a Report demonstrating compliance with the following:
  - (i) provision of 70 residential car parking spaces (comprising 61 market apartments and 9 for affordable housing apartments) including 11 adaptable car parking spaces;
  - (ii) provision of 8 commercial parking spaces;
  - (iii) one car wash bay;
  - (iv) compliance of car parking and bicycle parking spaces with Australian Standards for the layout, design and security of bicycle facilities;
  - (v) provision of electric vehicle charging infrastructure in accordance with the NCC;
  - (vi) provision of 65 bicycle parking spaces for residential use;
  - (vii) provision of 15 bicycle parking spaces for commercial use and 5 spaces for retail use;
  - (viii) provision of a shared drop-off/pick-up zone within the porte cochere;
  - (ix) provision of 8 motorbike/scooter parking spaces for residential use; and
  - (x) end of trip facilities identified in the approved plans listed in condition A1(c).

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

- B12. Prior to the issue of any Construction Certificate for the above ground structure of the building, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures included within the CPTED report prepared by Ethos Urban dated 9 May 2025.

#### **WIND MITIGATION MEASURES**

- B13. Prior to the issue of the Construction Certificate for the above ground structure of the building, 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 Environment Statement prepared by Windtech dated 24 December 2024.

#### **COMPLIANCE WITH ACOUSTIC ASSESSMENT**

- B14. Prior to the issue of any Construction Certificate for the above ground structure of the building, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Acoustic – Noise and Vibration Impact report, prepared by Acoustic Logic dated 3 December 2024 and the addendum Acoustic Statement, prepared by Acoustic Logic dated 22 May 2025.
- B15. The Construction Certificate Plans for above ground works must include details of the fresh air handling system that will draw and supply fresh air to all 59 apartments and demonstrate that this system will be separate to the air conditioning system.

#### **ADAPTABLE UNITS**

- B16. Prior to the issue of the Construction Certificate for the above ground structure of the building, 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**

- B17. Prior to the issue of the Construction Certificate for above ground structure of the building, BASIX Certificate **1778135M\_02** must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

#### **PUBLIC DOMAIN PLAN**

- B18. Prior to the issue of any Construction Certificate for public domain works, the Applicant must consult with Council and prepare plans for public domain works, including details of:
- (a) public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture that are to be reconstructed and upgraded;
  - (b) relocation of street signs;
  - (c) relocation of any streetlights or power poles to provide appropriate clearance for driveways;

- (d) street trees proposed, consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual;
- (e) vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- (f) new footpath, kerb and gutter along the frontages of the site unless otherwise agreed with Council;
- (g) sections showing both existing surface levels and proposed surface levels; and
- (h) new or changes to existing signage and line marking required by the development.

B19. The plans for the public domain works required by condition B18 must be submitted to the Certifier for approval prior to the issue of a Construction Certificate for public domain works.

#### **MECHANICAL VENTILATION**

B20. Prior to the issue of the Construction Certificate for the above ground structure of the building, the mechanical ventilation systems must be designed to be capable of accommodating exhaust requirements for commercial spaces used as food premises in the future.

B21. The back of house ventilation system must be in accordance with NCC and relevant Australian Standards.

#### **HERITAGE INTERPRETATION**

B22. Prior to the issue of any Construction Certificate for the above ground structure of the building, the Applicant must submit to the Certifier, a detailed Heritage Interpretation Plan generally in accordance with the Heritage Interpretation Strategy and Plan prepared by Urbis and dated 8 May 2025.

#### **HERITAGE**

B23. Prior to the issue of a Construction Certificate for any works to the heritage item, the Applicant must submit to the Certifier for approval:

- (a) a Salvage Methodology for the properties at 138-148 New South Head Road prepared by a suitably qualified and experienced heritage Consultant;
- (b) details to demonstrate that salvaged building materials are to be transferred and appropriately reused/recycled offsite; and
- (c) a Schedule of Conservation Works for 136 New South Head Road prepared by a suitably qualified and experienced heritage Consultant.

B24. The construction certificate plans must demonstrate that:

- (a) any mechanical services that is located on the roof of 136 New South Head Road should remain concealed from view from any public domain areas; and
- (b) any lift overrun that penetrates the roof should be concealed from view from any public domain areas; .

## **TRANSPORT FOR NSW**

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#### **ROADWORKS**

B25. Prior to the issue of any construction certificate for external road works, the Applicant must obtain necessary endorsement/approval from Council under section 138 of the *Roads Act 1993* for the construction of a central median on Darling Point Road, to physically prevent right turn movements into the site. The drawings must:

- (a) be consistent with Job No. SY241718 (Drawing Nos. PD03.01, PD04.01, PD12.01, PD12.02, PD12.03, Revision A) prepared by Northrop dated 20 June 2025;
- (b) be prepared in accordance with the requirements outlined in the TfNSW Strategic Design Requirements fact sheet, which is accessible through the following link: [Strategic-Design-requirements-for-DA-Factsheet.pdf](#);
- (a) be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner;
- (b) include design requirements in accordance with AUSTRROADS and other Australian Codes of Practice;
- (c) be designed using a feature and level survey with a swept path assessment for the largest vehicle that currently turns from New South Head Road into Darling Point Road to ensure the median does not impede that movement;
- (d) demonstrate compliance with the following requirements:
  - (i) a minimum median width of 500 mm with a tapered approach is provided;
  - (ii) TfNSW standard SF kerb with infill is used;
  - (iii) the median is provided wholly on the western side of the carriageway;

*Note: The bus stop on the western side of the carriageway is no longer in use.*

- (iv) the southern extent of the median starts approximately 5.5 m to 6 m from the signal hold line;
- (v) the northern extent of the median only reaches to a point where turning into the driveway is not physically possible in a single manoeuvre (for example, the northern boundary of the site);
- (vi) the median results in no change to the existing lane widths on Darling Point Road for southbound traffic, with the existing lane widths confirmed by a survey and shown on the design plans; and
- (vii) minimal changes are proposed to the double barrier line on Darling Point Road extending back from the signal hold line to the median;

**Note:** Any additional changes to the above details must be only undertaken or endorsed by Council following evidence of in consultation with TfNSW.

B26. TfNSW must review and endorse the detailed civil design plans, prior to the issue of the construction certificate for the following works (if relevant and needed):

- (a) road opening/underboring on New South Head Road;
- (b) any public utility adjustment/relocation works on New South Head Road; and
- (c) works that impact the signalised intersection of New South Head Road and Darling Point Road (if relevant).

**Note:** Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

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#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24-hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) prevention and management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards; and
    - (xii) site security, including fencing or hoarding.
  - (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 C25;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and human remains and associated communications procedure, including but not limited to ensuring compliance with condition D28; and
  - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

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

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

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

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
  - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
  - (c) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (**ICNG**), and how the Applicant will ensure that

- construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
  - (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
    - (i) installation of acoustic barriers/enclosures;
    - (ii) alternative excavation methods;
  - (f) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
  - (g) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.

#### **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.

#### **ABORIGINAL HERITAGE**

- C7. Following completion of all demolition works (except the existing heritage item) and prior to the commencement of any other works on site, the study area should be inspected by a representative of the Registered Aboriginal Party (RAP) and / or archaeologist to confirm the sub-soil surface.
- C8. An Aboriginal induction should be provided by a representative of La Perouse LALC to the teams that will undertake demolition and earthworks on the site.

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

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#### **SURVEY CERTIFICATE**

- C9. 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.
- C10. 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**

- C11. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C12. 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.
- C13. 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.
- C14. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C15. 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.
- C16. 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**

- C17. 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.

## GROUNDWATER AND DEWATERING ASSESSMENT

- C18. Prior to commencement of excavation the Applicant must:
- quantify the maximum annual groundwater intake due to aquifer interference activities during construction and operation;
  - prepare an assessment in accordance with the NSW Aquifer Interference Policy and a Dewatering Management Plan (DMP), should groundwater take be predicted to exceed 3ML/year; and
  - prepare the above reports in accordance with the Groundwater Assessment Toolbox (DPE 2022) and the Minimum Requirements for Building Site Groundwater Investigations and Reporting (DPE 2022).
- C19. The Applicant must submit all reports required by condition C18 to the Planning Secretary for approval, prior to the commencement of excavation works.
- C20. The Applicant must obtain a Water Access Licence from the relevant water source unless an exemption applies (if water take is less than or equal to 3ML/year).

## HERITAGE

- C21. Prior to the commencement of any works, the Applicant must submit to the Certifier a Photographic Archival Recording of the following prepared in accordance with the Heritage NSW guideline: Photographic Recording of Heritage Items Using Film or Digital Capture (NSW Heritage Office 2006):
- the existing sandstone wall located on the northern boundary of the site in its current condition and context; and
  - the local heritage item at 136 New South Head Road.

## REMEDIATION

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### POST DEMOLITION REMEDIATION DOCUMENTS

- C22. Prior to the commencement of any works (excluding demolition **and site preparation works mentioned in the document SYDGE359558AR prepared by Tetra Tech dated 13 March 2026**), a suitably qualified consultant must undertake data gap investigations to assess the potential of soil contamination in accordance with the recommendations of Remedial Action Plan report, prepared by Tetra Tech Coffey dated 2 December 2024, and prepare a post demolition Detailed Investigation Report and Remediation Action Plan.
- C23. The Applicant must:
- submit a copy of the post demolition Detailed Investigation Report to the Certifier for approval;
  - prepare a Remedial Action Plan prepared by a suitably qualified consultant, if recommended by the post demolition Detailed Investigation Report; and
  - submit the Remedial Action Plan (if needed) to the Certifier for approval.
- C24. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan (if needed) 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).

**C24A Demolition and site preparation works mentioned in the document SYDGE359558AR prepared by Tetra Tech dated 13 March 2026 may commence prior to the commencement of remediation works on the site.**

### UNEXPECTED FINDS PROTOCOL

- C25. 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.

### INTERIM SITE AUDIT STATEMENT

- C26. Upon completion of **the remediation** works and prior to the commencement of construction of the Development, **an interim** Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, **which validates the completion of the remediation works on the site**, must be submitted to the Planning Secretary for information.

## NOTIFICATIONS AND COMMENCEMENT OF WORKS

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### NOTIFICATION OF COMMENCEMENT

- C27. 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.
- C28. 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

- C29. 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

- C30. 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

- C31. 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.

## TRANSPORT FOR NSW

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### ROADWORKS

- C32. The Applicant must obtain a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, for the works under condition B25 and B26, if these works impact on New South Head Road.
- C33. If construction works will impact pedestrian or vehicular access to the bus stop adjacent to the site on New South Head Road (Edgecliff Station, New South Head Rd, Stand P), or the bus stop to the north of the site on Darling Point Road (Darling Point Rd before New South Head Rd) the bus stop is to be temporarily relocated to a suitable location. All bus stop relocation works shall be at no cost to TfNSW.
- C34. The Applicant must provide written evidence to the Certifier that:
- (a) written endorsement from TfNSW or Council regarding relocation of the bus stop(s); **OR**
  - (b) alternate arrangements have been made with TfNSW or Council regarding the bus stop(s).
- C35. A Road Occupancy Licence (ROL) must be obtained from the Transport Management Centre for any works that may impact on traffic flows on New South Head Road and/or the signalised intersection of New South Head Road/Darling Point Road during construction activities.

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

## PART D DURING CONSTRUCTION

### SITE NOTICE

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

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Monday to Friday; and
  - (b) between 8am and 1pm, Saturdays.
- 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 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

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

#### **AIR QUALITY**

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

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

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

#### **TREE PROTECTION**

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

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

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

#### **CUT AND FILL**

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

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

- D21. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D23. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

#### **ASBESTOS**

- D24. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (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’.

#### **HAZARDOUS MATERIALS SURVEY**

D25. Following completion of the demolition works and prior to construction activities undertaken, the Applicant must conduct a hazardous materials clearance inspection and submit a report to the Certifier demonstrating completion of hazardous material removal works in accordance with relevant legislation.

#### **CONTACT TELEPHONE NUMBER**

D26. 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.

#### **RELOCATION OF POWER POLES**

D27. All relevant power poles and streetlights must be relocated as needed and approvals obtained from the relevant authorities.

#### **UNCOVERING RELICS OR ABORIGINAL OBJECTS AND HUMAN REMAINS**

D28. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) and human remains is unexpectedly discovered:

- (a) all works must cease immediately;
- (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
- (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.

D29. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

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

D30. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:

- (a) date, time and location;
- (b) a brief description of what occurred and why it has been classified as an Incident;
- (c) a description of what immediate steps were taken in relation to the Incident; and
- (d) identifying a contact person for further communication regarding the Incident.

D31. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

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

D32. 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

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#### OCCUPATION CERTIFICATES

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

#### AFFORDABLE HOUSING

- E2. An Occupation Certificate for the 18 affordable housing units must be issued concurrently or before an Occupation Certificate for the residential 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.

#### CONSOLIDATION OF ALLOTMENTS

- E6. Prior to the issue of any Occupation Certificate, the following allotments are to be consolidated to form one allotment in accordance with the draft Amalgamation Plan dated 26 November 2024:
- (a) 136 New South Head Road, Edgecliff Lot 1 / DP1311043;
  - (b) 138 – 140 New South Head Road, Edgecliff Lot 2 / DP1311043;
  - (c) 138 – 140 New South Head Road, Edgecliff Lot 5 / DP1311043;
  - (d) 142-144 New South Head Road, Edgecliff Lot 3 / DP1311043; and
  - (e) 146 – 148 New South Head Road, Edgecliff Lot 4 / DP1311043.
- E7. The plan of consolidated allotments, prepared by a registered surveyor is to be registered with Land and Property Information (NSW). Evidence of registration is to be submitted to Council's satisfaction prior to the issue of an Occupation Certificate.

### DILAPIDATION AND REPAIRS

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#### POST-CONSTRUCTION DILAPIDATION REPORT

- E8. 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.
- E9. 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

- E10. 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

- E11. 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;

E12. Prior to the occupation or commencement of the use of the Development, any damage identified in condition E8 as being caused by the carrying out of the Development not subject to condition E11 must be fully repaired and rectified by the Applicant.

## **COMPLIANCE REPORTING**

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

E13. Prior to the issue of an 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 the following completed works: and
  - (i) all stormwater drainage systems and storage systems.

E14. 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**

E15. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

### **GFA AND BUILDING HEIGHT CERTIFICATION**

E16. 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**

E17. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under condition B14 and B17.

### **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 B10 has been commenced;
- (c) includes details of plant maintenance and watering for the first 12 months; and
- (d) includes details of plant maintenance and watering for the life of the Development.

## **FIRE SAFETY CERTIFICATION**

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

## **OUTDOOR LIGHTING**

- E23. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
  - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## **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.

## **FLOODING**

- E27. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Flood Emergency Response Plan (FERP), including an evacuation plan consistent with the Draft Shelter In Place guideline prepared by the Department of Planning, Housing and Infrastructure dated 2022.

## **CAR PARKING AND BICYCLE PARKING**

- E28. Prior to the occupation or commencement of use of the Development, the Applicant must submit to the Certifier evidence of:
- (a) compliance demonstrating that all car parking and bicycle parking spaces along with end-of-trip facilities (as relevant) have been provided in accordance with condition B11;
  - (b) compliance of the turntable and the driveway for small rigid vehicle (SRV);
  - (c) demarcation of all commercial parking spaces;
  - (d) additional safety alarms and mirrors have been installed at driveway entry for pedestrian safety; and
  - (e) electric vehicle charging infrastructure has been installed.
- 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.

## **GREEN TRAVEL PLAN**

- E30. Prior to the issue of any Occupation Certificate, the Applicant must prepare a final Green Travel Plan, consistent with the Revised Traffic and Parking Assessment Report prepared by Traffix dated 4 December 2024.

## **STREET NUMBERING**

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

## **REDUNDANT DRIVEWAYS AND PUBLIC DOMAIN WORKS**

- E32. Prior to the issue of any occupation certificate, the Applicant must demonstrate to the Certifier that:
- (a) all redundant driveways and stormwater pipes have been removed; and

- (b) the redundant driveways and pipes (as applicable) have been replaced with new kerb and gutter and the footway with turf and a concrete path.

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

- E33. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures set out in Condition B9.

#### **WIND MITIGATION MEASURES**

- E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence demonstrating that the design of the Development has incorporated the wind mitigation measures set out in Condition B10.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- E35. Prior to the issue of any Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with the commitments set out in Condition B4.

#### **BUS SHELTER**

- E36. Prior to the issue of any Occupation Certificate, the Applicant must provide satisfactory evidence to the Certifier demonstrating that the bus shelter in front of the site on New South Head Road has been reinstated (by the Applicant or others) or alternate arrangements have been made with TfNSW or Council to manage the functions of the bus shelter and bus stop.

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

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

- E37. 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) noise management measures in communal areas and the through site links;
  - (c) loading and unloading, consistent with condition E42;
  - (d) management of communal areas and open spaces, including the through-site link;
  - (e) security and staff management;
  - (f) emergency management/ evacuation and incident response protocols;
  - (g) waste management for commercial and residential uses;
  - (h) management measures for the porte cochere and vehicular driveway to minimise vehicular and pedestrian conflict;
  - (i) tenant induction and behaviour/ house rules;
  - (j) noise management of loading docks and non-residential uses;
  - (k) management of the car lifts to ensure efficient operation;
  - (l) community consultation and complaint procedures;
  - (m) confirmation that the communal open space areas on the podium would not be used between 10pm and 7am;
  - (n) confirmation that the through site link only be open for access by residents of the site, their visitors, building management personnel, or owners / authorised users of commercial and retail premises between 10pm and 7am;
  - (o) procedures to ensure that the communal open space areas located at Level 4 are restricted to use by future residents, their guests and building management personnel only; and
  - (p) details of management of the car lifts and the alternate measures in case of lift breakdowns.
- E38. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

#### **OPERATIONAL WASTE MANAGEMENT**

- E39. 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) confirm that the loading dock access is restricted to a small rigid vehicle (SRV);
- (e) provide confirmation that appropriate arrangements have been made for the collection of waste by a private waste collector;
- (f) provide confirmation regarding the slot booking system that would separate the waste collection times for the residential waste and commercial / retail waste;
- (g) detail the type and quantity of waste to be generated during operation of the Development;
- (h) provide details to demonstrate that the waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are separate and self-contained;
- (i) provide details of a bulky waste storage area for residents;
- (j) confirm that the bin carting routes do not have any step; and
- (k) 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**

- E40. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.
- E41. 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**

- E42. 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) specified the 'left-in and left-out' movement from the entry/exit driveway on Darling Point Road;
  - (c) specifies, but is not limited to, details of:
    - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
    - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
    - (iii) how vehicles larger than a MRV delivering to the site must be managed.
  - (d) confirms that all loading and unloading will be undertaken within the site at all times; and
  - (e) confirms that the loading and unloading areas will be available for its purpose at all times and no storage of goods or parking of cars will be carried out in these areas.

### **REGISTRATION OF EASEMENTS**

- E43. Prior to the issue of any Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E44. 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 publicly accessible areas and the through site link(s) between 7am and 10pm on all days, identified in the EIS and the approved plans in condition A1(c), must be registered on title prior to the issue of any occupation certificate.

## **UNDERGROUNDING POWER**

E45. Any installed street lighting must be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid, meet the lighting category required by Council and AS4282 to ensure that no injury is caused to the amenity of the surrounding area by light overspill or obtrusive light.

## **IN-FILL AFFORDABLE HOUSING**

E46. Prior to the issue of any Occupation Certificate for the residential component, 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 18 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 day an Occupation Certificate is issued for all parts of the building(s) to which this development relates;
  - (ii) specifically nominating those units to be allocated and used for affordable housing; and
  - (iii) the affordable housing component must be managed by a registered community housing provider;
- (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
- (d) the requirements of conditions E46(b) and E46(c) have been met and evidence has been given to the Consent Authority.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

E47. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all CPTED measures set out in condition B12.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

E48. Prior to the issue of any Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with the commitments in the Ecologically Sustainable Report, prepared by JHA, dated 19 December 2024 as required by condition B4.

## **RESIDENTIAL STORAGE**

E49. Prior to the issue of any Occupation Certificate for the residential component of the development, the Applicant submit evidence to the Certifier that satisfactory storage spaces have been provided for the 59 apartments.

## **VOLUNTARY PLANNING AGREEMENT**

E50. Prior to the issue of any Occupation Certificate, the Certifying Authority must be provided with written evidence from Council that all matters in the executed Voluntary Planning Agreement relating to the site have been complied with.

## **HERITAGE INTERPRETATION**

E51. Prior to the issue of any Occupation certificate, the Certifier must be provided with evidence of Implementation of the Heritage Interpretation plan set out in condition B22.

## **TRANSPORT FOR NSW**

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E52. Prior to the issue of any Occupation Certificate the roadworks as identified in condition B25 and condition B26 must be completed and all necessary approval obtained.

E53. The following signs must be installed with endorsement obtained from Council:

- (a) Left only R2-14(L) signage to be installed within the site and on the median facing the development site exit; and
- (b) Keep left R2-3 AA signage to be installed on median (400h x 300w), both directions.

E54. All works as required by TfNSW as part of the WAD (as relevant) must be completed to the satisfaction of TfNSW and written confirmation must be obtained from TfNSW in this regard.

E55. The TCS plan for the signalised intersection at Darling Point Road/New South Head Road must:

- (a) be updated to show the median; and
- (b) completed to the satisfaction of TfNSW.

Written confirmation is to be obtained from TfNSW in relation to the above.

## SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- E56. Prior to the issue of any occupation certificate, 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.

For Information only

## PART F OCCUPATION AND ONGOING USE

### MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE

- F1. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:
- (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 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. All traffic movements to/from the driveway on Darling Point Road must be restricted to left-in and left-out only.
- F6. The service vehicle docks, car parking spaces, waiting areas for cars and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F7. 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.
- F8. The demarcated commercial spaces must be allocated for exclusive use of the commercial tenants and their visitors at all times.

### OPERATIONAL MANAGEMENT PLAN

- F9. 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.

### LANDSCAPING

- F10. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under condition B10.

### FIRE SAFETY CERTIFICATION

- F11. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### OUTDOOR LIGHTING

- F12. 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

- F13. 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 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

### BASIX CERTIFICATION

- F14. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate **1778135M\_02** and any updated certificate issued if amendments are made.

## GREEN TRAVEL PLAN

- F15. Following occupation or commencement of use of the Development, the Applicant must:
- (a) review and update the Green Travel Plan required by condition E30 annually; and
  - (b) implement the Green Travel Plan (as updated annually) for the life of the development.

## NOISE

- F16. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

## HOUSING

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### IN-FILL AFFORDABLE HOUSING

- F17. A minimum of **18** dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*,
- F18. 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.
- F19. The Applicant must use best endeavours to ensure that the affordable housing units are at full occupancy and by 30 June of each year, must submit to the Planning Secretary a report relating to the previous 12-month period as to:
- (a) the occupancy rate of the affordable housing units for that year; and
  - (b) compliance with the requirement in this condition to use best endeavours.

## 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:
- (c) modifications to this consent or other development consents required under the EP&A Act;
  - (d) certificates under Part 6 of the EP&A Act;
  - (e) 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;
  - (f) approvals for the installation of any hoardings over Council footways or road reserves;
  - (g) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
  - (h) 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.

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D30 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D30), the Applicant is required to submit a subsequent Incident report that:
  - (a) identifies how the Incident was detected;
  - (b) identifies when the Applicant became aware of the Incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the Incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.