

# Development Consent

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

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

The conditions imposed under this consent are required to:

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



**Steve Hartley**  
**A/Deputy Secretary**  
**Development Assessment and Sustainability**

Sydney

19 March 2026

File: SSD-77825469

### SCHEDULE 1

<b>Application Number:</b>	SSD-77825469
<b>Application lodged by:</b>	The Trustee for Aqualand Prestige 2 Unit Trust
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	2-16 Pockley Avenue, Roseville (Lot 11 – 18 DP 8261)
<b>Development:</b>	Demolition of existing dwellings and construction of residential flat buildings with affordable housing, comprising: <ul style="list-style-type: none"><li>• three x 10-storey residential flat building with 180 apartments (including 17% of the gross floor area as affordable housing);</li><li>• basement carpark with residential and visitor car spaces; and</li><li>• associated works, communal open space, tree removal, landscaping and consolidation of allotments.</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>Amendment Report</b>	The document titled 'Combined Submissions and Amendment Report' (SSD-77825469), prepared by Planning and Co dated 25 November 2025, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia 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>	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 'In-fill affordable housing, Pockley Avenue, Roseville', prepared by Planning and Co, dated 17 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>GFA</b>	Gross floor area
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).

<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.
<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.

## SCHEDULE 2

### PART A GENERAL CONDITIONS

#### ADMINISTRATIVE CONDITIONS

##### TERMS OF CONSENT

- A1. The Development must be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and
  - (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:

<b>Architectural drawings prepared by Woods Bagot (Project No. 122021)</b>			
<b>Drawing/Sheet No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-AR - B-10-200	A	Demolition Plan	14/04/2025
DA-AR - B-10-400	C	Proposed Site Plan	02/03/26
DA-AR - B-22-092	C	Basement 08 Plan	02/03/26
DA-AR - B-22-093	C	Basement 07 Plan	02/03/26
DA-AR - B-22-094	C	Basement 06 Plan	02/03/26
DA-AR - B-22-095	C	Basement 05 Plan	02/03/26
DA-AR - B-22-096	C	Basement 04 Plan	02/03/26
DA-AR - B-22-097	C	Basement 03 Plan	02/03/26
DA-AR - B-22-098	C	Basement 02 Plan	02/03/26
DA-AR - B-22-099	C	Basement 01 Plan	02/03/26
DA-AR - B-22-100	C	Ground Floor Plan	02/03/26
DA-AR - B-22-101	C	Level 01 Plan	02/03/26
DA-AR - B-22-102	C	Level 02 Plan	02/03/26
DA-AR - B-22-103	C	Level 03 Plan	02/03/26
DA-AR - B-22-104	C	Level 04 Plan	02/03/26
DA-AR - B-22-105	C	Level 05 Plan	02/03/26
DA-AR - B-22-106	C	Level 06 Plan	02/03/26
DA-AR - B-22-107	C	Level 07 Plan	02/03/26
DA-AR - B-22-108	C	Level 08 Plan	02/03/26
DA-AR - B-22-109	C	Level 09 Plan	02/03/26
DA-AR - B-22-110	C	Pavilion A Roof	02/03/26
DA-AR - B-22-190	C	Roof Plan	02/03/26

DA-AR - B-32-001	C	Building Elevation - North	02/03/26
DA-AR - B-32-002	C	Building Elevation - South	02/03/26
DA-AR - B-32-003	C	Building Elevation – East & West	02/03/26
DA-AR - B-32-004	B	Building Elevations - Pavilion B & C East	02/03/26
DA-AR - B-32-005	B	Building Elevations - Pavilion A & B West	02/03/26
DA-AR - B-32-101	C	Building Sections - A	02/03/26
DA-AR - B-32-102	C	Building Sections - B & C	02/03/26
DA-AR - B-32-103	C	Building Sections - D	02/03/26
DA-AR - B-32-201	A	Driveway To Kerb	26/09/2025
DA-AR - B-80-023	B	Residential GFA Diagrams - Sheet 01	02/03/26
DA-AR - B-80-024	B	Residential GFA Diagrams - Sheet 02	02/03/26
DA-AR - B-81-001	C	Unit Types - Studio & 1 Bedroom	02/03/26
DA-AR - B-81-002	C	Unit Types - 2 Bedrooms	02/03/26
DA-AR - B-81-003	C	Unit Types - 2 Bedrooms	02/03/26
DA-AR - B-81-004	C	Unit Types - 2 Bedrooms	02/03/26
DA-AR - B-81-005	C	Unit Types - 3 Bedrooms	02/03/26
DA-AR - B-81-006	C	Unit Types - 3 Bedrooms	02/03/26
DA-AR - B-81-007	C	Unit Types - 3 Bedrooms	02/03/26
DA-AR - B-81-008	C	Unit Types - 3 Bedrooms	02/03/26
DA-AR - B-81-009	C	Unit Types - 3 Bedrooms	02/03/26
DA-AR - B-81-010	C	Unit Types - 4 Bedrooms	02/03/26
DA-AR - B-81-011	C	Unit Types - 4 Bedrooms	02/03/26
DA-AR - B-81-012	C	Unit Types - Townhouses	02/03/26
DA-AR - B-81-013	C	Unit Types - Townhouses	02/03/26
<b>Landscape Plans prepared by Ground Ink (Job No. 20241107)</b>			
LDA-001	A	Cover Sheet	21/11/2025
LDA-002	A	Plant Schedule	21/11/2025
LDA-101	A	Existing Tree Plam	21/11/2025
LDA-201	A	Landscape Masterplan – Ground floor	21/11/2025
LDA-202	A	Landscape Masterplan - Rooftop	21/11/2025

LDA-301	A	Proposed tree plan – Ground floor	21/11/2025
LDA-302	A	Proposed tree plan – Rooftop	21/11/2025
LDA-601	A	Planting plan – Ground floor	21/11/2025
LDA-602	A	Planting plan – Rooftop	21/11/2025

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

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

#### LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the Development have physically commenced.
- A5. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).

#### 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 Ku-ring-gai Council's 7.11 Development Contribution Plan has been paid to Council. Council must be contacted for calculation of required contributions.

##### HOUSING AND PRODUCTIVITY CONTRIBUTIONS

- A7. 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	<b>\$1,362,335.25</b>

**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).

- A8. The HPC must be paid using the NSW Planning Portal.
- A9. At the time of payment, the amount of the HPC is to be adjusted to reflect apartment numbers in condition B1 as agreed with the Planning Secretary and in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).
- A10. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A 1979 agrees.
- A11. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A 1979 to the development, or the HPC Order exempts the development from the contribution

#### BOND TO COUNCIL

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

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

A13. 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.

## HERITAGE NSW

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- A14. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects.
- A15. Registered Aboriginal Parties must be kept informed and consulted on heritage management throughout the timeframe of construction works.

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DETAILED DESIGN

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#### DESIGN AMENDMENTS

- B1. Prior to the issue of the first Construction Certificate, the Applicant must provide evidence to the Certifier that revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:
- (a) architectural drawings (floor plans, elevations and sections) listed in condition A1 prepared by Woods Bagot updated to include (unless otherwise agreed with the Planning Secretary):
- (i) consolidation of the following apartments within Pavilion B and C to form two x two storey apartments with associated re-configuration of internal layout and amendment to bedroom numbers as needed:
    - B.GR.02 with B.01.02; and
    - C.GR.02 with C.01.03.
  - (ii) consolidation of apartments C.01.01 and C.01.02 in Pavilion C to form one apartment;
  - (iii) deletion of the lowest floor of apartments A.GR.03 and A.GR.04 of Pavilion A and the associated courtyards;
  - (iv) reduction of excavation at the corner of the site accommodating A.GR.03 and A.GR.04 so that the corresponding lowest habitable floor level for these two apartments is at RL 94 (currently level 1) instead of RL 90.8;
  - (v) consolidation of the following apartments within Pavilion A to form two x two-storey apartments with the lowest floor level at RL 94 with adjoining courtyards approximately at this reduced level:
    - upper level of apartment A.GR.04 with A.02.04; and
    - upper level of apartment A.GR.03 with A.02.03.
  - (vi) increased balcony sizes for six apartments A.03.03, A.04.03, A.05.03, A.06.03 and A.07.03 to be a minimum of 10 m<sup>2</sup>;
- Note:** *Adjacent apartments/corridor areas to the apartments mentioned in condition B1(a)(i) to condition B1(a)(vi) may also be reconfigured to provide appropriate apartment layouts and sizes with the re-configured apartments.*
- (vii) reconfiguration of the internal layouts of apartments that include enclosed study rooms with no access to windows (identified in drawing B-81-001 rev C and drawing B-81-008 rev C) so that these areas are consolidated with the corresponding living areas/bedrooms with direct access to a window;
  - (viii) details demonstrating that all retaining walls along boundaries will be constructed within the site; and
  - (ix) contours and spot levels at the eastern corner of Larkin Street and Maclaurin Parade, up to the western corner of Pockley Avenue (depicted in ground floor plan(s)).
- (b) architectural drawings listed in condition A1 prepared by Woods Bagot updated to include:
- (i) revised gross floor area schedule reflecting the amendments in condition B1 and ensuring that:
    - 15% of the gross floor area (GFA) is used for the purpose of infill affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*; and
    - 2% of the GFA (in addition to the 15%) is used for the purpose of affordable housing in perpetuity as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
  - (ii) revised affordable apartments allocation schedule to reflect the gross floor area schedule in condition B1(b)(i);
- Note:** *Evidence that the registered community housing provider supports the proposed amendments shall be submitted to the Planning Secretary with the amended architectural drawings.*
- (iii) commensurate reduction in residential car parking spaces within the basement levels to align with the revised apartment numbers; and
  - (iv) revised apartment specification schedule with a table of compliance against the Apartment Design Guideline (ADG) criteria.
- (c) landscape plans (job no. 20241107) Rev prepared by Ground Ink dated 21/11/2025 (listed in condition A1), be amended to include:
- (i) labelling of all existing/proposed ground levels and top of all retaining walls within the landscaped areas outside the building footprint, consistent with the Landscape Report prepared by Ground Ink, dated 20/11/2025.

## **MATERIALS AND FINISHES**

- B2. Prior to the issue of the Construction Certificate for the building facade, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer;
  - (b) 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**

- B4. Prior to the issue of the Construction Certificate for footings, drainage and slab on ground, 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 Development Report, prepared by Stantec dated 15/04/2025.

### **STRUCTURAL DETAILS**

- B5. Prior to the issue of the Construction Certificate for each construction stage as identified in the Amendment Report, the Applicant must submit to the Certifier detailed necessary structural drawings and a Report demonstrating that structural drawings for that relevant stage comply with:
- (a) relevant clauses of the NCC; and
  - (b) this development consent.

### **HYDRAULIC CALCULATIONS**

- B6. Prior to the issue of the first Construction Certificate for the operational stormwater management system in condition B7, the Applicant must (to the satisfaction of Council):
- (a) prepare DRAINS modelling or equivalent hydraulic modelling/calculations demonstrating the drainage system within Pockley Avenue is capable of accepting the post development flows from the site;
  - (b) obtain endorsement of the hydraulic calculations and the adequacy of the capacity of the accepting drainage system from Council;
  - (c) prepare a pre-construction CCTV video and report demonstrating the condition of the existing pits and pipes of the drainage system within Pockley Avenue; and
  - (d) provide all calculations and documentary evidence of endorsements to the Certifier for approval.

### **STORMWATER MANAGEMENT SYSTEM**

- B7. Prior to the issue of the Construction Certificate for footings, drainage and slab on ground 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). The system must:
- (a) be generally in accordance with the concept civil drawings within the Stormwater Management Report, prepared by Stantec dated 5/03/2026 and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) be amended (if required) based on the hydraulic calculations and pipeline capacity investigation in Condition B6;
  - (c) include kerb inlet pit details within the road reserve in accordance with Council's Engineering Specifications;

- (d) include stormwater treatment measures;
- (e) include details of upgrading the stormwater pit include kerb inlet pit (if relevant) within the road reserve in accordance with Council's Engineering Specifications as required by condition B8;
- (f) provide a pump-out tank within the basement, in accordance with the requirements of the KDCP and Council's specifications;
- (g) include invert levels and surface levels of all proposed stormwater pits within the site;
- (h) be in accordance with applicable Australian Standards; and
- (i) have a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

#### **STORMWATER WORKS OUTSIDE THE SITE**

- B8. The Applicant must obtain a separate endorsement from Council regarding any other stormwater works proposed outside the boundary of the site (if required). The stormwater works:
- (a) must be designed in accordance with Council's specifications; and
  - (b) not involve the removal of trees or vegetation not approved under this consent, unless otherwise agreed with Council.

#### **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 Construction Certificate for landscaping works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Ground Ink dated 21/11/2025 and listed in condition A1, as amended by any requirement of these conditions;
  - (b) includes details of tree planting;
  - (c) include planting with minimum dimension of 1.2 m within the retaining wall areas along Pockley Avenue, Larkin Street and Maclaurin Parade;
  - (d) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (e) demonstrates adequate drainage and watering systems;
  - (f) includes details of plant maintenance and watering for the first 12 months; and
  - (g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

#### **CAR PARKING**

- B11. Prior to the issue of the Construction Certificate for basement and car parking level works, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles can 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) are in accordance with the applicable Australian Standards;
  - (d) a minimum of one travel lane can be maintained at all times while loading/unloading takes place on the driveway (as relevant);
  - (e) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (f) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
  - (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
  - (h) submit to the Certifier a Report demonstrating compliance with the following:

- (i) provision of residential car parking spaces (including three accessible spaces)), as amended by condition B1(b);
- (j) provision of 20 visitor spaces (including one wash bay) in basement level 3 under Pavilion A and B;
- (k) provision of 10 visitors spaces on basement level 5 under Pavilion C;
- (l) two car share spaces;
- (m) 210 residential bicycle parking spaces located within storage cages of the basement carpark;
- (n) 18 visitors bicycle spaces and 11 motorcycle spaces including bicycle spaces in front of building lobbies as identified in the approved plans;
- (o) compliance with Australian Standards for the layout, design and security of bicycle facilities; and
- (p) electric vehicle charging infrastructure in accordance with NCC 2022.

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

- B12. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures included within the CPTED report prepared by Planning & Co, dated 14 April 2025.

#### **WIND MITIGATION MEASURES**

- B13. Prior to the issue of any Construction Certificate for footings, drainage and slab on ground works, the Applicant must submit an addendum Pedestrian Wind Environment Statement to the Certifier prepared by a suitable qualified wind engineer:
- (a) confirming that all rooftop communal open spaces on Pavilions A, B and C (as identified in the approved plans in condition A1) achieves acceptable wind conditions as recommended by Pedestrian Wind Environment Statement, prepared by Windtech Consultants, dated 29 August 2025; OR
  - (b) including additional wind mitigation measures to maintain acceptable wind conditions for the rooftop communal open spaces on Pavilions A, B and C.
- B14. Prior to the issue of the Construction Certificate for footings, drainage and slab on ground works, the Applicant must submit a Report to the Certifier demonstrating that the approved design of the Development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Statement, prepared by Windtech Consultants, dated 29 August 2025 and the addendum as required by condition B13.

#### **COMPLIANCE WITH GEOTECHNICAL INVESTIGATIONS**

- B15. Prior to the issue of the first Construction Certificate, the Applicant must submit a Report to the Certifier demonstrating that the structural design of the Development has incorporated the recommendations/outcomes of the additional geotechnical investigations as required within the document titled Geotechnical Investigation Report, prepared by EI Australia, dated 30 September 2025.

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

- B16. Prior to the issue of any Construction Certificate for above ground works, the Applicant must submit an addendum Acoustic Report to the Certifier prepared by a suitably qualified acoustic engineer providing:
- (a) performance parameters, requirements, engineering assumptions and recommendations for the plant equipment located on the ground level close to the Pockley Avenue entry.
- B17. Prior to the issue of the Construction Certificate for footings, drainage and slab on ground works, the Applicant must submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise and Vibration Impact Assessment, prepared by Stantec, dated 16 April 2025 as updated by condition B16.

#### **SILVER LEVEL UNIVERSAL DESIGN APARTMENTS**

- B18. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that:
- (a) at least 20% of all apartments incorporate the Liveable Housing Guideline's silver level universal design features; and
  - (b) the above dwellings are identified in the plans and comply with the applicable Australian Standards.

#### **BASIX CERTIFICATION**

- B19. Prior to the issue of the Construction Certificate for above ground works, BASIX Certificate 1792023M\_05 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

## **WASTE MANAGEMENT**

- B20. Prior to the issue of the Construction Certificate for basement and carparking levels, the Applicant must provide details to the satisfaction of the Certifier demonstrating that:
- (a) general, recycling and bulky item waste rooms are constructed per Council's requirements and relevant Australian Standards;
  - (b) appropriate cleaning, washing and ventilation arrangements are provided;
  - (c) line marking and sign posting of the loading area are included stating 'NO PARKING AT ALL TIMES – WASTE VEHICLES AND LOADING AND UNLOADING VEHICLES EXCEPTED'; and
  - (d) bin movements and travel paths from Pavilions A, B and C to all basement waste storage areas are not obstructed by steps or stairs.

## **PUBLIC DOMAIN WORKS**

- B21. Prior to the issue of any construction certificate for public domain works (including driveway and vehicular crossing), the Applicant must:
- (a) prepare plans for public domain works and vehicular crossing in accordance with Council's requirements and in consultation with Council;
  - (b) obtain separate approval from Council for all public domain works along the entire frontage of the site on Larkin Street, Pockley Avenue and Maclaurin Parade, including construction of footpaths, kerbs and gutter (as required); and
  - (c) obtain approvals for a vehicular crossing.

## **FLOODING**

- B22. Prior to the issue of the construction certificate for footings, drainage and slab on ground works, the Applicant must submit plans to the Certifier confirming the following in accordance with the recommendations of the document titled Flood Risk Management Report prepared by Kozarovski and Partners dated 30 July 2025:
- (a) details of construction of the retaining wall at the western corner along the north-western and south-western boundaries; and
  - (b) all habitable floor levels and crest of driveway entry to the basement comply with the recommended floor levels in the above report.

## 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;
    - (xii) measures to be implemented for ongoing consultation with the RAPs, including consultation regarding changes to the management of Aboriginal cultural heritage;
    - (xiii) site security, including fencing or hoarding.
  - (b) details of an appropriate water treatment system to facilitate the disposal of groundwater during temporary construction dewatering, should off-site disposal of groundwater to stormwater be required, in accordance with *Minimum requirements for building site groundwater investigations and reporting October 2022 and Guidelines for Groundwater Documentation for SSD/SSI Projects 2022*;
  - (c) Construction Traffic and Pedestrian Management Sub-Plan in accordance with condition C2;
  - (d) Construction Noise and Vibration Management Sub-Plan in accordance with condition C3;
  - (e) Air Quality Management Sub-Plan in accordance with condition C4;
  - (f) Construction Waste Management Sub-Plan in accordance with condition C5;
  - (g) Construction Soil and Water Management Sub-Plan in accordance with condition C6;
  - (h) Construction flood management measures;
  - (i) an unexpected finds protocol for remediation in accordance with condition C16;
  - (j) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage, including human remains, and associated communications procedure, generally in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010). including but not limited to ensuring compliance with condition D26; and
  - (k) 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) measures to minimise the impact of construction worker parking
  - (e) 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) 2 m solid hoardings are constructed on the boundaries adjoining sensitive residential sites;
  - (e) 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;
  - (f) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
  - (g) installation of acoustic barriers/enclosures;
  - (h) alternative excavation methods;
  - (i) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
  - (j) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity
  - (k) include a complaints management system that would be implemented for the duration of the development.

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

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (AQMP) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
  - (b) dust and odour management practices to be implemented, including:
  - (c) watering of exposed surfaces and stockpiles;
  - (d) covering of truck loads;
  - (e) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
  - (f) progressive land stabilisation works to minimise exposed surfaces.
  - (g) monitoring requirements;
  - (h) communication strategy; and
  - (i) system and performance review for continuous improvements; and
  - (j) 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):
- (h) a traffic plan showing transport routes within the site;
- (i) 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
- (j) the name and address of each licensed facility that will receive waste from the site.

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

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

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

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#### **SURVEY CERTIFICATE**

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

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

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

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

- C15. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the Development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

- (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
- (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.

## **REMEDIATION**

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### **UNEXPECTED FINDS PROTOCOL**

- C16. Prior to the commencement of any earthworks, 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.

### **DATA GAP INVESTIGATION**

- C17. Prior to the commencement of any earthwork and following completion of demolition works, the Applicant must:
- (a) inspect the site and undertake an inspection of all exposed surfaces;
  - (b) remove all asbestos containing materials, if present on the site; and
  - (c) prepare an asbestos clearance certificate by a suitably qualified professional.
- C18. If the clearance inspection required by condition C17 indicates the presence of hazardous materials remaining on the site, removal of all materials must be undertaken prior to the commencement of any works.

## **NOTIFICATIONS AND COMMENCEMENT OF WORKS**

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### **NOTIFICATION OF COMMENCEMENT**

- C19. 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.
- C20. 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**

- C21. 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**

- C22. 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**

- C23. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

## PART D DURING CONSTRUCTION

### SITE NOTICE

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and 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; and
  - (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; and
  - (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 7 am and 6 pm, Monday to Friday; and
  - (b) between 8 am 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) 9 am to 12 pm, Monday to Friday;
  - (b) 2 pm to 5 pm Monday to Friday; and
  - (c) 9 am to 12 pm, 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,
  - (c) unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

#### **TREE PROTECTION**

- D17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and 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 relevant authority 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’.

#### **CONTACT TELEPHONE NUMBER**

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

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

- D26. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (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.
- D27. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

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

- D28. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (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.
- D29. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

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

- D30. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

#### **WATER ACCESS LICENCE**

- D31. The Applicant must obtain a water access licence (WAL) to account for the maximum predicted water intake for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2018.

**Note:** information on water exemption can be obtained at:

<https://water.dpie.nsw.gov.au/our-work/licensing-and-approvals/exemptions-for-water-licences-and-works-and-or-use-approvals/groundwater-wal-exemptions>

## **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.

#### **NOTIFICATION OF OCCUPATION**

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E3. 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**

- E4. 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.

#### **AFFORDABLE HOUSING**

- E5. An Occupation Certificate for the affordable housing apartments allocated in condition B1(b) to be managed by the Community Housing Provider must be issued concurrently or before any Occupation Certificate for the market residential component of the development.

### **DILAPIDATION AND REPAIRS**

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#### **POST-CONSTRUCTION DILAPIDATION REPORT**

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

#### **ROAD DAMAGE**

- E8. Prior to the occupation or commencement of 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**

- E9. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development;
- E10. Prior to the occupation or commencement of the use of the Development, any damage identified in condition E6as being caused by the carrying out of the Development not subject to condition E9 must be fully repaired and rectified by the Applicant.

### **COMPLIANCE REPORTING**

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

- E11. Prior to the issue of 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:
- (c) all stormwater drainage systems and storage systems;
- (d) stormwater quality treatment measures;
- (e) construction of the retaining walls as a flood protection measure at the western corner; and
- (f) all required public domain works.

E12. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating that:

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

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

E13. 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**

E14. Prior to the issue of any 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**

E15. 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 methods required by condition B16 and condition B17.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

E16. Prior to the issue of any Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating the development has incorporated all ecologically sustainable development design, construction and operation measures, as required under condition B4.

#### **STRUCTURAL INSPECTION CERTIFICATE**

E17. Prior to the occupation or commencement of use of the new building as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.

E18. 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**

E19. 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) include CPTED measures as required by condition B12;
- (d) include updated wind mitigation recommendations (if relevant) as required by Condition B14;
- (e) includes details of plant maintenance and watering for the first 12 months; and
- (f) includes details of plant maintenance and watering for the life of the development.

#### **FIRE SAFETY CERTIFICATION**

E20. 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.

E21. 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**

- E22. Prior to the issue of any Occupation certificate, 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**

- E23. 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**

- E24. 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.
- E25. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

## **CAR PARKING, BICYCLE PARKING AND GREEN TRAVEL PLAN**

- E26. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier evidence of compliance demonstrating that all car parking and bicycle parking spaces have been provided in accordance with Condition B11.
- E27. Prior to the issue of any Occupation Certificate, the following wayfinding signage must be installed within the site:
  - (a) bicycle way-finding signage, to direct cyclists from footpaths to designated bicycle parking areas; and
  - (b) provision of way-finding signage within the basement levels and at driveway entry to direct visitors and residents to Pavilions A, B and C from the basement carparking areas.
- E28. Prior to the issue of any Occupation Certificate, the Applicant must prepare a final Green Travel Plan, consistent with the Green Travel Plan prepared by Varga Traffic Planning Pty Ltd dated September 2025.

## **STREET NUMBERING**

- E29. 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.

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

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### **OPERATIONAL PLAN OF MANAGEMENT**

- E30. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
  - (a) details of the managing agent;
  - (b) management of communal areas and open spaces including stipulating the hours of use of and restricting amplified music in communal space areas to be restricted between 7 am – 10 pm;
  - (c) confirmation that the ground level communal open space areas and seating areas at the corner of Larkin Street/Maclaurin Parade and Larkin Street/Pockley Avenue respectively, as identified in the approved landscape plans in condition A1, would be made available for use by the community at all times and that no fencing can be installed along the periphery of these designated areas;
  - (d) loading and unloading;
  - (e) security and staff management;
  - (f) emergency management/ evacuation and incident response protocols;
  - (g) waste management;
  - (h) tenant induction and behaviour/ house rules; and
  - (i) community consultation and complaint procedures.
- E31. 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**

- E32. 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) demonstrate the bin movements and travel paths from Pavilions A, B and C to all basement waste storage areas are not obstructed by steps or stairs;
  - (d) confirm the location of waste collection and establish appropriate routes to the collection point;
  - (e) provide confirmation that appropriate arrangements have been made for the collection of waste;
  - (f) detail the type and quantity of waste to be generated during operation of the Development;
  - (g) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *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**

- E33. 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.
- E34. 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**

- E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Car Parking, Loading and Servicing Management Plan that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
  - (b) specifies, but is not limited to, details of:
  - (c) 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;
  - (d) the timings of usage of the loading bay by Council's garbage truck and for other loading/unloading activities to ensure minimisation of conflict;
  - (e) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
  - (f) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

## **FLOOD EMERGENCY MANAGEMENT PLAN**

- E36. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Flood emergency management plan outlining all flood emergency management measures and evacuation routes for the site, in accordance with the Flood Risk Management Report prepared by Kozarovski and Partners dated 30 July 2025.

## **LOT CONSOLIDATION AND EASEMENTS**

- E37. Prior to the issue of any Occupation Certificate, the lots/separate titles within the development site must be consolidated. A plan of consolidation must be registered at the NSW Land Registry Services.
- E38. Prior to the issue of any Occupation Certificate, any existing registered easements and rights or carriageways which burden the development site must be appropriately extinguished and/or modified as appropriate to ensure services and drainage is maintained for easement beneficiaries.

## **AFFORDABLE HOUSING**

- E39. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:

- (a) the affordable housing component is consistent with the plans/details approved by the Planning Secretary in accordance with Condition B1;
- (b) the affordable housing component is complete and ready for occupation;
- (c) 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) the affordable housing apartments shown on the plans/details approved by the Planning Secretary in accordance with Condition B1, being a minimum of 15% of the gross floor area of the Development to be used for the purposes of affordable housing for a minimum of 15 years from the date of issue of the occupation certificate, as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021*\*;
  - (ii) the affordable housing apartments shown on the plans/details approved by the Planning Secretary in accordance with Condition B1, being a minimum of 2% of the gross floor area\* of the Development to be used for the purposes of affordable housing in perpetuity, as defined by the EP&A Act and Chapter 5 of the *State Environmental Planning Policy (Housing) 2021*\*;
  - (iii) specifically nominating those units to be allocated and used for affordable housing; and
  - (iv) the affordable housing component (as defined in Condition A1 and amended by condition B1) to be managed by a registered community housing provider.
- (d) 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 the requirements of paragraphs (b) have been met and evidence has been given to the Planning Secretary.

*\* The affordable housing requirement of Condition E39 (c)(i) is not counted towards the affordable housing requirement under Condition E39 (c) (ii) and vice versa.*

## 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 or building management must:
- implement the SOMP; and
  - otherwise ensure that all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and (if applicable) in accordance with any positive covenant.

### STORAGE AND HANDLING OF WASTE

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

### TRAFFIC AND PARKING

- F4. All loading and unloading operations associated with the site must be carried out:
- in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
  - within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F6. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

### LANDSCAPING

- F7. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under condition B10 and E19.

### COMMUNAL OPEN SPACE

- F8. The ground level communal open space area at the corner of Larkin Street/Maclaurin Parade and seating areas at the corner of Larkin Street/Pockley Avenue, as identified in the approved landscape plans in condition A1 must be available for use by the community at all times and no fencing must be installed along the periphery of these designated areas.

### FIRE SAFETY CERTIFICATION

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

### OUTDOOR LIGHTING

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

### BASIX CERTIFICATION

- F11. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1792923M\_05 and any updated certificate issued if amendments are made.

## HOUSING

### IN-FILL AFFORDABLE HOUSING

- F12. 2% of the GFA (in addition to the 15%), in accordance with the approved plans/details approved by the Planning Secretary in condition B1, **must** be used for the purpose of affordable housing in perpetuity as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*, complying with the following requirements:
- the affordable housing component must be managed by a registered community housing provider; and
  - 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

- (c) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F13. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:
- (a) 15% of the gross floor area (GFA), in accordance with the approved plans/details approved by the Planning Secretary in condition B1, must be used for the purpose of infill affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*;
  - (b) the affordable housing component must be managed by a registered community housing provider; and
  - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
  - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F14. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure that the affordable housing units for each stage of the Development 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 D28 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D29), 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
    - (i) a summary of the Incident;
    - (ii) outcomes of an Incident investigation, including identification of the cause of the Incident;
    - (iii) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
    - (iv) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.