

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.



Amy Watson
A/Executive Director
Housing and Key Sites Assessment

Sydney

22 July 2026

File: SSD-88948458

SCHEDULE 1

Application Number:	SSD-88948458
Application lodged by:	Prosper 5-9 Cowan Road St Ives Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	5-9 Cowan Road, St Ives (SP 30097 and Lots 11-20 SP 34211)
Development:	Construction of a nine-storey residential flat building, comprising: • 77 apartments (including 13 affordable housing apartments); • communal open space at ground level, level 7 and level 8; • three basement levels containing 125 parking spaces; and • associated works including demolition, site preparation, tree removal, bulk earthworks and excavation, civil and stormwater works and landscaping.

Right of Appeal

Section 8.7 of the EP&A 1979 provides a right to appeal this decision to the Land and Environment Court, and Section 8.2 provides a right to request a review of this determination, within the timeframe set out in Section 8.10 of that Act.

DEFINITIONS

Interpretation

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

Definitions

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

Applicant	The person having the benefit of this consent, or who is carrying out the development.
Amendment Report	The document titled Amendment Report prepared by Keylan, dated April 2026, submitted with the application for consent for the Development.
Australian Standard (AS)	Australian Standard published by Standards Australia Limited and means the standard which applies at the time the relevant work or action is undertaken.
Certifier	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
Consultation	Means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
Council	Ku-ring-gai Council
Department	NSW Department of Planning, Housing and Infrastructure.
Development	Where capitalised, means the development approved pursuant to this consent.
EIS	The Environmental Impact Statement titled Environmental Impact Statement State Significant Development Application SSD 88948458, prepared by Keylan, dated September 2025, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application.
Engineer	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> .
EP&A Regulations	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
Fire Safety Certificate	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Incident	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
Material Harm	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.

NCC	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
Planning Secretary	The Planning Secretary under the EP&A Act (or delegate).
Prescribed Conditions	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
Registered Surveyor	A person who is registered with the Board of Surveying and Spatial Information.
Response to Submissions	Each Response to Submissions Report and associated documentation prepared by Keylan, dated April 2026 and June 2026
Report	A written report including all required information and details set out in the relevant condition, prepared by a Professional Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
Sensitive Receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
SRV	Small Rigid Vehicle

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

Architectural drawings prepared by PBD Architects			
Drawing Number	Rev	Name of Plan	Date
DA001	04	Project Information	09/04/2026
DA002	04	Demolition Plan	09/04/2026
DA004	04	Site Plan	09/04/2026
DA100	04	Basement 3 Plan	09/04/2026
DA101	04	Basement 2 Plan	09/04/2026
DA102	05	Basement 1 Plan	09/06/2026
DA103	05	Ground Floor Plan	09/06/2026
DA104	04	Level 1 Plan	09/04/2026
DA105	04	Level 2 Plan	09/04/2026
DA106	04	Level 3 Plan	09/04/2026
DA107	04	Level 4 Plan	09/04/2026
DA108	04	Level 5 Plan	09/04/2026
DA109	04	Level 6 Plan	09/04/2026
DA110	04	Level 7 Plan	09/04/2026
DA111	04	Level 8 Plan	09/04/2026
DA112	04	Roof Plan	09/04/2026
DA201	04	Elevation Sheet 1	09/04/2026
DA202	04	Elevation Sheet 2	09/04/2026
DA203	04	Elevation Sheet 3	09/04/2026
DA204	04	Elevation Sheet 4	09/04/2026
DA301	04	Section Sheet 1	09/04/2026

DA302	04	Section Sheet 2	09/04/2026
DA303	04	Section Sheet 3	09/04/2026
DA304	04	Section Sheet 4	09/04/2026
DA400	04	Finishes Schedule	09/04/2026
DA500	04	GFA Diagram Sheet 1	09/04/2026
DA501	04	GFA Diagram Sheet 2	09/04/2026
DA502	05	Affordable Housing GFA Diagram	09/06/2026
DA510	05	Landscape and Deep Soil Diagrams	09/06/2026
DA511	04	TPZ diagram	09/04/2026
DA512	04	Landscape Diagram Sheet 1	09/04/2026
DA513	04	Landscape Diagram Sheet 2	09/04/2026
DA560	04	Storage Calculation Diagram Sheet 1	09/04/2026
DA561	04	Storage Calculation Diagram Sheet 2	09/04/2026
DA562	04	Storage Calculation Diagram Sheet 3	09/04/2026
DA800	04	Pre and Post Adaptable Layouts	09/04/2026
DA801	04	Pre and Post Adaptable Layouts	09/04/2026
Landscape Plans prepared by ARCADIA			
L-001	G	Legend	05/06/2026
L-100	G	Landscape Masterplan Ground Level	05/06/2026
L-400	G	Plant Schedule	05/06/2026
L-401	G	Softworks Plan 1 Ground floor	05/06/2026
L-402	G	Softworks Plan 2 Levels 1-2	05/06/2026
L-403	G	Softworks Plan 3 Levels 3-4	05/06/2026
L-404	G	Softworks Plan 4 Levels 5-6	05/06/2026
L-405	G	Softworks Plan 5 Level 7	05/06/2026
L-406	G	Softworks Plan 6 Level 8	05/06/2026
L-601	G	Details	05/06/2026
L-700	G	Specification Note	05/06/2026

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).
- A6. This consent does not approve the following:
- (a) removal of trees not specified within Arboricultural Impact Assessment prepared by Advanced Treescape Consulting and dated 10 April 2026;
 - (b) any Strata subdivision.

INFRASTRUCTURE CONTRIBUTIONS

DEVELOPER CONTRIBUTIONS

- A7. 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

- 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
Housing and productivity contribution (base component)	\$693,371.95

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.

- A9. The HPC must be paid using the NSW planning portal.
- A10. At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).
- A11. 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.
- A12. 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

- A13. Prior to commencement of any works, a security deposit or bank guarantee (bond money) must be paid to Council as per Council's fees and charges for Infrastructure Damage Security Bond or as otherwise agreed to by Council, 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 six months after the work is completed.
- A14. 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.
- A15. Once a final occupation certificate is received, Council will undertake a final inspection of Council's infrastructure and release the bond if there is no damage.

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.

AGENCY CONDITIONS

AUSGRID

- A16. The driveway must be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback. Ausgrid should be further consulted for any deviation to this distance.

DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER

- A17. The Applicant must ensure a water access license is obtained to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the *Water Management (General) Regulation 2025*.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

DETAILED DESIGN

DESIGN AMENDMENTS

- B1. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary:
- (a) an alternative air ventilation strategy for the living rooms of apartments L6-02 and L7-01.

PRE-CONSTRUCTION REQUIREMENTS

SITE STABILITY

- B2. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from a Professional Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the development;
 - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
 - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
 - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

GEOTECHNICAL

- B3. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the construction and design of the development has incorporated the mitigation measures and recommendations included within the Preliminary Geotechnical Investigation Report, prepared by GSNE, dated 25 August 2025. The Report must also include a Geotechnical and Hydrogeological Monitoring Plan to be implemented during construction to monitor excavation impacts.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B4. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the SSDA ESD Report, prepared by E-LAB Consulting, dated 1 September 2025.

STRUCTURAL DETAILS

- B5. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.
- B6. Prior to the issue of the first Construction Certificate for basement works, the Applicant must submit to the Certifier, detailed structural drawings and a Report, not including the structural information in **Condition B4**, demonstrating that the structural drawings comply with:
- (a) relevant clauses of the NCC; and
 - (b) this development consent.

STORMWATER MANAGEMENT SYSTEM

- B7. Prior to the issue of the first Construction Certificate for below 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):
- (a) be generally in accordance with the conceptual design in the RTS and the requirements identified in Part 24C of the Ku-ring-gai Development Control Plan, as in force at the date of this consent;
 - (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.

- B8. Prior to the issue of the first Construction Certificate for below ground works, the Applicant must provide a copy of the following to Council and the Certifier:
- (a) a CCTV video and a report of the existing pit and pipe of Council's trunk drainage system. The condition of the existing pipe is to be inspected by a licensed plumber/drainage contractor to verify if the existing pipe is in good working conditions;
 - (b) hydraulic calculations to confirm the proposed pipeline (to which connection is proposed within the drainage easement) has sufficient hydraulic capacity to accept the post development flows for the 5% AEP storm event. This shall be in the form of DRAINS modelling or similar. The DRAINS (electronic version) will need to be submitted to confirm calculations;
 - (c) a copy of 88B Instrument is to be submitted if the site benefit from an easement(s). The terms of the drainage easement to which connection is proposed must benefit the subject site;
 - (d) design details to Council's specifications are to be submitted including surface and invert levels to ensure that the pipe network upstream can drain into the new kerb inlet system;
 - (e) 'Before you Dig Australia' searches and overlay to ensure there is no conflict of existing utility services for the new kerb inlet pit; and
 - (f) provide a MUSIC link file to confirm that the water quality target set out in Part 24C.6 of the Ku-ring-gai Development Control Plan have been met.

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/plumbing-building-developing/building/sydney-water-tap-in.html>

LANDSCAPING

- B10. Prior to the issue of the first Construction Certificate for landscaping, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by ARCADIA, dated 5 June 2026 as amended by any requirement of these conditions;
 - (b) includes details of tree planting;
 - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
 - (d) demonstrates adequate drainage and watering systems;
 - (e) includes details of plant maintenance and watering for the first 12 months; and
 - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

PARKING

- B11. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
 - (b) all vehicles are to be wholly contained on site before being required to stop;
 - (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
 - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
 - (e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;
 - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS;
 - (g) the layout, design and security of bicycle facilities must be in accordance with the applicable Australian Standards;
 - (h) compliance with the provision of a 2 m x 2.5 m sight triangles at the access point in accordance with AS2890.1;
 - (i) the provision of car parking spaces must be compliant with the Australian Standards;

- (j) the layout, design and security of bicycle facilities must be compliant with Australian Standards;
- (k) One visitor space must be provided with a tap, to be used as a car washing bay;
- (l) All parking bays are to be electric vehicle ready with design and construction (provision for conduits, switchboards, electrical capacity etc) to enable installation of electric vehicle charging points that are linked to each individual dwelling electricity meter and electric vehicle charging infrastructure must be in accordance with NCC 2022; and
- (m) the Report must demonstrate compliance with the following:
 - (i) a minimum of 90 residential market car parking spaces;
 - (ii) a minimum of 9 residential affordable car parking spaces;
 - (iii) a minimum of 20 visitor car parking spaces;
 - (iv) a minimum of 77 residential bicycle spaces; and
 - (v) a minimum of 8 residential bicycle spaces.

WIND MITIGATION MEASURES

- B12. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier demonstrating that the design of the development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Assessment, prepared by RWDI, dated 26 August 2025.

CONTAMINATION AND GROUNDWATER MITIGATION MEASURES

- B13. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a report demonstrating the proposal has implemented the mitigation measures within the:
- (a) Dewatering Management Plan prepared by GSNE Services Pty Ltd and dated 25 August 2025;
 - (b) Groundwater Impact Assessment prepared by GSNE Services Pty Ltd and dated 15 September 2025;
 - (c) Detailed Site Investigation prepared by GSNE Services Pty Ltd and dated 23 January 2026; and
 - (d) Remedial Action Plan prepared by GSNE Services Pty Ltd and dated 29 January 2026.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B14. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit a Report to the Certifier from a Professional Engineer demonstrating that the design of the development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the Noise Vibration Impact Assessment report, prepared by Acoustic Logic, dated 10 February 2026.

ADAPTABLE UNITS

- B15. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

BASIX CERTIFICATION

- B16. Prior to the issue of the Construction Certificate for above ground works, BASIX Nos. 1812124M_04 Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

PUBLIC DOMAIN WORKS

- B17. 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 Cowan Road including construction of footpaths, kerbs and gutter;
 - (c) obtain approvals for a vehicular crossing; and
 - (d) obtain approval from Council for removal of all redundant vehicular crossings and kerb laybacks.

PART C PRIOR TO COMMENCEMENT OF WORKS

MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the development with measures to reduce environmental impacts and harm during construction of the development, including, at a minimum, the following information:
- (a) details of:
 - (i) hours of construction;
 - (ii) 24 hour contact details of the site manager and complaint handling procedure;
 - (iii) construction program and construction methodology, including construction staging;
 - (iv) traffic management;
 - (v) noise and vibration management;
 - (vi) management of dust and odour;
 - (vii) stormwater control and discharge, including ensuring that vehicles leaving the site do not transfer dirt to roadways;
 - (viii) remediation and management of contamination;
 - (ix) management of stockpiles of soil or other materials;
 - (x) waste management;
 - (xi) external lighting in compliance with applicable Australian Standards;
 - (xii) site security, including fencing or hoarding; and
 - (xiii) measures to protect all trees listed as retained/protected in the Arboricultural Impact Assessment Report prepared by Advanced Treescape Consulting and dated 20 April 2026.
 - (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 C17;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with Condition D26; 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 and Council 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;
 - (e) measures to minimise the impact of construction worker parking; and
 - (f) consider any construction sites within 250 m of the site.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT SUB-PLAN

- C3. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the development prepared by a Professional Engineer with measures to minimise environmental impacts and harm during construction of the development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers;
 - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;

- (c) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009) (**ICNG**) (as may be updated or replaced from time to time);
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG, EPA's Assessing Vibration: Technical Guideline and relevant standards;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
 - (i) installation of acoustic barriers/enclosures; and
 - (ii) alternative excavation methods.
- (f) describe the measures to be implemented to manage high noise generating works (such as piling and rock breaking) or activities that may be particularly annoying (as defined in the ICNG), in close proximity to sensitive receivers;
- (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (h) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity;
- (i) include strategies that have been developed in consultation with the directly adjoining properties for managing vibration such as any alternative construction methods with lower source vibration levels and provision for respite periods; and
- (j) include a complaints management system that would be implemented for the duration of the development.

AIR QUALITY MANAGEMENT SUB-PLAN

- C4. Prior to the commencement of any work, 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.

DEMOLITION AND 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; and
 - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
 - (i) a traffic plan showing transport routes within the site;

- (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
- (iii) the name and address of each licensed facility that will receive waste from the site.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN SUB-PLAN

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

PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

SURVEY CERTIFICATE

- C7. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C8. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
 - (b) at other stages of construction – any marks that are required by the principal Certifier; and
 - (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 a Professional Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C10. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C11. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C12. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C13. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C14. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

PROTECTION OF PUBLIC INFRASTRUCTURE AND STREET TREES

- C15. Prior to the commencement of works, the Applicant must:
- (a) undertake Consultation with the relevant owner and provider of services that will be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation Report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation Report to the Certifier, Planning Secretary and Council; and
 - (c) ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.
- C16. Prior to the commencement of works, the Applicant must submit evidence to the Certifier that all tree protection measures and tree sensitive construction methodologies are in place to protect trees to be retained as identified

REMEDIATION

UNEXPECTED FINDS PROTOCOL

- C17. Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.

REMEDIAL ACTION PLAN

- C18. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

SITE AUDITOR

- C19. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.
- C20. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

SITE AUDIT REPORT AND SITE AUDIT STATEMENT

- C21. Upon completion of the remediation works and prior to the commencement of construction of the development, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

VALIDATION REPORT

- C22. Within one month following the completion of the remediation works for the development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

HAZARDOUS MATERIALS SURVEY

- C23. Prior to the commencement of demolition works, the Applicant must submit to the Certifier, a hazardous materials survey report must be prepared by a suitably qualified consultant, for all structures proposed to be demolished.
- C24. Following demolition and removal of waste and vegetation, the Applicant must submit to the Certifier evidence that:
- (a) a suitably qualified consultant has undertaken an inspection of the exposed surface across site for asbestos containing material
 - (b) and if asbestos containing material is found, an asbestos clearance has been obtained by a SafeWork NSW license asbestos assessor.

NOTIFICATIONS AND COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C25. 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.
- C26. 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

- C27. 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

- C28. 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

- C29. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

PART D DURING CONSTRUCTION

SITE NOTICE

- D1. The Applicant must erect site notices in prominent positions on the site informing the public of project details including, but not limited to:
- (a) the name, address and telephone number of the builder, Certifier and Professional Engineer;
 - (b) the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints;
 - (c) stating the approved hours of work; 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) 7am to 6pm, Monday to Friday; and
 - (b) 8am to 1pm, Saturday.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

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

CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

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

PART E COMMENCEMENT OF OCCUPATION AND USE

GENERAL REQUIREMENTS

OCCUPATION CERTIFICATES

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

AFFORDABLE HOUSING

- E2. An Occupation Certificate for the 13 affordable housing apartments to be managed by the registered community housing provider must be issued concurrently or before any Occupation Certificate for the market 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.

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.

DILAPIDATION AND REPAIRS

POST-CONSTRUCTION DILAPIDATION REPORT

- E5. 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; and
 - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. 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

- E7. 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

- E8. 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.
- E9. Prior to the occupation or commencement of the use of the development, any damage identified in Condition E5 as being caused by the carrying out of the development not subject to Condition E8 must be fully repaired and rectified by the Applicant.

COMPLIANCE REPORTING

WORKS-AS-EXECUTED PLANS AND ANY OTHER DOCUMENTARY EVIDENCE

- E10. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the development; and

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

- E11. 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

- E12. 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

- E13. 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

- E14. 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 B13.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- E15. 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.

WIND MITIGATION MEASURES

- E16. 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 B12.

STRUCTURAL INSPECTION CERTIFICATE

- E17. 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.
- 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) 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

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

SYDNEY WATER COMPLIANCE

- 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.
- E26. Bicycle Parking Prior to the occupation or commencement of use of the development, the Applicant must submit to the Certifier evidence the secure bicycle parking have been provided in accordance with Condition B11.
- E27. Prior to the operation or commencement of use of the development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

STREET NUMBERING

- E28. 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

OPERATIONAL PLAN OF MANAGEMENT

- E29. 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;
 - (c) loading and unloading;
 - (d) security and staff management;
 - (e) emergency management/ evacuation and incident response protocols;
 - (f) waste management;
 - (g) tenant induction and behaviour/ house rules; and
 - (h) community consultation and complaint procedures.
- E30. 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

- E31. 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) ensure the following minimum waste storage volumes are provided:
 - (i) 9,240 L / week of general waste
 - (ii) 4,620 L / week of comingled recycling
 - (iii) 4,620 L / week of paper/cardboard
 - (b) be prepared in consultation with Council;

- (c) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (d) confirm the location of waste collection and establish appropriate routes to the collection point;
- (e) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (f) detail the type and quantity of waste to be generated during operation of the development; and
- (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.

E32. Prior to the issue of any Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council.

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 a Professional 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 AND SRV PARKING AND SERVICING MANAGEMENT PLAN

E35. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a **Car and SRV Parking and Servicing Management Plan** that:

- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and SRV loading bay are mitigated;
- (b) specifies, but is not limited to, details of:
 - (i) the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
 - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
 - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed.

E36. Prior to issue of any Occupation Certificate, the Principal Certifier is to be satisfied that EV readiness has been provided for all car parking spaces within the Development, in accordance with the NCC.

E37. Prior to issue of any Occupation Certificate, the Certifier is to be satisfied that:

- (a) resident bicycle parking spaces have been provided;
- (b) access doors to individual storage areas containing bicycle parking have been designed to not be obstructed by parked vehicles;
- (c) resident's storage cages shall be designed with the appropriate access clearances in AS2890.3 so that bicycles can be easily transported without being impacted by surrounding structures or other obstructions.
- (d) the lifts and lobbies are a suitable size to allow residents to transport bicycles between their storage area and ground level without using the internal car park ramps; and
- (e) lifts, lobbies and accessways are of a suitable size so residents can transport their bicycles between bicycle parking areas in the basement and ground level, without using the internal car park ramps.

PARKING RESTRICTIONS

E38. Prior to the issue of any Occupation Certificate, 'No Parking' restrictions for 6 metres on either side of the driveway are to be implemented. Council's fees and charges for referral to the Ku-ring-gai Transport Forum and installation of signs apply.

EASEMENTS

- E39. 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.

GREEN TRAVEL PLAN

- E40. Prior to the commencement of operation, a Green Travel Plan (GTP) must be submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
 - (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
 - (c) include specific tools and actions to help achieve the objectives and mode share targets, such as funding resident membership to a car share scheme;
 - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
 - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

HOUSING

IN-FILL AFFORDABLE HOUSING

- E41. Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that it has complied with the condition prescribed by section 82 (2) of the *Environmental Planning and Assessment Regulation 2021*.

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; and
 - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

TRAFFIC AND PARKING

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

LANDSCAPING

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

FIRE SAFETY CERTIFICATION

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

OUTDOOR LIGHTING

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

BASIX CERTIFICATION

- F10. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1812124M_04 and any updated certificate issued if amendments are made.

NOISE

- F11. The proposed use of the Development 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

IN-FILL AFFORDABLE HOUSING

- F12. The Applicant (or others responsible for the management of the affordable housing apartments, such as the Community Housing Provider) must use best endeavours to ensure the affordable housing component is at full occupancy and, by 30 June 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 component for that year; and
 - (b) compliance with the requirement in this condition to use best endeavours to achieve full occupancy.

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, any conditions prescribed by the regulations under the Act, including, in the case of in-fill affordable housing, s 82 of the Environmental Planning and Assessment Regulation 2021. As at the date of this consent, s 82 of the Regulation provides as follows:

82 In-fill affordable housing

(1) This section applies to development permitted under [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 2, Part 2, Division 1, other than development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development—

- (a) a restriction must be registered, in accordance with the [Conveyancing Act 1919](#), section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and
- (b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period—

- (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.

(4) In this section—

affordable housing component has the same meaning as in [State Environmental Planning Policy \(Housing\) 2021](#), section 21.

relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

- 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.

AN8. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.

AN9. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

AN10. To apply to connect or modify a connection for residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected> Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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 D28), the Applicant is required to submit a subsequent Incident report that (in accordance with Condition D29):
 - (a) identifies how the Incident was detected;
 - (b) identifies when the Applicant became aware of the Incident;
 - (c) identifies any actual or potential non-compliance with conditions of consent;
 - (d) identifies further action(s) that will be taken in relation to the Incident;
4. The Applicant must submit any further reports as directed by the Planning Secretary.