CONSOLIDATED CONSENT

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

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

These conditions are required to:

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

The Hon Robert Stokes MP

Minister for Planning and Public Spaces

Sydney 2020

SCHEDULE 1

Application Number:	SSD 8903
Applicant:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning and Public Spaces
Site:	Ivanhoe Estate comprising Ivanhoe Place, Wilcannia Way, Nyngan Way, Narromine Way and Cobar Way (Lot 100 DP1262209), part of 2-4 Lyonpark Road (Lot 1 DP859537) and portions of Shrimptons Creek adjacent to Lot 1 DP859537 to the centre line of the creek, Macquarie Park **and 6-8 Lyonpark Road (Lot 62 DP 570271)**
Development:	Stage 1 development application for the redevelopment of the Ivanhoe Estate, including: • site preparation works, including removal of trees, demolition, bulk earthworks and excavation • construction of new roads, bridge over Shrimptons Creek and new road connection to Lyonpark Road • construction of two residential apartment buildings (Building A1 and Building C1) with basement car parking: - Building A1 with 269 apartments, 233 car parking spaces and a child centre - Building C1 with 471 apartments and 346 car parking spaces • landscaping and public domain works • amalgamation and subdivision.

DEFINITIONS

Accredited Certifier	Means the holder of accreditation as an accredited certifier under the *Building Professionals Act 2005* acting in relation to matters to which the accreditation applies
Applicant	NSW Land and Housing Corporation, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
Certifier	Means a council or an accredited certifier
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Ryde Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds, and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising site preparation works, construction of new roads and residential buildings, landscaping and public domain works, and subdivision as modified by the conditions of this consent.
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	The Environmental Impact Statement titled Ivanhoe Estate Stage 1, prepared by Ethos Urban Pty Ltd, dated 14 March 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Heritage Division	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: “material harm” is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays

Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	Natural Resources Access Regulator
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Response to Submissions (RTS)	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
SSD	State Significant Development
Subject Site	Land referred to in Schedule 1
TfNSW	Transport for New South Wales
TfNSW (RMS)	Transport for New South Wales (RMS)
Tree	A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and having a minimum pot size of 100 litres at the time of planting.
Zone of influence	With respect to this consent, includes properties 137-143 Herring Road, the immediate road reserve of Herring and Ivanhoe Place, 2-4 Lyonpark Road, 6-8 Lyonpark Road and the immediate road reserve of Lyonpark Road.

Summary of Modifications

SSD 8903	Approved by the Minster for Planning and Public Spaces on 30 April 2020, for Stage 1 of the Ivanhoe Estate redevelopment, including: • site preparation works • construction of Buildings A1 and C1 • landscaping and public domain works • amalgamation and subdivision.
SSD 8903 MOD 1	Approved by the Director, Key Sites Assessments, on 10 November 2020, to modify conditions of consent (B27, B45, B47, B49, B55, B56, B57, B58, B59, B60, B61, B63, B71, B85, B95, B96, B97, C43, C45, C46, C49, D28, D32, D38 and D40).
SSD 8903 MOD 2	Approved by the Director, Key Sites Assessments, on 7 May 2021 for modifications to Building C1 and to modify conditions of consent (A2, B66, B78, B81 and D12) and add new conditions E22 and E23.
SSD 8903 MOD 3	Approved by the Team Leader, Key Sites Assessments, on 21 December 2021 to modify conditions for the removal of three trees that were approved for retention, and retention of two trees that were approved for removal.
SSD 8903 MOD 4	Approved by the Acting Director, Key Sites Assessments, on 5 August 2022 to modify conditions for the removal of 7 trees.

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

A2. The development may only be carried out:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary;

(c) in accordance with the EIS, Response to Submissions and additional information;

(d) in accordance with the management and mitigation measures.

(e) **Section 4.55(1A) modification application (SSD 8903 MOD 1) prepared by Ethos Urban dated 22 June 2020, as amended by additional information prepared by Ethos Urban dated 1 September 2020 and 26 October 2020.**

(f) **Section 4.55(1A) modification application (SSD 8903 MOD 2) prepared by Ethos Urban dated 11 March 2021.**

(g) **Section 4.55(1A) modification application (SSD 8903 MOD 3) prepared by Ethos Urban dated 3 November 2021, as amended by additional information prepared by EcoLogical dated 1 December 2021 and Ethos Urban dated 8 December 2021.**

(h) **Section 4.55(1A) modification application (SSD 8903 MOD 4) prepared by Ethos Urban dated 3 May 2022, as amended by additional information prepared by Ethos Urban dated 4 July 2022.**

Architectural Drawings prepared by Bates Smart (Building A1)			
Drawing No.	**Revision**	**Name of Plan**	**Date**
DA01.A1.001	E	Site Plan	31/01/20
DA03.A1.B4	D	Basement 04	31/01/20
DA03.A1.B3	D	Basement 03	31/01/20
DA03.A1.B2	D	Basement 02	31/01/20
DA03.A1.B1	D	Basement 01	31/01/20
DA03.A1.000L	F	Lower Ground Floor	31/01/20
DA03.A1.000U	F	Upper Ground Floor	31/01/20
DA03.A1.001	F	Level 01	31/01/20
DA03.A1.002	F	Level 02	31/01/20
DA03.A1.003	F	Level 03, 05, 07	31/01/20
DA03.A1.004	F	Level 04, 06	31/01/20
DA03.A1.008	F	Level 08, 10, 12, 14	31/01/20
DA03.A1.009	F	Level 09, 11, 13, 15	31/01/20
DA03.A1.016	F	Level 16, 18, 20	31/01/20

DA03.A1.017	F	Level 17, 19, 21	31/01/20
DA03.A1.022	G	Level 22	31/01/20
DA03.A1.023	G	Level 23	31/01/20
DA03.A1.024	E	Roof Level	31/01/20
DA07.A1.001	E	North Elevation	31/01/20
DA07.A1.002	E	East Elevation	31/01/20
DA07.A1.003	B	South Elevation	31/01/20
DA07.A1.004	B	West Elevation	31/01/20
DA08.A1.001	D	Section AA	31/01/20
DA08.A1.002	E	Section BB	31/01/20
DA12.A1.001	D	Adaptable Apartment – 1B	31/01/20
DA12.A1.002	D	Adaptable Apartment – 2B	31/01/20
DA12.A1.003	D	Adaptable Apartment – 3B	31/01/20
DA01.A1.010(1)	3	Stage 1 Staging Plan	09/09/19
DA01.A1.011(1)	3	Lot subdivision/Application Structure Plan	09/09/19
DA01.A1.012(1)	3	Stage 1 Ground Floor Plan	09/09/19
DA01.A1.013(1)	3	Stage 1 Roof Plan	09/09/19
Architectural Drawings prepared by Candalepas Associates (Building C1)			
Drawing No.	**Revision**	**Name of Plan**	**Date**
~~DA~~ **S4.55**-1050	B	Site Plan	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1102	~~B~~ **C**	Basement 3	~~16/09/19~~ **10/03/21**
~~DA~~ **S4.55**-1103	~~B~~ **C**	Basement 2	~~16/09/19~~ **10/03/21**
~~DA~~ **S4.55**-1104	~~B~~ **C**	Basement 1	~~16/09/19~~ **10/03/21**
~~DA~~ **S4.55**-1105	B	Lower Ground Floor	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1106	B	Upper Ground Floor	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1107	B	Level 1	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1108	B	Level 2	~~16/09/19~~

			09/12/20
~~DA~~ **S4.55**-1109	B	Level 3-4	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1110	B	Level 5-12	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1111	~~B~~ **C**	Level 13	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1112	B	Level 14-19	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1113	~~B~~ **C**	Roof	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1150	B	Adaptable Units Floor Plans	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1200	~~A~~ **C**	Section A	~~26/11/18~~ **24/02/21**
~~DA~~ **S4.55**-1201	~~B~~ **C**	Section B	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1202	B	Section C	~~16/09/19~~ **09/12/20**
~~DA~~ **S4.55**-1300	~~A~~ **C**	North East Elevation	~~26/11/18~~ **24/02/21**
~~DA~~ **S4.55**-1301	~~B~~ **C**	North West Elevation	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1302	~~B~~ **C**	North West Internal Elevation	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1303	~~B~~ **C**	South East Elevation	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1304	~~B~~ **C**	South East Internal Elevation	~~16/09/19~~ **24/02/21**
~~DA~~ **S4.55**-1305	~~A~~ **C**	South West Elevation	~~26/11/18~~ **24/02/21**
Landscape Drawings prepared by Hassell			
Drawing No.	**Revision**	**Name of Plan**	**Date**
L1_0002	I	Drawing Legends	05/11/18
L1_0003	J	Planting Schedule	08/02/19
L1_0101	J	Stage 1 Master Plan	02/09/19
L1_1101	J	General Arrangement (1 of 8)	02/09/19
L1_1102	~~J~~ **K**	General Arrangement (2 of 8)	~~02/09/19~~ **16/12/20**

L1_1103	~~I~~ J	General Arrangement (3 of 8)	~~05/11/19~~ 15/12/20
L1_1104	J	General Arrangement (4 of 8)	02/09/19
L1_1105	J	General Arrangement (5 of 8)	02/09/19
L1_1107	J	General Arrangement (7 of 8)	02/09/19
L1_1108	I	General Arrangement (8 of 8)	02/09/19
L1_1801	I	A1 Roof Plan and Typical Internal Plan	05/11/19
L1_1802	J	C1 Roof Plan	~~05/11/19~~ 15/12/20
L1_3001	J	Typical Streetscape Sections	02/09/19
L1_3010	I	A1 Open Space Sections	05/11/19
L1_3011	I	A1 Open Space Sections	05/11/19
L1_3020	I	C1 Open Space Sections	05/11/19
L1_3021	I	C1 Open Space Sections	05/11/19
300001-ESK-213	~~C~~ E	Tree Retention Plan	~~19/10/21~~ 02/05/22
Engineering Drawings prepared by ADW Johnson			
Drawing No.	**Revision**	**Name of Plan**	**Date**
DA-001	F	Title Sheet and Locality Sketch	09/09/19
DA-002	E	Staging Plan	09/09/19
DA-101	E	Detail Plan – Stage 1A	09/09/19
DA-102	E	Typical Sections – Stage 1A	09/09/19
DA-103	D	Road Longitudinal Sections – Road No.1 (Stage 1A)	09/09/19
DA-104	D	Road Longitudinal Sections – Road No.2 (Stage 1A)	09/09/19
DA-105	E	Concept Stormwater Plan – Stage 1A	09/09/19
DA-106	E	Stage 1A – Temporary Works	09/09/19
DA-107	C	Stage 1A – Earthworks	09/09/19
DA-201	E	Detail Plan – Stage 1B	09/09/19
DA-202	E	Detail Plan – Lyon Park Road Extension – Stage 1B	09/09/19
DA-203	D	Typical Sections – Stage 1B	09/09/19
DA-204	D	Road Longitudinal Sections – Road No.1 – Sheet 1 (Stage 1B)	09/09/19

DA-205	D	Road Longitudinal Sections – Road No.1 – Sheet 2 (Stage 1B)	09/09/19
DA-206	D	Road Longitudinal Sections – Road No.2 (Stage 1B)	09/09/19
DA-207	D	Road Longitudinal Sections – Road No.3 (Stage 1B)	09/09/19
DA-208	A	Longitudinal Sections – Basement 1 & Basement 2/3	09/09/19
DA-209	A	Longitudinal Sections – LPR Entry & Existing Car Park	09/09/19
DA-210	E	Concept Stormwater Plan – Stage 1B	09/09/19
DA-211	E	Stage 1B – Temporary Works	09/09/19
DA-212	D	Stage 1B - Earthworks	09/09/19
Subdivision Plans prepared by Beveridge Williams			
Drawing No.	**Revision**	**Name of Plan**	**Date**
Sheet 1 of 9	~~9~~ **10**	Stage 1 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 2 of 9	~~9~~ **10**	Stage 2 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 3 of 9	~~9~~ **10**	Stage 3 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 4 of 9	~~9~~ **10**	Stage 4 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	28/01/20
Sheet 5 of 9	~~9~~ **10**	Stage 5 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 6 of 9	~~9~~ **10**	Stage 6 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 7 of 9	~~9~~ **10**	Stage 7 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 8 of 9	~~9~~ **10**	Stage 8 Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	~~28/01/20~~ **14/12/20**
Sheet 9 of 9	~~9~~ **10**	Easement Summary Plan of Proposed Subdivision of Lot 1 DP859537, Lots 6-8, 10-20 DP861433, Lot 5 DP740753, Lot 100 DP1223787 and Lot 101 DP1247443	28/01/20
Sheet 1 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 2 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20

Sheet 3 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 4 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 5 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 6 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 7 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 8 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 9 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 10 of 10	D	Plan of Proposed Stratum Subdivision of Lot 11	17/03/20
Sheet 1 of 1	8	Plan of Proposed Subdivision of Lot 124	17/09/19
Sheet 1 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 2 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 3 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 4 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 5 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 6 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 7 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 8 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 9 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 10 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 11 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 12 of ~~12~~ **13**	~~8~~ **10**	Plan of Proposed Stratum Subdivision of Lot 12	~~17/09/19~~ **02/12/20**
Sheet 13 of 13	**10**	**Plan of Proposed Stratum Subdivision of Lot 12**	**02/12/20**

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:

(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

(b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **Condition A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS ON CONSENT

A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

A6. No works, ~~including tree removal~~ **excluding tree removal and structural works approved under MOD 4**, are approved to 6-8 Lyonpark Road, Macquarie Park (Lot 62 DP570271).

A7. This consent only approves the location of a childcare centre within Building A1. Separate development application approval from Council is required in relation to the fit-out, operation and management of the childcare centre and any associated signage.

A8. Future stages of subdivision to create additional lots not approved by this consent are to be subject to separate development application(s).

PRESCRIBED CONDITIONS

A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

LONG SERVICE LEVY

A10. For work costing $25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

LEGAL NOTICES

A11. Any advice or notice to the consent authority must be served on the Planning Secretary.

EVIDENCE OF CONSULTATION

A12. Where conditions of this consent require consultation with an identified party, the Applicant must:

(a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and

(b) provide 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.

STRUCTURAL ADEQUACY

A13. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

DESIGN INTEGRITY

A14. Necessary arrangements must be implemented by the Applicant to ensure Bates Smart (Building A1) and Candalepas Associates (Building C1) are engaged in the design documentation phase to ensure the integrity design quality of the development is maintained through the construction phase to completion of the building works.

TEMPORARY U-TURN FACILITIES

A15. If the Herring Road and Ivanhoe Place/Main Street intersection is signalised prior to completion of the estate road network, including the new road connection to Lyonpark Road, access and turning areas to accommodate a U-turn manoeuvre via the provision of turning heads must be provided in accordance with Figure 3 of the Technical Note dated 9 October 2019, prepared by Ason Group. The turning heads must remain accessible to all road users until the new estate road network is completed and operational.

STAGED SUBDIVISION

A16. The development may be subdivided in stages generally as follows:

(a) Stage 1 (Lots 100 and 101)

(b) Stage 2 (Lots 11, 12, 14 and 15)

(c) Stage 3 (Lots 21, 22, 23, 24, 25, 27, 28 and 29)

(d) Stage 4 (Lots 31 and 32)

(e) Stage 5 (Lots 41 and 42)

(f) Stage 6 (Lots 51 and 52)

(g) Stage 7 (Lots 61 and 63)

(h) Stage 8 (Lots 71 and 72)

The scope, order and extent of works within each stage detailed in (a) to (h) above may be varied due to market conditions, servicing constraints and the requirements of the conditions of approval. The progressive release of lots within each stage may occur subject to separate Subdivision Certificates.

The proposed Stage 1 / Lot 100 subdivision is procedural subdivision for the purpose of transfer of Lot 100 and requires no subdivision work and can be registered independently of other stages.

The works associated with proposed lot 100 will be delivered as part of a future stage of the development.

OPERATION OF PLANT AND EQUIPMENT

A17. All plant and equipment used on site, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A19. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

***Note**: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A21. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A22. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A23. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A24. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A25. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

A26. Within three months of:

(a) the submission of a compliance report under **Conditions B18** and **B20**;

(b) the submission of an incident report under **Condition A21**;

(c) the submission of an Independent Audit under **Condition B5**;

(d) the approval of any modification of the conditions of this consent; or

(e) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,

A27. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A28. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to and approved by the Planning Secretary within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development*

TREE REMOVAL

A29. The proponent is to write to local community restoration/rehabilitation groups including:

- **Landcare**
- **North Sydney Bushcare Groups**
- **Ryde City Council**
- **Ku-ring-gai Council**
- **Hornsby Shire Council**
- **Greater Sydney Local Land Services**
- **National Parks and Wildlife Service**
- **PlantingSeeds**

to determine if the removed trees can be reused in habitat enhancement and rehabilitation works elsewhere in the area. The groups are to be provided with a minimum of 14 days to respond. Following this period, a brief reporting outlining the outcomes of the consultation including any responses received and actions taken is to be prepared and provided to the Certifier.

PART B PRIOR TO COMMENCEMENT OF WORKS/ISSUE OF A CROWN BUILDING WORKS CERTIFICATE/ISSUE OF SUBDIVISION WORKS CERTIFICATE

CROWN BUILDING WORK

B1. Crown building work cannot be commenced unless the relevant Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:

(a) the date of the invitation for tenders to carry out Crown building work; or

(b) in the absence of tenders, the date on which the Crown building work commences.

NOTIFICATION OF COMMENCEMENT

B2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.

B3. If the construction or operation of the development is to be staged, the Department must be notified 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.

BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

B4. The approved works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions; or

(b) formulating an alternative solution which:

i) complies with the performance requirements; or

ii) is shown to be at least equivalent to the deemed to satisfy provision; or

iii) a combination of (a) and (b).

INDEPENDENT ENVIRONMENTAL AUDIT

B5. No later than one month before the commencement of construction or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.

B6. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.

B7. The environmental audit program prepared and submitted to the Planning Secretary in accordance with **Conditions B5** and **B6** above must be implemented and complied with for the duration of the development.

B8. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:

(a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;

(b) assesses whether the development is complying with the terms of this consent;

(c) reviews the adequacy of any document required under this consent; and

(d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.

B9. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

COMMUNITY COMMUNICATION STRATEGY

B10. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

B11. The Community Communication Strategy must:

(a) identify people to be consulted during the design and construction phases;

(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

(d) set out procedures and mechanisms:

(i) through which the community can discuss or provide feedback to the Applicant;

(ii) through which the Applicant will respond to enquiries or feedback from the community; and

(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

B12. Details demonstrating compliance with **Condition B11** must be submitted to the Certifier and the Planning Secretary no later than one month before the commencement of any work.

B13. The Community Communication Strategy must be implemented for a minimum of 12 months following the completion of construction.

EXTERNAL WALLS AND CLADDING

B14. The external walls of all buildings must comply with the relevant requirements of the BCA.

B15. Prior to the commencement of works for each building, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

B16. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

ACCESS TO INFORMATION

B17. At least 48 hours before the commencement of any construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:

(a) make the following information and documents (as they are obtained or approved) publicly available on its website:

(i) the documents referred to in **Condition A2** of this consent;

(ii) all current statutory approvals for the development;

(iii) all approved strategies, plans and programs required under the conditions of this consent;

(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;

(vi) a summary of the current stage and progress of the development;

(vii) contact details to enquire about the development or to make a complaint;

(viii) a complaints register, updated monthly;

(ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;

(x) any other matter required by the Planning Secretary; and

(b) keep such information up to date, to the satisfaction of the Planning Secretary.

COMPLIANCE REPORTING

B18. A **Pre-Construction Compliance Report** must be prepared for the development and submitted to the Certifier before the commencement of any construction. A copy of the compliance report must be provided to the Department at compliance@planning.nsw.gov.au before the commencement of construction.

B19. The Pre-Construction Compliance Report must include:

(a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and

(b) the expected commencement date for construction.

B20. Construction Compliance Reports must be submitted to the Department at compliance@planning.nsw.gov.au for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for

the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.

B21. The Construction Compliance Reports must include:

(a) a results summary and analysis of environmental monitoring;

(b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;

(c) details of any review of the **Construction Environmental Management Plan** (CEMP) and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;

(d) a register of any modifications undertaken and their status;

(e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;

(f) a summary of all incidents notified in accordance with this consent; and

(g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

COMPLIANCE

B22. 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 they carry out in respect of the development.

COMPLAINTS AND ENQUIRIES PROCEDURE

B23. Prior to the commencement of construction works for each building, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

(a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;

(b) a postal address to which written complaints and enquiries may be sent; and

(c) an email address to which electronic complaints and enquiries may be transmitted.

STRUCTURAL DETAILS

B24. Prior to the commencement of the relevant works for each building, the Applicant shall submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the BCA; and

(b) the development consent.

PRE-CONSTRUCTION DILAPIDATION REPORT

B25. The Applicant is to engage a suitably qualified structural engineer to prepare a **Pre-Construction Dilapidation Report**, detailing the current structural condition of all existing adjoining buildings, infrastructure and roads within the 'zone of influence'. The report shall be submitted to the Certifier and Council, prior to issue of the relevant Crown Building Works Certificate for Building A1, or any works commencing, whichever is earlier.

GROSS FLOOR AREA (GFA) CERTIFICATION

B26. The GFA of Building A1 must not exceed 21,580 m^2. The GFA of Building C1 must not exceed 33,596 m^2. Details confirming compliance must be submitted to the Certifier prior to the issue of any Crown Building Works Certificate for each building.

MAXIMUM HEIGHT

B27. The maximum height of Building A1 must not exceed RL 138.3 m AHD. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, **parapets (to a maximum height of RL 138.8),** masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Crown Building Works Certificate.

B28. The maximum height of Building C1 must not exceed RL 124.95 m AHD to the top of the north-western tower, RL 121.95 m AHD to the top of the south-eastern tower, and RL 69.9 m AHD to the top of the three storey townhouses. The measurement of maximum height excludes plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any Crown Building Works Certificate.

TREE PLANTING

B29. A minimum of ~~476~~ **483** new trees are to be planted comprising:

(a) 47 trees within the Building A1 site

(b) 48 trees within the Building C1 site

(c) 381 trees adjacent to new streets

(d) 7 trees within Shrimptons Creek corridor or immediate adjoining landscaped areas

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

B30. The new trees required under **Condition B29** must be planted in accordance with the minimum pot sizes specified in the table below.

Minimum Planting Pot Size	Minimum Number of Trees
1000 Litre	62
750 Litre	106
400 Litre	205
200 Litre	8
100 Litre	95
Total	**476**

Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issuing of any Crown Building Works Certificate.

B30(a). Suitable tree replacements must be provided at a ratio of 1:1 for trees approved for removal of MOD 4. Replacement trees must be:

(a) a species from the native vegetation community

(b) a minimum planting pot size of 100L

(c) capable of growing to an equivalent height to the removed trees

(d) provided with sufficient area to enable growth to full maturity

(e) regularly watered and maintained for 12 months following planting and replaced with the same native plant species should any loss of trees occur during the maintenance period.

B31. A **Street Tree Plan** is to be prepared by a certified Landscape Architect in accordance with Council's relevant Technical Manual. The Plan must show all services and planting detail in accordance with Council's minimum requirements. Details demonstrating compliance with this requirement are to be submitted to the Certifier prior to the issuing of any Subdivision Works Certificate.

SCHEDULE OF MATERIALS

B32. Prior to the commencement of works for each building, a list of the final schedule of materials shall be submitted to the Planning Secretary. The Applicant shall also submit a copy of the schedule of materials to the Certifier with the application for the relevant Crown Building Works Certificate for each building.

COMPLIANCE WITH ACOUSTIC ASSESSMENT

B33. All performance parameters, requirements, engineering assumptions and recommendations contained in the Stage 1 DA Acoustic Assessment, prepared by Acoustic Logic, dated 15 October 2019, must be implemented as part of the detailed design assessment and implemented into the design drawings for each building, in accordance with the requirements of (b) below. Details demonstrating compliance must be submitted to the Certifier.

B34. Prior to the commencement of construction work for each building, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with the requirements of the aforementioned Report.

COMPLIANCE WITH WIND IMPACT ASSESSMENT

B35. Prior to the issue of commencement of relevant construction work for each building, plans shall be submitted to the Certifier demonstrating compliance with the recommendations of the Qualitative Wind Assessment, prepared by CPP, dated November 2018.

ENVIRONMENTAL SUSTAINABILITY

B36. The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in Ivanhoe Sustainability Strategy Stage 1, prepared by Frasers Property, dated August 2018. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the commencement of the relevant works.

REFLECTIVITY

B37. The visible light reflectivity from building materials used for each building shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the commencement of the relevant works for each building.

OUTDOOR LIGHTING

B38. within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

ROAD OCCUPANCY LICENCE

B39. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

B40. Prior to the commencement of any works, the Applicant shall prepare and implement a **Construction Environmental Management Plan** (CEMP) for the development and be submitted to the Certifier. The CEMP must be prepared in consultation with, and address the relevant requirements of, Council. The CEMP must:

a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;

b) describe all activities to be undertaken on the site during site establishment and construction of the development;

c) include a Dust Management Plan, incorporating the mitigation measures outlined in the Air Quality Assessment, prepared by WSP, dated October 2018

d) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;

e) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

f) be prepared in consultation with Council and include specific consideration of measures to address any requirements of Council during site establishment and construction;

g) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;

h) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;

i) include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies;

j) management of groundwater during construction;

k) document and incorporate all relevant sub environmental management plans (Sub-Plans), control plans, studies and monitoring programs required under this part of the consent; and

l) include arrangements for community consultation and complaints handling procedures during construction.

The **CEMP** must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

Prior to the commencement of works, a copy of the CEMP must be submitted to the Planning Secretary.

CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

B41. Prior to the commencement of any works, a **Construction Pedestrian and Traffic Management Plan** (CPTMP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination Office) and submitted to the Certifier. The CPTMP must be prepared in consultation with Council, TfNSW (Sydney Coordination Office), and TfNSW (RMS). The CPTMP shall address (but not be limited to):

a) location of the proposed work zone;

b) haulage routes;

c) construction vehicle access and traffic control arrangements;

d) proposed construction hours;

e) estimated number of construction vehicle movements;

f) any changes required to on-street parking;

g) construction program;

h) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;

i) cumulative construction impacts of projects considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network. Information relating to cumulative construction impacts to be sourced from TfNSW (Sydney Coordination Office);

j) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;

k) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts;

l) measures to encourage public transport use and other non-car travel options by construction workers.

Prior to the commencement of works, a copy of the CPTMP demonstrating compliance with the above must be submitted to TfNSW and the Planning Secretary.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

B42. Prior to the commencement of any works, a **Construction Noise and Vibration Management Plan** (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifier. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):

a) be prepared in accordance with the EPA's *Interim Construction Noise Guideline*

b) identify nearby sensitive receivers and land uses;

c) identify the noise management levels for the project;

d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;

e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;

f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Stage 1 DA Acoustic Assessment, prepared by Acoustic Logic, dated 15 October 2019

g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and

h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

Prior to the commencement of works, a copy of the CNVMP demonstrating compliance with the above must be submitted to the Planning Secretary.

AIR QUALITY AND ODOUR MANAGEMENT PLAN

B43. Prior to the commencement of any works, an **Air Quality and Odour Management Plan** (**AQOMP**) must be prepared and submitted to the Certifier. The **AQOMP** must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated soils including, but not limited to:

(a) staged excavation to limit the surface area of exposed odorous material;

(b) application of odour suppressants;

(c) effective covering of stockpiles and truckloads of excavation spoil; and

(d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.

The **AQOMP** must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.

CONSTRUCTION WASTE MANAGEMENT PLAN

B44. Prior to the commencement of any works and prior to the issue of any Crown Building Works for each building, the Applicant must prepare a **Construction Waste Management Plan** (**CWMP**) in consultation with Council. A copy of the plan must be provided to the Certifier. The **CWMP** must include, but is not limited to, the following information:

(a) the estimated volume or weight of materials that will be reused, recycled or removed from the site;

(b) on-site material storage areas during construction;

(c) materials and methods used during construction to minimise waste;

(d) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;

(e) nomination of the end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal; and

(f) identification within the **CWMP** of the responsibility for the transferral of waste and recycling bins within the property to the collection point.

All requirements of the approved **CWMPs** must be implemented during the excavation and construction of the development.

CONSTRUCTION SOIL AND WATER MANAGEMENT PLAN

B45. A **Construction Soil and Water Management Plan** (**CSWMP**) must be prepared to manage soil and water impacts during construction of the development. The **CSWMP** must be prepared ~~in consultation with Council~~ **and a copy provided to Council**, prior to the issue of a Crown Building Works Certificate for each building.

The **CSWMP** must be prepared in accordance with the provisions of the "Blue Book" Part 1 [Landcom (2004) Managing Urban Stormwater: Soils and Construction, 4th edition]. The **CSWMP** must consider likely stages of the works and provide for appropriate control of sediment and erosion for each stage and include, but not be limited to:

(a) location and extent of all necessary sediment and erosion control measures for the site;
(b) catchment plan;
(c) sediment basin(s) locations including details showing how runoff from the entire site will be directed to the sediment basin(s). Requirements for sediment basins are specified below;
(d) all relevant details and calculations of the sediment basins including sizes, depths, flocculation, outlet design, all relevant sections, pump out systems, and depths;
(e) all details of basement and other excavation pump out and dewatering treatment systems including flocculation and any proposed discharge from the site from dewatering and pump out systems. Requirements for dewatering are specified below;
(f) identification and management of any stormwater run-on to the site from adjacent sites;
(g) location of any temporary stockpiles (soil, spoil, topsoil or otherwise) and accompanying sediment and erosion control measures;
(h) location and details of all vehicle wash down bays and associated erosion and sediment control measures such as earthen bunds; and
(i) a daily and weekly site inspection checklist consistent with IECA Best Practice Erosion and Sediment Control documents.

A Sediment Basin is required for every catchment discharging from the site as part of any **CSWMP**. Sediment basin(s) are to be designed as follows:

(a) according to the NSW Blue Book (section 6.3.4 and Appendix E). The calculations of the sediment basin size must be submitted with the **CSWMP**;
(b) using type D soils (unless otherwise demonstrated by an analysis of site soils by a qualified geotechnical);
(c) for all events up to the peak flow rate from the 1 in 10-year ARI event for the site for the 5-day rainfall event; and
(d) to include a gypsum flocculent to be added to the sediment basin in accordance with Appendix E of the Blue Book.

GEOTECHNICAL DESIGN, CERTIFICATION AND MONITORING PLAN

B46. The development of Building A1 and Building C1 involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the Applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.
This engineer is to prepare the following documentation:

(a) Certification that the civil and structural details of all subsurface structures are designed to:

- provide appropriate support and retention to neighbouring property;
- ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and
- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to limit seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

(b) A **Geotechnical Monitoring Plan** (**GMP**) to be implemented during construction that:

- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater;
- details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and
- details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP demonstrating compliance with the above is to be submitted to the Certifier prior to the issue of any Crown Building Works Certificate for each building.

BIODIVERSITY MANAGEMENT PLAN

B47. Prior to the commencement of the relevant works, the Applicant must prepare a **Biodiversity Management Plan** (BMP) for the site. The BMP must be consistent with the recommendations contained in the Biodiversity Assessment Report prepared by Eco Logical, dated October 2019, and be prepared by an appropriately qualified person, in consultation with Council, the EESG and the Natural Resources Access Regulator (NRAR). The BMP must include:

a) pre-clearance surveys and clearance supervision of hollow bearing trees

b) the replacement of all removed hollows with artificial nest boxes or the removed hollows at a ratio of 1:4 (removed/replaced), **plus an additional seven nest boxes or replacement habitat (such as Hollowlog or similar) to account for additional trees to be removed,** with installation occurring within the retained vegetation adjacent to Shrimptons Creek **or the Epping Road ecological corridor as part of the Vegetation Management works, in accordance with advice from a suitably qualified and experienced ecological consultant**

c) a **Vegetation Management Plan** for the long-term management of all vegetation on the site, including Shrimptons Creek and the Epping Road ecological corridor

d) the use of local provenance species appropriate for the threatened ecological communities and plant community types present on the site

e) appropriate monitoring and maintenance periods of the vegetation to ensure its long-term viability following the completion of the rehabilitation works for **ten (10) years.**

f) a **Weed Management Plan**.

A copy of the final **BMP** demonstrating compliance with the above must be submitted to and approved by the Planning Secretary and an approved copy provided to the Certifier.

STORMWATER DRAINAGE SYSTEMS – EPPING ROAD AND HERRING ROAD

B48. Design plans and hydraulic calculations of any changes to the stormwater drainage systems in Epping Road or Herring Road are to be submitted to TfNSW (RMS) for approval. A copy of the final approved plans must be submitted to the Certifier prior to the commencement of any works.

Note: A plan checking fee will be payable and a performance bond may be required before TfNSW (RMS) approval is issued.

CLEARANCE FROM LAND – HERRING ROAD

B49. With the exception of temporary works and anchors, all buildings and structures, together with any improvements integral to the future use of the site, are to be erected clear of the land required for road (unlimited in height or depth) along the Herring Road boundary. Details confirming compliance must be submitted to the Certifier and TfNSW (RMS) prior to the commencement of any works for Building A1. All temporary works ~~and anchors~~ **(excluding de-stressed temporary anchors)** are to be removed upon completion of works.

DESIGN OF RETAINING WALLS

B50. Any proposed retaining wall must be designed in accordance with the requirements of the detailed geotechnical report. In accordance with Council's DCP 2014, all proposed retaining walls including the footings, shall be located within private property and not within any proposed public road corridor. Details confirming compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

UTILITY SERVICES

B51. A methodology for the removal of existing Ausgrid assets on the site, prepared in consultation and endorsed by Ausgrid, must be submitted to the Certifier prior to the commencement of any works.

B52. Prior to the commencement of work for each building, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.

B53. Prior to the commencement of work for each building, written advice or certified designs 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.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

B54. To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report, prepared by Ethos Urban, dated March 2019, shall be demonstrated on the architectural plans prior to the prior to the issue of the relevant Crown Building Works Certificate for each building.

CONTAMINATION

B55. The Applicant must ensure that following demolition of any existing buildings, roads, electricity substations and in-ground utilities as part of the Stage 1 works, further investigation of soil contamination is undertaken within the footprint of those buildings, roads, electricity substations and inground utilities prior to undertaking any construction works. Details confirming compliance must be submitted to the Certifier prior to the commencement of any **remediation** works.

B56. The Applicant must conduct additional site investigations and prepare an updated Remedial Action Plan to address any identified contamination with proper regard to the:

(a) NSW EPA Sampling Design Guidelines, **1995**

(b) Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017

(c) ~~Guidelines for Consultants Reporting on Contaminated Sites 2011~~ **Consultants Reporting on Contaminated Land (Contaminated Land guidelines (, (EPA, 2020)**

(d) National Environment Protection (Assessment of Site Contamination) Measure,~~ 2013 as amended~~ **(as amended 2013)**

(e) ~~other~~ **Relevant** guidelines approved under section 105 of the *Contaminated Land Management Act 1997*.

Details confirming compliance must be submitted to the Certifier prior to the commencement of any ~~construction~~ **remediation** works.

B57. ~~A Section A Site Audit Statement and accompanying Site Audit report, certifying the site is suitable for the approved use, must be submitted to the Certifier prior to the commencement of any construction works.~~

B58. The Applicant must provide details of the proposed remediation and validation strategy to the accredited site auditor in a Works Plan and a Validation Sampling and Analysis Quality Plan for review by the site auditor prior to remediation works commencing. Details confirming compliance must be submitted to the Certifier prior to undertaking any **remediation** works.

~~**B59.** Prior to the commencement of any works and following additional testing (**Condition B55**), an updated **Unexpected Contamination Finds Protocol** (**UFP**), prepared by a suitably qualified and experienced expert, shall be provided to the Certifier. The **UFP** must be implemented for the duration of construction works.~~

~~**B60.** The Applicant is required to engage a site auditor accredited under the *Contaminated Land Management Act 1997* to review the adequacy of the site investigations and required updated **UFP**, remedial works and management plans. Details confirming compliance must be submitted to the Certifier prior to the commencement of any works.~~ **The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.**

The Applicant must adhere to the management measures in the Remediation Action Plan that has been approved by the Site Auditor. Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor.

B61. The Applicant is to ensure that all reports prepared for the assessment of contamination must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. Details confirming compliance must be submitted to the Certifier prior to undertaking any **remediation** works.

NO OBSTRUCTION OF THE PUBLIC DOMAIN WITHOUT A WORKS PERMIT

B62. Prior to the issue of a Subdivision Works Certificate, if required, the Applicant must obtain a Work Permit to occupy the public way, footpaths, road reserves and the like, which must not be obstructed by any mobile cranes, materials, vehicles, refuse, skips or the like, under any circumstances, unless in accordance with the Works Permit. Non-compliance with this requirement will result in the issue of a notice by the Authority to stop all work on the site.

HAZARDOUS MATERIALS MANAGEMENT PLAN

~~**B63.** Prior to the commencement of works, a **Hazardous Materials Management Plan** (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifier. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:~~

~~a) ensure the development complies with the *NSW Occupational Health and Safety Regulation 2001* and Part 7 of the *Protection of the Environment Operations (Waste) Regulation 2014*~~
~~b) be consistent with Safe Work Australia's codes of practice *How to Safely Remove Asbestos 2011* and *How to Manage and Control Asbestos in the Workplace 2011*;~~
~~c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;~~
~~d) outline the procedures for identification, handling and disposal of hazardous materials;~~
~~e) include an Asbestos Management Plan;~~
~~f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;~~
~~g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;~~
~~h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and~~
~~i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.~~

~~Prior to the commencement of works, a copy of the **HMMP** demonstrating compliance with the above must be submitted to the EPA, SafeWork NSW and the Planning Secretary.~~

B64. The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.

B65. Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 *'asbestos wastes'*.

BASIX CERTIFICATION

B66. The development must be implemented and all BASIX commitments thereafter maintained in accordance with:

(a) Building A1: BASIX Certificate No. 893728M_02

(b) Building C1.1-C1.4: BASIX Certificate No. 919971M_0~~2~~3

(c) Building C1.5: BASIX Certificate No. 896458M_02

An updated certificate must be issued if amendments are made.

The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the Crown Building Works Certificate plans for each building.

SYDNEY WATER REQUIREMENTS

B67. An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of any Crown Building Works Certificate for each building.

INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS

B68. All toilets installed as part of the approved works must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the commencement of the relevant works.

B69. All taps and shower heads installed as part of the approved works must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to the commencement of the relevant works.

B70. New urinal suites, urinals and urinal flushing control mechanisms installed as part of the approved works must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the commencement of the relevant works.

B71. ~~Systems~~ **Urinals** must include 'smart controls' to reduce unnecessary flushing **in publicly accessible bathrooms**. Continuous flushing **urinal** systems are not approved. **Details demonstrating compliance with this requirement** are to be submitted to the Certifier prior to the commencement of the relevant works.

SANITARY FACILITIES FOR DISABLED PERSONS

B72. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifier prior to the commencement of the relevant works.

ADAPTABLE HOUSING

B73. Prior to issue of the relevant Crown Building Works Certificate for each building, the Certifier is to ensure that the overall development been designed to accommodate a minimum of 5% adaptable residential apartments/dwellings (excluding social dwellings) and that the requirements are referenced on the relevant Crown Building Works Certificate drawings. In addition, information shall be provided confirming:

(a) the required number of units are able to be adapted for people with a disability in accordance with the BCA; and

(b) compliance with *Australian Standard AS4299 – Adaptable Housing*.

ACCESS FOR PEOPLE WITH DISABILITIES

B74. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

MECHANICAL VENTILATION

B75. All mechanical ventilation systems shall be installed in accordance with the BCA and shall comply with Australian Standards AS1668.2 and AS3666 - Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the buildings and to ensure environment protection. Details demonstrating compliance shall be submitted to the Certifier prior to the commencement of relevant works.

CHILDCARE CENTRE CAR PARKING

B76. All car parking for the childcare centre within Building A1 is to be provided within the basement car park. No on-street parking for drop-off/pick-up is to be provided. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

NUMBER OF CAR PARKING SPACES

B77. A maximum of 208 residential car parking spaces and 13 visitor car parking spaces and a minimum of 12 childcare centre car parking spaces are to be provided for Building A1. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

B78. A maximum of ~~328~~ **308** residential car parking spaces **(including a minimum of 65 spaces dedicated to affordable housing apartments)**, ~~15~~ **17** visitor car parking spaces and ~~three staff~~ **20 community facility** car parking spaces are to be provided for Building C1. **A minimum of 30 car share spaces must also be provided**. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

B79. A minimum of 12 car share spaces must be provided within the site in association with Stage 1.

LAYOUT OF CAR PARKING AREAS

B80. The layout of the proposed car parking areas within each building (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

NUMBER OF BICYCLE PARKING SPACES

B81. The minimum number of bicycle parking spaces to be provided for the development shall comply with the table below. Details confirming the bicycle parking numbers must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

Bicycle parking allocation: Building A1	**Number**
Residential	269
Visitors	14
Bicycle parking allocation: Building C1	**Number**
Residential	~~471~~ **496**
Visitors	~~19~~ **25**

FACILITIES FOR CYCLISTS

B82. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of A*ustralian Standard AS 2890.3 – 2015*. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

WASTE STORAGE ROOMS

B83. The waste storage rooms within each building shall be constructed to comply with all the relevant provisions of Council's Development Control Plan 2014, including:

(a) the size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;

(b) the floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;

(c) the walls being cement rendered to a smooth, even surface and coved at all intersections;

(d) cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;

(e) the room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

GARBAGE CHUTES

B84. All garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

GROUNDWATER DESIGN

~~**B85.** The design and construction of each building must prevent any take or inflow of groundwater after the completion of construction by making any below-ground levels fully watertight for the anticipated life of each building (i.e. full tanking of each basement is required). Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.~~

B86. Sufficient permanent drainage shall be provided beneath and around the outside of each basement to ensure that natural groundwater flow is not impeded, and:

(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure

(b) any elevated water table is more than 1 m below the natural ground surface existent at the location immediately prior to the construction of the structure

(c) where the habitable, accessible or occupiable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

The methods and the materials used for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater beneath the site. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

B87. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in a report to be provided to NRAR with the application for the authorisation. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

B88. Contaminated groundwater—i.e. constituent concentrations above appropriate National Environment Protection (Assessment of Site Contamination) Measure (NEPM 2013) thresholds—shall not be reinjected into any geological formation. The reinjection system design, if proposed, and treatment methods to remove contaminants shall be nominated and included in a report to be provided to NRAR with the application for the authorisation. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building.

BIODIVERSITY

B89. In accordance with the NSW Biodiversity Offsets Policy for Major Projects and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy, a total of 16 ecosystem credits must be retired prior to the commencement of any vegetation clearing. Details confirming compliance must be provided to the Certifier and Planning Secretary.

PUBLIC DOMAIN

B90. All public domain areas are subject to the standards and requirements of Council's DCP 2014 Part 4.5 *Macquarie Park Corridor,* and Council's Public Domain Technical Manual Section 6 – Macquarie Park Corridor. In the event of any inconsistency, the approved Landscape Plans are to prevail. Details demonstrating compliance must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate for each building or Subdivision Works Certificate.

ROADS

B91. Main Street shall be a minimum of 21 m wide from the intersection of Main Street and Neighbourhood Road No.2 through to the commencement of the proposed bridge.

From the intersection of Main Street with Herring Road through to the intersection of Main Street and Neighbourhood Road No.2, variable carriage way width and road configuration is acceptable in order to meet the requirements of the proposed TfNSW (RMS) signalised intersection upgrade.

Throughout the length of the proposed bridge, Main Street shall be a minimum of 14 m wide and typically comprise 2 x 3.5 m wide travelling lanes, 2.5 m wide verge on the southern side and a 4.5 m wide verge on the northern side.

The portion of Main Street through Lot 1 DP859537 (eastern side of the bridge) shall be a minimum of 10.5 m wide. In this location, Main Street shall typically comprise 2 x 3.5 m wide travelling lanes, 2.5 m verge on the southern side and a 1 m verge on the northern side. Footpath, lighting and landscaping is to be provided on the southern side only.

The pavement of the footway and the elements of the road shall be designed according to the requirements of Council's Public Domain Technical Manual, Section 6 – *Macquarie Park Corridor* and Council's technical standards and specifications. Main Street shall comprise 2 x 3.5 m wide travelling lanes, 2 x 2.5 m parking lanes and a 4.5 m wide zone on both sides of the street for footpath, lighting and landscaping.

The intermittent location of parking bays will result in verge widths increasing where parking bays are not provided. In these locations, the overall carriageway width of 21 m is to be maintained.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

B92. The Neighbourhood streets shall be a minimum of 14.5 m wide and the elements of the roads shall be designed according to the requirements of Council's Public Domain Technical Manual, Section 6 – Macquarie Park Corridor and Council's technical standards and specifications. The streets shall comprise 2 x 3 m wide travelling lanes, 1 X 2.5 m wide parking lane and a 3 m wide zone on both sides of the street for footpaths, lighting and landscaping. A

threshold treatment shall be introduced in the road pavement to delineate between the public road and private access roads.

The intermittent location of parking bays will result in verge widths increasing where parking bays are not provided. In these locations, the overall carriageway width of 14.5 m is to be maintained.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

STORMWATER

B93. The trunk drainage system will need to be implemented at the initial stage of works to provide a trunk drainage system to service the development in the upper reaches of the site. The implementation of the trunk drainage infrastructure which may be dedicated to Council under public roads, will require conceptual road alignment plans to ensure the nominated levels of these services are consistent with the satisfactory road levels.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

B94. The drainage system in Public Roads that will be dedicated to Council must be designed in accordance with Council's DCP 2014 Part 8.2 – Stormwater and Floodplain Management Technical Manual, NSW Floodplain Management Manual (2005), Australian Rainfall and Runoff 1987 and any other relevant Australian Standards.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of the relevant works.

B95. All engineering works required by this consent must be designed and undertaken in accordance with the relevant aspects of Council's DCP 2014 Part 8.2, Australian Rainfall and Runoff (ARR) 1987, NSW Floodplain Development Manual 2005 and any other relevant Australian Standards.

Detailed design plans, calculations and other supporting documentations prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) must be submitted to, and approved by, the Certifier prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.

The detailed design documentations shall be generally in accordance with the Concept Stormwater Plan Drawing 300001(1)-EX-001, Version C, prepared by ADW Johnson, dated 4 October 2018~~, subject to any amendments warranted by Council's City Works Directorate as a result of the review and approval of the design plans~~.

Detailed design documentation for the Water Sensitive Urban Design (WSUD) components shall be prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, experienced in WSUD. The documentation, demonstrating compliance with the above, shall be submitted to the Certifier for approval prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.

B96. All temporary stormwater works must be designed and undertaken in accordance with the relevant aspects of the Council's DCP 2014 Part 8.2, Australian Rainfall and Runoff (ARR) 2019, NSW Floodplain Development Manual 2005 and any other relevant Australian Standards.

Detailed design plans of the temporary works stormwater design, calculations and other supporting documentations prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) must be submitted to, and approved by, the Certifier prior to the commencement of the relevant works. A copy of the approved plans and documentation must be provided to Council prior to the commencement of the relevant works.

~~The detailed design of temporary works drainage shall be subject to any amendments warranted by Council's City Works Directorate as a result of the review and approval of the temporary works design plans.~~

To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works, the Applicant must maintain all trunk drainage works until dedication to Council.

A bond in the form of a cash deposit or Bank Guarantee of $200,000 shall be lodged with Council prior to the issue of any Crown Building Works Certificate to guarantee this requirement will be met. The bond will be released on dedication to Council.

B97. Electronic copies of the input and output files of the design software used shall be submitted to Council in a form compatible with Council's computer software along with the plan and a hard copy of the input and output data prior to the issue of the relevant Crown Building Works Certificate **or Subdivision Works Certificate**.

B98. Any temporary bunding and water diversions should be designed by an appropriately qualified Civil Engineer (registered on the NER of Engineers Australia), or equivalent. The bunding and diversions shall be monitored, especially at the onset of a storm event and measures put in place to remove or modify the structures (without

compromising work health and safety standards) so that adjoining properties are not exposed to any greater flood impact.

Details demonstrating compliance must be submitted to the Certifier prior to the commencement of any works.

B99. To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit through Lot 1 DP 859537 is to be submitted to Council and the Certifier prior to the commencement of any works.

B100. An electronic closed-circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site, including Herring Road and Lyonpark Road immediately adjacent to the site, is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate prior to commencement of any works.

The Applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

B101. Council maintenance access to the existing gross pollutant trap located at the rear of 2-4 Lyonpark Road, Macquarie Park, within Shrimptons Creek, must be maintained until works are completed as part of Stage 1. A plan and letter confirming the location and permission for Council to access the site shall be provided to Council's City Works Directorate and the Certifier prior to the commencement of any works. The maintenance access shall remain open for all stages of the development.

FLOODING

B102. The Applicant shall provide a copy of the hydrological and hydraulic models (including TUFLOW) used to prepare the relevant flood impact assessment and stormwater design reports for the development with the flood affected areas to Council prior to the issue of any Subdivision Works Certificate.

ROAD BRIDGE – DETAILED DESIGN

B103. Detailed design plans, calculations and other supporting documentations prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia) must be submitted to the Certifier prior to the issue of any Subdivision Works Certificate for the road bridge to be built across Shrimptons Creek connecting the proposed development to Lyonpark Road. The details shall include, but not limited to, the following:

(a) the minimum overall width of the bridge is to be 14 m

(b) the provision of a suitable guardrail along both edges of the bridging structure that complies with Section 2.4.5.3 of AS2890.1-2004 and RMS requirements

(c) provide the minimum height of the trafficable, including vehicle and pedestrian, areas of the bridge. From a stormwater perspective, the report shall clearly demonstrate the impact of the proposed bridge, including but not limited to abutments, piers, wing walls etc.

(d) maintain the height of the lowest structural element of the bridge at the 1% AEP (100-year ARI) flood level + 500 mm freeboard as a minimum

(e) the report shall assess the impact of embankment works on both north-western and north-eastern sides of the bridge on the proposed approach roads and the surrounding properties to ensure any adverse impact from ponding of water (if any) is alleviated

(f) concept drawings, correspondence and approvals from utility authorities with regards to any utility services that will need to be installed in the proposed bridge

(g) scour protection shall be provided for the bridge piers, abutment and constricted creek waterway and riparian corridor for events up to the 2% AEP (50-year ARI). Provision for appropriate plant access to the bridge for maintenance, including for repair and replacement of the scour protection, shall be provided.

The Applicant shall provide an independent review by a suitably qualified structural engineer verifying the design of the bridge and associated structures satisfies (a) to (g) above and all relevant design requirements.

A copy of the approved plans, documentation and independent review, demonstrating compliance with the above, must be provided to the Certifier prior to the commencement of the relevant works.

PEDESTRIAN BRIDGE – DETAILED DESIGN AND FLOODING

B104. Detailed design plans, calculations and other supporting documentations prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia) must be submitted to the Planning Secretary for approval prior to the issue of any Subdivision Works Certificate for the pedestrian bridge to be built across Shrimptons Creek below the road bridge. The design must be supported by detailed flood modelling, prepared by a suitably qualified Engineer, demonstrating the potential flood impacts of the pedestrian bridge and any potential flood hazard to pedestrians using the bridge.

RETAINING WALL FOR ROAD CONNECTION TO LYONPARK ROAD

B105. The following are to be submitted to the Certifier:

(a) **Survey report by a registered surveyor.**

(b) **Geotechnical Engineers Report.**

(c) **Structure Engineers details for the retaining wall.**

PART C DURING CONSTRUCTION

HOURS OF CONSTRUCTION

C1. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:

(a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive; and

(b) between 8.00 am and 4.00 pm, Saturdays.

C2. No work may be carried out on Sundays or public holidays.

C3. 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; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

C4. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

C5. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:

(a) 9.00 am to 12.00 pm, Monday to Friday;

(b) 2.00 pm to 5.00 pm Monday to Friday; and

(c) 9.00 am to 12.00 pm, Saturday.

IMPLEMENTATION OF MANAGEMENT PLANS

C6. The Applicant shall ensure that the requirements of the management plans required by Part B of this consent are implemented during construction.

CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

C7. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities that could exceed the construction noise or vibration management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP.**

C8. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels

C9. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.

C10. Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.

C11. Vibration caused by construction at any residence or structure outside the subject site must be limited to:

(a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;

(b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*;

(c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment; and

(d) these limits apply unless otherwise outlined in the **CEMP**.

DISPOSAL OF SEEPAGE AND STORMWATER

C12. Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant authority.

APPROVED PLANS TO BE ONSITE

C13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

C14. A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:

a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30-point type size;

b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;

c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

CONTAMINATION

C15. The Applicant must implement the recommendations of the Remedial Action Plan (**Condition B56**) as approved by the accredited site auditor.

C16. The Applicant must ensure that an appropriate marker layer is installed above any emplaced contaminated fill material contained on the development site.

C17. The Applicant must ensure all in-ground services are installed above the marker layer, referred to in **Condition C16**, to minimise any risks to workers undertaking future maintenance work in service trenches.

C18. Where applicable, the Applicant must develop a **Long-Term Environmental Management Plan** following remediation of the development site to document:

(a) the expected limitations on the development site use

(b) relevant environmental and health and safety processes and procedures

(c) management processes, procedures and responsibilities to be adopted by future site users within the development site

(d) details on the location and extent of emplaced asbestos impacted soil and other contaminated soil to be contained on the site.

C19. The Applicant is to ensure that any contamination identified as meeting the trigger in the EPA Guidelines for the Duty to Report Contamination is notified in accordance with requirements of section 60 of the Contaminated Land Management Act 1997.

C20. The Applicant is to ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

C21. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

SAFEWORK NSW REQUIREMENTS

C22. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

HOARDING/FENCING REQUIREMENTS

C23. The following hoarding requirements must be complied with:

a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and

b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

PUBLIC ACCESS TO TEMPORARY TURNING HEADS

C24. Public access to the temporary turning heads must be available at all times during construction works (**Condition A15**).

RETAINING STRUCTURES WITHIN PROPERTY BOUNDARY

C25. In consultation with TfNSW (RMS), the Applicant must provide any required retaining structures within the property boundary of Building A1, to support the Herring Road/Ivanhoe Place intersection road works.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS

C26. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.

IMPACT OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS

C27. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and EESG informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from the Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.

WASTE MANAGEMENT

C28. Notwithstanding the **CWMP** referred to in **Condition B44**, the Applicant must ensure that:

a) all waste generated by the development is classified and managed in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;

b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;

c) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

d) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises.

LOADING AND UNLOADING DURING CONSTRUCTION

C29. The following requirements apply:

(a) all loading and unloading associated with construction must be accommodated on site; and

(b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

DEMOLITION AND CONSTRUCTION VEHICLES

C30. All demolition and construction vehicles must be wholly contained within the site and vehicles must enter the site before stopping.

Note: A construction zone will not be permitted on Epping Road.

MANAGEMENT OF CONSTRUCTION WASTE

C31. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

IDENTIFICATION AND REMOVAL OF HAZARDOUS MATERIALS

C32. Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

C33. Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

COVERING OF LOADS

C34. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

VEHICLE CLEANSING

C35. Prior to the commencement of work and during construction works, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

STOCKPILE MANAGEMENT

C36. The Applicant must ensure:

a) stockpiles of material do not exceed 4 metres in height;

b) stockpiles of material are constructed and maintained to prevent cross contamination; and

c) suitable erosion and sediment controls are in place for stockpiles.

EROSION AND SEDIMENT CONTROL

C37. All erosion and sediment control measures are to 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 has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

DUST CONTROL MEASURES

C38. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
h) cleaning of footpaths and roadways shall be carried out regularly.

PROTECTION OF TREES

C39. The Applicant must ensure:

(a) no street trees on public land are trimmed or removed unless it forms a part of this development consent or is required in an emergency to avoid the loss of life or damage to property;

(b) all trees that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures to protect the root systems, trunk and branches during construction, in accordance with AS 4970:2009; and

(c) any removal works are to be undertaken by a qualified arborist recognised within the Australian Qualification Framework, with a minimum five years of continual experience within the industry of operational amenity arboriculture and covered by appropriate and current types of insurance to undertake such works and in accordance with AS 4373:2007.

WORKS ON WATERFRONT LAND

C40. All works on waterfront land must be carried out in accordance with the Guidelines for Controlled Activities (2019).

GROUNDWATER LICENCING

C41. Appropriate authorisations should be sought through the NRAR to account for any take of groundwater that is likely to exceed 3 ML.

GROUNDWATER MANAGEMENT

C42. Groundwater shall not be pumped or extracted for any purpose other than temporary dewatering during the period of construction.

GROUNDWATER MONITORING

~~**C43.** All groundwater monitoring bores installed across the site shall be subject to in-situ permeability testing (rising head tests or falling head tests) at each stage of the development to inform the calculations of groundwater take by each excavation and the results shall be reported to NRAR.~~

C44. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested at a certified laboratory.

An assessment of result must be carried out by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater.

C45. Daily measurements of water levels from monitoring bores outside basement support walls, weekly measurements of groundwater and discharge water quality, and weekly measurements of pumped volumes shall be recorded by the proponent throughout the construction phase of the development **where bulk excavation is within 0.5 m of measured groundwater levels**.

STORMWATER

C46. Inspections are to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council trunk drainage works.

The Applicant shall submit to the Certifier, certification from the Engineer **or equivalent**~~,~~ at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, Council's standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

(a) Upon excavation of trenches as per the approved drainage drawings.

(b) Upon installation of pit reinforcement but prior to concrete pour for cast in-situ pits.

(c) Upon installation of pipes and other drainage structures prior to backfilling.

(d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

(e) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

(f) Any stormwater pit with a depth greater than 2.5 metres shall be certified by a suitably qualified Structural Engineer.

C47. For the purpose of any handover of the trunk drainage assets to Council, a final inspection shall be conducted in conjunction with the Certifier and Council's Engineer from the City Works Directorate following the completion of the trunk
drainage works. Defects found at such inspection shall be rectified by the Applicant prior to the Certifier issuing the Compliance Certificate for the trunk drainage works.

C48. Water quality targets in accordance with Council's DCP 2014 Part 8.2 and all relevant guidelines must be maintained throughout all construction phases. Testing shall be carried out at a frequency of no less than every three (3) months and inspections and certification shall be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent. Certifications demonstrating compliance shall be submitted to the Certifier.

C49. During construction, the following measures should be incorporated with direction from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia) **or equivalent**:

(a) construction equipment, materials, stockpile, access roads and work platforms should not be sited within floodways where the distribution of flood flows will be significantly altered and increase flood impacts on adjoining properties

(b) hazardous material should be sited so that the risk of such material entering a watercourse during a flood event is minimised

(c) appropriate activities and methodologies should be put in place that addresses awareness, preparedness, response and recovery from a flood event in regard to such things as work health and safety, waterway impacts, site impacts and site reestablishment should a flood event occur during construction

(d) temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from the site.

NO OBSTRUCTION OF THE PUBLIC WAY

C50. Unless otherwise authorised, the public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

DAMAGE TO THE PUBLIC WAY

C51. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

BUNDING

C52. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

SETTING OUT OF STRUCTURES

C53. The building shall be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifier certifying that structural works are in accordance with the approved development application.

CONTACT TELEPHONE NUMBER

C54. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

RETAINING WALL FOR ROAD CONNECTION TO LYONPARK ROAD

C55. **Any necessary plan/documents for easement for support as part of this new retaining wall must be is to be registered with NSW Land Registry Services.**

C56. **Submit a certificate from a Structural Engineer certifying the retaining wall has been constructed in accordance with the Structural Engineers details.**

C57. **Submit a survey by a Registered Surveyor certifying that the retaining wall is wholly within the private land or any necessary easement.**

C58. **An approved balustrade may be required to be erected along the top of the wall in the interests of public safety.**

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

GFA AND HEIGHT CERTIFICATION

D1. A Registered Surveyor is to certify that the GFA of Building A1 does not exceed 21,580 m^2 and the height of the building does not exceed RL 138.3 m AHD. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the occupation or use of Building A1.

D2. A Registered Surveyor is to certify that the GFA Building C1 does not exceed 33,596 m^2 and the height of the building does not exceed RL 124.95 m AHD to the top of the north-western tower, RL 121.95 m AHD to the top of the south-eastern tower, and RL 69.9 m AHD to the top of the three storey townhouses. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the occupation or use of Building C1.

SOCIAL HOUSING

D3. A minimum of 259 apartments within Building C1 must be provided as social housing. Details demonstrating compliance must be submitted to the Certifier prior to the occupation or use Building C1.

EXTERNAL WALLS AND CLADDING FLAMMABILITY

D4. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B14**.

CONTAMINATION

D5. The recommendations of the Remedial Action Plan (**Condition B56**) are to be implemented, including provision of a Section A Site Audit Statement, issued by an EPA accredited site auditor, to the Certifier at the completion of remediation and validation works, certifying suitability of that part of the site requiring remediation as identified in the Remedial Action Plan for the approved use.

D6. On completion of remediation work and prior to any occupation, the relevant requirements of clauses 17 and 18 of SEPP 55 – Remediation of Land, being notification to Council, shall be complied with. Groundwater is not to be abstracted from the site for beneficial use.

PROTECTION OF PUBLIC INFRASTRUCTURE

D7. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and

(b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

TREE PLANTING

D8. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating compliance with the required tree planting (**Conditions B30, B30(a)** and **B31**).

COMMUNITY BUS SERVICE

D9. A free community bus service for residents and employees within the site, must be provided, operated and funded by the Applicant to connect the site with Macquarie Park employment zones, Macquarie Shopping Centre and Macquarie Park Station during the weekday morning and evening peak hours. The bus service must commence operation prior to any occupation/commencement of use of Building C1. Details of the bus service must be prepared in consultation with Council and approved by TfNSW, prior to any occupation/commencement of use of Building C1.

REPAIR OF DAMAGE (ROADS AND PUBLIC DOMAIN)

D10. All public footways, paving, sub-surface infrastructure, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles.

PUBLIC DOMAIN WORKS

D11. All public domain works and landscaping/tree planting are to be completed in accordance with the approved plans prior to the occupation or use of each building.

ENVIRONMENTAL PERFORMANCE

D12. Prior to the occupation or use of each building, the Applicant shall implement the commitments outlined in:

(a) Building A1: BASIX Certificate No. 893728M_02

(b) Building C1.1-C1.4: BASIX Certificate No. 919971M_0~~2~~3

(c) Building C1.5: BASIX Certificate No. 896458M_02.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

D13. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the Ivanhoe Sustainability Strategy Stage 1, prepared by Frasers Property, dated August 2018.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

D14. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating consultation with NSW Police with regards to the location and coverage of CCTV surveillance, lighting, mailbox security, bicycle security and general crime and safety prevention for the development and compliance with **Condition B54**.

WIND MITIGATION MEASURES

D15. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating compliance with all wind mitigation recommendations of the Qualitative Wind Assessment, prepared by CPP, dated November 2018.

FIRE SAFETY CERTIFICATION

D16. Prior to the occupation or use of each building, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in each building.

CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

D17. Prior to the occupation or use of each building, details shall be provided to the Certifier demonstrating compliance with the approved number of car parking and bicycle spaces required under **Conditions B77**, **B78**, **B79** and **B81**, and facilities for cyclists required under **Condition B82**.

STRUCTURAL INSPECTION CERTIFICATE

D18. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier prior to the occupation or use of each building. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:

a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and

b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

POST CONSTRUCTION DILAPIDATION REPORT

D19. Prior to the occupation or use of each building:

a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report. This report must ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:

c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;

d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and

e) a copy of this report is to be forwarded to the Certifier, the Planning Secretary and each of the affected property owners.

WASTE STORAGE AREAS

D20. Prior to the occupation or use of each building, a final inspection of the waste storage areas and facilities must be undertaken by a member of Council's Waste Team. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council.

D21. Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas. Standard signage is available through Council.

ACOUSTIC COMPLIANCE

D22. Prior to the occupation or use of each building, evidence shall be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B33**.

GREEN TRAVEL PLAN

D23. Prior to the occupation or use of any building, a detailed Green Travel Plan (GTP) prepared by a suitably qualified person, shall be endorsed by TfNSW and submitted to the Certifier. The GTP is to be prepared outlining practical measures and initiatives to ensure that the approved development encourages greater use of sustainable modes of transport.

TRAVEL ACCESS GUIDE

D24. Prior to the occupation or use of each building, a Travel Access Guide (TAG), must be prepared by a suitably qualified person and provided to satisfaction of the PCA. The TAG must contain measures to promote public transport use, cycling and walking.

DEDICATION OF BOUNDARY REALIGNMENT

D25. Any boundary realignment to facilitate a footway resulting from road widening works on Epping Road or Herring Road must be dedicated as road to TfNSW at a cost agreed with TfNSW.

MECHANICAL VENTILATION

D26. Prior to the occupation or use of each building, the Applicant shall provide evidence to the Certifier, prior to the use of each building, that the installation and performance of any new mechanical systems complies with:

a) the Building Code of Australia;
b) Australian Standard AS1668 and other relevant codes;
c) the development consent and any relevant modifications; and
d) any dispensation granted by the Fire and Rescue NSW.

WATER AUTHORITY COMPLIANCE

D27. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the PCA prior to the commencement of use for each building.

UTILITY PROVIDERS

D28. Prior to the occupation or use of each building, written advice **or certification** shall be obtained from the relevant water supply authority, wastewater disposal authority, 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.

NUMBERING

D29. Prior to the occupation or use of each building, street numbers and the building name must be clearly displayed at either end of the ground level frontage of each building. If new street numbers or a change to street numbers is required, a separate application must be made to the relevant authority.

STORMWATER

D30. The trunk drainage system servicing the new Roads No.1, No.2, No.3 and any proposed pedestrian links shall be maintained by the Developer until any dedication is provided to Council via the registration of Council Easements.

D31. Prior to the occupation or use, Works-As-Executed Drawings prepared by a registered surveyor for all new trunk drainage works shall be submitted to Council's Stormwater Engineer. The Works-As-Executed Drawings shall be accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia), or equivalent, certifying the drawings are a true and accurate representation of the constructed works.

D32. To ensure Council's existing and new stormwater infrastructures are adequately protected, there are no damages and the construction has been completed and is fit for purpose, a post-construction CCTV report on Council's existing stormwater drainage pipeline and all new trunk drainage works through the proposed development site and to the downstream discharge point is to be submitted to Council accompanied by a certificate from a suitably qualified stormwater engineer (registered on the NER of Engineers Australia) **or equivalent**.

D33. An electronic closed-circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to the Certifier and Council's City Works Directorate, prior to occupation or use.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council.

The Applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

D34. Existing Council easements within the site which will not convey runoff from an upstream catchment, public park, public road reserve or other public owned land shall be released. Council requires a certificate to be prepared by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, confirming that the existing Council drainage easement is redundant and can be extinguished.

The release of the easement shall be registered and a registered copy of the document shall be submitted to the Certifier and Council prior to the occupation or use.of the final stage of the Development.

D35. Easements in favour of Council shall be created over all existing and new pipes or channels that convey runoff from a public park, public road reserve or other public owned land and traversing any future lots. This shall include overland flow paths for conveying surface runoff. The easement shall be for the purpose of Council constructing and maintaining stormwater drainage structures.

The easement must be centrally located over the pipeline. The wording of the easement shall be submitted to, and approved by, Council's City Works Directorate prior to lodgement at NSW Land Registry.

The easement shall be registered and a registered copy of the document shall be submitted to Council prior to the occupation or use of the final stage of the Development.

D36. Following completion of the final stage of the drainage and associated works and prior to the issue of any Occupation Certificate, the Applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater – Trunk Drainage Works – Hold Points during Construction" to Council's City Works Directorate.

The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

D37. An Operational Management and Maintenance Report is to be submitted to the Certifier and Council's City Works Directorate prior to the occupation or use. of the final stage of the Development. The report shall provide an outline of the proposed long-term operational management and maintenance requirements of the stormwater quality management system on the site.

A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report and shall be issued to the Certifier.

FLOODING

D38. A **Detailed Flood Emergency Response Plan** (FERP) is to be developed for all **relevant** buildings within the Ivanhoe Estate. The FERP shall consider floods up to and including the Probable Maximum Flood (PMF). Implementation and maintenance of the FERP shall be the responsibility of the relevant owner's corporation and relevant building management. All owners and tenants of the building must be made aware of the FERP. Details of the FERP prepared by a qualified Engineer are to be submitted to Council prior to the occupation or use of each building.

D39. The Applicant shall comply with the flood recommendations provided in the Flood Impact Assessment prepared by WBM BMT Ref no. L.S20319.03.Rev4.Flood Impact, dated June 2018. A certificate from a suitably qualified Drainage Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Certifier confirming compliance with these recommendations prior to the occupation or use of each building.

D40. A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Certifier, prior to the occupation or use of each **relevant** building, confirming the building structures are able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

D41. A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Certifier, prior to the commencement of use of the bridge, confirming that all bridge structures are able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event. The bridge structural design shall include serviceability allowances for bridge scour of the piers, abutments and embankments for ultimate limit states design for events up to the 0.05% AEP (2000-year ARI) storm event.

ROADS

D42. Prior to the commencement of use of each road, the Applicant shall provide Council's City Works & Infrastructure Directorate engineering plans prepared by suitably qualified Engineer, registered on the NER of Engineers Australia, providing details of the new roads, including the smooth connections to existing infrastructure along Herring Road and Lyonpark Road.

Pavement testing and design shall be carried out in accordance with Council's Road Pavement Guidelines, specifically conforming to the following:

b) sampling, testing and evaluation of pavement materials;
c)pavement design and performance requirements; and
d) placing and compaction of the materials in the construction of the pavement.

TELECOMMUNICATION AND UTILITY SERVICES

D43. Prior to the commencement of use of each road, all telecommunication and utility services are to be placed underground along the new roads and servicing the proposed bridge.

The relocation/adjustment of all public utility services affected by the proposed works shall be clearly indicated in the proposed design. Written approval or design certification from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

STREET LIGHTING

D44. Prior to the commencement of use of each road, street lighting shall be provided along all new roads and pedestrian links in accordance with Council's Public Domain Technical Manual Section 6 – Macquarie Park Corridor. Reference shall also be made to Council's Street Lighting Schema for Macquarie Park and Design Guide for Council-owned Street Lighting, design template and checklist.

DESIGN OF PUBLIC DOMAIN AND PUBLIC INFRASTRUCTURE WORKS

D45. Details confirming all public domain works have been designed and constructed in accordance with Council's DCP 2014 Part 4.5 Macquarie Park Corridor, Part 8.5 - Public Civil Works, and Part 8.2 - Stormwater Management, and the Public Domain Technical Manual Section 6 – Macquarie Park Corridor, must be provided to Council and the Certifier prior to the commencement of use of each road.

HIGH PEDESTRIAN ACTIVITY AREA

D46. Prior to the commencement of use of Main Street, including the link to Lyonpark Road, the Applicant is to undertake necessary actions to obtain approval from TfNSW (RMS) for the implementation of a 40 km/h High Pedestrian Activity Area zone throughout the Ivanhoe Estate to ensure maximum safety for all road user types. Exact locations must be confirmed with Council during the detailed road design stage. Should TfNSW (RMS) not support the implementation of a 40 km/h zone, the speed limit for Main Street will be determined by TfNSW (RMS).

BUS STOPS AND SHELTERS

D47. Prior to the commencement of any bus services utilising Main Street, the Applicant shall provide details of any proposed bus stops and provide illuminated bus shelters to meet Disability Discrimination Act standards. Bus stops and bus shelters shall be provided at no cost to Council.

POSITIVE COVENANT FOR WASTE COLLECTION

D48. Where it is necessary for waste collection vehicles to enter either building to service the waste containers, a Positive Covenant must be created on each property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7.

The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the occupation or use of each building. The application to Council for endorsement of the Positive Covenant must be accompanied by a Works-As-Executed plan ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles.

CREATION OF EASEMENTS

D49. An easement entitling Council waste contractors to enter both buildings for the purposes of garbage collection must be granted to Council by the owner of the land. The easement terms are to be generally in accordance with the standard terms (available from Council) and undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons.

REGISTRATION OF EASEMENTS

D50. Prior to the occupation or use of each building, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Registry Services.

UTILITIES

D51. Each building is to be connected to all available services (water, electricity and telephone) prior to the occupation or use. Such connections, and any extension of services required to the development, are to be carried out at full cost to the Applicant.

CONTAMINATION

D52. **A Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan (prepared by a NSW EPA-accredited Site Auditor) – certifying that the site is suitable for the proposed use, must be submitted to the Planning Secretary and the Certifier prior to use of the relevant buildings and infrastructure included in this consent.**

PART E POST OCCUPATION – DURING OPERATION

LOADING AND UNLOADING

E1. All loading and unloading operations associated with the site and approved buildings must be carried out within the confines of the site at all times and must not obstruct other properties/units or the public way.

E2. At all times the driveway and loading/unloading area must be kept clear of goods and must not be used for storage purposes, including garbage storage.

E3. All vehicles must enter and exit the site and approved buildings in a forward direction.

E4. All vehicles are to be wholly contained on-site before being required to stop.

NO OBSTRUCTION OF THE PUBLIC WAY

E5. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

ANNUAL FIRE SAFETY CERTIFICATE

E6. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

FIRE SAFETY CERTIFICATION

E7. The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with **Condition D16** of this consent.

BUNDING

E8. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

NOISE CONTROL – PLANT AND MACHINERY

E9. Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:

(a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;

(b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and

(c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

TRAVEL ACCESS GUIDE

E10. The TAG, required by **Condition D24,** must be displayed in all common areas throughout each building for residents. The TAG must be updated annually to reflect changes in services and the environment.

WASTE MANAGEMENT

E11. The measures contained in the Waste Management Plan, prepared by Elephants Foot Recycling Solutions, dated 17 October 2018, must be implemented to ensure the effective management of operational waste associated with the approved buildings. No waste materials are to be stored outside the buildings or approved waste storage areas at any time.

E12. No waste materials are to be stored outside the buildings or approved waste storage areas at any time. All waste servicing instructions from Council must be complied with at all times, including any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.

E13. All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

EXTERNAL LIGHTING

E14. All external lighting is to be inward facing and limited to pathways and communal areas.

OUTDOOR LIGHTING

E15. All new outdoor lighting shall operate in compliance with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: *1997 Control of the Obtrusive Effects of Outdoor Lighting* (**Condition B38**).

USE OF COMMUNAL FACILITIES

E16. The use of the communal facilities within each building is restricted to the residents of each building and their guests only.

ANTI-GRAFFITI

E17. Where possible all ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 48 hours.

PLAN OF MANAGEMENT FOR LANDSCAPE MAINTENANCE

E18. Within six months of the issue of the Occupation of each building, a Plan of Management for the ongoing maintenance of landscaped areas within common communal areas is to be prepared and adopted by the Owners Corporation or owner of the building.

REPLACEMENT TREE PLANTING

E19. Replacement trees shall be maintained for a minimum of 12 months. Should any trees die during this maintenance period, they must be replaced with an identical or similar species and be of pot size consistent with the original pot size of the tree to be replaced.

IMPLEMENTATION OF BIODIVERSITY MANAGEMENT PLAN

E20. The **Biodiversity Management Plan (**including **Vegetation Management Plan** and **Weed Management Plan**) must be implemented in accordance with the approved **Biodiversity Management Plan** (**Condition B47**).

FLOOD WARNING SIGNAGE

E21. Appropriate flood warning signage is to be installed and maintained for the pedestrian bridge (**Condition B103**).

PUBLIC LIFT ACCESS

E22. 24 hours-per-day, seven-days-per-week public access must be maintained in perpetuity to the community lift providing access to the car share basement parking area.

PUBLIC LIFT SIGNAGE

E23. Signage must be located in perpetuity adjacent to the community lift identifying it as a public lift providing access to the car share spaces located within Building C1. Any pedestrian thoroughfare providing access to this community lift must also provide clear wayfinding signage at the adjacent street interface.

PART F PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/S

REQUIREMENTS OF THE EP&A ACT

F1. In undertaking the subdivision approved under this consent, the Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision Certificate.

For the purpose of this approval, the issue of a Subdivision Certificate/s is restricted to the subdivision defined by **Condition A2**.

SUBDIVISION CERTIFICATE

F2. A Subdivision Certificate shall be obtained prior to the registration of a final subdivision plan with the Registrar-General at the NSW Land and Property Information.

F3. Before granting any Subdivision Certificate for stratum subdivision, the Certifier must be satisfied that the Applicant has complied with all conditions of this consent that are required to be complied with before a Subdivision Certificate may be issued in relation to the plan of subdivision.

BUILDING MANAGEMENT STATEMENT

F4. Prior to the occupation or use of any building that includes stratum subdivision of the stage, a Building Management Statement must be prepared in the approved form prescribed by Schedule 8A of the Conveyancing Act 1919 or a Strata Management Statement must be prepared in the approved form prescribed by Part 6 of the Strata Schemes Development Act 2015 and submitted to the Certifier. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the development the subject of the stage as a 'united building'. The Building Management Statement or Strata Management Statement (as applicable) must include details of the following:

a) the use, operation and arrangements for the supply of services, maintenance and upgrading of infrastructure of each stratum lot within the subdivision

b) the ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision

c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

CREATION OF EASEMENTS

F5. Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

REGISTRATION OF EASEMENTS

F6. Prior to the issue of the final Subdivision Certificate, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, approvals and other consents have been lodged for registration or registered at the NSW Land Registry Services.

ENCROACHING AND/OR SHARED SERVICES

F7. Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment occurs.

ACCESS EASEMENT – GROUND LEVEL

F8. Prior to, or upon, the registration of each stratum plan for the site, appropriate ground level access easement/s are to be created to provide access to each building from the public domain for each respective building owner/s, tenant/s and visitors, as relevant to the stratum lot/s the subject of the stratum plan to the satisfaction of the Certifier. Each easement is to address construction staging, including any restrictions to access as a result of the construction activities, including erecting hoardings.

F9. Suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas of the residual lot at each stage in the stratum subdivision to ensure public access to the public domain areas. The rights of public access are to be triggered by an occupation certificate for the relevant public domain areas (temporary or permanent) within the site.

STATEMENT OF COMPLIANCE – COMPLETION IN ACCORDANCE WITH DEVELOPMENT CONSENT

F10. Prior to the issue of a Subdivision Certificate for stratum subdivision, a Statement of Compliance shall be provided to the Certifier demonstrating that the approved subdivision is consistent with relevant conditions of any relevant development consent (to the extent they are relevant and required for that stage) issued in respect to the building (or part of the building) or public domain areas, roads and infrastructure proposed to be subdivided. This includes, but is not limited to, any conditions relating to the allocation of the following to the respective lot(s):

d) Car parking spaces, bicycle parking spaces, loading spaces

e) Roads

f) Public domain and public infrastructure

g) Shared user paths

h) Stormwater/drainage and associated restoration works, including Sydney Water requirements

i) Waste

j) Flooding – structures and bridge.

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A23 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
    a. identify the development and application number;
    b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
    c. identify how the incident was detected;
    d. identify when the applicant became aware of the incident;
    e. identify any actual or potential non-compliance with conditions of consent;
    f. describe what immediate steps were taken in relation to the incident;
    g. identify further action(s) that will be taken in relation to the incident; and
    h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
    a. a summary of the incident;
    b. outcomes of an incident investigation, including identification of the cause of the incident;
    c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
    d. details of any communication with other stakeholders regarding the incident.

ADVISORY NOTES

APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council or other relevant authority for all necessary permits, including crane permits, road opening permits, stormwater drainage, footpaths, kerb and gutter, street trees, street lighting and signage, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

CONTRIBUTIONS

AN3. Section 7.11 contributions are to be payable consistent with the concept approval (SSD 8707).

SHRIMPTONS CREEK TENURE

AN4. Should the Applicant require Shrimptons Creek (or part thereof) to develop the site, then this property would need to be acquired.

RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN5. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

TEMPORARY STRUCTURES

AN6.

a) An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

DISABILITY DISCRIMINATION ACT

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN8.

a) The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

b) This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

BUILDING PLAN APPROVAL

AN9. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

• building plan approvals • connection and disconnection approvals • diagrams • trade waste approvals • pressure information • water meter installations • pressure boosting and pump approvals • changes to an existing service or asset, e.g. relocating or moving an asset.

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

WORKS AND SIGNPOSTING

AN10. All works and signposting (including any adjustment/relocation works) shall be at no cost to TfNSW (RMS).

END OF ADVISORY NOTES