

# Development Consent

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

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

The conditions imposed under this consent are required to:

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



**Ben Lusher**  
**Executive Director**  
**Housing and Key Sites Assessments**

Sydney

30 June 2025

File: SSD-73228210

### **SCHEDULE 1**

<b>Application Number:</b>	SSD-73228210
<b>Application lodged by:</b>	Deicorp Projects (Five Dock) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	129-153 Parramatta Road and 53-75 Queens Road, Five Dock (Lot 1 DP 180829, Lot 1 DP 176343, Lot 1 DP 191889, Lot 1 DP 176163, Lot 1 DP 73026, Lot A DP 401689, Lots X and Y DP 386093, Lot 1 DP 82068, Lots 1 and 2 DP 591225, Lots A, B and C DP 332646, Lot 1 DP 872782 and Lots 40 and 41 DP 1097688)
<b>Development:</b>	Construction of a mixed-use development, comprising <ul style="list-style-type: none"><li>• four new buildings with six towers ranging in height from 14 to 31 storeys, including<ul style="list-style-type: none"><li>○ 1,185 apartments including 218 affordable housing apartments</li><li>○ commercial/retail uses and a gymnasium</li><li>○ four levels of basement for 1,456 car spaces and associated services</li></ul></li><li>• a 2,290m<sup>2</sup> public park</li><li>• extension of Spencer Street, three pedestrian through-site links and right turn lane to William Street</li><li>• associated works including site preparation, tree removal, excavation, remediation, subdivision works, civil works, public domain works and landscaping</li><li>• staged construction and operation of the development.</li></ul>

### **Right of Appeal**

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

## DEFINITIONS

### Interpretation

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

### Definitions

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

<b>Applicant</b>	The person having the benefit of this consent, or who is carrying out the Development.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
<b>Consultation</b>	When capitalised, means undertaking a consultation process with a party under which the Applicant: <ul style="list-style-type: none"> <li>(a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and</li> <li>(b) provides details of the consultation undertaken including: <ul style="list-style-type: none"> <li>(i) the outcome of that consultation, matters resolved and unresolved; and</li> <li>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>
<b>Council</b>	Canada Bay City Council
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure.
<b>Development</b>	Where capitalised, means the Development approved pursuant to this consent.
<b>EIS</b>	The Environmental Impact Statement titled <i>State Significant Development Application SSD-73228210 129-153 Parramatta Road and 53-75 Queens Road, Five Dock</i> , prepared by Gyde Consulting, dated 25 October 2024, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
<b>Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> .
<b>EP&amp;A Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
<b>Fire Safety Certificate</b>	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"> <li>• involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li> <li>• results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environmental).</li> </ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.
<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.
<b>Report</b>	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified

professional, consultant or other expert specified.

**Sensitive Receiver**

Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.

## SCHEDULE 2

### PART A GENERAL CONDITIONS

#### ADMINISTRATIVE CONDITIONS

##### TERMS OF CONSENT

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

Architectural drawings prepared by Turner			
Drawing Number	Rev	Name of Plan	Date
DA-000-001	05	General Cover Sheet	11/06/2025
DA-000-002	05	General Title Sheet 01	11/06/2025
DA-000-003	05	General Title Sheet 02	11/06/2025
DA-000-004	03	General Title Sheet 03	11/06/2025
DA-012-001	08	Siteworks Staging Diagram CC 01	24/06/2025
DA-012-002	08	Siteworks Staging Diagram CC 02	24/06/2025
DA-012-003	05	Siteworks Staging Diagram OC 03	24/06/2025
DA-012-004	05	Siteworks Staging Diagram OC 04	24/06/2025
DA-010-010	05	Siteworks Site Plan	11/04/2025
DA-110-005	09	GA Plans Overall Basement 04	03/06/2025
DA-110-006	09	GA Plans Overall Basement 03	03/06/2025
DA-110-007	11	GA Plans Overall Basement 02	03/06/2025
DA-110-008	12	GA Plans Overall Basement 01	03/06/2025
DA-110-009	14	GA Plans Overall Ground Level	03/06/2025
DA-110-010	16	GA Plans Overall 01	03/06/2025
DA-110-020	07	GA Plans Overall 02	03/06/2025
DA-110-030	06	GA Plans Overall 03	03/06/2025
DA-110-040	07	GA Plans Overall 04	03/06/2025
DA-110-050	07	GA Plans Overall 05	03/06/2025
DA-110-060	07	GA Plans Overall 06	03/06/2025
DA-110-070	06	GA Plans Overall 07	03/06/2025

DA-110-080	07	GA Plans Overall 08	03/06/2025
DA-110-090	06	GA Plans Overall 9-10	03/06/2025
DA-110-110	03	GA Plans Overall 11-13	03/06/2025
DA-110-140	03	GA Plans Overall 14	03/06/2025
DA-110-150	03	GA Plans Overall 15-22	03/06/2025
DA-110-230	03	GA Plans Overall 23-25	03/06/2025
DA-110-260	03	GA Plans Overall 26-30	03/06/2025
DA-110-310	06	GA Plans Overall Roof Level	03/06/2025
DA-110-311	07	GA Plans Overall Plant Roof Level	03/06/2025
DA-112-005	07	GA Plans Building A Basement Level 04	03/06/2025
DA-112-006	07	GA Plans Building A Basement Level 03	03/06/2025
DA-112-007	08	GA Plans Building A Basement Level 02	03/06/2025
DA-112-008	08	GA Plans Building A Basement Level 01	03/06/2025
DA-112-009	08	GA Plans Building A Ground Level	03/06/2025
DA-112-010	08	GA Plans Building A Level 01	03/06/2025
DA-112-020	07	GA Plans Building A Level 02	03/06/2025
DA-112-030	07	GA Plans Building A Level 03	03/06/2025
DA-112-040	07	GA Plans Building A Level 04	03/06/2025
DA-112-050	07	GA Plans Building A Level 05	03/06/2025
DA-112-060	07	GA Plans Building A Level 06	03/06/2025
DA-112-070	02	GA Plans Building A Level 07-08	03/06/2025
DA-112-090	07	GA Plans Building A Level 09-30	03/06/2025
DA-112-240	07	GA Plans Building A Roof Level	03/06/2025
DA-113-005	07	GA Plans Building B Basement Level 04	03/06/2025
DA-113-006	07	GA Plans Building B Basement Level 03	03/06/2025
DA-113-007	08	GA Plans Building B Basement Level 02	03/06/2025
DA-113-008	08	GA Plans Building B Basement Level 01	03/06/2025
DA-113-009	08	GA Plans Building B Ground Level	03/06/2025
DA-113-010	09	GA Plans Building B Level 01	03/06/2025
DA-113-020	08	GA Plans Building B Level 02	03/06/2025

DA-113-030	07	GA Plans Building B Level 03-04	03/06/2025
DA-113-050	07	GA Plans Building B Level 05	03/06/2025
DA-113-060	07	GA Plans Building B Level 06	03/06/2025
DA-113-070	07	GA Plans Building B Level 07	03/06/2025
DA-113-080	07	GA Plans Building B Level 08-13	03/06/2025
DA-113-140	07	GA Plans Building B Level 14	03/06/2025
DA-113-150	07	GA Plans Building B Level 15-25	03/06/2025
DA-113-200	07	GA Plans Building B Roof Level	03/06/2025
DA-113-270	02	GA Plans Building B Plant Roof Level	03/06/2025
DA-114-005	07	GA Plans Building CD Basement Level 04	03/06/2025
DA-114-006	07	GA Plans Building CD Basement Level 03	03/06/2025
DA-114-007	08	GA Plans Building CD Basement Level 02	03/06/2025
DA-114-008	08	GA Plans Building CD Basement Level 01	03/06/2025
DA-114-009	09	GA Plans Building CD Ground Level	03/06/2025
DA-114-010	09	GA Plans Building CD Level 01	03/06/2025
DA-114-020	07	GA Plans Building CD Level 02	03/06/2025
DA-114-030	07	GA Plans Building CD Level 03	03/06/2025
DA-114-040	07	GA Plans Building CD Level 04	03/06/2025
DA-114-050	07	GA Plans Building CD Level 05	03/06/2025
DA-114-060	07	GA Plans Building CD Level 06	03/06/2025
DA-114-070	07	GA Plans Building CD Level 07	03/06/2025
DA-114-080	07	GA Plans Building CD Level 08-10	03/06/2025
DA-114-110	07	GA Plans Building CD Level 11-13	03/06/2025
DA-114-140	07	GA Plans Building CD Level 14	03/06/2025
DA-114-150	07	GA Plans Building CD Level 15	03/06/2025
DA-114-160	07	GA Plans Building CD Level 16-22	03/06/2025
DA-114-230	07	GA Plans Building CD Level 23	03/06/2025
DA-114-240	07	GA Plans Building CD Level 24-25	03/06/2025
DA-114-260	07	GA Plans Building CD Level Roof (Level 26)	03/06/2025
DA-115-05	07	GA Plans Building E Basement Level 04	03/06/2025

DA-115-06	07	GA Plans Building E Basement Level 03	03/06/2025
DA-115-07	08	GA Plans Building E Basement Level 02	03/06/2025
DA-115-08	08	GA Plans Building E Basement Level 01	03/06/2025
DA-115-09	09	GA Plans Building E Ground Level	03/06/2025
DA-115-010	09	GA Plans Building E Level 01	03/06/2025
DA-115-020	07	GA Plans Building E Level 02-04	03/06/2025
DA-115-030	07	GA Plans Building E Level 03-05	03/06/2025
DA-115-060	07	GA Plans Building E Level 06	03/06/2025
DA-115-070	01	GA Plans Building E Level 07	03/06/2025
DA-115-080	07	GA Plans Building E Level 08	03/06/2025
DA-115-090	07	GA Plans Building E Level 09-14	03/06/2025
DA-115-120	07	GA Plans Building E Level 15-25	03/06/2025
DA-115-260	07	GA Plans Building E Level 26 (Roof)	03/06/2025
DA-210-100	06	GA Elevations North Elevation A-B	11/04/2025
DA-210-101	06	GA Elevations East Elevation B-E	11/04/2025
DA-210-102	06	GA Elevations South Elevation CD-E	11/04/2025
DA-210-103	06	GA Elevations West Elevation A-CD	11/04/2025
DA-210-104	06	GA Elevations North Elevation E-CD	11/04/2025
DA-210-105	06	GA Elevations East Elevation CD-A	11/04/2025
DA-210-106	06	GA Elevations South Elevation A-B	11/04/2025
DA-210-107	06	GA Elevations West Elevation B-E	11/04/2025
DA-210-110	06	GA Elevations Int Elevation A	11/04/2025
DA-210-120	06	GA Elevations Int Elevation B 01	11/04/2025
DA-210-121	05	GA Elevations Int Elevation B 02	11/04/2025
DA-210-130	05	GA Elevations Int Elevation CD 01	11/04/2025
DA-210-131	05	GA Elevations Int Elevation CD 02	11/04/2025
DA-210-140	06	GA Elevations Int Elevation E	11/04/2025
DA-310-100	06	GA Section Section N1	11/04/2025
DA-310-110	05	GA Section Section E1	11/04/2025
DA-310-120	06	GA Section Section S1	11/04/2025

DA-310-130	05	GA Section Section W1	11/04/2025
DA-320-100	04	Ramp Sections GA Ramp Section – Ramps 1,2,3,4	11/04/2025
DA-320-110	04	Ramp Sections GA Ramp Section – Ramps 5,6,7,8,9,10,11	11/04/2025
DA-730-200	05	Landscape Deep Soil	11/04/2025
DA-730-100	07	Landscape Communal Open Space	03/06/2025
DA-730-101	01	Landscape Communal Open Space	04/06/2025
DA-770-080	06	GFA Diagram Residential GFA Diagram Residential 01	03/06/2025
DA-770-090	06	GFA Diagram Residential GFA Diagram Residential 02	03/06/2025
DA-770-100	07	GFA Diagram Residential GFA Diagram Residential 03	03/06/2025
DA-770-101	06	GFA Diagram Residential GFA Diagram Residential 04	03/06/2025
DA-770-102	06	GFA Diagram Residential GFA Diagram Residential 05	03/06/2025
DA-770-103	06	GFA Diagram Residential GFA Diagram Residential 06	03/06/2025
DA-770-104	06	GFA Diagram Residential GFA Diagram Residential 07	03/06/2025
DA-770-105	06	GFA Diagram Residential GFA Diagram Residential 08	03/06/2025
DA-770-106	06	GFA Diagram Residential GFA Diagram Residential 09	03/06/2025
DA-770-107	06	GFA Diagram Residential GFA Diagram Residential 10	03/06/2025
DA-770-108	06	GFA Diagram Residential GFA Diagram Residential 11	03/06/2025
DA-770-109	06	GFA Diagram Residential GFA Diagram Residential 12	03/06/2025
DA-770-110	06	GFA Diagram Residential GFA Diagram Residential 13	03/06/2025
DA-770-111	06	GFA Diagram Residential GFA Diagram Residential 14	03/06/2025
DA-770-112	06	GFA Diagram Residential GFA Diagram Residential 15	03/06/2025
DA-770-113	06	GFA Diagram Residential GFA Diagram Residential 16	03/06/2025



DA-770-114	06	GFA Diagram Residential GFA Diagram Residential 17	03/06/2025
DA-770-115	07	GFA Diagram Residential GFA Diagram Residential 18	03/06/2025
DA-771-001	05	GFA Diagram Retail GFA Diagram Retail 01	03/06/2025
DA-771-002	05	GFA Diagram Retail GFA Diagram Retail 02	03/06/2025
DA-805-100	07	Affordable Apartments Affordable Apartments GFA	17/06/2025
DA-805-110	06	Affordable Apartments Affordable Apartments GFA	17/06/2025
DA-805-120	07	Affordable Apartments Affordable Apartments GFA	17/06/2025
DA-810-001	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts A	11/04/225
DA-810-002	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts B	11/04/225
DA-810-003	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts B	11/04/225
DA-810-004	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts CD	11/04/225
DA-810-005	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts CD	11/04/225
DA-810-006	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts CD	11/04/225
DA-810-007	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts CD	11/04/225
DA-810-008	04	Adaptable Plan Layout (DA Stage) Pre and Post Adaptable Layouts E	11/04/225
DA-890-001	03	Materials & Finishes Board	05/03/2025
<b>Landscape plans prepared by ISTHMUS</b>			
IS0333-DA-000-1	V	Cover sheet	6/6/25
IS0333-DA-000-2	V	Existing Trees	6/6/25
IS0333-DA-000-3	V	Schedules	6/6/25
IS0333-DA-000-4	V	Details	6/6/25
IS0333-DA-000-5	V	Details	6/6/25
IS0333-DA-000-6	V	Maintenance	6/6/25
IS0333-DA-000-7	V	Public Domain – Site Plan	6/6/25

IS0333-DA-000-8	V	Public Domain – North	6/6/25
IS0333-DA-000-9	V	Public Domain – South	6/6/25
IS0333-DA-000-10	V	Public Domain – Paving Plan	6/6/25
IS0333-DA-000-11	V	Public domain – Canopy Plan	6/6/25
IS0333-DA-009-1	V	Public domain – Detail Plan 1	6/6/25
IS0333-DA-009-2	V	Public domain – Detail Plan 2	6/6/25
IS0333-DA-009-3	V	Public domain – Detail Plan 3	6/6/25
IS0333-DA-009-4	V	Public domain – Detail Plan 4	6/6/25
IS0333-DA-009-5	V	Public domain – Detail Plan 5	6/6/25
IS0333-DA-009-6	V	Public domain – Detail Plan 6	6/6/25
IS0333-DA-009-7	V	Public domain – Detail Plan 7	6/6/25
IS0333-DA-009-8	V	Public domain – Detail Plan 8	6/6/25
IS0333-DA-009-9	V	Public domain – Detail Plan 9	6/6/25
IS0333-DA-009-10	V	Public domain – Detail Plan 10	6/6/25
IS0333-DA-009-11	V	Public domain – Detail Plan 11	6/6/25
IS0333-DA-009-12	V	Public domain – Detail Plan 12	6/6/25
IS0333-DA-000-12	V	C.O.S – Site Plan	6/6/25
IS0333-DA-000-13	V	C.O.S – Area Calculations	6/6/25
IS0333-DA-010-1	V	Level 01 – Building A	6/6/25
IS0333-DA-010-2	V	Level 01 – Building B	6/6/25
IS0333-DA-010-3	V	Level 01 – Building E	6/6/25
IS0333-DA-020-1	V	Level 02 – Building B	6/6/25
IS0333-DA-020-2	V	Level 02 – Building C/D	6/6/25
IS0333-DA-040-1	V	Level 04 – Building A	6/6/25
IS0333-DA-050-1	V	Level 05 – Building B	6/6/25
IS0333-DA-050-2	V	Level 05 – Building C/D	6/6/25
IS0333-DA-050-3	V	Level 05 – Building C/D	6/6/25
IS0333-DA-060-1	V	Level 06 – Building A	6/6/25
IS0333-DA-060-3	V	Level 06 – Building B	6/6/25
IS0333-DA-060-4	V	Level 06 - Building E	6/6/25

IS0333-DA-080-1	V	Level 08 – Building E	6/6/25
<b>Civil Plans prepared by Mott Macdonald</b>			
427623-MMD-FDK-00-DR-C-0001	04	Cover sheet, drawing list and locality plan	05/06/25
427623-MMD-FDK-00-DR-C-0002	04	General Notes Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0003	04	General Notes Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0005	04	General Arrangement Plan	05/06/25
427623-MMD-FDK-00-DR-C-0011	04	Erosion And Sediment Control Plan	05/06/25
427623-MMD-FDK-00-DR-C-0015	04	Erosion And Sediment Control Details	05/06/25
427623-MMD-FDK-00-DR-C-0021	04	Bulk Earthworks Cut And Fill Plan	05/06/25
427623-MMD-FDK-00-DR-C-0051	04	Siteworks And Drainage Plan Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0052	04	Siteworks And Drainage Plan Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0053	04	Siteworks And Drainage Plan Sheet 3	05/06/25
427623-MMD-FDK-00-DR-C-0054	04	Siteworks And Drainage Plan Sheet 4	05/06/25
427623-MMD-FDK-00-DR-C-0101	04	Road Longitudinal Sections Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0102	04	Road Longitudinal Sections Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0103	04	Road Longitudinal Sections Sheet 3	05/06/25
427623-MMD-FDK-00-DR-C-0104	04	Road Longitudinal Sections Sheet 4	05/06/25
427623-MMD-FDK-00-DR-C-0105	04	Road Longitudinal Sections Sheet 5	05/06/25
427623-MMD-FDK-00-DR-C-0121	04	Road Cross Sections Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0122	04	Road Cross Sections Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0123	04	Road Cross Sections Sheet 3	05/06/25

427623-MMD-FDK-00-DR-C-0124	04	Road Cross Sections Sheet 4	05/06/25
427623-MMD-FDK-00-DR-C-0125	04	Road Cross Sections Sheet 5	05/06/25
427623-MMD-FDK-00-DR-C-0126	04	Road Cross Sections Sheet 6	05/06/25
427623-MMD-FDK-00-DR-C-0127	04	Road Cross Sections Sheet 7	05/06/25
427623-MMD-FDK-00-DR-C-0128	04	Road Cross Sections Sheet 8	05/06/25
427623-MMD-FDK-00-DR-C-0129	04	Road Cross Sections Sheet 9	05/06/25
427623-MMD-FDK-00-DR-C-0301	04	Stormwater Longitudinal Sections Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0302	04	Stormwater Longitudinal Sections Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0341	04	Siteworks And Drainage Details Sheet 1	05/06/25
427623-MMD-FDK-00-DR-C-0342	04	Siteworks And Drainage Details Sheet 2	05/06/25
427623-MMD-FDK-00-DR-C-0343	04	Siteworks And Drainage Details Sheet 3	05/06/25
427623-MMD-FDK-00-DR-C-0901	04	Combined Services Plan	05/06/25
427623-MMD-FDK-XX-DR-C-0001	06	Cover Sheet, Drawing List And Locality Plan	05/06/25
427623-MMD-FDK-XX-DR-C-0002	06	General Notes Sheet 1	05/06/25
427623-MMD-FDK-XX-DR-C-0003	06	General Notes Sheet 2	05/06/25
427623-MMD-FDK-XX-DR-C-0005	06	General Arrangement Plan	05/06/25
427623-MMD-FDK-XX-DR-C-0011	06	Erosion And Sediment Control Plan	05/06/25
427623-MMD-FDK-XX-DR-C-0015	06	Erosion And Sediment Control Details	05/06/25
427623-MMD-FDK-XX-DR-C-0051	06	Siteworks And Drainage Plan Sheet 1	05/06/25
427623-MMD-FDK-XX-DR-C-0052	06	Siteworks And Drainage Plan Sheet 2	05/06/25
427623-MMD-FDK-XX-DR-C-0053	06	Siteworks And Drainage Plan Sheet 3	05/06/25

427623-MMD-FDK-XX-DR-C-0054	06	Siteworks And Drainage Plan Sheet 4	05/06/25
427623-MMD-FDK-XX-DR-C-0351	06	On-Site Detention Tank Details Sheet 1	05/06/25
427623-MMD-FDK-XX-DR-C-0352	06	On-Site Detention Tank Details Sheet 2	05/06/25
427623-MMD-FDK-XX-DR-C-0353	06	On-Site Detention Tank Details Sheet 3	05/06/25
427623-MMD-FDK-XX-DR-C-0354	06	On-Site Detention Tank Details Sheet 4	05/06/25
427623-MMD-FDK-XX-DR-C-0511	06	Stormwater Catchment Plan	05/06/25
<b>Subdivision Plans prepared by LTS Surveyors</b>			
52058 002DP SUB	04	PLAN OF PROPOSED SUBDIVISION OVER EXISTING LOTS	29/05/2025
52058 007DP-STG1	B	STAGE 1 - PLAN OF PROPOSED SUBDIVISION	17/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 1 of 6 sheet(s))	25/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 2 of 6 sheet(s))	25/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 3 of 6 sheet(s))	25/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 4 of 6 sheet(s))	25/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 5 of 6 sheet(s))	25/03/2025
52058 007DP-STG2	D	STAGE 2 - PLAN OF PROPOSED SUBDIVISION (Sheet 6 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 1 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 2 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 3 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 4 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 5 of 6 sheet(s))	25/03/2025
52058 007DP-STG3A	E	STAGE 3A - PLAN OF PROPOSED SUBDIVISION (Sheet 6 of 6 sheet(s))	25/03/2025

52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 1 of 6 sheet(s))	25/03/2025
52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 2 of 6 sheet(s))	25/03/2025
52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 3 of 6 sheet(s))	25/03/2025
52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 4 of 6 sheet(s))	25/03/2025
52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 5 of 6 sheet(s))	25/03/2025
52058 007DP-STG3B	E	STAGE 3B - PLAN OF PROPOSED SUBDIVISION (Sheet 6 of 6 sheet(s))	25/03/2025
52058 007DP-STG4	E	STAGE 4 - PLAN OF PROPOSED SUBDIVISION (Sheet 1 of 5 sheet(s))	03/06/2025
52058 007DP-STG4	E	STAGE 4 - PLAN OF PROPOSED SUBDIVISION (Sheet 2 of 5 sheet(s))	03/06/2025
52058 007DP-STG4	E	STAGE 4 - PLAN OF PROPOSED SUBDIVISION (Sheet 3 of 5 sheet(s))	03/06/2025
52058 007DP-STG4	E	STAGE 4 - PLAN OF PROPOSED SUBDIVISION (Sheet 4 of 5 sheet(s))	03/06/2025
52058 007DP-STG4	E	STAGE 4 - PLAN OF PROPOSED SUBDIVISION (Sheet 5 of 5 sheet(s))	03/06/2025

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

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

#### LIMITS ON CONSENT

- A4. This consent will lapse two years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. Where required, separate approvals must be obtained from the relevant landowner or authority (except where exempt and/or complying development applies).
- A6. This consent does not approve the following:
- (a) demolition of existing buildings and structures;
  - (b) tree removal outside site boundaries including at Rosebank College;
  - (c) signage including business identification signs (excluding wayfinding signs if approved by this consent);
  - (d) first-use, fit-out or operating hours of the commercial and retail premises;
  - (e) strata subdivision.

## INFRASTRUCTURE CONTRIBUTIONS

### DEVELOPER CONTRIBUTIONS

- A7. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of the City of Canada Bay Local Infrastructure Contributions Plan has been paid to Council unless otherwise agreed with Council. Council must be contacted for calculation of required contributions.

### HOUSING AND PRODUCTIVITY CONTRIBUTIONS

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

Housing and Productivity Contribution	Amount
Total housing and productivity contribution	<b>\$10,553,299.92</b>

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

### AFFORDABLE HOUSING CONTRIBUTIONS

- A9. In accordance with clause 6.12 of the Canada Bay Local Environmental Plan 2013 (CBLEP 2013), 4% of the relevant floor area of the Development (calculated in accordance with the definition of 'relevant floor area' in clause 6.12 of the CBLEP 2013) must be provided for affordable housing. The provision of the affordable housing must comply with requirements of the City of Canada Bay Affordable Housing Contribution Scheme, dated 25 August 2023 (as amended).
- A10. Where all or part of affordable housing contribution, required by condition A9, will be provided through monetary contribution, the Applicant must provide written evidence to the Certifier that the affordable housing monetary contribution has been made to Council prior to issue of the first Construction Certificate or at an alternative timeframe agreed to by Council. Council must be contacted for calculation of the required contributions.
- A11. Where all or part of the affordable housing contribution, required by condition A9, will be provided through dedication of apartments or land, the Applicant must provide a copy of the written agreement with Council to transfer the titles prior to issue of the first Construction Certificate.

Note: Titles must be transferred to Council prior to issue of an Occupancy Certificate or as agreed to by Council.

### BOND TO COUNCIL

- A12. Prior to commencement of any works, a security deposit or bank guarantee (bond money), as per Council's fees and charges or as otherwise agreed to by Council, must be paid to Council for any/all of the following:
- (a) making good any damage caused to any property of the Council as a consequence of works approved under this consent;
  - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; and
  - (c) remedying any defects in any such public work that arise within 6 months after the work is completed.
- A13. Details of the security deposit and the amount must be obtained from Council prior to the commencement of works and the payment made.

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

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

## STAGING

### STAGING OF CONSTRUCTION CERTIFICATES

- A14. The Development may be constructed in stages, as outlined within the Staging plans prepared by Turner, drawing numbers DA-012-001 and DA-012-002 dated 24/06/2025 (Rev 08):
- (a) Stage 1: Basement, Commercial, Residential (to podium levels) and public domain including roadworks and public park
  - (b) Stage 2: Residential (Buildings C, D and E - all levels above podium) and public domain laneway works
  - (c) Stage 3: Residential (Buildings A and B – all levels above podium) and public domain final finishes.

## STAGING OF OCCUPATION CERTIFICATES

- A15. Occupation of the Development may be staged in accordance with the Staging plans prepared by Turner, drawing numbers DA-012-003 and DA-012-004 dated 24/06/2025 (Rev 05):
- (a) Stage 1: Basement and Commercial
  - (b) Stage 2: Residential Buildings C, D and E
  - (c) Stage 3: Residential Buildings A and B and Public Domain

## AIRSPACE PROTECTION

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- A16. For the purposes of controlled activities within the prescribed airspace for Sydney Airport under the Commonwealth Airports Act 1996, the Development must not exceed a maximum height of RL 156 metres Australian Height Datum, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- A17. Prior to the commencement of any works (except excavation, shoring and piling and services diversion works), separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996, for operation of construction cranes at a height significantly higher than that of the approved building.
- A18. At the completion of the construction of the building, a certified surveyor is to notify (in writing) Sydney Airport Corporation Limited of the finished height of the building.

## HERITAGE NSW - GENERAL

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### ABORIGINAL HERITAGE

- A19. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
- A20. The Registered Aboriginal Parties (RAP) must be kept informed about the progress of the application and the development. The RAP must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
- A21. Prior to commencement of works, a procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the RAP and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice and must be implemented for the duration of the project.
- A22. All workers on the site must receive suitable heritage inductions prior to carrying out any development onsite, and that records must be kept of these inductions.

## AUSGRID - GENERAL

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- A23. All driveways must maintain a minimum clearance of 1.5m from the nearest face of an existing electricity pole, when measured from any part of the driveway, including the layback, to allow room for future pole replacements, unless otherwise agreed with Ausgrid and evidence of such agreement provided to the Certifier.
- A24. Ausgrid must be consulted for any deviation from this minimum clearance of 1.5m required.
- A25. All High Voltage equipment must be installed in accordance with Ausgrid's design requirements, or as otherwise approved by Ausgrid.
- A26. Any ground anchors required in vicinity of Ausgrid underground cables must not be installed within 300mm of any cable and the anchors must not pass over the top of any cable.
- A27. Substation ventilation openings, including duct openings and louvered panels, must be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6m.
- A28. Any exterior parts of buildings within 3m in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment, or 120/120/120 where there is no oil filled equipment and be constructed of non- combustible material.
- A29. The Development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).
- A30. Construction works and activities, including (but not limited to) scaffolding and positioning and operating of cranes, must:
- (a) maintain minimum separation distances from overhead assets in line with the SafeWork NSW document Work Near Overhead Powerlines: Code of Practice; and



- (b) not interfere with existing underground cables located in the footpath or adjacent roadways unless approved by Ausgrid.

## **PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **DETAILED DESIGN**

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#### **VILLAGE GREEN PARK**

- B1. Prior to issue of a Construction Certificate for Stage 1, the Applicant must submit to the satisfaction of the Planning Secretary:
- (a) written evidence of agreement from Council regarding the final detailed design of the Village Green Park which is to be generally in accordance with plans approved in condition A1; and
  - (b) revised plans as required due to condition B1(a).

#### **PUBLIC DOMAIN WORKS**

- B2. Prior to issue of a Construction Certificate for Stage 1, the Applicant must:
- (a) consult with Council regarding the final design of public domain works; and
  - (b) provide evidence to the Certifier that all public domain works have been designed to comply with the Kings Bay Precinct Street Design Guide and are generally in accordance with plans approved in condition A1 unless variations have been agreed to by Council in writing.

#### **MOTORCYCLE PARKING SPACES**

- B3. Prior to issue of a Construction Certificate for Stage 1, the Applicant must submit to the Certifier revised plans demonstrating that 49 motorcycle parking spaces have been provided for in the basement.

#### **VISUAL PRIVACY**

- B4. Prior to issue of the first Construction Certificate for above ground works, the Applicant must provide evidence to the Certifier that the revised plans detailing the following revisions have been submitted to and approved by the Planning Secretary.

The revised plans must detail the measures provided (such as, but not limited to, window treatment, window design, balcony screening or deletion of secondary windows to rooms) to demonstrate appropriate visual privacy is achieved, with consideration of other amenity requirements, to the following apartment locations:

- (a) Building A:
  - (i) east facing living room windows to Apartments 203.A2 and 303.A2;
  - (ii) east facing windows of Apartments 402.A1 and 502.A1;
- (b) Building B:
  - (i) secondary bedroom window of Apartments 202.B3, 302.B3 (at Levels 3 and 4), 303.B2 (at Levels 3 and 4) and 502.B3;
  - (ii) west facing window of the primary bedroom of Apartment 303.B2;
  - (iii) east facing window of Apartment 304.B1;
  - (iv) north facing living room window of Apartments 202.B1, 302.B1 (at Levels 3 and 4), 502.B1, 604.B1, 704.B1, 804.B1 (at Levels 8-13), 1404.B1 and 1504.B1 (Levels 15-25);
  - (v) south facing living room windows of Apartments 203.B1, 303.B1 (Levels 3 and 4), 503.B1, 605.B1, 705.B1, 805.B1 (Levels 8-13), 1405.B1 and 1505.B1 (Levels 15-25);
- (c) Building C:
  - (i) balcony of 208.C2 only to the extent of direct overlap to the balcony of Apartment 205.D
  - (ii) north facing bedroom window of Apartments 205.C1, 206.C1 and 403.C1;
  - (iii) south facing living room window of Apartments 403.C2;
  - (iv) east facing living room window of Apartments 506.C2, 606.C2, 706.C2, 807.C2 (Levels 8-10);
- (d) Building D:
  - (i) primary bedroom window of Apartment 206.D;
  - (ii) balcony of Apartment 204.D;
  - (iii) south facing living room window of Apartment 305.D;
  - (iv) west facing living room window of Apartment 404.D;
- (e) Building E:
  - (i) balcony to Apartment 203.E2 (at Level 4 only) to the extent of overlap with Apartment 403.C1;
  - (ii) eastern side of the balcony to Apartment 106.E1;
  - (iii) primary bedroom of Apartment 301.E2;
  - (iv) western facing part of the balcony to Apartment 301.E2;

- (v) eastern facing part of the balcony to Apartment 603.E2;
- (vi) northern facing part of the balcony of Apartment 601.E2;
- (vii) the southern half of the east facing balcony to Apartment 704.E2;
- (viii) north facing primary bedroom window to Apartment 601.E1;
- (ix) western side of the balcony to Apartment 605.E1.

## **SWEPT PATHS**

- B5. Prior to issue of a Construction Certificate for Stage 1, the Applicant must submit to the satisfaction of the Planning Secretary:
- (a) swept paths demonstrating that heavy rigid vehicles and Council's waste vehicles can exit the northern and south loading docks;
  - (b) if required, design amendments to the public domain required to ensure B5(a).

## **DESIGN EXCELLENCE AND INTEGRITY**

- B6. To ensure that the Development is consistent with the assessed and approved design excellence requirements, the Application must
- (a) commission Turner Studio (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
  - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been commissioned; and
  - (c) if the Applicant proposes changes to the approved architectural drawings, seek the Planning Secretary's advice as to whether such changes are likely to require review by the Design Integrity Panel (DIP) formed by the competition jury.

## **MATERIALS AND FINISHES**

- B7. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application.

## **PRE-CONSTRUCTION REQUIREMENTS**

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### **SITE STABILITY**

- B8. Prior to the issue of a Construction Certificate for Stage 1, the Applicant must submit to the Certifier a Report from an Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
  - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
  - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
  - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
  - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
  - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- B9. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, relevant to that Stage of the Development, as identified in the SSDA ESD Report, prepared by E-LAB Consulting dated 14 October 2024.

## STRUCTURAL DETAILS

- B10. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
  - (b) this development consent.

## STORMWATER MANAGEMENT SYSTEM

- B11. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit to the Certifier details of an operational stormwater management system for that stage of the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the stormwater plans titled *Kings Bay Village New Mixed-use Development with Infill Affordable Housing at 129-153 Parramatta Road & 53-75 Queens Road, Five Dock, NSW, 2046* prepared by Mott Macdonald, dated 05/06/2025, and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) in accordance with applicable Australian Standards; and
  - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

## FLOODING

- B12. Prior to issue of a Construction Certificate for Stage 1, the Applicant must submit plans to the Certifier demonstrating the following:
- (a) the ground levels are above the Flood Planning Level, all habitable floors are located above the Probable Maximum Flood (PMF) level and basement driveway crests are above the PMF level;
  - (b) all basement carpark areas are designed to resist floodwater ingress for up to the PMF event. This includes protection of partition walls, carpark exhaust riser, basement openings for plant ventilation louvres and other components which may otherwise create a water ingress risk;
  - (c) all structures subject to flooding and overland flows are constructed of flood compatible building components (as defined by Section 2.8 of ABCB Standard: Construction of buildings in flood hazard areas, revision 2012.3 dated February 2019) below the 1% AEP (100-year ARI) flood plus 300 mm freeboard or the PMF; and
  - (d) all structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, wave action, the impact of debris, the impact of immersion and buoyancy forces up to the Probable Maximum Flood (PMF) event.

## SYDNEY WATER ASSETS

- B13. Prior to the issue of a Construction Certificate for Stage 1, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

## TREE PROTECTION

- B14. Prior to issue of a Construction Certificate for Stage 1 or commencement of any works, unless otherwise removed through a separate approval, the Applicant must submit to the Certifier written advice from the Project Arborist detailing tree protection and management measures to be implemented during construction works to ensure the health and wellbeing of tree groups 43G and 45G and tree 44.9 identified in the Arboricultural Impact Assessment Report, prepared by Raintree Consulting dated 10 April 2025. A copy of this advice must be submitted to the Planning Secretary for information.

## LANDSCAPING

- B15. Prior to the issue of the first Construction Certificate for aboveground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by Isthmus, dated 6 June 2025 approved in condition A1(c) as amended by any requirement of these conditions;
  - (b) includes details of tree planting;
  - (c) demonstrates that planting/ landscaping complies with the Urban Canopy Street Tree List and Planting List in the Kings Bay, Burwood-Concord Precincts Street Design Guide;

- (d) identifies that tree planting shall use advanced and established trees for species which are commercially available. Other tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed;
- (e) demonstrates there is enough space available to allow the existing trees which are to be retained and the new replacement trees to grow to maturity;
- (f) has been prepared in consultation with an appropriately qualified bush regenerator and which includes details on:
  - (i) the native vegetation community (or communities) that once occurred on the site and the plan demonstrates that the proposed plant species are from the relevant vegetation community;
  - (ii) the type, species, size, quantity and location of trees;
  - (iii) the species, quantity, size and location of shrubs and groundcover plantings;
  - (iv) the area/space required to allow the planted trees to grow to maturity;
- (g) demonstrates adequate drainage and watering systems;
- (h) includes details of the waterproofing method and drainage to all planters over the slab over which soil and planting will be provided, prepared by the relevant engineer;
- (i) demonstrates the following minimum soil depth provisions:
  - (i) turf: 200mm;
  - (ii) grass and ground cover: 300-450 mm;
  - (iii) shrubs: 500 – 600 mm;
  - (iv) small trees: 800 mm;
  - (v) medium trees: 1000 mm; and
  - (vi) large trees: 1200 mm.
- (j) includes details of plant maintenance and watering for the first 12 months; and
- (k) includes a commitment to replace plants with the same species, quantity and size if any plant loss occurs within the maintenance period.

#### **CAR AND BICYCLE PARKING**

- B16. Prior to the issue of a Construction Certificate for Stage 1, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the relevant applicable Australian Standards;
  - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
  - (f) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and
  - (g) the following parking provisions and infrastructure are included:
    - (i) 1,456 car parking spaces which include residential, residential visitor, non-residential uses, accessible, car share and car wash bays in accordance with the approved plans listed in condition A1(c);
    - (ii) 49 motorcycle parking spaces
    - (iii) 2,817 bicycle parking spaces comprising 2,370 residential spaces, 237 residential visitor spaces and 210 non-residential spaces;
    - (iv) end-of-trip facilities identified in accordance with the approved plans listed in condition A1(c);
    - (v) compliance of car parking and bicycle parking spaces with Australian Standards for the layout, design and security of bicycle facilities; and
    - (vi) provision of electric vehicle charging infrastructure in accordance with the NCC.

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

- B17. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (**CPTED**) management and mitigation measures, relevant to that

stage of the Development, included within the CPTED report prepared by Barker Ryan Stewart, dated 1 October 2024.

#### **WIND MITIGATION MEASURES**

- B18. Prior to the issue of a Construction Certificate for each stage of the Development, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures, relevant to that stage of the Development, contained within the document titled SSDA Pedestrian Wind Study prepared by RWDI Australia Pty Ltd, dated 13 October 2024.

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

- B19. Prior to the issue of the Construction Certificate for each stage of the Development, the Applicant must:
- (a) undertake an Internal Acoustic Privacy Assessment, prepared by a suitably qualified acoustic consultant, certifying that the sound transmission performance of internal architectural elements will satisfy the internal acoustic privacy requirements identified in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 28 March 2025;
  - (b) submit to the satisfaction of the Certifier a copy of the Internal Acoustic Privacy Assessment and any revised plans.
- B20. Prior to the issue of the Construction Certificate for each stage of the Development, the Applicant must submit a Report to the Certifier from an acoustic engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations relevant to that stage of the Development contained in the Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 28 March 2025, as amended by the Internal Acoustic Privacy Assessment required by condition B19.

#### **ADAPTABLE UNITS**

- B21. Prior to the issue of the Construction Certificate for each stage of the Development, the Applicant must submit to the Certifier a Report, relevant to that stage of the Development, demonstrating:
- (a) 179 adaptable dwellings have been provided within the buildings comprising 40 apartments in Building A, 44 apartments in Building B, 12 apartments in Building C, 51 apartments in Building D and 32 apartments in Building E; and
  - (b) any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

#### **BASIX CERTIFICATION**

- B22. Prior to the issue of the relevant Construction Certificate for each stage of the Development, BASIX Certificate Nos. 1770130M\_02, 1770128M\_02 and 1770125M\_03, Certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

#### **DELETION OF EASEMENTS**

- B23. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of consultation and agreement with easement beneficiaries for the deletion of easements on the site. Details of the consultant is also to be provided to the Certifier.

#### **PUBLIC ART STRATEGY**

- B24. Prior to the issue of a Construction Certificate for Stage 1, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy prepared in consultation Council.
- B25. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken.
- B26. Prior to the issue of the Stage 2 Construction Certificate, details demonstrating compliance with the above requirements shall be submitted to the Certifier and to the Planning Secretary

#### **PUBLIC DOMAIN PLAN**

- B27. Prior to the issue of any Construction Certificate for Stage 1, the Applicant must consult with Council and prepare plans for public domain works in accordance with Council's specifications.

#### **ROADWORKS**

- B28. Prior to issue of the Construction Certificate for Stage 1, the Applicant must submit to the satisfaction of the Certifier written endorsement from the relevant roads authority for roadworks associated with provision of:
- (a) a right turn lane on William Street onto the proposed Spencer Street extension; and
  - (b) the Queens Road and Spencer Street extension intersection.

## HERITAGE

- B29. Prior to the issue of a Construction Certificate for Stage 1, the Applicant must submit to the Certifier a copy of the Heritage Interpretation Strategy (HIS) prepared by a suitability qualified heritage consultant and in accordance with recommendations of the Heritage Impact Statement, prepared by Urbis dated 24 September 2024. A copy of the HIS must be provided for Council for information.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

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#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24-hour contact details of the site manager
    - (iii) complaint handling procedure in accordance with condition C29;
    - (iv) construction program and construction methodology, including construction staging;
    - (v) traffic management;
    - (vi) noise and vibration management;
    - (vii) management of dust and odour;
    - (viii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (ix) prevention and management of contamination;
    - (x) management of stockpiles of soil or other materials;
    - (xi) waste management;
    - (xii) external lighting in compliance with applicable Australian Standards; and
    - (xiii) site security, including fencing or hoarding.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with condition C2;
  - (c) Construction Noise and Vibration Management Sub-Plan in accordance with condition C4;
  - (d) Air Quality Management Sub-Plan in accordance with condition C5;
  - (e) Construction Waste Management Sub-Plan in accordance with condition C6;
  - (f) Construction Soil and Water Management Sub-Plan in accordance with condition C7;
  - (g) an unexpected finds protocol for remediation in accordance with condition C16;
  - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with condition D27;
  - (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

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

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic. The CTMP must be consistent with the CTMP submitted with the EIS (as updated) and include, at a minimum, the following information:
- (a) a description of the development;
  - (b) construction hours;
  - (c) construction program and construction methodology, including any construction staging;
  - (d) location of any proposed work zone(s);
  - (e) detailed plans of any proposed hoarding and/or scaffolding;
  - (f) details of any alternation/s to the traffic management including any lane closures;
  - (g) details of crane arrangements including location of any crane(s) and crane movement plan;
  - (h) pedestrian and traffic management measures;
  - (i) measures to avoid construction worker vehicle movements within the precinct;
  - (j) construction vehicle access, parking arrangements and haulage routes which do not involve right turn movements at Queens Road/Spencer Street;
  - (k) predicted number of construction vehicle movements, detail of vehicle types and demonstration that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;



- (l) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP;
- (m) construction traffic management measures (including consultation with other developers) for surrounding developments under construction and measures to ensure coordination of work activities between construction sites to minimise impacts on the surrounding road network;
- (n) identification of the cumulative construction activities of the development and other projects within or around the development site. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP;
- (o) measures to minimise construction vehicle movement delays and queuing during peak network demand periods);
- (p) measures to minimise impacts from construction vehicles during any extended construction hours including (but not limited to) road traffic noise and conflicts with other road users;
- (q) details of the monitoring regime for maintaining the simultaneous operation of buses and construction vehicles on roads surrounding the site;
- (r) consultation strategy for liaison with surrounding stakeholders, including (but not limited to) other developments under construction and Rosebank College.

C3. A copy of the final CTPMP must be submitted to Transport for New South Wales via [development.ctmp.cjp@transport.nsw.gov.au](mailto:development.ctmp.cjp@transport.nsw.gov.au).

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

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Noise and Vibration Management Sub-Plan (**CNVMP**) for the Development, consistent with Noise and Vibration Impact Assessment submitted with the EIS (as updated), with measures to reduce environmental impacts and harm during construction of the Development arising from construction noise and vibration, including, at a minimum, the following information:
- (a) identification of noise sources and Sensitive Receivers (both external to the site and within the site during staged occupation);
  - (b) quantification of the rating background noise level (**RBL**) for Sensitive Receivers;
  - (c) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (**ICNG**), and how the Applicant will ensure that construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
  - (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises (both internal and external to the site) against the objectives identified in the ICNG;
  - (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
    - (i) installation of acoustic barriers/enclosures;
    - (ii) alternative excavation methods;
  - (f) details of consultation with Rosebank College regarding sensitive school periods (such as, but not limited to, exam and trial exam periods) and further measures, in addition to those identified in the Noise and Vibration Impact Assessment prepared by Acoustic Logic dated 28 March 2025, which are to be implemented to minimise disruption to the school during these times;
  - (g) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
  - (h) procedures for notifying residents and surrounding properties of construction activities that are likely to affect their noise and vibration amenity.

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

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
  - (b) dust and odour management practices to be implemented, including:

- (i) watering of exposed surfaces and stockpiles;
  - (ii) covering of truck loads;
  - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
  - (iv) progressive land stabilisation works to minimise exposed surfaces.
  - (v) monitoring requirements;
  - (vi) communication strategy; and
  - (vii) system and performance review for continuous improvements; and
- (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

#### **CONSTRUCTION WASTE MANAGEMENT SUB-PLAN**

- C6. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CWMP**) for the Development. The CWMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste dated November 2014";
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
  - (c) procedures for minimising the movement of waste material around the site and double handling;
  - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
  - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
  - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
  - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
    - (i) a traffic plan showing transport routes within the site;
    - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
    - (iii) the name and address of each licensed facility that will receive waste from the site.

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

- C7. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Soil and Water Management Sub-Plan (**CSWMP**) for the Development. The CSWMP must be prepared by a suitably qualified expert, in Consultation with Council and include, at a minimum, the following information:
- (a) describe all erosion and sediment controls to be implemented during construction
  - (b) provide a plan of how all construction works will be managed in a wet-weather event (i.e. storage of equipment, stabilisation of the site);
  - (c) detail all off-site flows from the site during construction; and
  - (d) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

#### **CONSTRUCTION FLOOD MANAGEMENT**

- C8. Prior to commencement of works, the Applicant must prepare and implement for the duration of the works:
- (a) flood warning and notification procedures for construction workers on the site; and
  - (b) evacuation and refuge protocols.

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

#### **SURVEY CERTIFICATE**

- C9. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.

- C10. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
  - (b) at other stages of construction – any marks that are required by the principal Certifier, and provide information on the positions to the principal Certifier.

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

- C11. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C12. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C13. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.
- C14. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.

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

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

#### **HERITAGE**

- C16. Prior to the commencement of any works, the Applicant must submit to the Certifier a copy of the Photographic Archival Recording undertaken in accordance with recommendations of the Heritage Impact Statement, prepared by Urbis dated 24 September 2024. A copy of the submitted Photographic Archival Recording must be provided to Council for information.

#### **REMEDIATION**

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##### **UNEXPECTED FINDS PROTOCOL**

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

##### **HAZARDOUS MATERIALS SURVEY**

- C18. Prior to the commencement of any works, the Applicant must submit a hazardous building material survey in accordance with the Remediation Action Plan prepared by EI Australia, dated 27 September 2024.
- C19. Removal of all identified hazardous materials must be undertaken by a suitably qualified and experienced consultant(s).

##### **REMEDIAL ACTION PLAN**

- C20. The Applicant must remediate the site in accordance with the specifications and requirements detailed in the approved Remedial Action Plan prepared by EI Australia, dated 27 September 2024 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced consultant(s).

##### **SITE AUDITOR**

- C21. Prior to the commencement of any earthwork or remediation works, the Applicant must submit evidence to the Planning Secretary that a Site Auditor, accredited under the *Contaminated Land Management Act 1997*, has been appointed to independently review the implementation and validation of the remediation works.

- C22. The Applicant must ensure the remediation works for the Development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### **SITE AUDIT REPORT AND SITE AUDIT STATEMENT**

- C23. Upon completion of the remediation works and prior to the commencement of construction of the Development (except works required to allow for remediation works), a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.

#### **VALIDATION REPORT**

- C24. Within one month following the completion of the remediation works for the Development, a Remediation Validation Report (**RVR**) must be submitted to the Planning Secretary for information. The RVR must be prepared by a suitably qualified and experienced consultant(s) and in accordance with the approved remedial action plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

### **NOTIFICATIONS AND COMMENCEMENT OF WORKS**

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#### **NOTIFICATION OF COMMENCEMENT**

- C25. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C26. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### **UTILITIES AND SERVICES**

- C27. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

#### **DIAL BEFORE YOU DIG SERVICE**

- C28. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services, except for where specific approval has been granted for relocation of those affected utilities.

### **COMPLAINTS HANDLING PROCEDURE**

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- C29. No later than two weeks before the commencement of any construction works, the Applicant must submit a complaints handling procedure to the satisfaction of the Planning Secretary which details:
- (a) the ways that the community can provide feedback to the Applicant and report any complaints;
  - (b) how the Applicant will respond to enquiries, feedback or complaints;
  - (c) measures which will be undertaken to resolve any issues and mediate any disputes that may arise in relation to construction of the Development; and
  - (d) the complaint management register to be implemented for the duration of construction.
- C30. The complaints handling procedure approved in condition C29 must be implemented for the duration of construction and must be made available to the Department upon request.

## **PART D DURING CONSTRUCTION**

### **SITE NOTICE**

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

### **HOURS OF CONSTRUCTION**

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Monday to Friday inclusive;
  - (b) between 8am and 1pm, Saturdays; and
  - (c) No work may be carried out on Sundays or public holidays.
- D4. Despite Condition D3, construction, including the delivery of materials or machinery to and from the site, may be carried out on a trial basis between the following hours for the first six months construction, subject to compliance with Condition D10:
- (a) between 7am and 10pm, Monday to Friday inclusive; and
  - (b) between 8am and 5pm, Saturdays.
- D5. The Applicant may request the Planning Secretary's approval to continue the extended construction hours set out in Condition D4 (a) and (b) no less than 30 days before the end of the trial period.
- Note. The Planning Secretary's consideration of a proposed continuation of the hours permitted by the trial will be based upon, among other things, the Applicant demonstrating it has satisfactorily complied with Condition D10 for the full duration of the trial period, compliance with conditions of this consent and any substantiated complaints.
- D6. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D7. Notification of activities undertaken in the circumstances in Condition D6 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **MONITORING DURING EXTENDED CONSTRUCTION HOURS**

- D9. The Applicant must undertake continuous short-term noise monitoring in accordance with ICNG during construction works undertaken in accordance with Condition D4 and D5, between the following hours:
- (a) 6pm – 10pm, Monday to Friday; and
  - (b) 1pm – 5pm, Saturday.
- D10. Within two weeks of each month any construction works in accordance with construction hours in Condition D4 and D5 are undertaken, the Applicant must submit an Extended Construction Hours Compliance Report to the satisfaction of the Certifier that:
- (a) details of the location of noise loggers, identifies Sensitive Receivers and the Noise Management Levels (NML) for the Sensitive Receivers, consistent with the final CNVMSP required by Condition C4;
  - (b) provides a copy of the results of the monitoring required by Condition D9;

- (c) identifies the noise levels at the Sensitive Receivers (identified in the CNVMSP) during different types of construction works undertaken during the previous month;
- (d) provides a comparison of the results with the CNVMSP predicted noise levels at the identified Sensitive Receivers;
- (e) provides details of any mitigation measures, additional to those identified in the CNVMSP, to mitigation construction noise impacts on the affected sensitive residential receivers;
- (f) provides the complaints register the previous month; and
- (g) details responses to any complaints received the previous month including mitigation measures to resolve complaints and reviews of previously mitigation measures once implemented (including but not limited to, consultation with complainants).

D11. Each Extended Construction Hours Compliance Report submitted and approved by the Certifier in Condition D10 must be made available to the Department upon request.

D12. The Planning Secretary may at any time require construction works undertaken in accordance with Condition D4 or D5 cease due to impacts to surrounding properties and that construction works revert to construction hours approved in Condition D3. Construction works may only recommence in accordance with Condition D4 with the written approval of the Planning Secretary.

#### **IMPLEMENTATION OF MANAGEMENT PLANS**

D13. The Applicant must implement and comply with the requirements of any management plan or sub-plan required under this consent. To the extent of any inconsistency between a condition of consent and a management plan or sub-plan, the condition of consent prevails.

#### **CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA**

D14. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.

D15. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.

D16. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1-hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.

D17. Vibration at any residence or structure outside the site and within the site following issue of the first occupation certificate caused by construction must be limited to:

- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
- (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

D18. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMSP required by this consent.

#### **AIR QUALITY**

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

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

D20. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:

- (a) protect and support the building, structure or work from possible damage from the excavation; and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.

- D21. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

#### **TREE PROTECTION**

- D22. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

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

- D23. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004)* commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

#### **CUT AND FILL**

- D24. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D25. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

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

- D26. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D27. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D28. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

#### **GROUNDWATER INTERCEPTION**

- D29. Should groundwater be intercepted during construction a Water Access Licence and a and a Water Supply Works Approval under the Water Management Act 2000 must be obtained unless an exemption applies.
- D30. The recommendations contained in the document titled *Hydrogeological Report including Dewatering Management Plan and Groundwater Seepage Analysis*, prepared by EI Australia, dated 9 October 2024, must be followed.

#### **ASBESTOS**

- D31. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – 'Transportation and management of asbestos waste'.

#### **CONTACT TELEPHONE NUMBER**

- D32. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

## UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D33. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
  - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
  - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D34. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

## UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

- D35. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;
  - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
  - (c) works may only recommence with the written approval of the Planning Secretary.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D36. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an Incident;
  - (c) a description of what immediate steps were taken in relation to the Incident; and
  - (d) identifying a contact person for further communication regarding the Incident.
- D37. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

## NON-COMPLIANCE NOTIFICATION

- D38. Within seven days of becoming aware of a non-compliance with this development consent, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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



## **PART E COMMENCEMENT OF OCCUPATION AND USE**

### **GENERAL REQUIREMENTS**

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#### **OCCUPATION CERTIFICATES**

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

#### **AFFORDABLE HOUSING**

- E2. An Occupation Certificate for the 218 affordable housing units must be issued concurrently or before an Occupation Certificate is issued for Stage 2 or any residential use of the development.

#### **NOTIFICATION OF OCCUPATION**

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

#### **ENVIRONMENTAL PERFORMANCE**

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

### **DILAPIDATION AND REPAIRS**

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

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

#### **ROAD DAMAGE**

- E8. Prior to the occupation or commencement of the use of each stage, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant, unless there is less than six months between construction stages or as otherwise agreed with the public authority and evidence of such agreement submitted to the Planning Secretary.
- E9. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner, unless otherwise agreed with the public authority.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE AND OTHER REPAIRS**

- E10. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development;
- E11. Prior to the final occupation or commencement of the use of the Development, any damage identified in condition E6 as being caused by the carrying out of the Development not subject to condition E10 must be fully repaired and rectified by the Applicant.

- E12. The public way, including kerbs, footpath and street trees must be kept safe functional by the Applicant to the satisfaction of the public authority responsible for the public way.

## **COMPLIANCE REPORTING**

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

- E13. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier:
- (a) works-as-executed plans for the Development as it relates to that stage of occupation; and
  - (b) any compliance certificates and any other evidence confirming the following completed work, as it relates to that stage of occupation:
    - (i) all stormwater drainage systems and storage systems;
    - (ii) stormwater quality treatment measures; and
    - (iii) all pits and pipes outside the site boundary, to the satisfaction of Council-
- E14. Prior to the issue of each Occupation Certificate, the Applicant must submit to the principal Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

### **COMPLIANCE WITH BASIX CERTIFICATE**

- E15. Prior to the issue of an Occupation Certificate for Stages 2 and 3, the Applicant must submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent, as it relates to the stage of occupation, have been implemented.

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

- E16. Prior to the issue of an Occupation Certificate for Stages 1, 2 and 3, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area and building height as it relates to the stage of occupation.

### **ACOUSTIC COMPLIANCE**

- E17. Prior to the issue of each Occupation Certificate, the Applicant must prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition B20.

### **STRUCTURAL INSPECTION CERTIFICATE**

- E18. Prior to the occupation or commencement of use of the relevant parts of any new buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E19. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

### **LANDSCAPE PRACTICAL COMPLETION REPORT**

- E20. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works relative to that stage of the Development have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
  - (b) verifies that a maintenance program under the Landscape Plan required under Condition B15 has been commenced;
  - (c) includes details of plant maintenance and watering for the first 12 months; and
  - (d) includes details of plant maintenance and watering for the life of the Development.

### **FIRE SAFETY CERTIFICATION**

- E21. Prior to the issue of each Occupation Certificate, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development.

- E22. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

#### **OUTDOOR LIGHTING**

- E23. Prior to occupation or commencement of the use of each Stage of the Development, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development, as it relates to the stage being occupied or used:
- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

#### **SYDNEY WATER COMPLIANCE**

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

#### **UTILITY PROVIDERS**

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

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

- E27. Prior to occupation or commencement of the use of each Stage of the Development, the Applicant must submit to the Certifier evidence of compliance demonstrating that all car parking and bicycle parking spaces have been provided in accordance with Condition B16, as it relates to the stage being occupied or used.
- E28. Prior to occupation or commencement of the use of each Stage of the Development, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas, as it relates to the stage being occupied or used.
- E29. Prior to occupation or commencement of the use of Stage 1 of the Development, the Applicant must prepare a final Green Travel Plan, consistent with the *Preliminary Green Travel Plan* prepared by JMT Consulting dated 9 October 2024.
- E30. The Green Travel Plan must be updated prior to occupation or commencement of use of Stage 2 and Stage 3 of the development.

#### **STREET NUMBERING**

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

#### **ROADWORKS**

- E32. Prior to the issue of a Occupation Certificate for Stage 2, the Applicant must complete the roadworks approved in condition B28 to the satisfaction of the relevant roads authority.

#### **REDUNDANT DRIVEWAYS**

- E33. Prior to occupation of Stage 3, the Applicant must remove any redundant driveways and replace it with new kerb and gutter and the footway must be reinstated with turf and a concrete footpath.

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

- E34. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all the CPTED measures set out in Condition B17 as it relates to the stage of occupation.

#### **WIND MITIGATION MEASURES**

- E35. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier evidence demonstrating that the design of the Development has incorporated the wind mitigation measures set out in Condition B18 as it relates to the stage of occupation.

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- E36. Prior to the issue of each Occupation Certificate, the Applicant must provide evidence to the Certifier demonstrating compliance with the commitments set out in Condition B9 as it relates to the stage of occupation.

## MANAGEMENT PLANS, GUIDES AND MISCELLANEOUS

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### OPERATIONAL PLAN OF MANAGEMENT

- E37. Prior to each stage of occupation or commencement of the use of each stage of the Development, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the Development, as it relates to the stage of occupation or use, and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
  - (b) management of communal areas, through-site links and open spaces;
  - (c) noise management measures for communal open space areas in buildings;
  - (d) loading and unloading consistent with condition E43;
  - (e) procedures for managing shopping trolleys within the basement and public domain areas;
  - (f) security and staff management;
  - (g) emergency management/ evacuation and incident response protocols (including the Flood Emergency Response and Management Plan required by condition E40);
  - (h) waste management (including the Operational Waste Management Plan required by condition E39);
  - (i) tenant induction and behaviour/ house rules;
  - (j) community consultation and complaint procedures.
- E38. The Operational Plan of Management each stage approved under this consent shall be implemented following each stage of occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

### OPERATIONAL WASTE MANAGEMENT

- E39. Prior to each stage of occupation or commencement of the use of each stage of the Development, the Applicant must prepare an **Operational Waste Management Plan (OWMP)** for the Development, as it relates to the stage of occupation or use, consistent with the OWMP prepared by Elephants Foot Consulting dated 10 June 2025 and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) be prepared in consultation with Council, where relevant;
  - (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
  - (c) confirm the location of waste collection and establish appropriate routes to the collection point;
  - (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
  - (e) detail the type and quantity of waste to be generated during operation of the Development;
  - (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

**Note:** Conditions in Part F require the Applicant to implement the Operational Waste Management Plan for the life of the Development.

### FLOOD EMERGENCY RESPONSE AND MANAGEMENT

- E40. Prior to each stage of occupation or commencement of the use of each stage of the Development, the Applicant must prepare a Flood Emergency Response and Management Plan for the Development, as it relates to the stage of occupation or use, (forming part of the Operational Plan of Management) and submit it to the Certifier, which must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be consistent with the Flood Emergency Response Plan prepared by Mott Macdonald dated 6 June 2025, except as required by this condition;
  - (c) identify shelter-in-place locations, access arrangements and procedures for all occupants and site users;
  - (d) be concise and clear, containing clearly defined physical triggers or warnings that can be monitored by anyone in determining when different actions need to be taken;
  - (e) not rely on any external warnings that are not available (or not yet available) for the site;
  - (f) be prepared noting the limitations described in the NSW Floodplain Development Manual 2005;
  - (g) addresses the provisions of the Flood Risk Management Manual / Floodplain Risk Management Guidelines (EHG) 2003;
  - (h) include (but not be limited to) the flood evacuation and emergency management/response measures including (but not limited to) that at carpark exit locations traffic be directed away from William Street at times when flooding is likely to occur;

- (i) include the triggers for shelter-in-place and the trigger for evacuation from the site; and
- (j) include details of awareness training for residents and building managers and induction of new building management staff.

## STORMWATER

- E41. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate for stormwater management works.
- E42. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier a **Stormwater Operational and Maintenance Plan (SOMP)** that:
- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
  - (b) specifies, but is not limited to:
    - (i) a maintenance schedule of all stormwater quality treatment devices;
    - (ii) record and reporting details;
    - (iii) relevant contact information; and
    - (iv) Work Health and Safety requirements.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

- E43. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier a **Car Parking, Loading and Servicing Management Plan** that:
- (a) is designed to ensure that any potential traffic and safety impacts associated with the car park and loading dock operation are mitigated;
  - (b) specifies, but is not limited to, details of:
    - (i) the Development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;
    - (ii) measures to manage any potential traffic and safety impacts of the car parking and loading dock operation; and
    - (iii) how vehicles larger than a 6.4m SRV delivering to the site must be managed including the vehicles routes to the site.
  - (c) in relation to loading dock operations:
    - (i) vehicles will not travel to the site during morning and afternoon peak periods;
    - (ii) confirms that all loading and unloading will be undertaken within the site at all times; and
    - (iii) confirms that the loading and unloading areas will be available for its purpose at all times and no storage of goods or parking of cars will be carried out in these areas.

## IN-FILL AFFORDABLE HOUSING

- E44. Prior to the issue of an Occupation Certificate for Buildings C and D, the Applicant must provide to the Certifier evidence that:
- (a) the affordable housing component is complete and ready for occupation;
  - (b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
    - (i) a minimum of 218 dwellings within the Development to be used for the purposes of affordable housing for a minimum of 15 years from the date of issue of the occupation certificate, as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021*;
    - (ii) specifically nominating those units to be allocated and used for affordable housing; and
    - (iii) the 218 dwellings of the affordable housing component to be managed by a registered community housing provider;
  - (c) an agreement with a registered community housing provider for the management of 218 dwellings of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider;
  - (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Planning Secretary.

## REGISTRATION OF EASEMENTS

- E45. Prior to issue of the Stage 1 and 2 Occupation Certificates, appropriate ground level access easement/s are to be created to provide access to the buildings from the public domain for each building user, 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 as relevant.

- E46. Prior to issue of the Stage 1 Occupation Certificate, suitable easements for access or rights-of-way benefiting the public are to be created over the public domain areas to ensure public access to the public domain areas.
- E47. Prior to the issue of a Final Occupation Certificate, all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.
- E48. Prior to the issuance of a Final Occupation Certificate, the applicant must register a covenant on the land title under Section 88E of the Conveyancing Act 1919. The covenant must:
- (a) confirm the land has been remediated in accordance with an approved Remediation Action Plan;
  - (b) confirm a Site Audit Statement has been issued for the remediation works;
  - (c) include:
    - (i) detailed information regarding the delineation of any contaminated soil containment cell, including required survey drawings as specified in the development consent; and
    - (ii) a reference to the Environmental Management Plan reviewed by the NSW EPA-accredited site auditor, as required by the Remediation Action Plan approved in this consent.
- E49. An easement under section 88A and/or covenant under section 88E of the Conveyancing Act 1919 must nominate Council as the sole authority to release, vary to modify the terms of the easement and/or covenant.
- E50. Evidence that the required easements and covenants in conditions E44 and E48 have been registered on the land title must be provided to the Certifier prior issue of the relevant Occupation Certificate.

#### **VOLUNTARY PLANNING AGREEMENT**

- E51. Prior to the issue of the final Occupation Certificate, the Certifying Authority must be provided with written evidence from Council that all matters in the executed Voluntary Planning Agreement have been complied with.

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

- E52. Prior to the issue of each Occupation Certificate, the Applicant must submit to the Certifier evidence that the design of the Development has implemented all CPTED measures set out in Condition B16 as it relates to the stage of occupation.

#### **PUBLIC ART**

- E53. Prior to each stage of occupation or commencement of the use of each stage of the Development, the Applicant must submit to the Certifier documentary evidence that the Public Art Strategy required by B24 has been implemented as it relates to the stage of occupation or use.

#### **HERITAGE**

- E54. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that the Heritage Interpretation Strategy (HIS) prepared in accordance with Condition B28 has been implemented.

## **PART F OCCUPATION AND ONGOING USE**

### **MAINTENANCE OF WASTEWATER AND STORMWATER TREATMENT DEVICE**

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

### **STORAGE AND HANDLING OF WASTE**

- F2. Following the issue of each Occupation Certificate or commencement of use of each stage and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan as it relates to the stage of occupation or use.
- F3. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
  - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves, unless otherwise agreed with Council.

### **TRAFFIC AND PARKING**

- F4. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the **Car Parking, Loading and Servicing Management Plan** prepared under this consent;
  - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F5. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F6. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces (excluding 11 spaces for car share parking) must not be leased to any person/company that is not an occupant of the building.
- F7. No vehicles larger than a Medium Rigid Vehicle are permitted to access the site via the intersection of Queens Roads/Spencer Street.

### **OPERATIONAL MANAGEMENT PLAN**

- F8. Operational Plans of Management approved under this consent shall be implemented following occupation of each stage of the development. The Operational Plan of Management is to be reviewed and updated annually.

### **LANDSCAPING**

- F9. Landscaping for the Development must be carried out and maintained in accordance with the Landscape Plan required under condition B15.

### **FIRE SAFETY CERTIFICATION**

- F10. The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

### **OUTDOOR LIGHTING**

- F11. If any outdoor lighting results in any residual impacts on the amenity of surrounding Sensitive Receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

### **BASIX CERTIFICATION**

- F12. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Nos. 1770130M\_02, 1770128M\_02 and 1770125M\_03 and any updated certificate issued if amendments are made.

### **GREEN TRAVEL PLAN**

- F13. Following the first occupation or commencement of use of the Development, the Green Travel Plan required by conditions E29 and E30 must be reviewed and updated annually and implemented for the life of the development.

## NOISE

- F14. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

## HOUSING

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### IN-FILL AFFORDABLE HOUSING

- F15. A minimum of 218 dwellings within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*.
- F16. For a period of 15 years commencing on the day an Occupation Certificate is issued for Buildings C and D:
- (a) the 218 affordable housing apartments must be used for affordable housing; and
  - (b) the affordable housing component must be managed by a registered community housing provider; and
  - (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
  - (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.
- F17. The Applicant must use best endeavours to ensure that the 218 affordable housing units are at full occupancy and by 30 June of each year for a 15 year period, must submit to the Secretary a report relating to the previous 12-month period as to:
- (a) the occupancy rate of the affordable housing units for that year; and
  - (b) compliance with the requirement in this condition to use best endeavours.



## **PART G PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **REQUIREMENTS OF THE EP&A ACT – PART 6 CERTIFICATES**

- G1. 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 Development carried out in accordance with the documents set out in Condition A1.

### **SUBDIVISION CERTIFICATE**

- G2. Before granting any Subdivision Certificate, 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**

- G3. Prior to the issue of a Subdivision Certificate, 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.
- G4. The Building Management Statement or Strata Management Statement (as applicable) is to apply to the Development. 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; and
  - (c) any other matters which the Certifier considers relevant and pertinent to the issue of a Subdivision Certificate.

### **CREATION OF EASEMENTS**

- G5. Prior to the issue of a Subdivision Certificate, 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**

- G6. Prior to the issue of a Subdivision Certificate, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Condition A1, are contained within the subdivision plan to be lodged for registration at the NSW Land Registry Services.

### **ENCROACHING AND/OR SHARED SERVICES**

- G7. Any pipes, service lines or the like servicing each lot must 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.

### **COMPLIANCE CERTIFICATE**

- G8. Prior to issue of any Subdivision Certificate, a compliance certificate issued under Part 6, Division 9 of the *Sydney Water Act 1994* must be obtained from Sydney Water and must be provided to the Certifier demonstrating that the Development has satisfied the detailed requirements of Sydney Water in respect to water and wastewater.
- G9. Prior to the issue of each Subdivision Certificate (as relevant), a Registered Surveyor has confirmed that the parcel boundary of the plan corresponds with floors, external walls and ceilings of the relevant building/structures as constructed or alternatively, has the benefit of an appropriate easement or is the subject of appropriate provisions in the Building Management Statement or Strata Management Statement, to enable the registration of the plan.

## ADVISORY NOTES

- AN1. All new buildings and structures that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
  - (b) certificates under Part 6 of the EP&A Act;
  - (c) approval under section 138 of the *Roads Act 1993* for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
  - (d) approvals for the installation of any hoardings over Council footways or road reserves;
  - (e) approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
  - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
  - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
  - (c) *Disability Discrimination Act 1992* (Cth);
  - (d) *Building and Construction Industry Long Service Payments Act 1986*;
  - (e) *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;
  - (f) *Airports (Protection of Airspace) Regulations 1996*.
- AN6. The Housing and Productivity Contribution:
- (a) may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees; and
  - (b) is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* exempts the development from the contribution.
- AN7. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.
- AN8. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24- hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.
- For further details refer to Ausgrid's Network Standard 143.
- AN9. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances".
- This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)
- AN10. The Applicant must ensure that impacts to existing trees, on all neighbouring sites, associated with works undertaken subject to separate approvals are appropriately and safely managed, with owners consent obtained as necessary for any works (including tree removal, stabilisation or other works).

## **APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D36 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D36), the Applicant is required to submit a subsequent Incident report that:
  - (a) identifies how the Incident was detected;
  - (b) identifies when the Applicant became aware of the Incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the Incident; and
  - (a) a summary of the Incident;
  - (b) outcomes of an Incident investigation, including identification of the cause of the Incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the Incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
  - (d) details of any communication with other stakeholders regarding the Incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.