

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under Section 2.7 of State Environmental Planning Policy (Planning Systems) 2021 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

~~(Commissioner) Wendy Lewin~~

**Member of the
Commission**

~~Michael Wright (Commissioner)~~

**Member of the
Commission**

~~(Commissioner) Richard
Pearson~~

**Member of the
Commission**

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Sydney

2024

SCHEDULE 1

Application Number:	SSD-34919690
Applicant:	Perpetual Corporate Trust Limited as custodian for Aliro Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus)
Consent Authority:	Minister for Planning Independent Planning Commission
Site:	Lot 1 DP 633851 and Lot A DP 366506, 39-43 Hassall Street, Parramatta
Development:	The construction of a 34-storey mixed use building comprising of: <ul style="list-style-type: none">○ 210 build-to-rent apartments on level 3 through to level 33○ 3 basement levels and 2 mezzanine levels consisting of basement carparking, bike parking, end of trip facilities, storage and service areas○ retail and commercial uses on ground level, level 1 and 2○ residential amenities on levels 2, 7 and 32, including a pool, dog run, co-working area, lounge and private dining area○ landscaping and public domain works○ flood mitigation measures○ remediation.

DEFINITIONS

Aboriginal Object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Applicant	Perpetual Corporate Trust Limited as custodian for Airo Trusco 1 Pty Ltd as trustee for Harris Street Sub Trust (Novus) or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
Certifier	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including remediation, earthworks, erection of buildings and public domain works permitted by this consent.
Council	City of Parramatta
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and public holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and public domain works, as modified by the conditions of this consent
EIS	The Environmental Impact Statement, prepared by Think Planners dated February 2023, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Heritage	Encompasses both a Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, state and/or national heritage significance, and/or an a Aboriginal object or a Aboriginal place as defined under the n National p Parks and w Wildlife a Act 1974', the w World h Heritage l ist, or the n National h Heritage l ist or e Commonwealth h Heritage l ist under the e Environment p rotection and b Biodiversity e Conservation A act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Independent audit post approval requirements	Independent audit post approval requirements as available on the department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Management and mitigation measures	The management and mitigation measures set out in the EIS and RTS
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or

Commented [IPC1]: Note to Department: have updated all references to BCA to NCC

Commented [IPC2]: Note to Department: term not used in consent

- b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent, which is u-must-be undertaken in accordance with section 9.39 of the EP&A Act
Non-compliance Operation	An occurrence, set of circumstances or development that is a breach of this consent The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
Response to Request for Information	The Applicant's supplementary response to Request for Information
Site auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site audit statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
SSD	State Significant Development
Site	Land referred to in Schedule 1
Tenanted component	Means the development will result in at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements and includes the common spaces and shared facilities provided for the use of the residents of the dwellings.
TfNSW	Transport for New South Wales
Waste	Has the same meaning as the definition of the term in the dictionary to the POEO Act
Year	A period of 12 consecutive months

**SCHEDULE 2
ADMINISTRATIVE CONDITIONS**

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS, Response to Submissions and Response to Request for Information; and
 - (d) in accordance with the approved plans in the table below:

Architectural drawings prepared by Rothelowman Architects			
Drawing No.	Rev	Name of Plan	Date
DA-00-01	<u>G</u>	Development Summary	<u>9/10/23</u>
DA-00-02	D	Site Plan	12/9/23
DA01-00	B	GA – Lift Pit	23/6/23
DA01-01	E	GA – Basement 3	9/8/23
DA01-02	E	GA – Basement 2	9/8/23
DA01-03	E	GA – Basement 1	9/8/23
DA01-04	D	GA – Mezzanine – Lower	9/8/23
DA01-05	E	GA – Mezzanine – Upper	12/9/23
DA01-06	D	GA – Ground	9/8/23
DA01-07	D	GA – Level 1	9/8/23
DA01-08	D	GA – Level 2	9/8/23
DA01-09	D	GA – Level 3	9/8/23
DA01-10	D	GA – Level 4 – 6	9/8/23
DA01-13	D	GA – Level 7	9/8/23
DA01-14	D	GA – Level 8 – 31	9/8/23
DA01-38	D	GA – Level 32	9/8/23
DA01-39	E	GA – Level 33	12/9/23
DA01-40	D	GA – Level 34	9/8/23
DA01-42	D	GA – Roof	9/8/23
DA02.01	D	North Elevation	12/9/23
DA02.02	D	South Elevation	12/9/23
DA02.03	C	East Elevation	23/6/23
DA02.04	C	West Elevation	23/6/23
DA03.01	E	Section A	12/9/23
DA03.02	E	Section B	12/9/23
DA03.10	D	Ramp Sections	12/9/23
DA06.01	B	Adaptable Apartment – Type 2A	23/6/23
DA06.02	B	Adaptable Apartment – Type 2B	23/6/23

DA06.03	D	Storage Plans and Schedule	12/9/23
DA06.13	H	GFA Plans	9/10/23
DA06.14	E	Deep Soil & Landscape Planting Compliance	9/8/23
DA06.15	D	Communal Open Space Compliance	3/8/23
DA06.20	D	LHA Apartments	12/9/23
Landscape Plans prepared by Land FX			
	B	Landscape Development Application Report	9/12/22
Civil Drawings prepared by Mott MacDonald			
	P7	Site Stormwater Drainage Plan	11/7/23
	P7	Stormwater Drainage Long Section	11/7/23

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a documents listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not approve the following:
- ~~C~~commercial fit out;
 - ~~R~~etail fit out; and
 - signage.
- A7. Where required, separate approvals shall be obtained from the relevant consent authority (except where exempt and/or complying development applies).

PRESCRIBED CONDITIONS

- A8. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4 Division 2 of the EP&A Regulation.

BUILD-TO-RENT HOUSING TO APPLY FOR AT LEAST 15 YEARS

- A9. For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building to which the build-to-rent development relates, the tenanted component of the development must not be subdivided into separate lots, and the tenanted component of the development must:
- ~~Be~~be owned and controlled by 1 person, and
 - ~~Be~~be operated by 1 managing agent, who provides on-site management.

DETAILS OF OWNER AND MANAGING AGENT OF BUILD-TO-RENT HOUSING TO BE RE-NOTIFIED IF CHANGED

- A10. If the owner or managing agent of the build-to-rent component of the development changes, the Applicant must provide written notification to the Planning Secretary, the Council and the Certifier identifying the new owner and/or managing agent.

Note: A change in the owner or managing agent of the build-to-rent components does not affect the 15-year period prescribed by Condition A9.

PLANNING SECRETARY AS MODERATOR

- A11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the

Commented [IPC3]: Question to Department: please provide further information regarding how the potential for the project to be strata subdivided after 15 years will be dealt with (through conditions or otherwise) regarding its impact on the flood evacuation response plan, noting it is currently relying partly on the building being a sole managed premise by Novus. The Commission is seeking additional information on why the project should not be approved as a BTR for the life of the development, noting the flood impacts.

matter to the Planning Secretary for resolution. ~~The Planning Secretary's resolution of the matter must be binding on the parties.~~

Commented [IPC4]: Note to Department: the Planning Secretary cannot bind a public authority (other than one under their management control) and therefore this has been deleted

LEGAL NOTICES

A12. Any advice or notice to the consent authority must be served on the Planning Secretary.

STRUCTURAL ADEQUACY

A13. All new buildings and structures that are part of the development, must be constructed in accordance with the relevant requirements of the [BCANCC](#).

Note: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and operation certificates for the proposed building works.

EVIDENCE OF CONSULTATION

A14. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
- (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

REMEDIATION

A15. The Applicant must remediate the site in accordance with the requirements detailed in the Remediation Action Plan prepared by Douglas Partners, dated December 2022 (Project 209967.02) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must be undertaken by a suitably qualified and experienced person(s).

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

A16. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
- (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
- (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development.

A17. Any strategy, plan or program prepared in accordance with Condition A16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.

A18. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A19. Updated strategies, plans (including management plan, architectural or design plan), or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

EXTERNAL WALLS AND CLADDING

A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the [BCANCC](#).

APPLICABILITY OF GUIDELINES

A21. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A22. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

MONITORING AND ENVIRONMENTAL AUDITS

A23. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

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

ACCESS TO INFORMATION

- A24. At least 48 hours before the commencement of construction, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in Condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

COMPLIANCE

A25. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A26. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A27. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

A28. The Applicant must notify the Planning Secretary through the major projects portal within seven days after they become aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A29. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A30. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

INDEPENDENT AUDIT

- A31. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- A32. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- A33. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020), upon giving at least 4 week's notice (or timing) to the applicant of the date or timing upon which the audit must be commenced.
- A34. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition A32 of this consent;
 - (b) submit the response to the Planning Secretary and the Certifier; and
 - (c) make each Independent Audit Report and response to it publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- A35. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- A36. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- A37. Within three months of:
- (a) the submission of an Incident Report under Condition A26;
 - (b) the submission of an Independent Audit under Condition A32;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary under ~~condition~~ Condition A3 which requires a review,

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

- A38. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

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

DESIGN EXCELLENCE AND INTEGRITY

- A39. In order to ensure design excellence of the development is retained:
- (a) The lead architect (Rothelowman) is to have:
 - (i) direct involvement in any design iteration or changes to the approved design;
 - (ii) direct involvement in contract documentation for construction stages of the project; and
 - (iii) access to the site and is to be authorised by the Applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project: ~~and-~~

- (b) in the event that Rothelowman is no longer the lead architect prior to construction, during construction and operation, an alternative architect as agreed with the Planning Secretary must have a role in the Design Integrity Panel (DIP) or another review/oversight role.
- A40. Prior to the issue of a Construction Certificate, the DIP is to review and endorse:
- (a) sections and elevations at a scale of at least 1:50 of typical windows and external doors, balconies, balustrades, communal entrances and privacy screens (consistent with Condition [B4B3](#));
 - (b) manufacturer's specification details of all facing materials and samples of those materials demonstrating the proposed colour, texture, jointing and method of fixing;
 - (c) boundary wall design and treatment, including evidence of consultation with property owners;
 - (d) wind mitigation measures;
 - (e) proposed outdoor lighting design and security measures; and
 - (f) landscape design consistent with ~~condition~~ [Condition B30B29](#).
- A41. Prior to the issue of a Construction Certificate, the DIP is to be provided with the opportunity to review and comment on the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages, prepared during design development prior to the issue of the relevant Construction Certificate. This is to ensure that the construction certification drawings are consistent with the approved design.
- A42. Any changes to the design must be referred to the DIP for endorsement.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE.

MAXIMUM BUILDING HEIGHT

B1. The maximum height of the approved building must not exceed RL 121.07m AHD, inclusive of all lift over-runs, vents, and any roof features. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for above ground works.

GROSS FLOOR AREA CERTIFICATION

B2. The gross floor area of the development must not exceed 16,656.3m². Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for above ground works.

DESIGN AMENDMENTS

B3. Prior to the issue of the first relevant Construction Certificate, the Applicant must prepare revised plans to the satisfaction of the Planning Secretary that detail:

- (a) the crest of the vehicular access to and from the basement to be no lower than RL6.92m AHD; and
- (b) the land connection adjacent to the south-eastern pedestrian ramp to be no lower than RL6.2m AHD;
- (c) the provision of a passive means of equitable access to Hassall Street, in addition to the proposed mechanical access/platform lift;
- (d) the provision of a balcony of a minimum area of 4m² for all Studio Apartment Type D;
- (e) the provision of 4 lifts; and
- (f) future adjacent site connections within the meaning of the Parramatta CBD Horizontal Evacuation Pilot Study (compliance with this sub-condition B3(f) is not required, however, if a suitably qualified expert considers the future site connections to be infeasible and/or the Council is consulted by the Applicant and the Council does not consider that the connections are required).

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Commented [IPC5]: Note to Department: this has been added in response to the RFI response committing to these amendments.

Commented [IPC6]: Note to Department: the intent of these amendments are to increase residential amenity - the Commission notes that ADG can be applied flexibly for BTR developments but does not consider the cumulative impact of several flexible provisions to provide a satisfactory outcome.

PRIVACY SCREENS

B2-B4. Prior to the issue of a Construction Certificate for above ground works, the Applicant must provide the following evidence to the Certifier:

- (a) details of permanent privacy screens to be installed on the southern wall/balustrade of the dog run (communal space) and the Level 7 balcony on the western elevation; and
- (b) details of permanent privacy screens to be installed on the windows and balconies of levels 1-6 adjacent to the western property boundary.

GROUND FLOOR CEILING HEIGHT

B3-B5. Prior to the issue of a Construction Certificate for above ground works, the Applicant must demonstrate to the Certifier that the ground floor ceiling of the retail areas provide a floor to ceiling height of 3.2m.

FLOODING MEASURES

B4-B6. Prior to the issue of a Construction Certificate for above ground works, evidence must be submitted to the Certifier that the following flooding measures within the building design have been certified by a qualified and experienced flood engineer, including:

- (a) an early flood warning system, triggered by rainfall forecasting, must be provided to alert building occupants and those in the adjacent public domain of imminent flooding. This may be implemented in collaboration with Council, the SES or the BoM;
- (b) a flood warning alarm system automatically activated by a float valve or other means upon actual or imminent flood water ingress;
- (c) automated flood barriers fitted to doors, ventilation ducts or other openings that provide access to floor levels at or below 7m AHD, with the exception of the substation and loading dock areas, to prevent the ingress of flows during a PMF event (9.5 m AHD) from entering the building or basement levels;
- (d) automated flood barriers fitted to doors, ventilation ducts or other openings that provide access to loading dock areas, to prevent the ingress of flows during a 1% AEP event (6.2m AHD) and up to 6.6m AHD (the Flood Planning Level) from entering the loading dock within the building;
- (e) back-up power generator capable of supplying all the electrical needs of the facility for 24 hours;
- (f) installation of a sealed sewage tank under the basement carpark to temporarily hold sewage overflows for at least 6-7 hours in the event that the sewage system ceases to operate due to flooding;

Commented [IPC7]: Question to Department: should this be 6.7m AHD, as the FPL is 6.2 (1% AEP) plus 0.5m freeboard?

Commented [IPC8]: Note to Department: have amended in accordance with the RFI response.

- (g) installation of a potable water tank (or appropriate alternate supply and management system) for back-up water supply (for drinking) in the event that the water supply systems cease to operate for a period of at least 6.7 hours due to flooding;
- (h) water level sensor and logic controls included within the operation of all passenger lifts to ensure any lift does not descend into flood waters in the event of a major flood inundating the basement car park of the building;
- (i) a flood evacuation stairway from all basement levels directly and without obstruction to a flood refuge area nominated in the FERP. Floodwaters shall be excluded from this stairway and the basement up to the PMF level (9.5m AHD), using flood doors or flood gates;
- (j) An an unobstructed stairway between the ground floor and the first floor near to the flood refuge to enable people to escape floodwaters at ground level and to enable emergency access to the flood refuge, basement and building in general;
- (k) Floor finished floor levels consistent with the approved plans and reports described in Condition A2; and
- (l) all relevant measures and commitments described in the EIS, Response to Submissions and Response to Request for Information including but not limited to the Flood Risk Assessment (Molino Stewart, 2023) and Flood Emergency Response Plan (Molino Stewart, 2023).

Commented [IPC9]: Note to Department: have amended in accordance with the RFI response.

DESIGN TO WITHSTAND FLOODING

B5-B7 Prior to the issue of a Construction Certificate for above ground works evidence must be provided to the Certifier that the building is suitably designed to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the PMF level (9.5m AHD), as certified by a registered structural engineer.

Commented [IPC10]: Question to Department: has the Department considered the effect of this recommended condition in the event the expected force of a PMF event is predicted to be higher for the Site in the future, noting the reliance on vertical evacuation?

STRUCTURAL DETAILS

B6-B8 Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

- (a) the relevant clauses of the BCANCC; and
- (b) this development consent.

Commented [IPC11]: Note to Department: the Applicant has requested this be specified to be consistent with other conditions.

EXTERNAL WALLS AND CLADDING

B7-B9 Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence that the external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.

B8-B10 Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the NCC. The Applicant must provide a copy of the documentation to the Planning Secretary for information.

MECHANICAL VENTILATION

B9-B11 Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with Clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

REFLECTIVITY

B10-B12 Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has satisfactorily incorporated the reflectivity treatments and mitigation measures included within the Solar Light Reflectivity Study prepared by Windtech, dated 15 December 2022.

B14-B13 The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent so as to minimise glare. Documentation demonstrating compliance with this requirement is to be submitted to the Certifier prior to the issue of a Construction Certificate for above ground works.

CONTROLLED ACTIVITIES WITHIN PROTECTED AIRSPACE

B12-B14 Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier, evidence that the development would be carried out in accordance with the

requirements of the decision under the Airports (Protection of Airspace) Regulation 1996 dated 4 July 2023 File Ref. F23/87-02.

SITE STABILITY AND CONSTRUCTION WORK

B13-B15. Prior to the issue of a Construction Certificate, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced engineer, which includes the following details:

- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
- (b) details to demonstrate that the proposed methods of support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration; **and**
- (c) that the adjoining land and buildings located upon the adjoining land would be adequately supported at all times throughout building work, **and**

HERITAGE INTERPRETATION

B14-B16. Prior to the issue of a Construction Certificate a Heritage Interpretation Plan must be prepared in accordance with the Historical Archaeological Assessment, prepared by Comber Consultants dated November 2022, the Statement of Heritage Impact, prepared by Comber Consultants dated November 2022, and the Aboriginal Cultural Heritage Assessment Report, prepared by Comber Consultants dated May 2023 and relevant NSW Heritage Division guidelines, and must be submitted to the Planning Secretary for information.

The Plan must be prepared in consultation with the Registered Aboriginal Party and local community, and document the findings and recommendations raised in consultation. The Plan must:

- (a) detail methods and elements to retain and interpret the site's heritage to be included in the detailed design; and
- (b) identify when the various interpretation elements will be delivered.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

B15-B17. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier demonstrating that the design of the development has incorporated the CPTED management and mitigation measures included within the Crime Prevention Through Environmental Design Report prepared by Think Planners, dated February 2023.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

B16-B18. The development must incorporate all design, construction and operation measures as identified in the Ecologically Sustainable Design Report prepared by ADP Consulting Pty Ltd, dated 19 December 2022. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate for above ground works.

B17-B19. The Applicant must demonstrate to the Certifier that Ecologically Sustainable Development is being delivered by achieving a minimum 5 Star Green Star rating in accordance with the Green Star Design and As-Built V.1 (Green Building Council Australia) for the base building design. Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of a Construction Certificate for above ground works.

BASIX CERTIFICATE

B18-B20. Prior to the issue of a Construction Certificate for above ground works, any requirement, recommendation, or mitigation measure identified in the completed BASIX certificates, which were submitted with the development application the subject of this consent (refer to EIS), must be specified on the plans forming part of the Construction Certificate documentation.

The BASIX certificates must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.

DUAL PIPING

B19-B21. Prior to the issue of a Construction Certificate for above ground works, the Applicant shall submit evidence to the satisfaction of the Certifier demonstrating how a dual reticulation (dual pipe) system will be installed throughout the development to support the immediate or future connection to a recycled water network. If a recycled water network is not currently available, the design of the dual reticulation system is to be such that a future connection to an alternative water supply can be achieved without significant civil or building work, disruption or cost. To facilitate this, the dual reticulation system is to have:

- (a) one reticulation system servicing drinking water uses, connected to the drinking supply;

- (b) one reticulation system servicing all non-drinking water uses; and
- (c) the non-drinking water system is to be supplied with harvested rainwater, with drinking water backup, until such time as an alternative water supply connection is available.

STORMWATER MANAGEMENT SYSTEM

B20-B22. Prior to the issue of a Construction Certificate, the Applicant must design an operational stormwater management system for the development in consultation with Council and submit relevant plans to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person;
- (b) be generally in accordance with the Site Stormwater Drainage Plan prepared by Mott MacDonald dated 11 July 2023;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

OPERATIONAL NOISE

B21-B23. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the Noise and Vibration Impact Assessment/advice dated 16 December 2022 and 28 April 2023 prepared by E-LAB Consulting, including the acoustic façade requirements and vibration isolation of the gym and pool structure, have been incorporated into the design to ensure the development will not exceed the Project Noise Trigger Levels identified in Table 7 and Table 15 of the Noise and Vibration Impact Assessment, prepared by E-Lab Consulting dated 16 December 2022.

WASTE STORAGE

B22-B24. Prior to the issue of a Construction Certificate for above ground works, and where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the operational waste storage area:

- (a) is constructed using solid non-combustible materials;
- (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
- (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
- (d) is naturally ventilated or an air handling exhaust system must be in place; and
- (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

B23-B25. Prior to the issue of a Construction Certificate for above ground works, the plans and details of waste storage room/s shall be submitted to and approved by the Certifier demonstrating:

- (a) the waste storage room shall be located as identified in the approved plans (Condition A2) and will be of adequate size to contain the waste and recycling bins;
- (b) the waste storage room shall be covered and all internal walls rendered and covered at the floor/wall intersection; and
- (c) the floor is to be graded and appropriately drained to the sewer and a tap with hot and cold water is to be located in close proximity to facilitate cleaning.

ADAPTABLE HOUSING

B24-B26. Prior to the issue of a Construction Certificate for above ground works, information from an appropriately qualified access consultant is to be submitted to the Certifier confirming that the building has been designed to accommodate 33 adaptable residential apartment units, with the requirements specified on the relevant Construction Certificate drawings.

ACCESS FOR PEOPLE WITH DISABILITIES

B25-B27. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the [BCA-NCC](#) and AS1428 Design for access and mobility. Prior to the issue of a Construction Certificate for above ground works, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

CAR PARKING AND SERVICE VEHICLE LAYOUT

B26-B28. Prior to the issue of a Construction Certificate for basement areas, the Applicant must submit to the Certifier, plans or evidence demonstrating compliance with the following traffic and parking requirements:

- (a) all vehicles can enter and leave the Site in a forward direction;
- (b) a minimum of 73 on-site car parking spaces (including car share spaces) are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
- (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2;
- (d) provision of convex mirror, signage and flashing lights to warn pedestrians of vehicle movements; and
- (e) provision for ~~three~~ **four (34)** electric vehicles (EV) charging parking spaces **and 18 EV ready parking spaces** to be located within the 73 car parking spaces, of which two (2) EV charging spaces must be allocated to the carshare spaces identified in plans under Condition A2.

BICYCLE PARKING AND END-OF-TRIP FACILITIES

B27-B29. Prior to the issue of a Construction Certificate for basement areas, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:

- (a) the provision of a minimum 116 bicycle parking spaces, including 6 spaces for the commercial premises, as outlined in plans listed in **Condition A2**;
- (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking; and
- (c) the provision of a minimum of 1 end-of-trip facility shall be provided with 6 personal lockers, one shower and change cubicle.

LANDSCAPING

B28-B30. Prior to the issue of a Construction Certificate for above ground works, the Applicant must prepare a detailed Landscape Plan in consultation with indigenous groups, endorsed by the DIP, for approval by the Certifier. A copy of the approved plans must be provided to the Planning Secretary. The plan(s) must:

- (a) incorporate any necessary amendments resulting from the Heritage Interpretation Plan required by **Condition B16**;
- (b) demonstrate how the final detailed design and art works have been informed by further consultation with local indigenous groups;
- (c) provide details on the proposed artwork on the substation/Hassall St frontage, on the southern façade, on the western wall of the driveway and on the soffit of the awning, generally consistent with the Designing with Country fundamentals outlined in the Post-DA Update, dated 23 June 2023;
- (d) incorporate any necessary amendments considering the Harris Street Land Reservation Acquisition Area and Hassall Street Public Domain works;
- (e) include the planting of the street tree species *Flindersia australis*, (common name Australian Teak), with a minimum pot size of 400L along Hassall Street;
- (f) detail the location, species, maturity and height at maturity of plants to be planted on-site;
- (g) include species (trees, shrubs and groundcovers) indigenous to the local area;
- (h) include the planting of trees with a pot container of 100 litres or greater;
- (i) include a plant maintenance regime for all landscaping; and
- (j) be generally in accordance with the landscape concept masterplan as listed in the table in Condition A2 (and as amended by the conditions of this consent where applicable).

REMEDIATION OF LAND – SITE AUDITOR APPROVAL

B29-B31. Prior to the issue of a Construction Certificate the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

B30-B32. Prior to the issue of a Construction Certificate, the supplementary asbestos investigation as recommended in the Remediation Action Plan (RAP), as prepared by Douglas Partners (Project 209967.02 dated December 2022) must be undertaken. The RAP must be reviewed, updated and approved by the site auditor prior to issue of a Construction Certificate.

Commented [IPC12]: Note to Department: revised in accordance with the Department's RFI response dated 16 Feb 2024.

Commented [IPC13]: Question to Department: has the risk of flood inundation of the Site of any event between the 1% AEP and the PMF been assessed in regard to cars causing destruction of basement structure whilst floating, risk of fires in basement of EV spaces when underwater etc.?

Commented [IPC14]: Question to Department: the Assessment Report includes reference to recommended conditions regarding planting within the Clay Creek corridor to ensure species reflect the relevant native vegetation community that once occurred in the locality- can you please advise where this is incorporated in the consent, or provide additional conditions to address this.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

NOTIFICATION OF COMMENCEMENT

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before that date.

CERTIFIED DRAWINGS

- C2. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified structural engineer that demonstrates compliance with this development consent.

PRE-CONSTRUCTION DILAPIDATION REPORT – PROTECTION OF PUBLIC INFRASTRUCTURE

- C3. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services and infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
 - (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
 - (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

PRE-CONSTRUCTION SURVEY – ADJOINING PROPERTIES

- C4. Prior to the commencement of construction, the Applicant must offer a pre-construction survey to owners of residential and commercial buildings that are likely to be impacted by the development.
- C5. Where the offer for a pre-construction survey (as required by Condition C4) is accepted, the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced person prior to the commencement of vibration generating works that could impact on the identified buildings.
- C6. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by Condition C5, the Applicant must:
- (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

SURVEY CERTIFICATE

- C7. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set-out building to property boundaries.

UTILITIES AND SERVICES

- C8. Prior to construction the Applicant must obtain all relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.
- C9. Prior to construction 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 provisions of adequate services. Works involving or affecting electricity supply must comply with Endeavour Energy's requirements.

OUTDOOR LIGHTING

- C10. Prior to construction, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C11. Prior to construction (including any site preparation or excavation work), the Applicant must prepare to the satisfaction of the Planning Secretary, a Construction Environmental Management Plan (CEMP), and provide a copy to the Certifier. The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (v) community consultation and complaints handling; and
 - (vi) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Pedestrian and Traffic Management Sub-Plan (see ~~condition-Condition~~ Condition C12);
 - (c) Construction Noise and Vibration Management Sub-Plan (see ~~condition-Condition~~ Condition C13);
 - (d) Construction Soil and Water Management Sub-Plan (see ~~condition-Condition~~ Condition C14);
 - (e) Construction Dewatering Management Sub-Plan (see ~~condition-Condition~~ Condition C15);
 - (f) Construction Flood Emergency Response Sub-Plan (see ~~condition-Condition~~ Condition C16);
 - (g) an Aboriginal heritage induction protocol and associated communication procedures;
 - (h) an unexpected finds protocol for contamination and associated communications procedure;
 - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (j) the waste classification (for materials to be removed) and validation (for materials to remain) procedures required to be undertaken to confirm the contamination status in relevant areas of the site.
- C12. The Construction Pedestrian and Traffic Management Sub-Plan (CPTMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists, pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C13. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken;
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with ~~Condition~~ Condition B18.
- C14. The Construction Soil and Water Management Sub-Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified and experienced person;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water;

- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including a 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI.
- C15. The Construction Dewatering Management Sub-Plan (CDMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert;
 - (b) provides an assessment of the activities against the 'minimal impact considerations' of the Aquifer Interference Policy;
 - (c) describes how the design would limit the ongoing take of groundwater following completion of construction to 3 ML/yr or less, unless an approval by the Planning Secretary allows for greater take;
 - (d) describes all relevant licences and authorities obtained to authorise and account for dewatering activities including a Water Access Licence (WAL) under the *Water Management Act 2000*, unless the take is less than or equal to 3ML of water per year for any aquifer interference activities listed in Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018;
 - (e) quantifies the predicted water take and provides estimates of groundwater inflows both during construction and operation;
 - (f) describes how the proposed design and construction of the work:
 - (i) would limit the ongoing take of groundwater following completion of construction to 3 ML/yr or less unless a Dewatering Management Plan approved by DPE Water Assessment allows for greater take;
 - (ii) would limit obstruction of groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure and be able to demonstrate that any groundwater mounding shall not have material impacts on surrounding buildings, infrastructure and natural environment;
 - (iii) would prevent an elevated water table from rising to within 1.0m below the natural ground surface; and
 - (iv) would address the disposal of the groundwater to the stormwater including any proposed water treatment;
 - (g) provides a dewatering reporting schedule covering the duration of construction; and
 - (h) be prepared in consultation with Council.
- C16. The Construction Flood Emergency Response Sub-Plan (CFERSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the Floodplain Risk Management Guidelines (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for the construction phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) clear triggers and timings to pre-emptively evacuate or take refuge in response to an elevated risk of flooding;
 - (vii) awareness training for employees, contractors and any other relevant persons associated with the site, and
 - (viii) temporary emergency exits, refuge areas, and signage, including clearly labelled 'direction of travel', in the event of a flooding emergency.
- C17. A copy of the CFERP required by Condition C16 must be kept and made available on-site during construction at all times.
- C18. Prior to the commencement of the relevant stage of works, the Applicant must submit evidence to the Certifier, that:
- (a) the crest of the vehicular access to and from the basement will be no lower than 6.92m AHD;

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- (b) the finished ground floor level will be no lower than 7.0m AHD; and
(vii)(c) any structures below the 1% Annual Exceedance Probability (6.20m AHD), plus 500mm of freeboard, will be constructed of flood compatible building components.

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Commented [IPC15]: Note to Department: this has been added in response to the RFI response.

C17-C19. Prior to construction a Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:

- (a) minimise the impacts of earthworks and construction on the local and regional road network;
- (b) minimise conflicts with other road users;
- (c) minimise road traffic noise; and
- (d) ensure truck drivers use specified routes.

CONSTRUCTION WORKER TRANSPORTATION STRATEGY

C18-C20. Prior to construction, the Applicant must submit a Construction Worker Transportation Strategy to the satisfaction of the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary for information.

CONSTRUCTION WASTE MANAGEMENT

C19-C21. Prior to the commencement of the removal of any waste material from the site, the Applicant must notify the TfNSW Traffic Management Centre of the truck route(s) to be followed by trucks transporting waste material from the site.

BARRICADE PERMIT

C20-C22. Where construction requires the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* is to be obtained from the relevant authority prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant authority.

HOARDING

C21-C23. For the relevant street frontages and duration of construction, a separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:

- (a) architectural, construction and structural details of the design as well as any proposed artwork; and
- (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

C22-C24. Evidence of the issue of a Structural Works Inspection Certificate and structural certification is required to be submitted to the Certifier prior to construction.

HARRIS STREET LAND RESERVATION ACQUISITION AREA AND HASSALL STREET PUBLIC DOMAIN

C23-C25. Prior to the construction of the proposed works in the Harris Street Land Reservation Acquisition Area (as defined in Parramatta LEP 2011), Harris Street and Hassall Street public domain, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

The proposed works include:

- (a) public footpath works;
- (b) connections from ramp access to footpath;
- (c) street trees and landscaping; and
- (d) kerb and guttering associated with the new road alignment.

The proposed works described in this condition do not include the proposed stormwater pipe diversion.

C24-C26. Prior to the construction of the stormwater pipe diversion (and associated earthworks) in the Harris Street Land Reservation Acquisition Area (as defined in Parramatta LEP 2011), Harris Street and Hassall Street public domain, the Applicant must consult with Council and demonstrate to the Certifier that the design meets the requirements of Council. The Applicant must submit documentation of approval from Council to the Certifier.

Note: Separate Construction Certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

PART D DURING CONSTRUCTION

APPROVED PLANS TO BE ON SITE

- D1. A copy of the approved and certified plans, specifications and document incorporating conditions of approval and certification must be kept on the site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

SITE NOTICE

- D2. During construction a site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

OPERATION OF PLANT AND EQUIPMENT

- D3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

CONSTRUCTION HOURS

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 5pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 5pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in Condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such construction activities as referenced in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

IMPLEMENTATION OF MANAGEMENT PLANS

- D7. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans) as last approved by the Planning Secretary.

CONSTRUCTION TRAFFIC

- D8. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone as part of the CPTMSP required by Condition C12 and vehicles must enter the site or an approved on-street work zone before stopping.

HOARDING REQUIREMENTS

- D9. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

- D10. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

CONSTRUCTION NOISE LIMITS

- D11. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D12. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential and commercial precincts outside of the construction hours of work outlined under Condition D4.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

VIBRATION CRITERIA

- D14. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of [DIN 4150-3:2016-12 Vibration in buildings – Part 3: Effects on Structures \(German Institute for Standardisation\)](#); [DIN 4150-3 \(1992-02\) Structural vibration – Effects of vibration on structures \(German Institute for Standardisation, 1999\)](#); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D15. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition D14.
- D16. The limits in Conditions D14 and D15 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by Condition C11 of this consent.

Commented [IPC16]: Note to Department: the Commission has recently been made aware of an update to this document.

AIR QUALITY

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D18. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

EROSION AND SEDIMENT CONTROL

- D19. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by Condition C14.

IMPORTED FILL

- D20. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Certifier upon request.

PROTECTION OF WATERWAYS

- D21. All works must be carried out so that:
- (a) no materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Clay Cliff Creek; and
 - (b) no materials are likely to be carried by natural forces to the bed, shore or waters of Clay Cliff Creek.

Any material that does enter Clay Cliff Creek must be removed immediately.

DISPOSAL OF SEEPAGE AND STORMWATER

D22. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

EMERGENCY MANAGEMENT AND EVACUATION

D23. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

D24. During construction, one or more Site Flood Warden(s) must be appointed, and must always be present on-site, when the Site is occupied. The Site Flood Warden is responsible for the review, exercise, and on-site operation of the evacuation protocols and flood warning system. The Site Flood Warden must have the authority to direct site attendees to perform actions necessary for flood preparedness and response.

D23-D25. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points, refuge areas and evacuation routes, for the duration of construction and a copy of the CFERP must always be kept and made available on-site during construction.

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

D24-D26. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

D25-D27. 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;
- (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.

WASTE STORAGE AND PROCESSING

D26-D28. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D27-D29. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D28-D30. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D29-D31. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D30-D32. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

D34-D33. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Commented [IPC17]: Note to Department: this amendment is to increase flood safety on the Site during construction, noting that wardens etc are proposed in the Applicant's FERP.

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SITE CONTAMINATION

D32-D34. Remediation of the site must be carried out in accordance with the Remediation Action Plan (RAP) as approved by a NSW EPA-accredited Site Auditor in accordance with Condition **B31B30** and any variations to the RAP approved by the Site Auditor.

D33-D35. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).

D34-D36. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

D35-D37. Within one month following completion of the remediation works for the development, a Remediation Validation Report (RVR) must be submitted to the Planning Secretary and Council for information. The RVR must be prepared by a suitably qualified and experienced consultant(s), in accordance with the approved RAP, s4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021* and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

INSPECTION OF PUBLIC DOMAIN WORKS

D36-D38. The Applicant must notify Council of the following inspections:

- (a) ~~(a)~~ commencement of public domain works including set out of tree pits, stormwater drainage or kerb and gutter;
- (b) ~~(b)~~ subgrade inspection following excavation for footings;
- (c) ~~(c)~~ installation of required underground conduits;
- (d) ~~(d)~~ formwork;
- (e) ~~(e)~~ commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- (f) ~~(f)~~ completion of concrete blinding layer before any paver to be laid;
- (g) ~~(g)~~ completion of (raised) planting beds;
- (h) ~~(h)~~ completion of unit (granite) paving;
- (i) ~~(i)~~ completion of paving sealant application and tactile indicator installation;
- (j) ~~(j)~~ delivery of street trees to site;
- (k) ~~(k)~~ installation of street trees including required sub-drainage layer; and
- (l) ~~(l)~~ final defects inspection after all work has been completed.

D37. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work and ensure it is completed in accordance with Council's Public Domain Guidelines.

SURVEY CERTIFICATE

D38-D39. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier —

- (a) ~~a~~All footings/ foundations; ~~and~~
- (b) ~~a~~At other stages of construction – any marks that are required by the Certifier.

SITE STABILITY AND CONSTRUCTION WORK

D39-D40. While building work is being carried out, written approval must be 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) and details must be provided to the ~~C~~ertifier.

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PART E PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION

NOTIFICATION OF OCCUPATION

- E1. At least one month prior to the issue of an Occupation Certificate, the proposed date of commencement for operation of the development must be notified to the Planning Secretary in writing.

DEVELOPMENT CONTRIBUTIONS

- E2. Prior to the issue of an Occupation Certificate, payment of a levy of 5% of the proposed cost of carrying out the development must be paid to Council in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No.1).

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may be subject to indexation.

Note: Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No.1) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/sites/council/files/2023-07/Parramatta-City-Centre-Local-Infrastructure-Contributions-Plan-2022-Amendment-No-1-effective.PDF>

DETAILS OF OWNER AND MANAGING AGENT OF BUILD-TO-RENT HOUSING TO BE NOTIFIED

- E3. Prior to the issue of an Occupation Certificate, the Applicant must provide written notification to the Planning Secretary, the Council and the Certifier identifying a single owner and managing agent of the build-to-rent components of the development.

PUBLIC DOMAIN WORKS

- E4. Prior to issue of an Occupation Certificate, evidence must be provided to the Certifier demonstrating that:
- Work-as-Executed Plans have been submitted to Council showing the final-approved public domain works;
 - All public domain works have been completed to Council's satisfaction; and
 - That maintenance periods have been agreed between the Applicant and Council and that the maintenance periods would be implemented to Council's satisfaction.

LOT CONSOLIDATION

- E5. Prior to the issue of an Occupation Certificate the lots/separate titles within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services.

LAND FOR DEDICATION

- E6. Prior to the issue of an Occupation Certificate the Applicant must enter into a Planning Agreement in accordance with the letter of offer dated 12 September 2023 or an alternative process as agreed with Council, for the dedication of land on the site identified for Local Road Widening in accordance with the Land Reservation Acquisition Map of Parramatta LEP 2011. Land is to be dedicated at no cost to Council.
- E7. Prior to the commencement of operation and following Council confirming that all public domain works have been completed to Council's satisfaction, as required by Condition E4, the land identified in accordance with the Land Reservation Acquisition Map of Parramatta LEP 2011 must be transferred to Council.

GFA, BUILDING HEIGHT AND OVERSHADOWING OF EXPERIMENT FARM CERTIFICATION

- E8. A Registered Surveyor is to certify that the development does not exceed the approved gross floor area (16,656.3m²) and building height (RL 121.07m AHD), and that the proposal does not result in any additional overshadowing of Experiment Farm between 10am and 2pm on 21 June. Details shall be provided to the Certifier demonstrating compliance with this condition prior to the issue of an Occupation Certificate.

PRIVACY SCREENS AND TRANSLUCENT GLAZING

- E9. Prior to the issue of an Occupation Certificate permanent privacy screens and translucent glazing on the western elevation of levels 1 to 7 and on the southern elevation consistent with the Elevation Plan and as required by Condition B4B3, must be installed to the satisfaction of the Certifier.

INSTALLATION OF FLOOD WARNING SYSTEM

- E10. Prior to the issue of an Occupation Certificate an early flash-flood warning system, triggered by rainfall forecasting and real time monitoring, must be provided to the reasonable satisfaction of the Certifier and

maintained ~~in perpetuity for the life of the development~~ to advise occupants, and those in the adjacent public domain, of imminent flash flooding.

Commented [IPC18]: Note to Department: in perpetuity is difficult to enforce as the development may be demolished or similar in the future and in perpetuity exceeds the life of the development.

PROTECTION OF BASEMENTS

E11. To prevent flood waters from entering the basement car park, automatic flood barriers must be installed that exclude floodwaters up to the Probable Maximum Flood (PMF) level of RL9.5m AHD. Other measures such as flood doors must also be provided at all openings to the basement to exclude flood waters up to the PMF level. A suitably qualified Flood Consultant must certify that this requirement has been achieved to the satisfaction of the certifier prior to the issue of an Occupation Certificate.

FLOOD EMERGENCY RESPONSE PLAN

E12. Prior to the issue of an Occupation Certificate a detailed Flood Emergency Response Plan (FERP) generally in accordance with the FERP prepared by Molino Stewart – (Flood Emergency Response and Evacuation Plan dated February 2023) must be prepared and implemented to the satisfaction of the ~~Certifier~~ Planning Secretary. The FERP must include:

Commented [IPC19]: Question to Department: noting the Department have more expertise (or access to experts) is there any reason this should not be the responsibility of the Planning Secretary?

- (a) both warning and evacuation measures for occupants in the building, including refuge areas and evacuation routes;
- (b) measures to prevent evacuation from the site by private vehicle where it is unsafe to do so;
- (c) a description of relevant emergency equipment and services provided in the building, including their location;
- ~~(d)~~ a description of the most appropriate emergency response for flood and fire events that occur together, including specific and clear text stating that the land connection provided at the south-eastern corner of the Site is not to be used to evacuate in a flood emergency, and no horizontal evacuation is proposed in any flood event;
- ~~(d)(e)~~ a detailed review of the emergency response plan for flood event scenarios, up to and including a PMF event (RL 9.5m AHD) from overland and creek flooding, including a suitability assessment of the strategies developed for each event;
- (f) measures to ensure emergency response procedures are tested at least annually;
- ~~(e)(g)~~ consideration of human factors and the further development of any necessary mitigation measures to manage human behaviour, including provision and support of equitable access of occupants to refuge areas;
- ~~(f)(h)~~ consultation undertaken with relevant state and local agencies in the preparation of the FERP;
- (i) implementation, routine maintenance, operation and auditing of infrastructure items which are necessary for the safety of occupants during flood emergencies. This includes the back-up power facility, sewage tank, potable water tank, evacuation refuge area, supplies for the refuge area such as food, medical supplies etc.;
- ~~(i)~~ bi-annual reviews by the Building Manager of emergency supplies stored above the PMF level (RL9.5m AHD);
- ~~(k)~~ provisions to accommodate 7 hours of shelter in place provisions. This includes the back-up power facility, sewage tank, potable water tank, evacuation refuge area, supplies for the refuge area such as food, medical supplies etc.;
- ~~(g)~~ —
- ~~(h)~~ implementation, maintenance, operation and auditing of the flood warning system and flood emergency response plan;
- (l) —
- ~~(m)~~ bi-annual emergency response drills;
- (n) measures to regularly maintain, test bi-annually and operate the flood protection devices including flood gates, doors and barriers, flood sensors, flood refuges and the flood warning system;
- ~~(o)~~ consideration of further measures to minimise the risk to life in the event of any flood protection device failure; and
- ~~(p)~~ training of staff and wardens in the operation and fault detection of flood gates and flood doors;
- ~~(+)(q)~~ a Flood Gate Management Plan;
- (r) implementation, maintenance, operation and auditing of water level triggers for the lift operation system;

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~~(j)(s)~~ a requirement for the Building Manager to send an early alert to residents when severe weather or flood warnings are issued by relevant services;

~~(t)~~ implementation, maintenance, operation and auditing of the flood warning system and the Flood Emergency Response Plan; and

~~(u)~~ appropriate communication of the content of the FERP having regard to culturally and linguistically diverse populations (or other affected people who do not speak English) in Council's local government area.

~~(*)E13.~~ Prior to the issue of an Occupation Certificate, permanent signage must be provided on-site, including clearly labelled, direction of travel in the event of a flooding emergency. A site map showing emergency evacuation refuge areas must also be provided on the Site in a prominent position. Signage must be constructed in accordance with all relevant legislation, environmental planning instruments, and Australian Standards.

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ECOLOGICALLY SUSTAINABLE DEVELOPMENT

~~E13-E14.~~ Prior to the issue of the Occupation Certificate, all environmental commitments referred to in the ESD Report, prepared by ADP Consulting: Engineering, dated 19 December 2022 and Condition B18 must be implemented, with evidence demonstrating compliance with this requirement submitted to the Certifier.

~~E14-E15.~~ Prior to the issue of the Occupation Certificate, the Applicant must implement the commitments outlined in the completed BASIX certificates, which were submitted with the development application the subject of this consent (Condition B20).

EXTERNAL WALLS AND CLADDING

~~E15-E16.~~ Prior to the issue of the Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

~~E16-E17.~~ The Applicant must provide a copy of the documentation given to the Certifier required by Condition E16 to the Planning Secretary within seven days after the Certifier accepts it.

POST-CONSTRUCTION DILAPIDATION REPORT – PROTECTION OF PUBLIC INFRASTRUCTURE

~~E17-E18.~~ Following completion of all construction works and prior to the issue of an Occupation Certificate, a Post-Construction Dilapidation Report must be prepared by a qualified structural engineer to:

- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by Condition C3 of this consent;
- (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads);
- (c) be submitted to the Certifier;
- (d) be forwarded to Council for information; and
- (e) be provided to the Planning Secretary when requested.

REPAIR OF PUBLIC INFRASTRUCTURE

~~E18-E19.~~ Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the construction works; and/or
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
- (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions of this consent.

ROAD DAMAGE

~~E19-E20.~~ Prior to the issue of an Occupation Certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the development as a result of construction works associated with the approved development must be met in full by the Applicant.

SURVEY

E20-E21. Before the issue of an Occupation Certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates 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.

POST-CONSTRUCTION SURVEY – ADJOINING PROPERTIES

E21-E22. Where a pre-construction survey has been undertaken in accordance with Condition C4, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced person to undertake a post-construction survey and prepare a Post-Construction Survey Report. This Report must:

- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with Condition C4;
- (b) be provided to the owner of the relevant buildings surveyed;
- (c) be provided to the Certifier; and
- (d) be provided to the Planning Secretary when requested.

E22-E23. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

UTILITIES AND SERVICES

E23-E24. Prior to the issue of the Occupation Certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

WORKS AS EXECUTED PLANS

E24-E25. Prior to the issue of the Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

GREEN TRAVEL PLAN

E25-E26. Prior to the commencement of operation, the Green Travel Plan (GTP) must be updated and submitted to the Planning Secretary for information to promote the use of active and sustainable transport modes.

The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and TfNSW;
- (b) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (c) include specific tools and actions to help achieve the objectives and mode share targets;
- (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

MECHANICAL VENTILATION

E26-E27. Prior to the issue of an Occupation Certificate, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

OPERATIONAL NOISE

E27-E28. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under this consent have been

incorporated into the design to ensure the development will not exceed the recommended levels identified in the Noise and Vibration Impact Assessment prepared by E-LAB Consulting dated 16 December 2022.

CAR PARKING, SERVICE VEHICLES AND BICYCLE PARKING ARRANGEMENTS

E28-E29. Prior to the issue of an Occupation Certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:

- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with Condition B28;
- (b) appropriate pedestrian and cyclist advisory signs are to be provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (e) end-of-trip facilities for staff are provided.

FIRE SAFETY CERTIFICATION

E29-E30. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

STRUCTURAL INSPECTION CERTIFICATE

E30-E31. Prior to the issue of an Occupation Certificate of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:

- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
- (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

STORMWATER QUALITY MANAGEMENT PLAN

E34-E32. Prior to the issue of an Occupation Certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- (b) record and reporting details;
- (c) relevant contact information;
- (d) Work Health and Safety requirements; and
- (e) develop a proposed operational phase (after building completion) dewatering monitoring and reporting schedule;

WARM WATER SYSTEMS AND COOLING SYSTEMS

E32-E33. The installation 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 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OUTDOOR LIGHTING

E33-E34. Prior to the issue of the Occupation Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (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.

SIGNAGE

[E34-E35](#). Prior to the issue of an Occupation Certificate, way-finding signage and signage identifying the location of resident, staff and visitor car parking must be installed.

[E35-E36](#). Prior to the issue of an Occupation Certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

OPERATIONAL WASTE MANAGEMENT PLAN

[E36-E37](#). Prior to the issue of an Occupation Certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) 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* (Department of Environment, Climate Change and Water, 2009);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in EIS and RtS.

SITE CONTAMINATION

[E37-E38](#). Prior to the issue of an Occupation Certificate, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by a Site Audit Report prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the site is suitable for the intended land use and be provided, along with any Environmental Management Plan, to the Planning Secretary and the Certifier.

LANDSCAPING

[E38-E39](#). Prior to the issue of an Occupation Certificate, landscaping of the site (including art work) must be completed in accordance with landscape plan(s) approved under [Condition B30](#).

[E39-E40](#). Prior to the issue of the Occupation Certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:

- (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
- (b) be consistent with the Applicant's Management and Mitigation Measures in the EIS and RtS;

[E40-E41](#). The Applicant must not commence operation until the Operational Landscape Management Plan is implemented.

HERITAGE INTERPRETATION PLAN IMPLEMENTATION

[E41-E42](#). Prior to the issue of an Occupation Certificate, evidence must be submitted to the Certifier demonstrating all elements of the Heritage Interpretation Plan required under [Condition B16](#) have been implemented.

OPERATIONAL DEWATERING MANAGEMENT PLAN

[E42-E43](#). Prior to the issue of an Occupation Certificate, an Operational Management Plan must be prepared in consultation with Council and submitted to the Certifier. The plan must address the operation of the pool, gym and wellness areas and pool area safety and incorporate recommendations included within the Socio-economic Impact Assessment prepared by Hill PDA, dated December 2022. The Applicant must submit the Operational Management Plan and comments from Council to the Certifier.

LOADING AND SERVICING MANAGEMENT

[E43-E44](#). Prior to the issue of an Occupation Certificate, the Applicant shall prepare a Loading and Servicing Management Plan in consultation with TfNSW and submit to the Planning Secretary for information.

This plan shall ensure that any potential traffic and safety impacts associated with the loading dock operation are mitigated. The Plan must specify, but need not be limited to, the following:

- (a) details of 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; and
- (b) details of measures to manage any potential traffic and safety impacts of the vehicle entry and loading docks operation in particular potential queuing on public roads and potential conflicts between freight vehicles accessing the loading dock and pedestrian / cyclists.

PART F DURING OPERATION

OPERATION OF PLANT AND EQUIPMENT

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

WARM WATER SYSTEMS AND COOLING SYSTEMS

- F2. 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 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

OPERATIONAL NOISE LIMITS

- F3. During operation the Applicant must ensure that noise generated by operation of the development does not exceed the Project Noise Trigger Levels described in Table 7 and Table 15 of the Noise and Vibration Impact Assessment report prepared by E-LAB Consulting and dated 16 December 2022.
- F4. Within one month of the commencement of operation the Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry 2017 or any latest version* where valid data is collected following the commencement of operation. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of operations to verify that operational noise levels do not exceed the Project Noise Trigger Levels described in Table 7 of the Noise and Vibration Impact Assessment report prepared by E-LAB Consulting and dated 16 December 2022.

Should the noise monitoring program identify any exceedance of the Project Noise Trigger Levels, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the Project Noise Trigger Levels or provide attenuation measures at the affected noise sensitive receivers as agreed by both parties.

UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

- F5. During operation all driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- F6. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built V.1 rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

OUTDOOR LIGHTING

- F7. Notwithstanding Condition [C10](#), should outdoor lighting result 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.

LANDSCAPING

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Condition [B30](#) for the duration of occupation of the development.

GREEN TRAVEL PLAN

- F9. Following commencement of operation the Green Travel Plan required by Condition [E26E25](#) of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

OPERATIONAL PLANS OF MANAGEMENT

- F10. During operation the following operational management plans (and any updates to those plans), shall be implemented and adhered to at all times by the Applicant following occupation or commence of the use of the development:
- (a) Loading Management Plan (Condition [E44E43](#));
 - (b) Operational Waste Management Plan (Condition [E37E36](#)); and
 - (c) Green Travel Plan (Condition [E26E25](#));-

- (d) Flood Emergency ~~Management~~ Response Plan (Condition E12);
- (e) Operational Management Plan (Condition ~~E43~~E42); and
- (f) Stormwater Quality Management Plan (Condition ~~E32~~E34);

F11. During operation, the Applicant must ensure:

- (a) the FERP approved under Condition E12 is audited, by a suitably qualified and practicing hydraulic engineer, with no less than 5 years' experience in flood management, annually, for the life of the development, or until otherwise agreed to by the Planning Secretary; and
- (b) that, during operation, and for the life of the development, permanent signage be maintained on-site, including clearly labelled direction of travel in the event of a flooding emergency. A site map illustrating emergency, evacuation refuge areas must be provided on-site in a prominent position. Signage must be constructed and maintained in accordance with all relevant legislation, environmental planning instruments, and Australian Standards.

~~(f)~~F12. During operation, if the annual audit required under Condition F11(a) identifies that the FERP is required to be updated to comply with the recommendations, requirements and flood levels of any updated flood studies or modelling and/or identifies the need for any amendments, an updated FERP must be submitted to the satisfaction of the Planning Secretary within 6 months of the audit, or a timeframe agreed to by the Planning Secretary.

USE OF COMMUNAL FACILITIES

~~F44~~F13. During operation the use of the Outdoor Lounge on Level 32 and the Dog Run on Level 7 must be restricted to the residents of the building and their guests only.

~~F42~~F14. During operation the use of the communal open space outlined in Condition ~~F13~~F44 shall be restricted to between 7am and 10pm Monday to Sunday to protect the amenity of neighbouring properties to the south.

CRIME PREVENTION

~~F13~~F15. During operation all CPTED measures required by Condition ~~B17~~B46 shall be maintained.

COMMERCIAL RETENTION

~~F44~~F16. During operation, the development must retain a minimum 1:1 commercial floor space.

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Commented [IPC22]: Note to Department: the intent of this amendment was to ensure the FERP is kept up to date, when new studies or modelling is released, to ensure ongoing risk to life is managed appropriately.

ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. 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 provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

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