

# 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, grants consent to the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

The conditions imposed under this consent are required to:

- Meet statutory requirements
- Protect the amenity of the locality
- Ensure amenity for future residents

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

[DATE]

File: SSD-55844212

### SCHEDULE 1

Application Number:

SSD-55844212

Application lodged by:

Stockland Development Pty Ltd

Consent Authority:

Independent Planning Commission

Site:

39 Delhi Road, Macquarie Park [Lot 21 in DP 1003588]

Development:

Mixed use build-to-rent (BTR) development containing 510 residential units and commercial and retail uses comprising:

- demolition of existing structures
- bulk earthworks and excavation
- vegetation removal and protection
- construction of 3 buildings as follows:
  - Building A – a 20 storey building containing BTR units, amenity spaces, and retail uses
  - Building B – a 34-9 storey building containing BTR units, amenity spaces and retail uses
  - Building C – a 19 storey building containing BTR units, amenity spaces and retail uses.
- provision of 319 car parking spaces as follows:
  - construction of 1 basement and GA Level 1 with a total of 155 new car parking spaces
  - the use of 164 existing car parking spaces located in the existing adjacent development (LDA2003/383)

Commented [LN1]: 3-9 Storeys, as per Architectural Site Plan A-DA-0013 [B]

### Right of Appeal

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

## DEFINITIONS

### Interpretation

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

### Definitions

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

<b>Applicant</b>	The person having the benefit of this consent, or who is carrying out the Development.
<b>Australian Standard (AS)</b>	Australian Standard published by Standards Australia International Limited and means the standard which applies at the time the relevant work or action is undertaken.
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Burdened Land</b>	The entirety of the land with the boundaries of Lot 21 in DP1003588 boundaries as at the time of determination of this development consent.
<b>BTR</b>	Build-to-rent as defined in State Environmental Planning Policy (Housing) 2021
<b>Certifier</b>	A council or person registered as a registered certifier under the <i>Building and Development Certifiers Act 2018</i> .
<b>Consultation</b>	When capitalised, means undertaking a consultation process with a party under which the Applicant: (a) consults with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and (b) provides details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.
<b>Council</b>	City of Ryde Council
<b>Department</b>	NSW Department of Planning, Housing and Infrastructure.
<b>Development</b>	Where capitalised, means the Development approved pursuant to this consent.
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement Trinitri Stage 2 Build-to-Rent Development [SSD-55844212], prepared by Ethos Urban, dated 15 September 2023, submitted with the application for consent for the Development, including any additional information provided by the Applicant in support of the application.
<b>Engineer</b>	A Professional Engineer as defined in the <i>Practice Standard for Professional Engineers Requirements for Professional Engineers registered under the Design and Building Practitioners Act 2020</i> .
<b>EPA</b>	NSW Environment Protection Authority.
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> .
<b>EP&amp;A Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i> and where relevant, other regulations made under the EP&A Act.
<b>Fire Safety Certificate</b>	Has the same meaning as in the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause Material Harm to the environment, and as a consequence of that harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance.
<b>Material Harm</b>	Is harm (excluding harm to which Work Health and Safety reporting requirements apply) that: <ul style="list-style-type: none"><li>involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or</li><li>results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).</li></ul>
<b>Minister</b>	The NSW Minister with administrative responsibility for administering the EP&A Act, (or delegate), being at the time of grant of this consent, the Minister for Planning and Public Spaces.
<b>NCC</b>	National Construction Code means the current standard which applies at the time the relevant work is undertaken, published by the Australian Building Codes Board.

<b>Planning Secretary</b>	The Planning Secretary under the EP&A Act (or delegate).
<b>Prescribed Conditions</b>	The conditions prescribed by the EP&A Regulation (Part 4, Division 2) to which the development consent is subject under s 4.17(11) of the EP&A Act.
<b>Registered Surveyor</b>	A person who is registered with the Board of Surveying and Spatial Information.
<b>Report</b>	When capitalised, means a written report including all required information and details set out in the relevant condition, prepared by a suitably qualified Engineer, consultant, or other expert, and where the condition specifies the type of professional, consultant or other expert, means a suitably qualified professional, consultant or other expert specified.
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), children's day care facility, or other similar uses which may be more sensitive to environmental impacts.
<b>tenanted component</b>	Has the same meaning as described in the dictionary of State Environmental Planning Policy (Housing) 2021.

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**SCHEDULE 2**  
**PART A GENERAL CONDITIONS**

**ADMINISTRATIVE CONDITIONS**

**TERMS OF CONSENT**

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

Architectural drawings prepared by Koichi Takada Architects			
Drawing Number	Rev	Name of Plan	Date
-	-	Triniti Stage 2 Cover Page and Drawing List	June 2024
A-DA-0010	C	Development Summary	18/07/2024
A-DA-0013	B	Site Plan	21/06/2024
A-DA-0014	B	Site Analysis	21/06/2024
A-DA-0015	B	Demolition Plan	21/06/2024
A-DA-0080	B	Triniti Stage 1 GA Existing Basement 2	21/06/2024
A-DA-0100	B	GA Basement 1	21/06/2024
A-DA-0101	B	GA Level 1	21/06/2024
A-DA-0102	B	GA Level 2	21/06/2024
A-DA-0103	B	GA Level 3	21/06/2024
A-DA-0104	B	GA Level 4-5	21/06/2024
A-DA-0105	B	GA Level 6-7	21/06/2024
A-DA-0106	B	GA Level 8-9	21/06/2024
A-DA-0107	B	GA Level 10	21/06/2024
A-DA-0108	B	GA Level 11	21/06/2024
A-DA-0109	B	GA Level 12-17	21/06/2024
A-DA-0110	B	GA Level 18-19	21/06/2024
A-DA-0111	B	GA Level 20	21/06/2024
A-DA-0112	B	GA Roof	21/06/2024
A-DA-0153	B	Level 3 RCP	21/06/2024
A-DA-0154	B	Level 4-5 RCP	21/06/2024
A-DA-0155	B	Level 6-7 RCP	21/06/2024

A-DA-0156	B	Level 8-9 RCP	21/06/2024
A-DA-0166	B	Level 10 RCP	21/06/2024
A-DA-0167	B	Level 11 RCP	21/06/2024
A-DA-0168	B	Level 12-17 RCP	21/06/2024
A-DA-0169	B	Level 18-19 RCP	21/06/2024
A-DA-0170	B	Level 20 RCP	21/06/2024
A-DA-0201	B	Site Elevation 01 – New Link Road	21/06/2024
A-DA-0202	B	Site Elevation 02 – Rivett Street	21/06/2024
A-DA-0203	B	Site Elevation 03 – Rennie Street	21/06/2024
A-DA-0204	B	Site Elevation 04 – South West	21/06/2024
A-DA-0205	B	Elevation 01 – New Link Road	21/06/2024
A-DA-0206	B	Elevation 02 – Rivett Road	21/06/2024
A-DA-0207	B	Elevation 03 – Rennie Street	21/06/2024
A-DA-0208	B	Elevation 04 – South West	21/06/2024
A-DA-0209	B	Elevation 05 – North West Internal	21/06/2024
A-DA-0210	B	Elevation 06 – South East Internal	21/06/2024
A-DA-0301	B	Site Section 01	21/06/2024
A-DA-0302	B	Site Section 02	21/06/2024
A-DA-0303	B	Site Section 03	21/06/2024
A-DA-0311	B	Section 01	21/06/2024
A-DA-0312	B	Section 02	21/06/2024
A-DA-0313	B	Section 03	21/06/2024
A-DA-0314	B	Section 04	21/06/2024
A-DA-0315	B	Section 05	21/06/2024
A-DA-0316	B	Section 06	21/06/2024
A-DA-0400	B	Height Plane Diagram	21/06/2024
A-DA-0420	C	Cross Ventilation Diagrams	18/07/2024
A-DA-0423	C	Solar Access Diagrams	18/07/2024
A-DA-0502	B	GFA Diagrams	21/06/2024
A-DA-0503	B	GFA Diagrams	21/06/2024

A-DA-0530	B	Communal Area Diagrams	21/06/2024
A-DA-0751[B]	B	Accessible Apartment Typologies 01	21/06/2024
A-DA-0751	B	Accessible Apartment Typologies 02	21/06/2024
A-DA-0753	B	Livable Apartment Typologies 01	21/06/2024
A-DA-0754	B	Livable Apartment Typologies 02	21/06/2024
Landscape drawings prepared by SQUARE ONE Landscape Architects			
LSQ-DA-0001	2	Cover Page and Drawing List	21/06/2024
LSQ-DA-0101	2	Landscape Sketch Plan – Ground Plane	21/06/2024
LSQ-DA-0102	2	Landscape Sketch Plan – Podium	21/06/2024
LSQ-DA-0103	2	Landscape Sketch Plan – Level 10	21/06/2024
LSQ-DA-0104	2	Landscape Sketch Plan – Level 20	21/06/2024
LSQ-DA-2101	2	Soft Landscape Details – Sheet 01	21/06/2024
LSQ-DA-2102	2	Soft Landscape Details – Sheet 02	21/06/2024

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

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

**LIMITS ON CONSENT**

- A4. This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.
- A5. This consent does not approve the following:
- (a) fit-out and operation of the retail premises
  - (b) fit-out and operation of the supermarket
  - (c) fit-out and operation of the gym
  - (d) signage
  - (e) subdivision

**Note:** Where required, separate approvals must be obtained from the relevant landowner and authority (except where exempt and/or complying development applies).

**STAGING OF CONSTRUCTION CERTIFICATES**

- A6. The development must be carried out in accordance with the stages within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Construction Certificate for each stage of work:

Construction Certificate (CC)	Description
CC1	Site establishment and preparation, shoring to the basement walls and bulk excavation.

**Commented [LN2]:** Remove Condition A6.

Note, this will have nil affect on the proposed staging and will still be delivered in the order of Condition A7, Building A then B&C.

CC2	Construction and delivery of the basement, ground floor and Building A residential tower. This includes essential services required to operate the completed areas as well as facilities and amenities such as the concierge and lobby area, loading dock, residential car parking, retail bathroom facilities, co-working and residential amenities.
CC3	Construction and delivery of Building B/C residential tower and remaining retail. This includes end of trip facilities, residential amenities, staff amenities to the Rivett Road frontage, completion of the final retail tenancies to New Link Road and landscaping and public domain works surrounding the Building B/C footprint.
CC4	Delivery of New Link Road.

#### STAGING OF OCCUPATION CERTIFICATES

- A7. The development must be carried out in accordance with the stages described within the following table, with the relevant condition(s) being satisfied prior to the issue of the relevant Occupation Certificate for each stage of work:

Occupation Certificate (OC)	Description
OC1	Occupation of Building A
OC2	Occupation of Building B/C

#### SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A8. LDA2007/0950 (a Council issued consent for a commercial development on the site) is to be surrendered prior to the issuing of any Construction Certificate in accordance with the regulations. Evidence confirming that the consent was surrendered in accordance with the EP&A regulations is to be provided to the Certifier prior to the issuing of any Construction Certificate.

#### INFRASTRUCTURE CONTRIBUTIONS

##### PLANNING AGREEMENT

- A9. The development must be carried out in accordance with all of the obligations referenced within the Planning Agreement between City of Ryde Council and Stockland Development Pty Ltd executed on 14 April 2025.

##### DEVELOPER CONTRIBUTIONS

- A10. Prior to the issue of the first Construction Certificate, the Applicant must provide written evidence to the Certifier that a monetary contribution pursuant to the provisions of City of Ryde Section 7.11 Development Contributions Plan 2020 has been paid to Council as follows:

Column A – Contribution Type	Column B – Contribution Amount
Community & Cultural Facilities	\$3,011,171.58
Open Space & Recreation Facilities	\$5,811,009.58
Roads & Traffic Management Facilities	\$428,932.73
Plan Administration	\$138,756.33
<b>The total contribution is</b>	<b>\$9,389,870.22</b>

The above amounts are current at the date of this consent and are subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by

reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

- A11. Prior to the commencement of any works under this consent, the Applicant must submit for approval by the Planning Secretary a marked-up document with track changes to the conditions in development consent LDA2003/383 granted by Council (as last modified, where relevant), which describes:
- (a) a maximum of 995 off-street car spaces being provided in accordance with the submitted plans and that of these 995 car spaces, 164 car parking spaces are to be used for the purposes of residential uses for the adjacent BTR development approved by this consent (SSD-55844212); and
  - (b) any revisions to the approved plans necessary to accommodate the changed use of 164 car parking spaces.

The modification(s) to LDA2003/383 proposed in the marked-up document must not authorise or require anything that is inconsistent with the conditions of this consent. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict.

- A12. Prior to the commencement of any works under this consent, the Applicant is to provide written notice to Council (which includes a copy of the document approved in Condition A9) pursuant to section 67 of the *Environmental Planning and Assessment Regulation 2021* to modify LDA2003/383 in accordance with Condition A9.

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## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### DETAILED DESIGN

#### MAXIMUM BUILDING HEIGHT

- B1. The maximum height of the approved Development must not exceed the following RLs, inclusive of all lift over-runs, vents, and any roof features.
- (a) Building A – RL 122.550
  - (b) Building B – RL 92.500
  - (c) Building C – RL 120.650

Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of the first Construction Certificate for above ground works.

#### GROSS FLOOR AREA CERTIFICATION

- B2. The Floor Space Ratio on the site must not exceed 2.635:1. For the purpose of the calculation of Floor Space Ratio, the Gross Floor Area of the approved development is 72,235m<sup>2</sup>, including 30,151m<sup>2</sup> of the existing Gross Floor Area and 42,084m<sup>2</sup> of Gross Floor Area approved by this consent. The gross floor area of the approved Development must not exceed 42,084m<sup>2</sup>. Details confirming compliance with this condition must be submitted to the Certifier prior to the issue of CC2the relevant CC.

#### DESIGN INTEGRITY

- B3. To ensure that the Development is consistent with assessed and approved design requirements, the Applicant must:
- (a) commission Koichi Takada Architects (or another architectural design team approved by the Planning Secretary in writing) as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the Development;
  - (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned.

#### MATERIALS AND FINISHES

- B4. Prior to the issue of the first relevant Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Planning Secretary, details of final materials and finishes including:
- (a) final specifications of colour, material and, where relevant, manufacturer; and
  - (b) specifications and sample boards for all external finishes, colours and glazing including annotated drawings and imagery of their application.

### PRE-CONSTRUCTION REQUIREMENTS

#### SITE STABILITY

- B5. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report from an Engineer, which includes the following:
- (a) geotechnical details which confirm the suitability and stability of the site for the Development;
  - (b) design and construction requirements to be implemented to ensure the stability and adequacy of the Development and adjacent land;
  - (c) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
  - (d) details to demonstrate that the proposed methods of support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;
  - (e) details of how adequate support will be provided for the adjoining land and buildings located upon the adjoining land at all times throughout building work; and
  - (f) details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- B6. Prior to the issue of the first relevant Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating the development incorporates all design, construction and operation measures, or equivalent, as identified in the Ecologically Sustainable Development SSDA Report, prepared by LCI, dated 21 June 2024.

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**Commented [MJ3]:** It is proposed to amend the condition to reference a floor space ratio and total gross floor area which includes the existing gross floor area, and the gross floor area approved under this consent. These gross floor area amounts align with those identified by DPHI in Paragraph 70 of their assessment report. The condition is therefore proposed to make accurate reference to the approved GFA, which aligns with that nominated by DPHI.

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**Commented [LN4]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

**Commented [LN5]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## STRUCTURAL DETAILS

- B7. Prior to the issue of the first relevant Construction Certificate for above ground works, the Applicant must submit to the Certifier detailed structural drawings and a Report demonstrating that structural drawings comply with:
- (a) relevant clauses of the NCC; and
  - (b) this development consent.

**Commented [LN6]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## STORMWATER MANAGEMENT SYSTEM

- B8. Prior to the issue of the first relevant Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the Development designed by a suitably qualified and experienced person(s):
- (a) generally in accordance with the conceptual design in the EIS and any Council stormwater requirements and specifications which are consistent with that conceptual design;
  - (b) in accordance with applicable Australian Standards; and
  - (c) with a system capacity designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines

**Commented [LN7]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## SYDNEY WATER ASSETS

- B9. Prior to the issue of the first Construction Certificate, the plans approved under this consent must be submitted to the Sydney Water Tap in™ online service, to determine whether the Development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

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

## LANDSCAPING

- B10. Prior to the issue of CC2 and CC3 the relevant CC, the Applicant must submit to the Certifier, for each stage, a detailed Landscape Plan which:
- (a) is consistent with the landscape plans prepared by SQUARE ONE Landscape Architects, dated 21 June 2024, or as amended by any requirement of these conditions;
  - (b) includes details of tree planting;
  - (c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;
  - (d) demonstrates adequate drainage and watering systems;
  - (e) includes details of plant maintenance and watering for the first 12 months; and
  - (f) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.

**Commented [LN8]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## BIODIVERSITY

- B11. Prior to the issue of any the relevant Construction Certificate, the Applicant must submit a Report to the Certifier demonstrating that the design of the Development has:
- (a) incorporated the mitigation and management measures contained within the document titled Biodiversity Development Assessment Report (BDAR) Version 2.2, prepared by Land Eco Consulting, dated 11 October 2024;
  - (b) incorporate the mitigation and management measures outlined in Section 10.2 (Construction Design/Specification Requirements for Trees 28, 40, and 52), ~~and~~ Section 12 (Tree Protection Recommendations) contained within the document titled Aboricultural Impact Assessment (Revision 9), prepared by Urban Arbor, dated 16 July 2024 and the document titled Addendum to Aboricultural Impact Assessment Report prepared by Urban Arbor, dated 17 June 2025; and
  - (c) describe the detailed mitigation measures to ensure the protection of Critically Endangered Ecological Community Blue Gum High Forest (BGHF) trees identified for retention.
- B12. The clearing of native vegetation must be minimised to the greatest extent practicable with the objective of reducing impacts to threatened ecological communities, threatened species and their habitat.
- B13. Impacts to plant community types and species credit species must not exceed those identified in Table 1.
- B14. Prior to impacts on biodiversity values, the number and classes of ecosystem credits and species credits (like-for-like) as set out in Table 1, must be retired. The retirement of the credits must be carried out in accordance with the *Biodiversity Conservation Act 2016*, and can be achieved by:
- (a) acquiring and retiring "biodiversity credits" within the meaning of the BC Act; and / or

**Commented [LN9]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

**Commented [MJ10]:** To reference the Addendum Arborist Report provided to the IPC regarding additional trees adjacent to the site.

- (b) making a payment into the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits, as calculated by the Biodiversity Offsets Payment Calculator; and/or
- (c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.

**Table 1 Ecosystem Credits to be Retired**

Plant Community Type (PCT) ID and name	Construction footprint impact (hectares)	Number of credits
3136: Blue Gum High Forest	0.25	5

B15. Evidence of the retirement of credits in satisfaction of Condition B14 must be provided to the Planning Secretary prior to impacting on biodiversity values.

#### CAR PARKING

- B16. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the Development will provide for the following traffic flow and car parking requirements:
- (a) all vehicles must enter and leave the subject site in a forward direction;
  - (b) all vehicles are to be wholly contained on site before being required to stop;
  - (c) parking associated with the Development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;
  - (d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;
  - (e) all works/regulatory signposting associated with the Development must be at no cost to the relevant roads authority;
  - (f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AS2890.1-2004 and AS2890.2:2018; and
  - (g) submit to the Certifier a Report demonstrating compliance with the following requirements:
    - (i) compliance with Australian Standards for the layout, design and security of bicycle facilities;
    - (ii) provision of electric vehicle (EV) charging infrastructure in accordance with the NCC;
    - (iii) provision of 134 new car parking spaces at GA Basement 1, shown on drawing A-DA-0100, revision B dated 21/06/2024 comprising:
      - 92 spaces for BTR residents including 12 wide ambulant spaces
      - 42 spaces for visitors including 16 EV charging spaces
    - (iv) provision of 21 new car parking spaces at GA Level 1, shown on drawing A-DA-0101, revision B, dated 21/06/2024 comprising:
      - 16 spaces for retail including 3 EV charging spaces and 2 accessible spaces
      - 5 car share spaces
    - (v) the use of 164 existing car parking spaces for BTR residents at the Trinita Stage 1 GA Existing Basement 2, shown on drawing A-DA-0080, revision B, dated 21/06/2024.
    - (vi) provision of 313 bicycle parking spaces
    - (vii) provision of 5 motorcycle spaces.

**Commented [LN11]:** AS2890.1-2004 and AS2890.2-2018 as per submitted RtS - TAIA

#### CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- B17. Prior to the issue of ~~CC2 or CC3~~ the relevant CC, the Applicant must, for each stage, submit to the Certifier a Report demonstrating that the design of the Development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Harris Crime Prevention Services, dated 20 June 2024.

**Commented [LN12]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

#### WIND MITIGATION MEASURES

- B18. Prior to the issue of ~~CC2 or CC3~~ the relevant CC, the Applicant must, for each stage, submit a Report to the Certifier demonstrating that the design of the Development has incorporated the wind mitigation measures contained within the document titled Pedestrian Wind Environment Study, prepared by Windtech, dated 11 July 2024.

**Commented [LN13]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## REFLECTIVITY

- B19. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit a report to the Certifier demonstrating that the design of the Development has incorporated the mitigation measures for reflectivity and glare resulting from the building materials used on the facades of any building or structures contained within the document titled External Reflected Glare Report, prepared by Inhabit Australasia, dated 21 June 2024.

**Commented [LN14]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## COMPLIANCE WITH ACOUSTIC ASSESSMENT

- B20. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit a Report to the Certifier from an acoustic Engineer demonstrating that the design of the Development has incorporated all performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report, prepared by Acoustic Logic, dated 21 June 2024.

**Commented [LN15]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## ADAPTABLE UNITS

- B21. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit to the Certifier a Report demonstrating that any adaptable dwellings specified in the approved plans or supporting documentation comply with the applicable Australian Standards.

**Commented [LN16]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## BASIX CERTIFICATION

- B22. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit the BASIX No. 1400199M\_03 Certificate to the Certifier with all commitments clearly shown on the Construction Certificate plans.

**Commented [LN17]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## UNDERGROUND CABLES

- B23. Prior to the issue of any Construction Certificate, the Applicant must locate and record the depth of all known underground services prior to any excavation in the area to ensure that driveways and other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

## STORMWATER MANAGEMENT (ONSITE STORMWATER DETENTION)

- B24. Prior to the issue of the first relevant Construction Certificate, detailed engineering plans and certification of an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development in accordance with Council's community stormwater management policy and submitted to the Certifier.

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As a minimum, the OSD system must;

- provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

## SIGHTLINES FOR WASTE COLLECTION VEHICLES

- B25. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit plans notating traffic signals or mirrors to ensure sufficient sightlines so that waste collection vehicles can safely access the site to the satisfaction of the Certifier.

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## FLOOD AND OVERLAND FLOW PROTECTION

- B26. Prior to the issue of the first relevant Construction Certificate, a compliance certificate from a suitably qualified Civil Engineer, confirming the development is in accordance with the requirements of this condition must be submitted to the Certifier.

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The certificate must state that: In accordance with the floodplain management controls stated within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures will be implemented in the development:

- The habitable floor levels of all dwellings encompassed under this approval must not be constructed lower than the approved Flood and Overland Flow Report.
- All basement carpark areas must be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

## DESIGN CERTIFICATE FOR PUBLIC DOMAIN IMPROVEMENTS

- B27. Prior to the issue of CC2, CC3, or CC4 the relevant CC, the Applicant must, for each stage, prepare public domain plans for Council's approval. Confirmation of Council approval is to be provided to the Certifier. The

**Commented [LN21]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

plans must include:

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- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park Corridor. The street tree species are subject to confirmation by Council's Landscape Architect.
  - *Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.*
- (c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158 Lighting for Roads and Public Spaces, with a minimum vehicular luminance category V5 and pedestrian luminance category PR3 along Rennie Street, New Link Road and Rivett Road.

**Notes:**

- All fees and charges associated with the review of these plans are to be paid (as per Council's Fees and Charges). The approved public domain plans and documentation are to be presented to the Certifier.
- The final scope of public domain upgrade works required will be subject to review of the existing infrastructure.

#### DESIGN CERTIFICATE FOR PUBLIC DOMAIN IMPROVEMENTS

B28. Prior to the issue of CC2 or ~~CC3~~ the relevant CC, the Applicant must, for each stage, submit public infrastructure plans prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) and approved by Council to the Certifier. Confirmation of Council approval is to be provided to the Certifier.

The plans shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable (or any updates to these documents, which are applicable at the time of submission) and must:

- (a) Include plans, sections, existing and finished surface levels, drainage configurations, kerb returns, existing and proposed signage and line marking, and other relevant details for the new works.
- (b) Demonstrate the smooth connection of the proposed public domain works into the remaining street scape.
- (c) Show any existing public domain infrastructure along the development site frontages. Any existing infrastructure along the site frontages proposed to be retained will be subject to Council determination.
- (d) Include full design engineering plans and specifications for the following infrastructure works:
  - (i) The full depth reconstruction of total road width for the existing Council roads fronting the development – Rennie Street and Rivett Road in accordance with the City of Ryde DCP 2014 Part 8.5 – Public Civil Works, Clause 1.1.4 – Constructing Half Road.
  - (ii) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
  - (iii) The construction of new kerb and gutter along the Rennie Street and Rivett Road frontages of the development site.
  - (iv) Construction of granite footway along the Rennie Street and Rivett Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6- Macquarie Park.
  - (v) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
  - (vi) Signage and line marking details.
  - (vii) Staging of the public civil works, if any, and transitions between the stages.
  - (viii) Upgrade works to improve traffic management. These works are to be determined following submission of a detailed traffic assessment considering post-development implication. Any recommendations detailed within the report are to be reviewed and endorsed by Council's Transport Department.
  - (ix) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

**Commented [LN22]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

#### ANTICIPATED ASSETS REGISTER (CHANGES TO COUNCIL ASSETS)

B29. Prior to the issue of any ~~the relevant~~ Construction Certificate, an anticipated asset register is to be prepared to the satisfaction of Council with confirmation provided to the Certifier. The anticipated asset register must include but is not limited to the following:

- (a) new road pavements
- (b) new Multi-Function Poles (MFPs)
- (c) new concrete or granite footways
- (d) new street trees and tree pits

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- (e) street furniture
- (f) bus shelters
- (g) kerb and gutter
- (h) driveways.

#### RETAINING WALLS WITHIN PUBLIC LAND

B30. Prior to the issue of CC2 or CC3 the relevant CC, the Applicant must, for each stage, submit design plans detailing any retaining walls within public land, prepared by an appropriately qualified structural engineer, to Council for approval.  
Confirmation of Council approval is to be provided to the Certifier.

The design plan must note that retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within public land are to be designed by a Structural Engineer and must have subsoil drainage connected to the public drainage system.

All components of any retaining walls, including subsoil drainage, must be located entirely within public land. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

**Commented [LN24]:** We request that the timing requirements reflects our proposed staging for our DA. So we suggest wording to relevant CC.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### MANAGEMENT PLANS

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to the commencement of any work, the Applicant must prepare and submit to the Certifier a Construction Environmental Management Plan (**CEMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development, including, at a minimum, the following information:
- (a) details of:
    - (i) hours of construction;
    - (ii) 24 hour contact details of the site manager and complaint handling procedure;
    - (iii) construction program and construction methodology, including construction staging;
    - (iv) traffic management;
    - (v) noise and vibration management;
    - (vi) management of dust and odour;
    - (vii) stormwater control and discharge including ensuring that vehicles leaving the site do not transfer dirt to roadways;
    - (viii) prevention and management of contamination;
    - (ix) management of stockpiles of soil or other materials;
    - (x) waste management;
    - (xi) external lighting in compliance with applicable Australian Standards;
    - (xii) site security, including fencing or hoarding; and
    - (xiii) measures to avoid and minimise disturbance to native vegetation and all residual impacts consistent with the management measures described in the Biodiversity Development Assessment Report (BDAR) Version 2.2, prepared by Land Eco Consulting, dated 11 October 2024.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan in accordance with condition C2;
  - (c) Construction Noise and Vibration Management Sub-Plan in accordance with condition C3;
  - (d) Air Quality Management Sub-Plan in accordance with condition C4;
  - (e) Construction Waste Management Sub-Plan in accordance with condition C5;
  - (f) Construction Soil and Water Management Sub-Plan in accordance with condition C6;
  - (g) Construction Dewatering Management Sub-Plan in accordance with condition C7
  - (h) an unexpected finds protocol for remediation in accordance with condition C17;
  - (i) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure, including but not limited to ensuring compliance with condition D27;
  - (j) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status of relevant areas of the site.

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

- C2. Prior to the commencement of any work, the Applicant must submit to the Certifier a final Construction Traffic and Pedestrian Management Sub-Plan (**CTPMP**) for the Development with measures to reduce environmental impacts and harm during construction of the Development arising from construction traffic, including, at a minimum, the following information:
- (a) location of proposed work zone(s);
  - (b) construction vehicle access arrangements and haulage routes;
  - (c) predicted number and timing of construction vehicle movements and vehicle types;
  - (d) identification of potential conflicts between vehicle movements required for construction and general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles.

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

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



- (c) the construction noise, ground-borne noise and vibration objectives derived from an application of the Interim Construction Noise Guideline (DECC, 2009) (**ICNG**), and how the Applicant will ensure that construction is carried out in compliance with the construction noise management levels detailed in the ICNG and so as not to exceed approved noise limits for the site;
- (d) prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at Sensitive Receiver premises against the objectives identified in the ICNG;
- (e) noise mitigation measures that can be implemented to reduce construction noise and vibration impacts, including:
  - (i) installation of acoustic barriers/enclosures;
  - (ii) alternative excavation methods;
- (f) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints;
- (g) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.

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

- C4. Prior to the commencement of any work, the Applicant must submit to the Certifier an Air Quality Management Sub-Plan (**AQMP**) for the Development. The AQMP must be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and include, as a minimum, the following information:
- (a) relevant environmental criteria to be used to guide management of dust and odours;
  - (b) dust and odour management practices to be implemented, including:
    - (i) watering of exposed surfaces and stockpiles;
    - (ii) covering of truck loads;
    - (iii) prevention of dirt from trucks tracking onto public roads and cleaning of any tracked dirt;
    - (iv) progressive land stabilisation works to minimise exposed surfaces.
    - (v) monitoring requirements;
    - (vi) communication strategy; and
    - (vii) system and performance review for continuous improvements; and
  - (c) measures to identify non-conformances with the requirements of the CNVMP, and procedures to implement corrective and preventative action and to respond to complaints.

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

- C5. Prior to the commencement of any work, the Applicant must submit to the Certifier a Construction Waste Management Sub-Plan (**CVMP**) for the Development. The CVMP must include, as a minimum, the following information:
- (a) requirement that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - (b) demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;
  - (c) procedures for minimising the movement of waste material around the site and double handling;
  - (d) requirement that waste (including litter, debris or other matter) is not caused or permitted to enter any waterways;
  - (e) requirements that any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
  - (f) requirement that the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;
  - (g) details in relation to the transport of waste material within the site and from the site, including (at a minimum):
    - (i) a traffic plan showing transport routes within the site;
    - (ii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the *Protection of the Environment Operations Act 1997*; and
    - (iii) the name and address of each licensed facility that will receive waste from the site.

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

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

#### CONSTRUCTION DEWATERING MANAGEMENT SUB-PLAN

- C7. Prior to the commencement of any work, the Applicant must submit a Construction Dewatering Management Sub-Plan (**CDMSP**) for the Development that is to be prepared by a suitably qualified and experienced consultant, to the satisfaction of the Certifier. The CDMSP is to comprise of detailed plans, documentation and certification of the system and must describe the following;
- (a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
  - (b) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where possible.
  - (c) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
  - (d) The maximum rate of discharge is to be limited to the site's determined Permitted Site Discharge rate or 30L/s if discharging to the kerb.
  - (e) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system.
  - (f) Any details, approval or conditions concerning dewatering (e.g. dewatering license) required by the *Water Act 1912* and any other relevant NSW legislation.
  - (g) Any approval required for connection of the dewatering system to the public drainage infrastructure under the *Roads Act 1993*.

#### PRE-CONSTRUCTION DOCUMENTATION AND MEASURES

##### SURVEY CERTIFICATE

- C8. Prior to the commencement of works, the Applicant must cause the building to be set out by a Registered Surveyor to verify the correct position of all structures in relation to site boundaries and the approved alignment levels, and cause the Registered Surveyor to submit a plan to the Certifier certifying that structural works are in accordance with this consent.
- C9. The Applicant must cause a Registered Surveyor to measure and mark:
- (a) prior to commencement of works – the positions of all footings/ foundations;
  - (b) at other stages of construction – any marks that are required by the principal Certifier,
- and provide information on the positions to the principal Certifier.

##### PRE-CONSTRUCTION DILAPIDATION REPORTS

- C10. Prior to the commencement of any work, the Applicant must submit to the Certifier a Pre-Construction Dilapidation Report, prepared by an Engineer, which details the structural condition of all adjoining land, buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence', prior to construction.
- C11. Where only part of a building on privately affected land may fall within the 'zone of influence', any Pre-Construction Dilapidation Report for that building must include details of the whole building.
- C12. In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.

- C13. A copy of the Pre-Construction Dilapidation Report is to be forwarded to the Planning Secretary and each of the affected property owners.
- C14. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.
- C15. The damage must be fully rectified by the Applicant in accordance with the Council's standards prior to a Certificate of Completion being issued for Public Domain Works or before the final Occupation Certificate is issued for the development, whichever is the sooner.

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

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

#### **REMEDIATION**

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

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

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

##### **NOTIFICATION OF COMMENCEMENT**

- C18. The Applicant must notify the Department in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C19. If the construction or operation of the Development is to be staged, the Applicant must notify the Department in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.
- C20. Before any public domain works commence, a Notice of Intention to Commence Public Domain Works must be submitted to Council and the Certifier. This Notice must include the name of the Contractor who will be responsible for the construction works, and the name of the site supervisor.
- C21. Before any public domain works commence, written notification must be provided to the adjoining owners and occupiers of the public domain works a minimum of two weeks prior to commencement of construction and copy of this letter is to be provided to the Certifier. The notice is to include a person contact name and number to direct any enquiries in relation to the construction works.
- C22. Before any public domain works commence, a joint inspection to discuss the proposed scope of public domain civil work with Council must be organised.
- *Note: Minimum 48-hour notice is required when booking the joint inspection with the Activation and Compliance Engineer from City Infrastructure Department.*

##### **UTILITIES AND SERVICES**

- C23. Prior to the commencement of works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

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

- C24. Prior to the commencement of any excavation on or near the site, the Applicant must submit to the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services.

##### **DEMOLITION**

- C25. Before the commencement of demolition works, the Applicant must submit to the Certifier a statement of compliance with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and

any work plans required by AS 2601-2001, accompanied by a written statement from a suitably qualified person work plans complies with the safety requirements of the Australian Standard.

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## PART D DURING CONSTRUCTION

### SITE NOTICE

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

### HOURS OF CONSTRUCTION

- D3. Construction, including the delivery of materials or machinery to and from the site, may only be carried out between the following hours:
- (a) between 7am and 7pm Monday to Friday inclusive; and
  - (b) between 8am and 4pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials to and from the site; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of activities undertaken in the circumstances in Condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

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

### CONSTRUCTION NOISE LIMITS AND VIBRATION CRITERIA

- D9. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.
- D10. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding Sensitive Receivers.
- D11. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any Sensitive Receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.
- D12. Vibration at any residence or structure outside the site caused by construction must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999);
  - (b) for human exposure to vibration, the evaluation criteria set out in the *Environmental Noise Management Assessing Vibration: a Technical Guideline* (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).

- D13. Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the project specific CNVMP required by this consent.

#### **AIR QUALITY**

- D14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

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

- D15. If the Development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage,
- unless the Applicant owns the adjoining land or the owner of the adjoining land has given consent in writing to this condition not applying.
- D16. Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

#### **TREE PROTECTION**

- D17. While site or building work is being carried out, the Applicant must maintain all tree protection measures required under this consent, in accordance with relevant requirements of applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

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

- D18. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques are, as a minimum, to be in accordance with the publication Managing Urban Stormwater: *Soils & Construction* (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book' and must comply with the CSWMSP.

#### **CUT AND FILL**

- D19. While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- (a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility; and
  - (b) the classification and the volume of material removed must be reported to the Certifier.
- D20. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the EPA.

#### **DEWATERING AND WATER ACCESS LICENSE**

- D21. During construction, if it is found that the groundwater take from dewatering the basement exceeds 3 ML/year, the Applicant must obtain a Water Access License (WAL) under the *Water Management Act 2000*, unless an exemption applies under the *Water Management (General) Regulation 2018*, with sufficient entitlement in the Sydney Basin Central Groundwater Source to account for the total volume of groundwater taken.

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

- D22. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the *Protection of the Environment Operations Act 1997*.
- D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the Development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.
- D24. Separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the *Roads Act 1993*.

## ASBESTOS

- D25. The Applicant must ensure that any asbestos encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in consultation with SafeWork NSW and in accordance with any requirements of SafeWork NSW and any relevant guidelines, including:
- (a) Work Health and Safety Regulation 2017;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*, including Part 7 – ‘Transportation and management of asbestos waste’.

## CONTACT TELEPHONE NUMBER

- D26. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

## UNCOVERING RELICS OR ABORIGINAL OBJECTS

- D27. If a Relic (as defined in the Heritage Act 1977) or Aboriginal object (as defined in the *National Parks and Wildlife Act 1974*) is unexpectedly discovered:
- (a) all works must cease immediately;
  - (b) the Applicant must notify the Heritage Council of NSW in respect of a Relic and notify the Planning Secretary and the Heritage Council of NSW in respect of an Aboriginal object; and
  - (c) the Applicant must otherwise comply with the unexpected finds protocol required as part of the CEMP.
- D28. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- D29. The Applicant must notify the Department within 24 hours of becoming aware of an Incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the Incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an Incident;
  - (c) a description of what immediate steps were taken in relation to the Incident; and
  - (d) identifying a contact person for further communication regarding the Incident.
- D30. The Applicant must provide the Department with a subsequent Incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

## NON-COMPLIANCE NOTIFICATION

- D31. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

## AUSGRID EASEMENTS

- D32. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24-hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

## DESIGN AND CONSTRUCTION STANDARDS

- D33. All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

#### **PUBLIC UTILITIES AND SERVICE ALTERATIONS**

- D34. All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. AusGrid, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

#### **RESTORATION**

- D35. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

#### **PUBLIC DOMAIN**

- D36. The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

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

### **GENERAL REQUIREMENTS**

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#### **OCCUPATION CERTIFICATES**

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

#### **NOTIFICATION OF OCCUPATION**

- E2. The Applicant must notify the Department in writing at least one month prior to the proposed occupation or use of the Development.
- E3. If the occupation or use of the Development is to be staged, the Applicant must notify the Department in writing of the date of commencement of the occupation or use of the relevant stage at least one month before that date.

#### **ENVIRONMENTAL PERFORMANCE**

- E4. Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.

### **DILAPIDATION AND REPAIRS**

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

- E5. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, provide a Report (Post-Construction Dilapidation Report) to the Certifier:
- (a) stating whether, based on a comparison of the Pre-Construction Dilapidation Report and Post-Construction Dilapidation Report, there has been any structural damage to any adjoining buildings, infrastructure or roads;
  - (b) if there has been structural damage to any adjoining buildings, infrastructure or roads, the structural damage that is the result of the carrying out of development;
  - (c) whether relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.
- E6. The Applicant is to provide a copy of the Post-Construction Dilapidation Report(s) to the Planning Secretary and to the relevant adjoining property owner(s).

#### **ROAD DAMAGE**

- E7. Prior to the commencement of the use of the development described in OC1 or OC2, for each stage, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be paid in full by the Applicant.

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

- E8. Unless the Applicant and the applicable public authority agree otherwise, the Applicant must:
- (a) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the Development; and
  - (b) repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure (including but not limited to ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) in the vicinity of the Development that is damaged by carrying out the Development;
- E9. Prior to commencement of the use of the development described in OC1 or OC2, for each stage, any damage identified in condition E5 as being caused by the carrying out of the Development not subject to condition E8 must be fully repaired and rectified by the Applicant.

### **COMPLIANCE REPORTING**

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

- E10. Prior to the issue of an Occupation Certificate, the Applicant must submit:
- (a) works-as-executed (WAE) plans for the Development to the Certifier;
  - (b) WAE plan of the as constructed Stormwater Management System to the Certifier. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed

- stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff;
- (c) WAE plans of the as constructed public domain works to the Certifier and Council. The WAE Plans must be prepared on a copy of the approved plans and must be certified by a Registered Surveyor. All departures from the approved details must be marked in red with proper notations
  - (d) any compliance certificates and any other evidence confirming conditions of this consent have been satisfied to the Certifier.
- E11. Prior to the issue of an Occupation Certificate, the Applicant must submit to the Certifier a Report from a Registered Surveyor demonstrating that:
- (a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced; or
  - (b) the Applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

#### COMPLIANCE WITH BASIX CERTIFICATE

- E12. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent have been implemented.

#### GFA AND BUILDING HEIGHT CERTIFICATION

- E13. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier a Report from a Registered Surveyor demonstrating compliance that the Development does not exceed the approved gross floor area (42,084m<sup>2</sup>) and building heights (Building A – RL 122.550, Building B – RL 90.325 ~~92.500~~ and Building C – RL 120.650).

#### ACOUSTIC COMPLIANCE

- E14. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, prepare and submit to the Certifier a Report demonstrating compliance with all noise mitigation measures required under Condition ~~B18~~ B20.
- E15. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier evidence demonstrating that the design of the Development has incorporated the wind mitigation measures set out in Condition B18.

#### STRUCTURAL INSPECTION CERTIFICATE

- E16. Prior to the occupation or commencement of use of the relevant parts of any new or refurbished buildings as part of the Development, the Applicant must submit a Structural Inspection Certificate or a Compliance Certificate to the Certifier.
- E17. The Applicant must submit a copy of the Structural Inspection Certificate or a Compliance Certificate with an electronic set of final drawings to the Planning Secretary and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Structural Inspection Certificate or have been checked with those listed on the final Design Certificate/s.

#### LANDSCAPE PRACTICAL COMPLETION REPORT

- E18. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan which:
- (a) verifies that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application;
  - (b) verifies that a maintenance program under the Landscape Plan required under condition B10 has been commenced;
  - (c) includes details of plant maintenance and watering for the first 12 months; and
  - (d) includes details of plant maintenance and watering for the life of the Development.

#### PUBLIC DOMAIN IMPROVEMENTS AND INFRASTRUCTURE WORKS

- E19. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, demonstrate that all public domain improvements and infrastructure works have been completed to the satisfaction of Council, in accordance with the approved public domain plans and at no cost to the Council.

#### FIRE SAFETY CERTIFICATION

- E20. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, obtain a Fire Safety Certificate for all the relevant Essential Fire or Other Safety Measures forming part of the Development.

**Commented [LN25]:** Refer to Architectural Elevation 02 - A-DA-0206 [B] and Architectural Elevation 06 - A-DA-0210 [B]

**Commented [LN26]:** Condition B20 is Compliance with Acoustic assessment.

- E21. The Applicant must submit a copy of the Fire Safety Certificate to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

#### OUTDOOR LIGHTING

- E22. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, the Applicant must submit to the Certifier a Report demonstrating that installed lighting associated with the Development:
- (a) achieves the objective of minimising light spillage:
    - (i) beyond the property boundary; and
    - (ii) to any adjoining or adjacent Sensitive Receivers;
  - (b) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
  - (c) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.
- (e)(d) Is consistent with the External Lighting Concept Report prepared by Stantec, dated 17 June 2024.

#### SYDNEY WATER COMPLIANCE

- E23. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, obtained from Sydney Water Corporation.

#### UTILITY PROVIDERS

- E24. Prior to the issue of any Occupation Certificate, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the Development, is completed to the satisfaction of the relevant authority.
- E25. Prior to the issue of any Occupation Certificate, the Applicant must provide or cause to be provided written confirmation to the Certifier from the relevant authority that the relevant services have been completed.

#### BICYCLE PARKING AND END-OF-TRIP FACILITIES

- E26. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier evidence of compliance demonstrating that bicycle parking spaces have been provided in accordance with Condition B16.
- E27. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, submit to the Certifier evidence of compliance demonstrating that end of trip facilities have been provided in accordance with the approved plans in Condition A1.
- E28. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, install bicycle way-finding signage within the site to direct cyclists from footpaths to designated bicycle parking areas.

#### STREET NUMBERING

- E29. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, provide to the Certifier evidence that street numbers are clearly displayed at the ground level frontage of the building.

### MANAGEMENT PLANS, GUIDES AND OTHER REQUIREMENTS

#### OPERATIONAL PLAN OF MANAGEMENT

- E30. Prior to the occupation or commencement of use, whichever is earlier, the Applicant must prepare an Operational Plan of Management for the development and submit it to the Certifier, which includes (but not be limited to):
- (a) details of the managing agent;
  - (b) management of communal areas and open spaces, including the through-site link;
  - (c) loading and unloading;
  - (d) security and staff management;
  - (e) emergency management/ evacuation and incident response protocols;
  - (f) waste management;
  - (g) tenant induction and behaviour/ house rules;
  - (h) community consultation and complaint procedures.
- E31. The Operational Plan of Management approved under this consent shall be implemented following occupation of the development. The Operational Plan of Management is to be reviewed and updated annually.

## OPERATIONAL WASTE MANAGEMENT

E32. Prior to the occupation or commencement of use of the Development, the Applicant must prepare an Operational Waste Management Plan for the Development and submit it to the Certifier. The Operational Waste Management Plan must:

- (a) be prepared in consultation with Council;
- (b) set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials;
- (c) confirm the location of waste collection and establish appropriate routes to the collection point;
- (d) provide confirmation that appropriate arrangements have been made for the collection of waste;
- (e) detail the type and quantity of waste to be generated during operation of the Development;
- (f) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the Waste Classification Guideline (EPA).

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

## STORMWATER

E33. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a copy of the stormwater drainage design plans, prepared by an Engineer experienced in the design of stormwater drainage systems and approved with the Construction Certificate.

E34. Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan (SOMP) that:

- (a) is designed to ensure the proposed stormwater quality measures remain effective; and
- (b) specifies, but is not limited to:
  - (i) a maintenance schedule of all stormwater quality treatment devices;
  - (ii) record and reporting details;
  - (iii) relevant contact information; and
  - (iv) Work Health and Safety requirements.

## CAR PARKING, LOADING AND SERVICING MANAGEMENT PLAN

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

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

## GREEN TRAVEL PLAN

E36. 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 mode 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.

#### REGISTRATION OF EASEMENTS

- E37. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, demonstrate to the Certifier that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land Registry Services.

#### COVENANT FOR STORMWATER MANAGEMENT

- E38. Prior to the issue of OC1 or OC2, the Applicant must, for each stage, register positive covenant(s) on the title of the subject property pursuant to the relevant section 88 of the *Conveyancing Act (1919)* in relation to the following stormwater components, wherever these are present in the constructed Stormwater Management system;
- (a) onsite detention system,
  - (b) pump/ sump,
  - (c) charged/ siphonic configuration (where the system discharges against the fall of the land), and,
  - (d) onsite disposal/ absorption system.

#### COVENANT CREATED ON THE LAND FOR GROSS FLOOR AREA

- E39. Prior to the issue of any Occupation Certificate, a covenant must be created on the burdened land to prevent the creation of gross floor area above:
- (a) 82,230m<sup>2</sup> in total across the burdened land in accordance with Clause 88E of the *Conveyancing Act 1919*, or,
  - (b) the gross floor area that is permitted under any Environmental Planning Instrument which applies at the time of determination of any application for future development on the burdened land, in the case that an Environmental Planning Instrument permits a gross floor area greater than 82,230m<sup>2</sup> across the burdened land.

The covenant must be registered on the burdened land. The covenant is to be registered on the burdened land's title, with evidence of the covenant being created provided to the Certifier.

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

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

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

### **FLOOD EMERGENCY RESPONSE PLAN**

- F2. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement a Flood Emergency Response Plan (FERP) which has been prepared in consultation with Council and the SES. The FERP must include:
- (a) warning and evacuation or shelter in place measures for occupants in the building, including refuge areas and any proposed evacuation routes;
  - (b) a description of shelter in place provisions, relevant emergency equipment, supplies and infrastructure; including their location within the building;
  - (c) a description of the most appropriate emergency response for flood and fire events that occur together;
  - (d) a description of the emergency response plan for flood event scenarios, up to and including a PMF;
  - (e) measures to ensure emergency response procedures are routinely tested;
  - (f) 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 and procedures to prevent/discourage people from driving through floodwaters to enter or leave the basement;
  - (g) a description of routine maintenance, operation and auditing of infrastructure items which are necessary for the safety of occupants during flood emergencies and successful implementation of the FERP; and
  - (h) consideration of 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 the local government area.

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

- F3. Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must implement the Operational Waste Management Plan.
- F4. The Applicant must ensure that at all times during the life of the Development:
- (a) waste is not placed or left on the site;
  - (b) waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves.

### **TRAFFIC AND PARKING**

- F5. All loading and unloading operations associated with the site must be carried out:
- (a) in accordance with the Car Parking, Loading and Servicing Management Plan prepared under this consent;
  - (b) within the confines of the site, at all times and must not obstruct other properties or the public way; and
  - (c) in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality
- F6. The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.
- F7. The car spaces within the Development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

### **GREEN TRAVEL PLAN**

- F8. Following commencement of operation the Green Travel Plan required by Condition E36 of this consent, the plan must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **LANDSCAPING AND THROUGH SITE LINKS**

- F9. Landscaping and through site links for the Development must be carried out and maintained in accordance with the Landscape Plan required under Condition B10.

#### **FIRE SAFETY CERTIFICATION**

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

#### **OUTDOOR LIGHTING**

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

#### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- F12. Within 24 months of commencement of operation, Green Star certification must be obtained demonstrating the development, operating in accordance with this consent achieves a minimum 5 Star Green Star As-Built rating. Evidence of the certification must be provided to the Certifier and the Planning Secretary.

#### **BASIX CERTIFICATION**

- F13. The Development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1400199M\_03 and any updated certificate issued if amendments are made.

### **HOUSING**

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#### **BUILD-TO-RENT HOUSING**

- F14. From the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates, the tenanted component of the building(s) must:
- (a) contain only dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and
  - (b) not be subdivided into separate lots, and
  - (c) be owned and controlled by 1 person and
  - (d) will be operated by 1 managing agent, who provides on-site management.

#### **USE OF COMMUNAL FACILITIES**

- F15. During operation, the use of the communal facilities on Levels 3, 9-19 and 20 must be restricted to the residents of the building and their guests only.

## ADVISORY NOTES

- AN1. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the Development, including external walls of all buildings and ventilation of premises, must be constructed in accordance with the relevant requirements of the NCC and applicable Australian Standards.
- AN2. The development consent is subject to, and the Applicant must comply with, the Prescribed Conditions.
- AN3. No condition of this consent overcomes any obligation on the Applicant to obtain, renew or comply with licences, permits, approvals, certifications and consents which may be required under law required to carry out the Development. The Applicant is responsible for obtaining any such licences, permits, approvals, certifications and consents, licences, permits, approvals, certifications and consents may include but are not limited to:
- (a) modifications to this consent or other development consents required under the EP&A Act;
  - (b) certificates under Part 6 of the EP&A Act;
  - (c) approval under section 138 of the Roads Act 1993 for activities and works including road occupancy, hoarding, scaffolding, barricades and other construction/building works requiring the use of a public place including a road or footpath;
  - (d) approvals for the installation of any hoardings over Council footways or road reserves;
  - (e) approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
  - (f) approvals required under the *Sydney Water Act 1994*.
- AN4. The Applicant is responsible for ensuring that all agreements required to carry out the Development are obtained from other authorities or other parties, as relevant.
- AN5. No condition of this consent removes any obligation on the Applicant to comply with laws, including but not limited to:
- (a) work health and safety laws;
  - (b) environmental laws including *Protection of the Environment Operations Act 1997* and its regulations;
  - (c) *Disability Discrimination Act 1992* (Cth);
  - (d) *Building and Construction Industry Long Service Payments Act 1986*;
  - (e) Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021;
  - (f) Airports (Protection of Airspace) Regulations 1996.
- AN6. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, *Public Health Regulation 2012* the NSW Health Code of Practice for the Control of Legionnaires' Disease and applicable Australian Standards.
- AN7. Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- AN8. If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission. The permit application can be made on Sydney Water's web page via Sydney Water's Tap in™. A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment. If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse.
- AN9. All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum. Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.



2. Conduct a site assessment to confirm the hazard rating of the property and its services.

Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflowprevention.html>

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## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All Incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under Condition D29 or, having given such notification, subsequently forms the view that an Incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate Incident notification (in accordance with Condition D30), the Applicant is required to submit a subsequent Incident report that:
  - (a) identifies how the Incident was detected;
  - (b) identifies when the Applicant became aware of the Incident;
  - (c) identifies any actual or potential non-compliance with conditions of consent;
  - (d) identifies further action(s) that will be taken in relation to the Incident; and
4. The Applicant must submit any further reports as directed by the Planning Secretary.