

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### SECTION A - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

- (A) The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

#### (1) STORMWATER CONCEPT DESIGN

The following information is to be submitted to and approved by City's Public Domain Unit:

- (a) The Stormwater Drainage system must be designed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual, Sydney Streets Technical Specifications-Part A4 Stormwater Drainage Design, Sydney Streets Technical Specifications-Standard Drawings, and relevant Australian Standards.
- (b) Provide updated design documentation (clearly show catchment areas, capacity, size, pipe longitudinal sections, etc).
- (c) Provide correct downstream boundary conditions in DRAINS model according to section 4.7.3.5 Downstream boundary conditions.
- (d) Overland flow, including area of the existing retaining wall below Bellevue Street shall be considered for the 1% AEP storm event and the proposed system of swales within private property shall be sufficient to direct the flow to Council's stormwater system.
- (e) Clarification regarding the proposed 2 x 225 mm internal pipelines to be connected to the existing Council's pipe 300mm is required.
- (f) Where an OSD is not required by Sydney Water one may still be required by the City.
- (g) Longitudinal section must be revised accordingly (drawing number DA08).
- (h) Connection to Council system must be via RCP.
- (i) Non return valve must be installed within the control pit.
- (j) Drawing number DA05 must be updated to provide for correct pit labels in stormwater plan, refer 4.5.7 catchment plan for details.
- (k) Pit 1 (1/1) Junction pit is within the public domain. Drawing number DA05 must be updated to reference City junction pit or provide detail on the proposed junction pit. Due to risk of surcharging within a flood prone area, a note to be included that the stormwater pit shall be bolted down.

### **Reason**

To ensure stormwater drainage design complies with Council's requirements.

### **(2) RETAINING WALL**

A report prepared by an experienced Structural Engineer, is to be submitted to and approved by the City's Public Domain Unit which includes the following:

- (a) Detailed documentation confirming the existing structural condition of the retaining wall.
- (b) Assessment of the structural stability of the existing wall, including above ground and below, and any affected adjoining structure attached to the wall.
- (c) A detailed geotechnical monitoring plan which is to be implemented during construction, outlining controls, trigger levels, and monitoring requirements for ground and wall movements, and vibrations. It is to be noted that the existing sandstone block wall is considered to be sensitive and vibration limits must be imposed with full time vibration monitoring.
- (d) Recommendations on the proposed basement excavation shall consider:
  - (i) Minimal impact on the existing retaining wall.
  - (ii) A well-designed pile wall which shall eliminate the need for ground anchors under the retaining wall (to avoid any ground movement at the sandstone block wall as a result of the basement excavation).
  - (iii) A method of installation of any new required piles near the existing sandstone block wall to minimise disturbance.

### **Reason**

To establish and document the condition of the retaining wall for comparison as building work progresses and is completed.

- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

## SECTION B - CONDITIONS OF CONSENT

### PART A - GENERAL

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/21 dated 24/10/2023 and the following drawings prepared by SJB:

Drawing Number	Drawing Name	Date
DA-0301 / 6	Demolition Plan	10/11/2023
DA-0302 / 2	Demolition Elevation - North	10/11/2023
DA-0303 / 2	Demolition Section A	10/11/2023
DA-0304 / 2	Demolition Section B	10/11/2023
DA-1001 / 8	Floor Plan - Basement	10/11/2023
DA-1002 / 13	Floor Plan - Ground	10/11/2023
DA-1003 / 8	Floor Plan – Level 1	10/11/2023
DA-1004 / 8	Floor Plan – Level 2	10/11/2023
DA-1005 / 8	Floor Plan – Level 3	10/11/2023
DA-1006 / 10	Floor Plan - Roof	10/11/2023
DA-1401 / 7	Elevation - North	10/11/2023
DA-1402 / 7	Elevation – South	10/11/2023
DA-1403 / 7	Elevation – East	10/11/2023
DA-1404 / 7	Elevation - West	10/11/2023
DA-1501 / 8	Section A	10/11/2023
DA-1502 / 8	Section B	10/11/2023
DA-1503 / 6	Section C	10/11/2023
DA-1504 / 6	Section D	10/11/2023
DA-1505 / 3	Bike Room	10/11/2023
DA-1506 / 2	Fence	10/11/2023
DA-4401 / 4	Adaptable Layout - 2Bed	10/11/2023

Drawing Number	Drawing Name	Date
DA-4402 / 3	Adaptable Layout - 1Bed Type 1	10/11/2023
DA-4403 / 4	Adaptable Layout - 1Bed Type 2	10/11/2023

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

**Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The balustrade details to ground floor apartments facing Wentworth Park Road are to be of fixed angled slats that ensure privacy is maintained. Details must be provided at a scale of 1:20.
- (b) Privacy screen louvres must be provided to the terraces of ground floor apartments adjacent to communal open space to provide additional privacy. Details must be provided at a scale of 1:20.
- (c) Details of the operability of the proposed glass louvred windows must be provided at a scale of 1: 20. The proposed glass louvred windows must be opaque at ground floor level up to a minimum 1.4m sill height.
- (d) The privacy louvre screening to the balconies of apartments 1.10, 2.10, 3.10 should be reduced in size so that they extend halfway across the face of the balcony. The orientation and spacing between the fixed privacy louvre slats should be designed to maximise natural light and ventilation to the apartment. The privacy screening details must be provided at a scale of 1:20.
- (e) The boundary fence height along the south-western boundary should be reduced in height by approximately 300mm to be 1.8m measured from the adjoining floor level of the neighbouring site.
- (f) Architectural Plans are to indicate pier and beam construction within the TPZ of Tree 5 regarding building footings and boundary fencing.
- (g) Provide design amendments to maximise soil volume available to the 3 x *Buckinghamia celsissima* proposed along the Wentworth Park Road frontage.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

**Reason**

To require amendments to the approved plans and supporting documentation following assessment of the development.

**(3) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL 17.27 (AHD) to the top of the building and RL 16.27 (AHD) to the parapet of the building.
- (b) Prior to occupation or use, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**Reason**

To ensure the constructed development complies with the approved height.

**(4) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

For temporary shoring including ground anchors affecting the road reserve, a separate application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council.

**Reason**

To ensure that approval under the Roads Act is obtained.

**(5) PUBLIC ART**

Public art must be installed to the City's satisfaction prior to occupation or use.

- (a) The public artwork must be in accordance with Artscape Preliminary Public Art Plan, dated April 2023, the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to occupation or use.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval.

Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art> Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**Reason**

To ensure public art is installed to the City's satisfaction.

**(6) TREES APPROVED FOR REMOVAL**

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until relevant certification is issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

Table 1 – Tree Removal:

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
3	Leptospermum petersonii (Lemon Scented Tea Tree)	Court yard adjacent to Wentworth Park Rd
4	Callistomen viminalis (Weeping Bottlebrush)	Court yard adjacent to Wentworth Park Rd
6	Celtis sinensis (Chinese Hackberry)	Court yard adjacent to Wentworth Park Rd
17	Acacia floribunda (Gossamer Wattle)	Private court yard - rear
18-19 and 23	Casuarina cunninghamiana (River She-Oak)	Carpark area - rear Western and Southern boundaries
20	Casuarina cunninghamiana (River She-Oak)	Common land - rear western boundary
21	Psidium guajava (Guava)	Private court yard - rear
22	Persea gratissima (Avocado)	Private court yard - rear
24	Syzygium paniculatum (Magenta Cherry)	Private court yard - rear

- (b) All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

**Reason**

To identify the trees that can be removed.

**(7) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
1-2	Corymbia maculata (Spotted Gum)	Street Tree - Front
5	Platanus x acerifolia (London Plane)	Street Tree - Front
7 and 11-12	Corymbia citriodora (Lemon Scented Gum)	Neighbouring property - Northern Boundary
8-10 and 13	Neighbouring property - Northern boundary	Neighbouring property - Northern boundary
14-16	Neighbouring property - Western boundary	Neighbouring property - Western boundary

**Reason**

To identify the trees that cannot be removed, must be retained and protected.

**(8) ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City’s “Sydney Streets Technical Specification” including amendments and “Sydney Streets Design Code”.

**Reason**

To ensure all roadway works are designed and constructed in accordance with Council requirements.

**(9) SWINGING DOORS OVER PUBLIC WAY**

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

**Reason**

To ensure no element of the development obstructs the use of the public way.



**(10) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS**

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

**Reason**

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

**(11) NO OBSTRUCTIONS**

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to occupation or use.

**Reason**

To ensure there are no obstructions on public footways and paths of travel.

**(12) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING**

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

**Reason**

To clarify the scope of the consent.

**(13) TELECOMMUNICATIONS PROVISIONS**

- (a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broadband access by ground or satellite delivery. The details must be submitted to the certifier prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

**Reason**

To ensure the development adequately provides for telecommunications.

## **PART B – BEFORE THE ISSUE OF RELEVANT CERTIFICATION**

### **(14) ADAPTABLE HOUSING**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), information from an appropriately qualified access consultant is to be submitted to the Certifier:

- (a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia*.
- (b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

#### **Reason**

To ensure the provision of adaptable housing.

### **(15) BASIX CERTIFICATE – DETAILS TO BE LODGED**

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for relevant certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted for certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). – See Note.

#### **IMPORTANT NOTE:**

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future certification plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

#### **Reason**

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

### **(16) EXTERNAL WALLS AND CLADDING FLAMMABILITY**

The external walls of the building including attachments must comply with the relevant requirements of the *Building Code of Australia*. Prior to the issue relevant certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) and prior to occupation or use the Certifier and the Principal Certifier must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the BCA; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built.

**Reason**

To ensure the external walls and cladding comply with relevant requirements.

**(17) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)**

- (a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.
- (b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

**Reason**

To minimise adverse visual impacts on the locality.

**(18) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (b) The approved plan must be complied with during any demolition and/or construction work.

**Reason**

To ensure that the impacts of construction traffic is appropriately managed.

**(19) LETTERBOXES**

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

**Reason**

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

**(20) MATERIALS AND SAMPLES BOARD – MAJOR DEVELOPMENT**

A physical material sample board which specifies all proposed materials, metal types, finishes and colours, (including fencing, visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**Reason**

To require the submission of a materials and samples board following assessment of the development.

**(21) REFLECTIVITY**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) the Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

**Reason**

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

**(22) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO RELEVANT CERTIFICATION**

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Pulse White Noise Acoustics dated 13 October 2022 Re Council reference TRIM 2023/046532 must be implemented in the development prior to the commencement of its use.

- (b) Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant\* (see definition below). This work will be to the satisfaction of the Registered Certifier.
- (c) Prior to occupation or use, a Suitably Qualified Acoustic Consultant\* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

*Note: Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.

**(23) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan must be submitted to the Council for comment and approval prior to any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm). The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within C'ty's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

**Reason**

To ensure an adequate construction noise and vibration management plan is prepared.

**(24) FLOOR TO CEILING HEIGHT**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

**Reason**

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

**(25) BICYCLE PARKING**

- (a) The minimum number of bicycle parking spaces to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	44	Spaces must be a class 2 bicycle parking
Residential visitor	6	Spaces must be Class 3 bicycle rails

**Notes:**

- (i) The multi-tier bicycle parking racks should be provided with internal spacing of 500mm. Alternatively, dynamic multi-tier bicycle parking racks can be provided with internal spacing of 400mm in compliance with requirements stated in AS 2890.3, Section 3.3.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Certifier prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

**Reason**

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

**(26) CONSOLIDATION PLAN – REGISTRATION PRIOR TO ANY DEMOLITION**

Prior to demolition or any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a Consolidation Plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the *Surveying and Spatial Information Act, 2002*. The Consolidation Plan must be registered with the office of NSW Land Registry Services (NSW-LRS) prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). A title for the new lot must be provided to the Certifier prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

Advisory note: The Consolidation Plan may be lodged directly with NSW-LRS and does not require council approval.

**Reason**

To ensure the boundaries are surveyed and subjected to the plan examination process at NSW-LRS.

## (27) CERTIFICATION BY ARCHITECT – PRIOR TO CONSTRUCTION

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), written certification by the architect must be provided to the Principal Certifier, confirming that the building will fit within the registered boundaries of the Consolidation Plan. The building must be sufficiently set back to ensure that no component of the roof, guttering, or downpipes encroach upon or overhang the side boundaries or road reserve.

### Reason

To minimise the risk of encroachment and provide allowance for construction tolerances.

## (28) SITE AUDIT STATEMENT

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

[hbapplications@cityofsydney.nsw.gov.au](mailto:hbapplications@cityofsydney.nsw.gov.au)

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

- (a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.
- (b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).
- (c) **No Occupation or use it to occur** unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

### Reason

To ensure that the site is appropriately remediated.



## **(29) LANDSCAPING OF THE SITE**

- (a) The Landscape plans Issue C prepared by Turf Design Studio dated 10 November 2023 are not approved. A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). These documents must include:
  - (i) An amended design to include:
    - a. Provide design amendments to maximise soil volume available to the 3 x *Buckinghamia celsissima* proposed along the Wentworth Park Road frontage.
    - b. The landscape design for the 2 metres width directly adjacent to the full extent of the south-western boundary is to be designed so that there are no obstructions that prevent the maintenance and repair of the adjacent retaining wall. Proposed trees in this location are to be relocated.
    - c. A 2 metre setback along the full extent of the south-western boundary is required for maintenance and repair of the adjacent retaining wall. The landscape design is to be amended so that there are no obstructions that prevent access. Proposed trees are to be relocated beyond the 2 metre setback so that tree roots do not destabilise the wall.
  - (ii) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
  - (iii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
  - (iv) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Details of drainage, waterproofing and watering systems.
  - (vii) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the approved plan is to be complete prior to occupation or use.

### **Reason**

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

### **(30) LANDSCAPE PLAN FOR TREE PROTECTION**

The landscape plan must be amended to address the following items:

- (a) Indicate pier and beam constructions of the decking within the SRZ/TPZ of Tree 11.
- (b) Indicate planting conditions as per Section 3.10 'Final Landscaping within TPAs' as per AIA report by Arterra dated 12/12/2022.

The amended landscape plan is to be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

### **Reason**

To ensure the that the landscape design does not impact upon existing trees.

### **(31) INACCESSIBLE GREEN ROOFS**

- (a) A detailed green roof design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). These documents must include:
  - (i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (ii) Engineers report confirming structural capacity of building for proposed green roof loads.
  - (iii) Details of soil types and depth including any mounding.
  - (iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.

- (vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure green roof maintained is throughout its life.
- (b) Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to occupation or use.
- (d) Inaccessible green roofs must remain inaccessible for the lifetime of the property.

**Reason**

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

**(32) SITE SUPERVISION AND REPORTING**

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:
  - (i) The installation of tree protection measures prior to the commencement of any construction works;
  - (ii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During construction of the specify structure/deck/concrete slab etc);
  - (iv) During any excavation and trenching within the TPZ which has been approved by Council;
  - (v) During any Landscape works within the TPZ which has been approved by Council.
- (b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by Council's Area Planning Manager at each hold point listed below:
  - (i) Certification that tree protection measures have been installed in accordance with these consent conditions;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;

- (iii) Monthly reporting for the duration of construction and development works within the site;
  - (iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
- (c) A final compliance report must be submitted to and approved by Council's Area Planning Manager prior to occupation or use.

**Reason**

To ensure the protection and ongoing health of trees on the site.

**(33) TREE BOND**

- (a) A \$60,000 bond for trees numbered 1, 2 and 5 shall be lodged with Council to ensure the retention, protection of the tree/s and adaptation to the altered environment is achieved.
- (b) The applicant shall lodge an unconditional bond with Council prior to certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (c) The applicant shall be responsible for the health and condition of trees numbered 1, 2 and 5 for the duration of the works. In the event that at completion of the works, the City's Tree Management Officer determines that the existing trees have been damaged/destroyed (by activities associated with any Development Application related to the subject site) to a value in excess of the retained bond the applicant shall lodge the excess to Council and to an amount determined by Council's Tree Management Officer.
- (d) The bond amount will be retained for a minimum period of 12 months from the date of occupation. At this time, a further inspection will be undertaken by the Consulting Arborist engaged throughout the demolition/construction phases of the development. The Consulting Arborist is to submit an Arboricultural Report to Council at the expiry of the bond period and prior to the bond being refunded. If the report indicates that the tree/s require remedial works, the City's Tree Management Officer will assess the recommendations and determine any works prior to their execution by the Consulting Arborist.
- (e) The following formula will be used for the retention of all or part of the tree bond/s:-
  - (i) An initial breach of any tree protection condition – 20% of total bond for each tree;
  - (ii) A second of continuing breach of any tree protection condition – 40% of total bond for each tree;
  - (iii) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site; and

- (f) Death of any protected trees due to non-compliance with the tree protection conditions – Total 100% of total bond for particular tree/s and possible legal action by Council.

**(34) DESIGN FOR ENVIRONMENTAL PERFORMANCE**

- (a) Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), the Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Yvonne Cai dated Friday, March 31 2023 (Council Ref: 2023/183705) are incorporated into the relevant construction plans and accompanying documentation:

- (i) Section 3 – BASIX

- A copy of the required completed BASIX certificate(s) accepted as part of this consent must be lodged with an application for certification and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the application for certification (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

- Note: Any requirement detailed in the accompanying BASIX Certificate must be included as a specific notation or inclusion on any future certification plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

- (ii) Section 4 – Energy Efficiency and Greenhouse Gas Abatement

- (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

- (iv) Section 6 – On site Renewable Energy Generation and Storage

- (v) Section 7 – Design for Resilience to Climate Change

- (vi) Section 8 – Designing for mains potable water savings and water efficiency

- (vii) Section 9 – Storm water quality

- (b) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

**Reason**

To ensure the environmental performance of the development.

**(35) PLAN MARKINGS**

Before relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), plan markings and annotations of for construction plans are to be updated and identify glazing U-Value and Solar Heat Gain Coefficient (SHGC) requirements.

**Reason**

Consolidation of sustainability requirement reporting.

**(36) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Certifier prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (c) Prior to occupation or use and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

**(37) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

- (a) The Operational Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent (Reference 2023/046543).
- (b) A Construction and Demolition Waste and Recycling Management Plan, is to be submitted to and approved by Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*.
- (c) All nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by Council's *Guidelines for Waste Management in New Developments 2018*.

## UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to occupation or use, whichever is earlier, the Principal Certifier must receive Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

### **Reason**

To ensure that waste and recycling is appropriately managed.

## **(38) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 216 square metres of concrete along Wentworth Park Road and Cardigan Street site frontages must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to demolition or certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

### **Reason**

To allow for the appropriate management and rectification of damage to the public domain.

## **(39) PUBLIC DOMAIN DAMAGE BOND FOR RETAINING WALL**

- (a) A Public Domain Damage Deposit for the retaining wall along the rear boundary is to be calculated based on the area of 3.50m (height) x 45.0m (length) x market value per square metre determined at the time of lodgement must be lodged with the Council.
- (b) The deposit must be provided as security for repairing any damage to the retaining wall and any damage to the public domain in the vicinity of the wall due to demolition, excavation and construction works.
- (c) The City's Public Domain Unit must be contacted to determine the deposit amount prior to lodgement. The deposit must be lodged with the City prior to an approval for demolition being granted or certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), whichever is earlier.
- (d) A geotechnical report of the structural condition of the retaining wall must be provided to the City for review and acceptance prior to the issue of any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

- (e) A new geotechnical report of the structural condition of the retaining wall must be provided to the City for review and acceptance after all works are completed on-site and prior to any occupation or use.
- (f) All rectification of damage to the retaining wall must be completed to the City's standards, and a Certificate provided by an experienced Geotechnical/Civil Structural Engineer prior to any occupation or use.
- (g) The bond in this condition will be retained in full for the duration of the specified Defects Liability Period.

**Reason**

To allow for the appropriate risk management and rectification of damage to the public domain.

**(40) PUBLIC DOMAIN CONCEPT PLAN**

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, including Bellevue Street, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets Code*. It must be submitted to and approved by the City's Public Domain Unit prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

**Reason**

To ensure public domain works comply with Council's requirements.

**(41) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.



### **Reason**

To ensure public domain levels and gradients comply with Council's requirements.

## **(42) STORMWATER DRAINAGE DESIGN**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

- (a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (b) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (d) Council's Stormwater Drainage Manual; and
- (e) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems, if any, will be required prior to occupation or use.

### **Reason**

To ensure stormwater drainage design complies with Council's requirements.

## **(43) STORMWATER QUALITY ASSESSMENT**

The development must comply with Stormwater Management Report/Rev 02, prepared by Northrop (ref 213305\_SW01), dated 11 August 2023, and accepted with this development application.

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), other than demolition, a stormwater quality assessment report and design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

### **Reason**

To ensure appropriate stormwater quality on the site.

## **(44) FLOOD PLANNING LEVELS**

The development must be constructed to comply with the recommended flood planning levels indicated in Table 1 - Flood Levels & Depth and FPL summary at the site, of the report titled 82 Wentworth Park Road Glebe - Flood Assessment Report (ref 210092), prepared by GRC Hydro, dated 5 May 2023.

Details must be submitted to the Certifier prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) demonstrating that the development will comply with the recommended flood planning levels.

### **Reason**

To ensure the development complies with the recommended flood planning levels.

## **(45) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, as indicated below and shall be designed to include the following requirements:

- (a) Wentworth Park Road (between the railway bridge on the north of site to Ausgrid light LE11007):
  - (i) Lighting compliance with requirements of AS1158 under Category V3 on the roadway and PP1 on the footways (both sides) is required.
  - (ii) If applicable, upgrade Ausgrid street lighting using network standard LED luminaires. Consider installing suitable glareshields to avoid glare issues for neighbouring properties as needed.
- (b) Cardigan Street (along the development site on Cardigan Street/Bellevue Lane):
  - (i) Lighting compliance of AS1158 Category PR1 is required.

- (ii) Consider adding a suitable light on existing Ausgrid distribution pole on Cardigan St, complete with suitable glareshields to avoid glare issues for neighbouring properties as needed.
- (iii) To achieve compliance, COS standard wall mount lights may also be supplied and installed.
- (iv) Wall mount installations must be accessible for maintenance and upgrade by COS-authorized technicians/contractors along the entire length. All cabling shall be installed on the building surface within galvanised steel conduits, MIMS cabling or a similar approved method. Establish an access easement in favour of COS for ongoing maintenance and upgrade of wall-mounted council lighting, if applicable.
- (v) Developer should carry out infield electrical discovery and investigation to connect the new wall mount lights to the nearest COS MSB, if there is enough capacity, alternatively supply and install a new COS MSB or PUMS. (Developer must confirm location and final supply arrangement with the City prior to construction).

Note:

- (a) Lighting designs certified by a practising lighting engineer must be submitted for council review and approval before certification is issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979) for public domain works.
- (b) Lighting designs must consist of two parts, i.e. illumination design and electrical supply reticulation design. COS can only review electrical reticulation design once receiving the final illumination Designs.
- (c) Lighting design submission requirements are specified in the "Sydney Streets Technical Specification A5: Street Lighting Design". For instance:
  - (i) Lighting plans should show calculation points as per Australian Standards.
  - (ii) Calculation plot scale should not be smaller than 1:250 @ A1.
  - (iii) Provide a Calculation Summary table showing all relevant light technical parameters and compliance.
  - (iv) Highlight all areas of non-compliance (if any)
- (d) Comply with the requirements AS/NZS 4282 to ensure no unwanted obtrusive lighting impacts.
- (e) All works shall comply with the requirements of all applicable standards and guidelines, including (but not limited to) AS1158, AS4282, and the City of Sydney's A5, B8 and Ausgrid NS119 documents.

- (f) For any new COS light, provide Electrical supply reticulation design and site-specific structural footing designs. Design shall be certified by a practising structural engineer for council review before footing construction. Where applicable, provide relevant design certificates and construction certificates.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

**Reason**

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

**(46) DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition and preparatory works or certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), whichever is earlier, a photographic recording of the public domain site frontages including CCTV of the adjacent drainage pipeline/s, Bellevue Street and the retaining wall is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

**Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

**(47) TEMPORARY DEWATERING DURING CONSTRUCTION**

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure dewatering is managed appropriately.

#### **(48) GEOTECHNICAL REPORT**

Prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), a Geotechnical/Civil Structural Engineering report must be submitted to and approved by Council's Area Planning Manager and is to address (but not limited to) the following:

- (a) the type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0 m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs must be related to Australian Height Datum;
- (b) the appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations must be discussed and mechanisms to ameliorate any such impacts recommended;
- (c) the proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support must be provided within the subject site);
- (d) the existing groundwater levels in relation to the basement structure, where influenced;
- (e) the drawdown effects on adjacent properties (including road reserve and retaining wall), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised; and
- (f) recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by an appropriately qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting.

It is the responsibility of the consulting geotechnical/hydrological specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report must contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

The design principles for the geotechnical report are as follows:

- (a) no ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure;
- (b) no changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- (c) no changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure;
- (d) vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development;
- (e) appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles; and
- (f) an adverse impact can be assumed to be crack damage as identified within the relevant Australian Standard for determining such damage.

The professional recommendations, implementation program, monitoring program, mitigation measures and the like contained in the report must be implemented in full during the relevant stages of excavation and construction.

### **Reason**

To ensure the structural integrity of the subject site and adjoining sites during the excavation process

### **(49) EASEMENT FOR MAINTENANCE AND REPAIR**

- (a) An easement for maintenance and repair for a width of 2 metres width directly adjacent to the full extent of the south-western boundary is to be prepared and registered on title with terms in accordance with the Conveyancing Act 1919. The easement location along with any additional Terms and conditions are to be submitted to the satisfaction of Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).
- (b) The easement is to be registered on the title prior to occupation or use.

**Reason**

To allow for the future maintenance and repair of the retaining wall.

**(50) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

A photographic archival recording of the site, including the existing building, grounds and sandstone embankment, must be prepared prior to the commencement of works on site. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Council's Area Planning Manager prior to relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

**Reason**

To ensure appropriate archival documentation of the building.

## PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

### (51) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Certifier:
  - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
  - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
  - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
  - (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
  - (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
  - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
  - (ii) The name and address of the company/contractor undertaking demolition/excavation works.
  - (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
  - (iv) The name and address of the transport contractor.
  - (v) The type and quantity of material to be removed from site.



- (vi) Location and method of waste disposal and recycling.
  - (vii) Proposed truck routes, in accordance with this development consent.
  - (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
  - (ix) Measures to control noise emissions from the site.
  - (x) Measures to suppress odours.
  - (xi) Enclosing and making the site safe.
  - (xii) Induction training for on-site personnel.
  - (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
  - (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
  - (xv) Disconnection of utilities.
  - (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
  - (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
  - (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
  - (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
  - (xx) Working hours, in accordance with this development consent.
  - (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

**Reason**

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

**(52) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 1A Cardigan Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Certifier and the Council prior to any certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to occupation or use.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

**Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

**(53) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM**

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

- (a) Conform to the specifications and standards contained in *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004); the *Guidelines for Erosion and Sediment Control on Building Sites* (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.
- (b) Include a drawing(s) that clearly shows:
  - (i) location of site boundaries and adjoining roads
  - (ii) approximate grades and indications of direction(s) of fall
  - (iii) approximate location of trees and other vegetation, showing items for removal or retention
  - (iv) location of site access, proposed roads and other impervious areas
  - (v) existing and proposed drainage patterns with stormwater discharge points
  - (vi) north point and scale
- (c) Specify how soil conservation measures will be conducted on site including:
  - (i) timing of works
  - (ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained
  - (iii) access protection measures
  - (iv) nature and extent of earthworks, including the amount of any cut and fill
  - (v) where applicable, the diversion of runoff from upslope lands around the disturbed areas
  - (vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology
  - (vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)
  - (viii) frequency and nature of any maintenance program
  - (ix) other site-specific soil or water conservation structures.

**Reason**

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

**(54) RODENT TREATMENT PROGRAMME – PRE-DEMOLITION AND/OR EXCAVATION**

- (a) Prior to the commencement of any demolition and/or excavation works, a programme of baiting and monitoring of rodent activity is to be put in place at the site.
- (b) A licensed Pest Control Operative must carry out all pest control work and prepare a report, confirming that there is no evidence of any rodent activity at the site prior to the commencement of any works on site. The report must be submitted to and be approved/endorsed by Council's Area Planning Manager.

**Reason**

To ensure that the potential impact of rodents during the demolition, excavation and construction phase is appropriately managed.

**(55) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD**

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);

- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

**Reason**

To ensure the necessary approval is obtained for temporary structures over a public road.

**(56) SURVEY SETOUT PRIOR TO COMMENCEMENT**

PRIOR TO FOUNDATION STAGE - All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the *Surveying & Spatial Information Act, 2002*, and a copy of the survey report provided to the Principal Certifier.

**Reason**

To ensure that the development is located appropriately in relation to the boundaries of the site.

**(57) HAZARDOUS MATERIALS SURVEY REQUIRED**

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

## Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

### (58) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

#### TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1-2	<i>Corymbia maculata</i> (Spotted Gum)	Street Tree - Front	2.0
5	<i>Platanus x acerifolia</i> (London Plane)	Street Tree - Front	3.5
7	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	3.8
8	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	5.8
10	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	5.4
11	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	5.0
12	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	4.8
13	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	3.7
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	6.6

15	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	6.0
16	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	6.0

Note: Only applies to the TPZ within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface / paving is not existing. The ground protection must be:
- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs:
- (i) Excavation except for the localised siting of piers / demolition of the concrete slab
  - (ii) Soil cut or fill including trenching
  - (iii) Soil cultivation, disturbance or compaction
  - (iv) Stockpiling, storage or mixing of materials
  - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery
  - (vi) The disposal of liquids and refuelling
  - (vii) The disposal of building materials
  - (viii) The siting of offices or sheds
  - (ix) Any action leading to the impact on tree health or structure
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.

- (f) All work undertaken within or above the TPZ must be:
  - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
  - (ii) Supervised by a Project Arborist (minimum AQF Level 5).

**Reason**

To ensure the protection and ongoing health of trees.

**(59) STREET TREE PRUNING**

- (a) Pruning requirements for the *Platanus x acerifolia* (London Plane – T05) located on Wentworth Ave in front of unit 8 are to adhere to the Pruning Specification Plan outlined in Section 3.2 Canopy Pruning and Methodology and T03 Tree Canopy Pruning within the Arboricultural Impact Assessment Report by Arterra dated 12 December 2022.
- (b) For any further pruning to occur to any street tree surrounding the site including the *Platanus x acerifolia* (London Plane – T05) consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (c) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

**Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

**(60) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993**

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

**Reason**

To ensure relevant approvals for public domain work are obtained.



## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(61) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. Loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(62) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

**(63) COVERING OF LOADS**

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

**Reason**

To ensure loads are managed appropriately and do not impact local amenity.

**(64) VEHICLE CLEANSING**

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

**Reason**

To ensure sediment is not tracked onto the roadway.

**(65) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

**Reason**

To ensure that the archaeology of the site is appropriately managed and protected.

**(66) SALVAGE, REUSE AND RECYCLING OF TRADITIONAL BUILDING MATERIALS – MINOR DEVELOPMENT**

Bricks, corrugated metal sheeting, joinery, doors, windows, and building materials of the existing building that is to be demolished must be salvaged where possible. Salvaged building materials surplus to the project must either be stored on site for future reuse or transferred to an established second hand building material dealer must not be scrapped and are to be carefully salvaged and transferred to an established dealer in second hand heritage building materials for recycling, rather than be scrapped.

**Reason**

To ensure the salvaging and reuse of building materials.

**(67) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

(a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan submitted to satisfy conditions of this consent.

(b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

Such periods must be set and agreed to by Council's Health and Building Unit.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.

**(68) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**Reason**

To allow adequate vehicular access to the site.

## **(69) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

### **Reason**

To protect the amenity of the public domain.

## **(70) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

### **Reason**

To protect the amenity of the public domain.

## **(71) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

**Reason**

To ensure mobile cranes are used appropriately.

**(72) LAND REMEDIATION (Where Site Auditor engaged)**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by Douglas Partners dated 25th January 2023 reference 200842.02.R.004.Rev0 Council reference TRIM 2023/183700 and Letter of Interim Advise prepared by NSW Environment Protection Authority accredited Site Auditor Ian Swane dated 5/04/2023 Council reference TRIM 2023/183699. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

**Reason**

To ensure that the site is appropriately remediated.

**(73) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

**Reason**

To ensure that the site is appropriately remediated.

**(74) IMPORTED FILL MATERIALS**

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

**Reason**

To ensure that imported fill is not contaminated.

**(75) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**Reason**

To ensure that waste from site is classified and disposed of appropriately.

**(76) DISCHARGE OF CONTAMINATED GROUNDWATER**

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason**

To ensure that the discharge of ground water is appropriately managed.

**(77) STOCKPILES**

- (a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.

- (b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.
- (d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

**Reason**

To ensure that stockpiles of soil or other materials are appropriately managed.

**(78) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN**

All recommendations contained in the Acid Sulphate Soils Management Plan prepared by Douglas Partners reference Project 210116.01 dated December 2022 must be implemented.

**Reason**

To ensure that Acid Sulphate Soils are appropriately managed.

**(79) COMPLIANCE WITH ARBORIST'S REPORT**

- (a) All recommendations, Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Arterra, dated 12 December 2022, must be implemented during the demolition, construction and use of the development, including:
  - (i) Section 3.2 Canopy Pruning and Methodology including Appendix 4.1 Tree Canopy Pruning Plan
  - (ii) Section 3.0 Tree Management Recommendations
  - (iii) Appendix 4.1 Tree Protection and Removal Plan

**Reason**

To ensure that works affecting trees are carried out in an appropriate manner and in accordance with the approved arborist's report.

**(80) TREE PROTECTION DURING CONSTRUCTION**

All trees that will be affected by the development within the property and on any adjoining land, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5 metres of the trunk of any tree to be retained including trees within adjoining properties.



- (b) Excavation (except for localised siting of piers) must not occur within the SRZ of any tree (including trees within adjoining properties). If excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.
- (c) Excavations for the footings where they are within the TPZ of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.
- (d) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (e) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (minimum AQF 3) and must include:
  - (i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;
  - (ii) Timber planks (50mm x 100mm must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion;
  - (iii) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (f) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

**Reason**

To ensure the protection and ongoing health of trees.

**(81) TREE SENSITIVE EXCAVATION**

**Structural Root Zone (SRZ) Schedule:**

<b>Tree No</b>	<b>Species</b>	<b>Tree Location</b>	<b>SRZ (m) from Trunk</b>
1-2	<i>Corymbia maculata</i> (Spotted Gum)	Street Tree - Front	1.5
5	<i>Platanus x acerifolia</i> (London Plane)	Street Tree - Front	3.2

7	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	2.4
8	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	2.7
10	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	3.0
11	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	2.5
12	<i>Corymbia citriodora</i> (Lemon Scented Gum)	Neighbouring property - Northern Boundary	2.5
13	<i>Celtis sinensis</i> (Chinese Hackberry)	Neighbouring property - Northern boundary	2.4
14	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	2.6
15	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	2.5
16	<i>Jacaranda mimosifolia</i> (Jacaranda)	Neighbouring property - Western boundary	3.0

(a) Within the SRZ;

- (i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

(b) Within the TPZ;

- (i) Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

- (ii) Excavation methods within the TPZ of Tree 5, Tree 7 and Tree 11 are to adhere to the arborist report recommendations dated 12/12/22 in Section 3.3 - 3.5 and also T-02 Tree Protection and Removal Plan of the report.
- (iii) All excavations must be supervised by a Project Arborist (minimum AQF Level 5).
- (c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.
- (d) All excavations located within the TPZ must be supervised by a Project qualified Consultant Arborist (minimum AQF Level 5), who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.
- (e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by a qualified Arborist with a minimum AQF level 3.

**Reason**

To ensure the protection and ongoing health of trees.

**(82) TREE PRUNING APPROVED**

- (a) All pruning must be carried out by a qualified Arborist (AQF Level 3 Arboriculture) and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (b) Pruning of T15 (Jacaranda mimosifolia), T16 (Jacaranda mimosifolia) and T05 (Platanus x acerifolia) is limited to pruning as per Section 3.2 Canopy Pruning and Methodology within the AIA report by Arterra dated 12 December 2022.
- (c) Any pruning works carried out under this consent must not result in the death of the tree, the creation of a hazard or in excessive or inappropriate amounts of pruning, which result in the overall shape of the tree becoming unbalanced and/or unstable.
- (d) The consent from Councils Tree Management Officer must be obtained prior to the undertaking of any additional tree pruning works or pruning of any tree roots greater than 40mm in diameter.

**Reason**

To ensure that pruning works to trees are carried out in an appropriate manner.

### **(83) STREET TREE PROTECTION**

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

**Reason**

To ensure the protection and ongoing health of the street trees.

**(84) PROTECTION OF NATIVE WILDLIFE**

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

**Reason**

To ensure that wildlife is adequately protected during tree removal/pruning works.

**(85) PUBLIC DOMAIN WORKS SECURITY BOND**

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**Reason**

To ensure public domain works are completed and any damage to the public domain is rectified.

**(86) DRAINAGE AND SERVICE PIT LIDS**

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

**Reason**

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

**(87) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION**

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/detailed-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

**Reason**

To ensure the public domain complies with Council's requirements.

**(88) HOLD POINTS**

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to occupation or use, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

**Reason**

To ensure hold points are adhered to during construction works.

**(89) STORMWATER DRAINAGE CONNECTION**

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

**Reason**

To ensure approval of connection into the Council's drainage system is sought.

**(90) PUBLIC DOMAIN LIGHTING RETICULATION**

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

**Reason**

To ensure the public domain lighting documentation complies with Council requirements.

**(91) PROTECTION OF THE RETAINING WALL**

Activities of the applicant must not affect and/or restrict City's infrastructure operations, including road, drainage, lighting, retaining wall and other present in the vicinity of the site, without prior written agreement between the applicant and the City.

Rectification of damage to the retaining wall must be completed immediately to the City's standards, or as per timing agreed with the City. A Certificate for any rectification works must be provided by an experienced Geotechnical/Civil Structural Engineer prior to any occupation or use.

**Reason**

To ensure that retaining wall is adequately protected during construction works.

**(92) CHECK SURVEY DURING CONSTRUCTION**

AT FOUNDATION STAGE - Upon commencement of wall construction, by the time the perimeter wall has reached one metre in height, all work on the site shall cease unless a survey and report prepared by a registered surveyor has been submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment, and the setbacks. Any encroachments of the subject building over the side boundaries or street alignment must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain. Encroachments on public roads must be approved by Council's Area Planning Manager, if supported, otherwise the encroachments must be removed.

**Reason**

To ensure that the building either does not encroach, or alternatively that any encroachments are formalised on title.



**(93) USE OF HIGH NOISE EMISSION APPLIANCES / PLANT**

- (a) The operation of high noise emission appliances, plant and/or machinery such as pile – drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E or F of Schedule 1 of the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* is restricted to the hours of 8.00am to 12.00pm and 1.00pm to 4.30pm Mondays to Fridays and 9.00am to 12.00pm and 1.00pm to 3.00pm Saturdays.
- (b) All reasonable and feasible steps must be undertaken to ensure that the work, including demolition, excavation and building complies with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436- 2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

**Reason**

To protect the amenity of the surrounding area.

**(94) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT**

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

**Reason**

To protect the amenity of the surrounding area.

## **PART E – BEFORE OCCUPATION**

### **(95) SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to occupation or use or subdivision/strata certificate being issued.

#### **Reason**

To ensure the requirements of Sydney Water are met.

### **(96) BASIX**

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to occupation or use.

#### **Reason**

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

### **(97) PRODUCTS BANNED UNDER THE BUILDING PRODUCTS (SAFETY) ACT 2017**

- (a) No building products that are banned, or products that are subject to a ban if used in a particular way, under the Building Products (Safety) Act 2017 are to be used in the construction of the development approved in this development consent.
- (b) Prior to occupation or use, the principal certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the Building Products (Safety) Act 2017 or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the Building Products (Safety) Act 2017.

#### **Reason**

To ensure that no banned products are used in the development.

## **(98) PHYSICAL MODELS**

- (a) Prior to occupation or use an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Planning Manager for the City Model in Town Hall House.

### Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

### **Reason**

To ensure the provision of an appropriate physical model of the development.

## **(99) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION**

- (a) Prior to occupation or use, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) building design above and below ground in accordance with the development consent;
  - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
  - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

**Reason**

To ensure the provision of an appropriate electronic model of the development.

**(100) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT**

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report submitted to satisfy conditions of this consent must be complied with.

**Reason**

To ensure that hazardous materials on the site are appropriately managed.

**(101) REGISTRATION OF COVENANT**

Prior to occupation or use, a covenant must be registered on the title of the land and a copy of the title submitted to the Council's Area Planning Manager and the Principal Certifier.

This covenant must be registered on the title of the land binding the owners and future owners with the responsibility for the ongoing maintenance and rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to occupation or use.

**Reason**

To ensure that contamination is appropriately managed.

**(102) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN**

Where the ongoing land use suitability and release of the Final (Section A) Site Audit Statement is dependent upon the implementation of an Environmental Management Plan (EMP) in relation to any residual contamination remaining onsite, the EMP must be approved by the Site Auditor and Council's Area Planning Manager prior to the issue of the final Site Audit Statement.

The owner of the land is required to comply with the ongoing obligations of any EMP which form part of the final Site Audit Statement for the site.

A covenant must be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated/remaining contaminated materials, including the discharge or prevention of discharge from any contaminants or for any works subsequently required by the NSW Environment Protection Authority

A copy of the revised certificate of land title recording the covenant must be submitted to Council's Area Planning Manager and the Principal Certifier prior to occupation or use.

**Reason**

To ensure that contamination is appropriately managed.

**(103) PUBLIC DOMAIN WORKS COMPLETION**

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to occupation or use, whichever is earlier.

**Reason**

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

**(104) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION**

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

**Reason**

To ensure Council receives works-as-executed documentation for public domain works.

**(105) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT**

Prior to occupation or use:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

**Reason**

To protect underground drainage system.

**(106) CONSTRUCTED FLOOR LEVELS**

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to occupation or use stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled 82 Wentworth Park Road Glebe - Flood Assessment Report (ref 210092), prepared by GRC Hydro, dated 5 May 2023.

**Reason**

To ensure the development achieves the required floor levels.

**(107) FLOOD RISK MANAGEMENT**

Prior to occupation or use, a certification report prepared by a suitably qualified practitioner engineer (NPER), for flood risk management measures including flood planning level/s demonstrating compliance with the approved construction plans must be submitted to and be approved by the Principal Certifier. A copy of the report must be provided to Council for record keeping purposes.

**Reason**

To ensure flood risk management measures are complied with.

#### **(108) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION**

Prior to occupation or use, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act, 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment. Any encroachments of the building including gutters and downpipes over the side boundaries or street alignments must be removed, or alternatively appropriate easements under Section 88B of the Conveyancing Act, 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to occupation or use. Encroachments upon public roads must, if supported, be approved by Council's Area Planning Manager prior to occupation or use.

##### **Reason**

To ensure the development does not encroach onto neighbouring property **PART F – OCCUPATION AND ONGOING USE**

#### **(109) PRIOR TO OCCUPATION OR USE**

Prior to occupation or use, certification is to be obtained certifying that the approved building works are suitable for occupation or use in accordance with their classification under the BCA and that Certification has been issued under 6.28 of the EP&A Act 1979 and BCA 2022.

##### **Reason**

To ensure the site is authorised for occupation.

#### **(110) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed structure shall encroach onto the adjoining properties.

##### **Reason**

To protect neighbouring properties.

#### **(111) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

##### **Reason**

To protect the public way.

## **(112) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT**

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
  - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
  - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An  $L_{Aeq, 15 \text{ minute}}$  (noise level) emitted from the development must not exceed the  $L_{A90, 15 \text{ minute}}$  (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
  - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

### **Reason**

To protect the acoustic amenity of surrounding properties.

## **(113) WASTE AND RECYCLING COLLECTION**

Residential waste storage and collection arrangements must be conducted in accordance with the City's Local Approvals Policy for waste management which requires waste bins to be stored on site at all times. Waste will be collected by a wheel out wheel back arrangement.

### **Reason**

To ensure that waste and recycling is appropriately managed.

## **(114) MAINTENANCE OF TREES ON SITE**

- (a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres in height and 3 metres canopy width.



- (b) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy spread width of 3 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

**Reason**

To ensure the ongoing maintenance of trees planted on the site.

**(115) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 12 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

**Reason**

To ensure all works to the City's public domain are protected under a liability period.

**RECOMMENDED CONDITIONS FROM EXTERNAL AGENCIES**

**(116) AUSGRID UNDERGROUND CABLES ARE IN THE VICINITY OF THE DEVELOPMENT**

- (a) Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- (b) It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).
- (c) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
  - (i) SafeWork Australia – Excavation Code of Practice.
  - (ii) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
- (d) The following points should also be taken into consideration:

- (i) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (ii) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

**(117) AUSGRID OVERHEAD POWERLINES ARE IN THE VICINITY OF THE DEVELOPMENT**

- (a) The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.
- (b) Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.
- (c) The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).
- (d) It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.
- (e) Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)
- (f) For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>

**Protection of TfNSW Infrastructure and Light Rail OperationsGENERAL**

- (a) The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- (b) The applicant must comply with the requirements of T HR CI 12090 ST Air Space and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;

- (c) Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- (d) The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- (e) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;
- (f) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant; and
- (g) All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

## **Prior to the Issue of the Crown Certificate**

### **(119) REVIEW AND ENDORSEMENT OF DOCUMENTS**

Prior to the issue of the first Crown certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to the preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Crown Certificate until they have received written confirmation from TfNSW that the following conditions have been complied with.

- (a) Prior to the issue of the first Crown Certificate, the applicant is to confirm in writing with TfNSW what each Crown Certificate stage will involve;

- (b) Prior to the issue of the relevant Crown Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement; and
- (c) Prior to the issue of the first Crown certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the TfNSW endorsement:
  - (i) Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
  - (ii) Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
  - (iii) Details of the vibration and movement monitoring system that will be in place before excavation commences;
  - (iv) A plan showing all craneage and other aerial operations for the development, and the details of crane erection methodology;
  - (v) Environmental Management Plan and Demolition management plan to demonstrate that dust/debris/hazardous substances would not enter to the light rail corridor during the demolition works as dust/debris would have the potential to damage Sydney Light Rail assets and to cause safety issues for Sydney Light Rail passengers/employees;
  - (vi) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
  - (vii) Detailed survey plan.

## **(120) PRE-CONSTRUCTION WORK DILAPIDATION REPORT**

A pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

#### **(121) ACOUSTIC ASSESSMENT**

Prior to the issue of the relevant Crown Certificate, the final acoustic assessment is to be submitted to PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

#### **(122) ELECTROLYSIS ANALYSIS**

Prior to the issue of the relevant Crown Certificate, the applicant is to engage an Electrolysis Consultant to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Crown Certificate.

#### **(123) REFLECTIVITY REPORT**

Prior to the issue of the relevant Crown Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

#### **(124) BALCONIES AND WINDOWS**

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Crown Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

#### **(125) CONSULTATION REGIME**

Prior to the issue of the relevant Crown Certificate, if required by TfNSW, a detailed regime is to be prepared for consultation with and approval by TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

## **(126) INSURANCE REQUIREMENTS**

Prior to the issue of the relevant Crown Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Crown Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

## **(127) WORKS DEED / AGREEMENTS**

Prior to the issue of the first Crown certificate or any preparatory, demolition or excavation works, whichever occurs first, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

- (a) Sydney Light Rail Operational requirements;
- (b) Sydney Light Rail access requirements;
- (c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- (d) Indemnities and releases;
- (e) Security of costs;
- (f) Insurance requirements and conditions;
- (g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- (h) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
- (i) Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
  - a. Review of the machinery to be used during excavation/ground penetration / construction works;
  - b. Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);

- c. Endorsement of plans regarding proposed craneage and other aerial operations;
  - d. Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- (i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
  - (j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;
  - (k) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
  - (l) Sydney Light Rail site works access approval and access permit to work.

**(128) DURING CONSTRUCTION**

- (a) Safe Work Method Statement describes the specific hazards identified for the high risk construction work to be undertaken and the control measures shall be in place so the work is carried out safely including machinery to be used/operated especially tower cranes/mobile cranes with associated safety measures to be taken;
- (b) The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- (c) All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- (d) No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor;
- (e) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- (f) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- (g) The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;

- (h) Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- (i) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

## Prior to Occupation

### (129) POST-CONSTRUCTION DILAPIDATION REPORT

Prior to Occupation, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

### (130) REFLECTIVITY REPORT

Prior to Occupation, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

## SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property



Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>