Attachment A

Recommended Conditions of Consent

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2024/129 dated 28 February 2024 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
New APT ID: A1016, Issue No. 04	Location plan - proposed	31/07/2024	-
Project No. APT1, Dwg. No. A01, Rev. B	Details	02/02/2023	Pureablue
Project No. APT1, Dwg. No. A02, Rev. B	Details	02/02/2023	Pureablue
Project No. APT1, Dwg. No. A03, Rev. B	Details	02/02/2023	Pureablue
Project No. APT1, Dwg. No. A04, Rev. B	Details	02/02/2023	Pureablue
Project No. APT2, Dwg. No. G2, Rev. A	APT Green wall details	07/12/2021	Pureablue
Dwg. No. A1016-01	Materials and finishes	01/10/2024	-
Dwg. No. FCF-001	Typical details	02/06/2020	Fytogreen
Dwg. No. L001	Planting plan	16/08/2021	Fytogreen

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) 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.

Tree No	Species:	Location
1	Ficus rubiginosa (Port Jackson Fig)	116-126 Erskineville Road (Ellen Lawman Rest Area)
2 and 3	Syzygium luehmannii (Small Leaved Lilly Pilly)	116-126 Erskineville Road (Ellen Lawman Rest Area)

Reason

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

(3) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(4) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS

- (a) The developer must ensure that all existing public assets are retained and preserved for the duration of development works.
- (b) Any damage caused to public assets as a result of development works, including but not limited to damage to footpath, kerb and gutter, signage, survey marks, street furniture, utility pit lids, lighting, street trees and adjacent carriageways are to be rectified to Council's satisfaction.
- (c) Any rectification works must be completed in accordance with Council's specifications and requirements prior to the use of the Automated Public Toilet commencing.

To ensure the protection of public assets.

(5) AUSGRID REQUIREMENTS

Prior to commencement of works, during the construction works, and prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all requirements by Ausgrid as listed below have been complied with.

- (a) Ausgrid underground cables in the vicinity of the development.
 - (i) 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.
 - (ii) 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).
 - (iii) In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - a. SafeWork Australia Excavation Code of Practice.
 - b. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
 - (iv) The following points should also be taken into consideration:
 - a. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
 - 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
- (b) Ausgrid overhead powerlines are in the vicinity of the development.
 - (i) 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.

- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) 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.

To protect public infrastructure.

(6) TRANSPORT FOR NSW (TfNSW) REQUIREMENTS

The Principal Certifier shall be satisfied that all requirements by Transport for NSW (TfNSW) as listed below have been complied with.

The subject site (Lot 2 DP731273) is owned by TfNSW and is declared (a) Public Reserve under the care and control of Council, as published in Government Gazette on 31 January 1997. Therefore, all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Erskineville Road boundary. Any authority issued by Council for temporary occupation of a classified road reserve in the form of a Public Toilet must require TfNSW and Council to be suitably indemnified against any claim as a result of such occupation. For more information, please contact the Senior Manager (South), Land Information and Corridors via email (trent.stevenson@transport.nsw.gov.au).

- (b) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Erskineville Road.
- (c) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Erskineville Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

To protect public infrastructure.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(7) SITE SUPERVISION AND REPORTING

- (a) An arborist with minimum AQF Level 5 qualification in arboriculture 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 footing/concrete slab within the Tree Protection Zone (TPZ) of any tree to be retained;
 - (iv) During any excavation and trenching within the TPZ;
 - (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 approved by Council's Area Planning Coordinator | 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) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
 - (iv) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.
- (c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator | Area Planning Manager prior to the issue of any Occupation Certificate.

Reason

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

(8) UNDERGROUND SERVICE INSTALLATION PLANS

Following consultation with the project arborist, a detailed underground service plan must be submitted and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. Any installation of services must not result in root pruning greater than 40mm in diameter

Reason

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

(9) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(10) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT

The placement of the automatic public toilet and any associated TGSI's or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney's Sydney Streets Technical Specification and the Sydney Streets Codes 2021. The compliance is to be achieved prior to the use of the Automated Public Toilet commencing.

Reason

To ensure the APT provides for all abilities access.

BEFORE BUILDING WORK COMMENCES

(11) TREE ROOT INVESTIGATION

- (a) Prior to the installation of the new paving/edging around the APT, exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the alignment within the trees Tree Protection Zone. This shall consist of carefully hand digging a trench to expose tree roots to the depth of the edging. An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted to Council's Area Planning Coordinator | Area Planning Manager for approval prior to installation of the edging.
- (b) In the event any large structural roots (greater than 40mm diameter) are identified as a result of the exploratory root investigation, the paving/edging must be amended to ensure no roots greater than 40mm in diameter are removed as a result of the works.
- (c) Any root pruning which has been approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

Reason

To ensure the protection and ongoing health of trees.

(12) 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	Ficus rubiginosa (Port Jackson Fig)	116-126 Erskineville Road (Ellen Lawman Rest Area)	6.7
2 and 3	Syzygium luehmannii (Small Leaved Lilly Pilly)	116-126 Erskineville Road (Ellen Lawman Rest Area)	3

Note: The work within the TPZ and installation of tree protection measures is only applicable within the subject development site and the public domain.

- (c) Tree protection fencing must be installed and maintained within the subject development site prior to the commencement of works and in accordance with the following:
 - (i) A 1.8m high fully supported chainmesh protective fencing, secured and fastened to prevent movement, must be installed as per the 'Tree Protection Plan and Specification' prepared by Moore Trees Arboricultural Services, dated February 2024. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
 - (ii) The area within the fencing must be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works;
 - (iii) Tree Protection Signage must be attached facing outwards in a visible position identifying the name and contact details of the Project Arborist. All signs must remain in place throughout all work on site;
 - (iv) Tree protection fencing must not be moved or relocated unless written approval is obtained from the Project Arborist and a copy is provided to Council's Tree Management Officer which outlines alternate protection measures and that the relocated fencing will not impact the viability and retention of the tree/s.
- (d) Ground surface protection must be installed if construction access is required through any TPZ where the existing ground surface material is not a hard surface or paving. 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.
- (e) The following works must be excluded from within any TPZs:
 - (i) Excavation, except for the installation of the beams;
 - (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.
- (f) 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.
- (g) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist with a minimum AQF Level 5 qualification in arboriculture and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

To ensure the protection and ongoing health of trees.

(13) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act* 1993 must be submitted to and approved by Council prior to the commencement of any:

- (a) Excavation in or disturbance of a public way, or
- (b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Reason

To ensure that approval under the Roads Act is obtained.

DURING BUILDING WORK

(14) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be carried out using only the methods/machinery specified at Section 3.3.1 'Mechanised excavation' outlined in the Arboricultural Impact Assessment Report prepared by Moore Trees, dated February 2024.

Tree (Root) Protection Zone Schedule:

Tree No	Species	Tree Location	SRZ (m) from Trunk
1	Ficus rubiginosa (Port Jackson Fig)	116-126 Erskineville Road (Ellen Lawman Rest Area)	2.7
2 and 3	Syzygium luehmannii (Small Leaved Lilly Pilly)	116-126 Erskineville Road (Ellen Lawman Rest Area)	2.2

(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) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must 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) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.
- (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 Arborist with a minimum AQF Level 5 qualification in arboriculture.

(e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(15) COMPLIANCE WITH ARBORIST'S REPORT

(a) All recommendations Tree Protection Plans and Methodology Statements contained in the approved Arboricultural Impact Assessment Report prepared by Moore Trees, dated February 2024, must be implemented during the demolition, construction and use of the development.

Reason

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

(16) 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 branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture 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 to a height of two metres, 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 three 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 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.

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

(17) TREE PRUNING - FURTHER APPROVAL REQUIRED

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

Reason

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

(18) 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.

To protect the amenity of the public domain.

(19) 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.

(20) 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 onstreet 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.

(21) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

Reason

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

(22) 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 EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014).* 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 a 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.

(23) 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to this Section.

OCCUPATION AND ONGOING USE

(24) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(25) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, titled 'Plan of Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas' (TRIM Ref: 2024/443820).

Reason

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