

NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2022/0033
Applicant	Mrs Kristy Hodgkinson
Land to be developed	Henson Park, Centennial Street MARRICKVILLE NSW 2204
Approved development	To demolish part of the premises and carry out alterations and additions to the existing grandstand and associated building to provide additional site facilities, construct a new broadcasters building and carry out associated remediation work to the site.
Cost of development	\$7,428,151.00
Determination	This S4.55(2) modification application was determined by the Sydney Eastern City Planning Panel and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	05 September 2022
Date of Modification of Consent:	28 November 2023
Modification Number:	MOD/2023/0247

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **Ferdinand Dickel** on **02 9392 5125** or **ferdinand.dickel@innerwest.nsw.gov.au**.



Ruba Osman
Manager – Development Assessment

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A100 Rev 044	Site Plan	21.12.10 23.10.30	Crawford Architects
A101 Rev 04	Site Plan	23.10.30	Crawford Architects
A111 Rev 01	Demolition Plan Site	21.12.10	Crawford Architects
A112 Rev 01	Demolition Plan Grandstand – SH01	21.12.10	Crawford Architects
A113 Rev 01	Demolition Plan Grandstand – SH02	21.12.10	Crawford Architects
A115 Rev 01	Demolition Plan Amenities	21.12.10	Crawford Architects
A200 Rev 044	Basement Floor Plan	21.12.10 23.10.30	Crawford Architects
A201 Rev 044	Ground Floor Plan	21.12.10 23.10.30	Crawford Architects
A202 Rev 044	First Floor Plan	21.12.10 23.10.30	Crawford Architects
A203 Rev 044	Second Floor Plan	21.12.10 23.10.30	Crawford Architects

A204 Rev 01	Roof Plan	21.12.10	Crawford Architects
A300 Rev 05	Elevations Grandstand Building Sheet 01	23.10.30	Crawford Architects
A301 Rev 05	Elevations Grandstand Building Sheet 02 Alternative	23.10.30	Crawford Architects
A302 Rev 05	Elevations Grandstand Building Sheet 03	23.10.30	Crawford Architects
A305 Rev 04	Elevations Multipurpose Building Sheet 01	23.10.30	Crawford Architects
A306 Rev 04	Elevations Multipurpose Building Sheet 02	23.10.30	Crawford Architects
A310 Rev 04	Sections GA	23.10.30	Crawford Architects
A311 Rev 04	Sections GB	23.10.30	Crawford Architects
A315 Rev 04	Sections MA	23.10.30	Crawford Architects
A318 Rev 04	Sections MF	23.10.30	Crawford Architects
C0101 Rev 02	Specification Notes – Sheet 01	10.02.23	Northrop
C0102 Rev 01	Specification Notes – Sheet 01	10.02.23	Northrop
C1001 Rev 02	Sediment and soil erosion control plan	10.02.23	Northrop
C1101 Rev 02	Sediment and soil erosion control details	10.02.23	Northrop
C3001 Rev 02	Siteworks and stormwater management plan	10.02.23	Northrop

C4201 Rev 02	Stormwater Catchment Plan	10.02.23	Northrop
C6101 Rev 02	Details – Sheet 01	10.02.23	Northrop
C6102 Rev 02	Details – Sheet 02	10.02.23	Northrop
C6103 Rev 02	Details – Sheet 03	10.02.23	Northrop
C6104 Rev 02	Details – Sheet 04	10.02.23	Northrop
A320 Rev 01	Materials and Finishes	21.12.10	Crawford Architects
101 A	Landscape Plan	23.12.2021	Site Image
501 A	Landscape Plan	23.12.2021	Site Image
5777-G1	Geotechnical Investigation	10 December 2021	Assetgeoenviro
DRM P21.1025-R02r1	Stage 2 Detailed Site Investigation	11 August 2022	Assetgeoenviro
5177R20211214mj22 CentennialStreetMarri ckville_DA.docx V1	Acoustical Report	20/12/2021	Koikas Acoustics
021-217652_HensonPark_FinalBCAAuditRepo rt_R02_211221	Fire Safety Audit of the Existing Henson Park Main Grandstand Building	21/12/2021	Philip Chun Building Code Consulting
	Waste Management Plan	December 2021	Crawford Architects
A300 Rev 01	Elevations Sheet 01	21.12.10	Crawford Architects
A301 Rev 01	Elevations Sheet 02	21.12.10	Crawford Architects
A310 Rev 01	Sections Sheet 01	21.12.10	Crawford Architects
A311 Rev 01	Section Sheet 02	21.12.10	Crawford Architects
SW01 Revision P1	Stormwater Notes & Typical Details	08/12/2021	Demlakian
SW02 Revision P1	Stormwater Management Plan	08/12/2021	Demlakian

SW03 Revision P1	Stormwater Details - Sheet 1	08/12/2021	Demlakian
SW04 Revision P1	Stormwater Details - Sheet 2	08/12/2021	Demlakian
SW05 Revision P1	Sediment & Erosion Control Plan	08/12/2021	Demlakian
SW06 Revision P1	Sediment & Erosion Control Details	08/12/2021	Demlakian

As amended by the conditions of consent.

(Amended – MOD/2023/0247 – 28/11/2023)

DESIGN CHANGE

2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended architectural documentation demonstrating the following:

The palette of materials for the additions to the Grandstand should conform to Medium Solar absorption under BASIX. Black glazing and battens are not to be employed.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$20,012.40
Inspection Fee:	\$241.50

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

5. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree 1 - *Agonis flexuosa* (WA Weeping Myrtle)

Tree 2 - *Jacaranda mimosifolia* (Jacaranda)

Tree 3 - *Grevillea robusta* (Silky Oak)

Tree 4 - *Cupressus torulosa* (Bhutan Cypress)

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned;

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Arbor Central Tree Care dated 26/11/2021 for tree numbering and locations.

6. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

7. Historic Paint Colours and Finishes

A detailed investigation of the sequence of colours and finishes to the 1937 concrete grandstand and its glazing and original lettering is to be undertaken to determine the historic sequence of colours and finishes to each element. A suitable finish is to be determined for the concrete of the grandstand as modern paint finishes are not suitable for use on historic concrete such as this. The original finish is likely to have been a cement wash. Technical advice should be sought in regard to suitable finishes.

The original colour of the glazing and the original colour of the grandstand signage is also to be determined. This detailed investigation and the proposed finishes is to be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate.

8. Erosion and Sediment Control

Prior to the commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

9. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

10. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

11. Preparation of a Construction Environmental Management Plan (CEMP)

Prior to the commencement of any demolition, excavation or construction works, a Construction Environmental Management Plan (CEMP) must be prepared for the site and submitted to the satisfaction of Inner West Council's Team Leader Environmental Health. The CEMP must consider all potential environmental impacts from the works including but not limited to sedimentation control, contamination exposure and containment, stockpiles, noise, vibration, odours, dust emissions and waste classification. The CEMP must also consider the findings, requirements and recommendations of the Inner West Council's Long Term Environmental Management Plan for Parks and Playgrounds (prepared by CONSARA Pty Ltd, dated 7 September 2020 or as updated) and the Detailed Site Investigation Report (prepared by Development Risk Management Pty Ltd, dated 11 August 2022).

12. Austgrid - Overhead Powerlines

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

13. Ausgrid - Underground Cables

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables. Should ground anchors be required in the vicinity of the 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

13A. Signage

The two signs with the “AFL” and “Jets” logo to the south-western elevation (drawing number A301 Rev 05, dated 23.10.30, prepared by Crawford Architects) must be removed once the lease agreement between Council and Newtown Jets and AFL NSW/ACT has expired and, if not renewed. The signs can be retained until the end of any lease agreement, including extensions/renewals.

The two signs with the “AFL” and “Jets” logo to the south-western elevation (drawing number A301 Rev 05, dated 23.10.30, prepared by Crawford Architects) to the south-western elevation (labelled P-06) must not be illuminated, flashing, and must not be animated.

(Added – MOD/2023/0247 – 28/11/2023)

PRIOR TO ANY DEMOLITION

14. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE

~~15. Construction Methods to Minimise Impact on Trees~~

~~Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that any new pavements within the Tree Protection Zones (TPZ) will be constructed from a permeable pavement (including sub-base) and at or above grade within the specified radius of the trunks of the following trees:~~

~~Tree 1 – *Agonis flexuosa* (WA Weeping Myrtle) / TPZ 12m~~

~~Tree 2 – *Jacaranda mimosifolia* (Jacaranda) / TPZ 11m~~

~~Tree 3 – *Grevillea robusta* (Silky Oak) / TPZ 10m~~

~~Tree 4 – *Cupressus torulosa* (Bhutan Cypress) / TPZ 7 m~~

~~Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located within the TPZ of any prescribed trees located on the subject site and adjoining sites.~~

(Deleted – MOD/2023/0247 – 28/11/2023)

16. Paving/Decking Within the Vicinity of Trees

~~Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with plans demonstrating that the pavement works within the specified radius of the trunks of the following trees are constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be established at or above grade:~~

~~Tree 1 – *Agonis flexuosa* (WA Weeping Myrtle) / TPZ 12m~~

~~Tree 2 – *Jacaranda mimosifolia* (Jacaranda) / TPZ 11m~~

~~Tree 3 – *Grevillea robusta* (Silky Oak) / TPZ 10m~~

~~Tree 4 – *Cupressus torulosa* (Bhutan Cypress) / TPZ 7 m~~

(Deleted – MOD/2023/0247 – 28/11/2023)

17. Heritage Interpretation Plan

A Heritage Interpretation Plan for Henson Park must be submitted to and approved by Council's Heritage Specialist prior to the issue of a Construction Certificate. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.

The interpretation plan must detail how information on the history and significance of the Henson Park will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts and the use of archival photographs and footage are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

Prior to an occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Heritage Specialist.

18. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

19. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. ~~CST, SW01, SW02, SW03, SW04, SW05 and SW06, Rev P1 prepared by Demlakin Intelligent Thinking and dated December 2021~~ **C0101 Rev 02 C0102 Rev 01, C1001 Rev 02, C1101 Rev 02, C3001 Rev 02, C4201 Rev 02, C6101 Rev 02, C6102 Rev 02, C6103 Rev 02, C6104 Rev 02, prepared by Northrop and dated 10 February 2023**, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to Council's piped drainage system via the OSD tanks as necessary;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council piped drainage system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 20 litres/second (20 years ARI/100years ARI);
- g. Storage for the 1-year ARI storm event must be provided fully below ground;
- h. Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- i. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- j. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- k. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided;

- l. An overland flowpath must be provided within the setback to the side boundary and the Sydenham Road frontage. Bypass flows from the site drainage system are directed to the overland flowpath;
- m. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- n. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- o. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- p. No nuisance or concentration of flows to other properties;
- q. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- r. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- s. All redundant pipelines within work zone must be removed;
- t. No impact to street tree(s).
- u. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

(Amended – MOD/2023/0247 – 28/11/2023)

20. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

21. Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of the acoustical report prepared by Koikas Acoustics dated 14 December 2021 demonstrating compliance of the development with the

relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction and other relevant acoustic standards.

DURING DEMOLITION AND CONSTRUCTION

22. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

23. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
Tree 1 - <i>Agonis flexuosa</i> (WA Weeping Myrtle) / TPZ 12m Tree 2 - <i>Jacaranda mimosifolia</i> (Jacaranda) / TPZ 11m Tree 3 - <i>Grevillea robusta</i> (Silky Oak) / TPZ 10m Tree 4 - <i>Cupressus torulosa</i> (Bhutan Cypress) / TPZ 7m	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, trenching works, landscaping

		works and tree/planting replenishment within the TPZ; <ul style="list-style-type: none"> • Supervise all tree work.
	And : <ul style="list-style-type: none"> • In accordance with the approved Tree Protection specifications in the Arboricultural Impact Assessment prepared by Arbor Central dated 26/11.2021. 	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

24. Canopy Pruning

Canopy pruning of the following tree if necessary for site access must be undertaken by, or directly supervised by, the Project Arborist.

Tree No.	Botanical/Common Name
6	<i>Lophostemon confertus</i> (Brush Box)

Only the pruning as shown in the image on page 27 of the Arboricultural Impact Assessment report prepared by Arbor Central Tree Care and dated 26/11/21 is approved.

25. Construction Hours

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

26. Compliance with Construction Environmental Management Plan (CEMP)

All demolition, excavation and construction work must be undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) and the Inner West Council’s Long Term Environmental Management Plan for Parks and Playgrounds (prepared by CONSARA Pty Ltd, dated 7 September 2020 or as updated).

27. Notification of new contamination evidence

Any new information which comes to light during site preparation, demolition, excavation or construction works which has the potential to alter previous conclusions about site suitability

and contamination must be immediately notified to the Principal Certifier and Inner West Council.

27A. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Agonis flexuosa</i> (WA Weeping Myrtle)	12m
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	11m
3	<i>Grevillea robusta</i> (Silky Oak)	10m

All excavation within the specified radius of the trunks of the above tree(s) being hand dug using either pneumatic or hydraulic tools only (e.g. Airspade® or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.

(Added – MOD/2023/0247 – 28/11/2023)

PRIOR TO OCCUPATION CERTIFICATE

28. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 3 x 200 litre size trees, must be planted in suitable locations within the site. (the locations must be approved by Council);

The species must be a mix of *Angophora costata* (Sydney Red Gum) and *Corymbia eximia* (Yellow Bloodwood).

The trees must conform to AS2303—*Tree stock for landscape use*.

The trees must be planted by a qualified Arborist or Horticulturist (AQF Level 3 minimum) in accordance with Detail 1 (Appendix 6) of the Marrickville Street Tree Master Plan.

The trees must be inspected before and after planting by the Project Arborist and the inspection Certification must be submitted to Council's Tree Assessment Officer.

29. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

30. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD system commissioned and stormwater quality improvement device(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

31. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan which has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

32. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

33. Accoustical Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Acoustical Report dated 14/12/2021 written by Koikas Acoustics has been satisfied.

34. Compliance Report

Prior to the issue of any occupation certificate, a Compliance Report must be prepared by a suitably qualified environmental consultant confirming that all works associated with the development were carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and the Inner West Council's Long Term Environmental Management Plan for Parks and Playgrounds (prepared by CONSARA Pty Ltd, dated 7 September 2020 or as updated). The Compliance Report must also provide confirmation that the site is now suitable for the approved use, subject to the implementation of the Inner West Council's Long Term Environmental Management Plan for Parks and Playgrounds (prepared by CONSARA Pty Ltd, dated 7 September 2020 or as updated).

35. Special Events Traffic Management Plan

Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with a Special Events Traffic Management Plan (SETMP), prepared by a suitably qualified traffic engineer, to ensure the orderly and safe movement of the media's oversized broadcasting vehicles during special events.

ON-GOING

36. Operation and Management Plan

The Operation and Management Plan for the on-site detention and stormwater quality improvement devices, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

ADVISORY NOTES

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;

- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;

- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Dial before you dig

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

Useful Contacts

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

www.basix.nsw.gov.au

Department of Fair Trading

13 32 20

www.fairtrading.nsw.gov.au

	Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50 www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.