



## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application number</b>	MOD/2024/0221 PAN-449183
<b>Applicant</b>	Catholic Healthcare 1C Thomas Street LEWISHAM NSW 2049
<b>Description of development</b>	Alterations and additions to the Anne Walsh and Noviate buildings to change the use to Independent Living Units, demolish an existing Aged Care Hostel and construct a Residential Aged Care Facility and Independent Living Units.
<b>Property</b>	2B West Street LEWISHAM NSW 2049 Lot 1 DP 1116995
<b>Determination</b>	Approved Consent Authority <ul style="list-style-type: none"><li>○ Delegation to Staff</li></ul>
<b>Original Date of Determination</b>	02 September 2020
<b>Date of determination</b>	6 November 2024
<b>Date from which the consent date operates</b>	6 November 2024

Under section 4.55(1A) of the EP&A Act, notice is given that the above application to modify DA201800505 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. The reasons for approval of the modified development, are consistent with the reasons for the originally approved development.

### Community Views

No submissions were received.

### Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

#### Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

**Rights to 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.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Ruba Osman  
**Manager – Development Assessment**

Person on behalf of the consent authority

For further information, please contact **Ferdinand Dickel** on **02 9392 5125** or **[ferdinand.dickel@innerwest.nsw.gov.au](mailto:ferdinand.dickel@innerwest.nsw.gov.au)**.

## Modification Summary

Application Number (PAN Number)	Determination Date	Modification Description
PAN-449183 MOD/2024/0221	06/11/2024	Amend Condition 3: Documents Related to the Consent Amend Condition 5: Conflict between the Plans – West Street Amend Condition 6: Conflict between the Plans – Fencing Amend Condition 7: Setbacks from Ground Floor Terraces and Balustrade – Building 3 Amend Condition 8: Staging of the Development Amend Condition 26: Sydney Trains – Requirements Amend Condition 27: Sydney Trains – Engineering Details Amend Condition 41: Sydney Trains – Approval Amend Condition 42: Sydney Trains – Craneage Amend Condition 45: Sydney Trains – Public Liability Amend Condition 46: Sydney Trains – Bond Amend Condition 71: Concealment of Plumbing and Ductwork Amend Condition 75: Parking Facilities – Major (Including Basement) Amend Condition 77: Structural and Geotechnical Report Amend Condition 79: Paving/Decking Within the Vicinity of Trees

## Terms and Reasons for Conditions

Under section 118(3)(a) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### SCHEDULE 2 - CONDITIONS

#### Fees

##### 1. 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.

##### 2. 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:	\$198,600
Inspection Fee:	\$230.65

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 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.

### General Conditions

### 3. Documents Related to the Consent

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

4. DA-000 – REV F	Cover/Location	11/06/20	Jackson Teece
DA-010 – REV F	Site Analysis	11/06/20	Jackson Teece
DA-011 – REV F	Demolition Plans	21/07/20	Jackson Teece
DA-012 – REV F	Demolition Plans	11/06/20	Jackson Teece
DA-013 – REV F	Aerial Photo	11/06/20	Jackson Teece
DA-014 – REV F <b>P2</b>	Staging Diagram	21/04/24	<del>Jackson Teece</del> <b>WMK Architecture</b>
DA-030 – REV F	Site Plan/Roof Plan	21/07/20	Jackson Teece
DA-100 – REV F	Basement 2 Plan	21/07/20	Jackson Teece
DA-101 – REV F	Basement 1 Plan	21/07/20	Jackson Teece
DA-102 – REV F	Ground Floor Plan	21/07/20	Jackson Teece
DA-103 – REV F	Level 1 Plan	03/07/20	Jackson Teece
DA-104 – REV F	Level 2 Plan	03/07/20	Jackson Teece
DA-105 – REV F	Level 3 Plan	03/07/20	Jackson Teece
DA-106 – REV F	Level 4 Plan	03/07/20	Jackson Teece
DA-107 – REV F	Level 5 Plan	03/07/20	Jackson Teece
DA-108 – REV F	Level 6 Plan	03/07/20	Jackson Teece
DA-109 – REV F	Level 7 Plan	03/07/20	Jackson Teece
DA-110 – REV F	Level 8 Plan	03/07/20	Jackson Teece
DA-111 – REV F	Roof Plan	11/06/20	Jackson Teece
DA-200 – REV F	Elevations – Sheet 1	11/06/20	Jackson Teece
DA-201 – REV F	Elevations – Sheet 2	11/06/20	Jackson Teece
DA-202 – REV F	Elevations – Sheet 3	11/06/20	Jackson Teece
DA-203 – REV F	Elevations – Sheet 4	11/06/20	Jackson Teece
DA-204 – REV F	Elevations – Sheet 5	11/06/20	Jackson Teece
DA-205 – REV F	Elevations – Sheet 6	11/06/20	Jackson Teece
DA-206 – REV F	Elevations – Sheet 7	11/06/20	Jackson Teece
DA-300 – REV F	Sections – Sheet 1	11/06/20	Jackson Teece
DA-301 – REV F	Sections – Sheet 2	11/06/20	Jackson Teece
DA-302 – REV F	Sections – Sheet 3	11/06/20	Jackson Teece
DA-303 – REV F	Sections – Sheet 4	11/06/20	Jackson Teece
DA-304 – REV F	Sections – Sheet 5	21/07/20	Jackson Teece
DA-305 – REV F	Sections – Sheet 6	11/06/20	Jackson Teece
DA-306 – REV F	Sections – Sheet 7	11/06/20	Jackson Teece
DA-400 – REV F	3D Visualisations	11/06/20	Jackson Teece
DA-500 – REV F	Project Signage	11/06/20	Jackson Teece
DA-600 – REV F	Materials	11/06/20	Jackson Teece

DA-700 – REV F	SEPP 65 Compliance Solar Access	21/07/20	Jackson Teece
DA-701 – REV F	SEPP 65 Compliance Solar Access	21/07/20	Jackson Teece
DA-702 – REV F	SEPP 65 Compliance Setbacks & Separations	11/06/20	Jackson Teece
DA-703 – REV F	SEPP 65 Compliance Cross Ventilation	21/07/20	Jackson Teece
DA-704 – REV F	SEPP 65 Compliance Cross Ventilation	25/06/20	Jackson Teece
DA-705 – REV F	SEPP 65 Compliance Open Communal Space	11/06/20	Jackson Teece
DA-710 – REV F	Building Accessibility Study Sheet 1	21/07/20	Jackson Teece
DA-711 – REV F	Building Accessibility Study Sheet 2	03/07/20	Jackson Teece
DA-720 – REV F	Apartment Accessibility Study Sheet 1	03/07/20	Jackson Teece
DA-721 – REV F	Apartment Accessibility Study Sheet 2	03/07/20	Jackson Teece
DA-730 – REV F	Route to Waste Store for Anne Walsh and Novitiate	03/07/20	Jackson Teece
DA-800 – REV F	Solar Analysis – June 21	11/06/20	Jackson Teece
DA-801 – REV F	Solar Analysis – June 21	11/06/20	Jackson Teece
DA-900 – REV F	Metrics	03/07/20	Jackson Teece
SK-201 – REV F	AW – Level 01	11/06/20	Jackson Teece
SK-202 – REV F	AW – Level 02	11/06/20	Jackson Teece
SK-210 – REV F	AW – Level 1 Heritage Gradings of Significance	11/06/20	Jackson Teece
SK-211 – REV F	AW – Level 2 Heritage Gradings of Significance	11/06/20	Jackson Teece
SK-240 – REV F	AW – Internal 3D View Apartment with Vaulted Ceiling	11/06/20	Jackson Teece
SK-301 – REV F	NV-Ground Level	11/06/20	Jackson Teece
SK-302 – REV F	NV -Level 1	11/06/20	Jackson Teece
SK-311 – REV F	NV – Ground Level Heritage Gradings of Significance	11/06/20	Jackson Teece
SK-312 – REV F	NV – Level 1 Heritage Grading of Significance	11/06/20	Jackson Teece
SK-320 – REV F	NV – West St Elevation	11/06/20	Jackson Teece
SK-325 – REV F	NV – Internal Courtyard Towards West	11/06/20	Jackson Teece
SK-326 – REV F	NV – Internal Courtyard Towards North	11/06/20	Jackson Teece
SK-327 – REV F	NV – Internal Courtyard Towards East	11/06/20	Jackson Teece

SK-328 – REV F	NV – Internal Courtyard Towards South	11/06/20	Jackson Teece
2021757	Structural Advice for Potential Stray Current Impact From Sydney Trains	09/06/20	Meinhardt Bonacci Pty Ltd
C001 – Revision P4	Drawing Register and Construction notes	13/08/2019	Bonacci Group Pty Ltd
C005 – Revision P5	Sediment and Erosion Control Plan	13/08/2019	Bonacci Group Pty Ltd
C006 – Revision P3	Sediment and Erosion Control Details	13/08/2019	Bonacci Group Pty Ltd
C030 – Revision P5	Stormwater Concept Plan	13/08/2019	Bonacci Group Pty Ltd
C050 – Revision P3	Stormwater and Drainage Details	13/08/2019	Bonacci Group Pty Ltd
C060 – Revision P5	Overall Pavement Plan	13/08/2019	Bonacci Group Pty Ltd
18-548 1.1 Issue K	Landscape Analysis Context	Jul-20	Arcadia
18-548 1.2 Issue K	Landscape Analysis Site Background	Jul-20	Arcadia
18-548 1.3 Issue K	Landscape Analysis Site Context Analysis	Jul-20	Arcadia
18-548 2.1 – Issue K	Landscape Vision Access to Landscape	Jul-20	Arcadia
18-548 2.2 – Issue K	Landscape Vision Principles	Jul-20	Arcadia
18-548 3.1 – Issue K	Landscape Design Analysis Diagram	Jul-20	Arcadia
18-548 3.2 – Issue I	Landscape Design – Masterplan	Jul-20	Arcadia
18-548 3.3 – Issue K	Landscape Design – Circulation	Jul-20	Arcadia
18-548 3.4 – Issue K	Landscape Design – Soil Depths	Jul-20	Arcadia
18-548 3.5 – Issue K	Landscape Area Calculation	Jul-20	Arcadia
18-548 3.6 – Issue K	Landscape Design – Vegetation Management Plan	Jul-20	Arcadia
18-548 3.7 – Issue K	Landscape Design – Fencing Diagram	Jul-20	Arcadia
18-548 3.8 Issue K	Landscape Design – Streetscape Edge + Cycleway Upgrade	Jul-20	Arcadia
18-548 3.9 Issue K	Landscape Design – Detail Plan- Heritage Garden	Jul-20	Arcadia

18-548 3.10 Issue K	Landscape Design – Detail Plan- Laneway	Jul-20	Arcadia
18-548 3.11 Issue K	Landscape Design – Forecourt	Jul-20	Arcadia
18-548 3.13 Issue K	Landscape Design – Rooftop Design	Jul-20	Arcadia
18-548 3.14 Issue K	Landscape Design – Level One Dementia Courtyard	Jul-20	Arcadia
18-548 3.15 Issue K	Landscape Design – Materials Palette	Jul-20	Arcadia
18-548 3.16 Issue K	Landscape Design – Planting Palette		
400 Issue K	Planting schedule	Jul-20	Arcadia
401 Issue K	Landscape Plan Ground	Jul-20	Arcadia
402 Issue K	Landscape Plan Ground	Jul-20	Arcadia
403 Issue K	Landscape Plan Ground	Jul-20	Arcadia
404 Issue K	Landscape Plan Ground	Jul-20	Arcadia
405 Issue K	Landscape Plan Ground	Jul-20	Arcadia
406 Issue K	Landscape Plan Podium	Jul-20	Arcadia
407 Issue K	Landscape Plan Level 1	Jul-20	Arcadia
408 Issue K	Landscape Plan Level 1	Jul-20	Arcadia
409 Issue K	Landscape Plan Level 1	Jul-20	Arcadia
501 Issue K	Landscape Details and Specification	Jul-20	Arcadia
18-548	Landscape Area Calculation	Jun-20	Arcadia
118085 – Version 2	Detailed Site Investigation	10/06/20	Environmental Earth Sciences
17-017 Revision Final	Biodiversity Development Assessment Report	13/08/2019	NGH Environmental
20160565.1/0711A/R4/JD Revision 4	Acoustic Report	7/11/2018	Acoustic Logic
Version 5	Catholic Healthcare, Lewisham: Waste Management Plan	16/06/20	MRA Consulting Group

As amended by the conditions of consent.

**(Condition amended – MOD/2024/0221 – 06/11/2024)**

#### **4. Novitiate Building**

Prior to release of a construction certificate amended plans shall be submitted in accordance with the following recommendations of the Revised Novitiate Heritage Impact Assessment by John Oultram Heritage and Design dated 15 June 2020:

- a) The balconies at level 2 on the north elevation shall be inset, retaining brickwork as the balustrade.
- b) The balconies at levels 3 and 4 at the south-east corner of the south elevation shall be inset, retaining brickwork as the balustrade.
- c) The existing cruciform path layout of the cloister garden shall be retained

#### **5. Conflict between the Plans – West Street**

Prior to issue of the Stage 4 Construction Certificate, the Certifying Authority must be provided with amended architectural and drainage plans that are consistent with the landscape plans in relation to the works between the street and building 3.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **6. Conflict between the Plans – Fencing**

Prior to issue of the Stage 2 Construction Certificate, the Certifying Authority must be provided with amended plans that indicate that the fencing in front of the Novitiate Building is consistent with the landscape plan and written evidence from the Manager, Development Assessment (South) is satisfied with the remainder of the fencing on the site.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **7. Setbacks from Ground Floor Terraces and Balustrade - Building 3**

Prior to issue of the Stage 4 Construction Certificate, the Certifying Authority must be provided with amended plans that indicate that the setback of the balustrade and front terraces on building 3 from the street is to be increased by 1.5m and the basements slab over the area is to be lowered in order to provide a landscape planter of sufficient soil depth to support plants of a minimum height of 1m. The height of the carpark basement wall facing West Street should at no point exceed a height of 1.6m. No basement ventilation is to be located along the West Street frontage.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **8. Staging of the Development**

The development is to be delivered in the Stages as outlined in Drawing DA-14 Revision P2.

Due to the staging of the development, the conditions outlined below are to be satisfied prior to the relevant stage's construction certificate or occupation certificate.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## 9. Design Change – Landscape Plans

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plans demonstrating the following:

- a) Two additional large canopy trees such as *Corymbia citriodora* (Lemon Scented Gums) located where they can attain the maximum mature dimensions typical of the species. The trees must be in a minimum container size of 600 litres at planting.
- b) All trees to be retained to be clearly shown as such and numbered in accordance with the numbering in the Arboricultural Impact Assessment prepared by Tree iQ (Rev D) and dated 2 July 2020.
- c) Annotation that all excavation (including for soft landscaping) within the Tree Protection Zones must be undertaken as specified by the Project Arborist.
- d) Annotation that all trees must be in accordance with AS 2303:2018 '*Tree stock for landscape use*'.
- e) Annotation that the relocation of Tree 62 be in accordance with Clause 3.14.12 of the Arboricultural Impact Assessment prepared by Tree iQ (Rev D) and dated 2 July 2020.
- f) Gates must be shown as opening within the site and not over the road reserve.

## 10. Car Parking

The development must provide and maintain within the site:

- a) 117 car parking spaces must be paved and line marked for Independent Living Unit residents.
- b) 14 visitor car parking spaces must be provided and marked as visitor car parking spaces. A sign legible from the street must be permanently displayed to indicate that visitor parking is available on site.
- c) 24 spaces must be provided and marked as Staff parking for the Residential Aged Care Facilities.
- d) 1 Loading docks/bays.

## 11. General Terms of Approval – WaterNSW

The development is to comply with the following General Terms of approval from:

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- d) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

## **12. Residential Flat Buildings – Hot Water Systems**

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

## **13. Residential Flat Buildings – Air Conditioning Systems**

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

## **14. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

## **15. Erosion and Sediment Control**

Prior to the issue of a 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.

## **16. 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.

## **17. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

## **18. Dry-Weather Flows**

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be “tanked” preventing the ingress of seepage or groundwater.

## **19. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on sites. No consent is granted for any gates to open over the road reserve.

## **20. Rock Anchors**

This consent does not grant consent for any rock anchors on the road reserve or Council land.

## **21. 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) :

<b>Tree Number-</b> refer to Arboricultural Impact Assessment prepared by Tree iQ (Rev D) and dated 21 <sup>st</sup> July 2020
28, 29, 30, 31, 32, 34, 35, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 58, 62, 63, 64, 65, 66, 77, 78, 79, 80, 81, 83, 84 &100. Street trees – A – G and All <i>Lophostemon confertus</i> (Brush Box) on West street

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

Green for trees to be retained, Project Arborist - for the purpose of these conditions a Project Arborist is a suitably qualified professional who shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF) and who does not remove or prune trees in the Inner West local government area.

- Red for trees to be removed,
- Blue for trees to be pruned, and
- Yellow for trees to be transplanted.

## 22. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate :

<b>Tree Number</b> - refer to Arboricultural Impact Assessment prepared by Tree iQ (Rev D) and dated 21 <sup>st</sup> July 2020	Approved works
1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 41, 56, 57, 59, 60, 61, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 & 99	Removal
62	Relocate
29, 63	Prune

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree's' removal.

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

## 23. 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.

Project Arborist - for the purpose of these conditions a Project Arborist is a suitably qualified professional who shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF) and who does not remove or prune trees in the Inner West local government area.

#### **24. Stone Grotto & Underground Vault**

Prior to any works to the stone grotto, or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has received measured drawings and a methodology adequate for its removal and reconstruction. Measured drawings and photographs are to be provided of any subterranean structure including the underground vault associated with the stone grotto, and the underground vault is to be retained in situ.

#### **25. Contamination – Consultant’s Recommendations**

The recommendations contained in section 12 of the Detailed Site Investigation Report prepared by Environmental Earth Sciences Contamination Resolved, reference 118085 V2, dated 10 June 2020 must be implemented, including the following:

- Undertake the intrusive soil investigation at the remaining 12 locations to achieve compliance with the guidelines during the proposed development works. These locations must be within the footprints of existing buildings and structures.
- Installation of one additional groundwater monitoring well within the northern portion of the site to assess for any potential impacts to groundwater coming from this area of the site.
- If soil is required to be disposed offsite during future development works, then characterisation of this soil should be undertaken by a suitably qualified environmental consultant and transported to an appropriate waste disposal facility.

#### **26. Sydney Trains - Requirements**

Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

- a) Geotechnical Investigation Report reference 85469.02 Revision 0-1 prepared by Douglas Partners dated 14 March 2019.
- b) Shoring Section and Details drawing SK00 5 Revision P 1 prepared by Bonacci Group, dated 17 April 2020.

The Certifying Authority is not to issue the Stage 3 Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to

the issuing of the Construction Certificate. Prior to the commencement of works the Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## **27. Sydney Trains - Engineering Details**

Prior to the issue of the Stage 3 Construction Certificate the Applicant shall prepare and provide to Sydney Trains satisfaction for review and written endorsement, the following final version items in response to the Sydney Trains Engineering Comments Register, and in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

- a) Geotechnical report reviewed by an AEO, including details pertaining to loading, numerical modelling, sensitivity report; and support structure design and rock wedging analysis. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- b) Structural report and drawings that meet Sydney Trains requirements, including details pertaining to anchors, struts, shoring piles, sections and design details.
- c) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- d) A monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases).

The Certifying Authority is not to issue the Stage 3 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## **28. Sydney Train- Excavation, Shoring and Piling Works**

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

## **29. Sydney Trains – Dial Before You Dig**

B2 Prior to the issue of a Construction Certificate, the Applicant shall undertake a Dial Before you Dig to establish the existence and location of any rail services. Persons performing the Dial Before You Dig shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

## **30. Sydney Trains – Proximity to Electrical Equipment**

No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and

catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

### **31. Sydney Trains – High Voltage Cable**

Sydney Trains advises there is a 33kV High Voltage Cable in close proximity to the proposed works. All works within 10 metres of the Cable must comply with the applicable safety standards, and adhere to:

I. ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.

II. The Safe Approach Distances (SADs) in the Sydney Trains Document titled “SMS-06-GD-0268 – Working Around Electrical Equipment”.

### **32. Sydney Trains – Scaffolding**

No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. 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. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

### **33. Sydney Trains – Pollution to Rail Corridor**

During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

### **34. Sydney Trains – Excess Soil**

Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

### **35. Sydney Trains – Drainage**

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning’s document titled “Development Near Rail Corridors and Busy Roads- Interim Guidelines”. The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

### **36. Sydney Trains – Electrolysis Risk**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert 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 Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

### **37. Sydney Trains – Screening**

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 Sydney Trains (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 Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **38. Sydney Trains – Lights and Signs**

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. Any signage visible from the Rail Corridor shall not incorporate any green, red or amber colours. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **39. Sydney Trains – Limit to Approval**

No work is permitted within the rail corridor (including airspace), or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **40. Sydney Trains – Earth Works**

No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

### **41. Sydney Trains – Approval**

Prior to the issuing of the Stage 3 Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and written endorsement:

- I. Machinery to be used during excavation/construction.
- II. Demolition, excavation and construction methodology and staging

III. Construction Traffic Management Plan, including confirmation any vehicle use of West Street rail overbridge adheres to any applicable bridge loading restrictions.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **42. Sydney Trains – Craneage**

Prior to the issue of the Stage 3 Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **43. Sydney Trains – Landscaping**

There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

#### **44. Sydney Trains – Risk Assessment/Management Plan**

If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

#### **45. Sydney Trains – Public Liability**

If required, prior to the issue of the Stage 3 Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains Engineering & Maintenance Interface to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

#### **46. Sydney Trains – Bond**

If required, prior to the issue of the Stage 3 Construction Certificate the Applicant is to contact Sydney Trains Engineering & Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

*(Condition amended – MOD/2024/0221 – 06/11/2024)*

#### **47. Sydney Trains – Joint Inspections Prior to Commencement**

If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. 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 will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

#### **48. Sydney Trains – Joint Inspections Prior to OC**

If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

#### **49. Sydney Trains – Report**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

#### **50. Sydney Trains – Notice**

The Applicant/Developer must give Sydney Trains written notice at least 5 business days before, and on the day of, commencing works which occur within 25 metres of the rail corridor land, or within 10m of the 33kv High Voltage cable along West Street.

## **51. Sydney Trains – Access**

Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

## **52. Sydney Trains – Representative**

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- I. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- II. acts as the authorised representative of the Applicant; and
- III. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

## **53. Sydney Trains – Good Faith**

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

## **54. Sydney Trains – Consultation 1**

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External party Interface Management team. In this instance the relevant interface team is Central Interface and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).

## **55. Sydney Trains – Consultation 2**

Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

## **56. Sydney Trains – Consultation**

Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

### Prior to any Demolition

## **57. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties (2B West Street and 3 Thomas Street) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

## **58. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

## **59. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

## **60. Construction Traffic Management Plan – Detailed**

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The CTMP must be approved by the Certifying Authority prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;
- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

## **61. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

## 62. Photographic Archival Recording

Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that Council has received a full archival record of the whole of the site, including each building and landscape element to be altered.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available [online at: http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf](http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf)

The photographic archival recording is to be submitted in digital format only. It is to include the following:

- Development Application number.
- Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.
- Floorplans of the internal layout and directional details of photographs taken.
- Coloured photographs of:
  - Each elevation;
  - Each structure and landscape feature;
  - Internal images of each room and significant architectural detailing; and
  - Views to the subject property from each street and laneway or public space.

The report must include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence 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.

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images. The report must be submitted on a USB in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

## 63. Salvaged Building Material

Prior to any demolition, the Certifying Authority is to be provided with a salvage methodology demonstrating how stone, timber, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring, timber balustrades, stained

glass, fireplaces, decorative ceiling, cornices and ceiling roses will be catalogued, labelled, salvaged and where practical reused on the project or transferred to an established second hand building material dealer for recycling.

### Prior to Construction Certificate

#### **64. Enclosure of Fire Hydrant**

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

#### **65. 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.

#### **66. Updated BCA Design Compliance Review**

Prior to the issue of the relevant Construction Certificate, the Certifying Authority is required to be provided with an updated BCA Design Compliance review for the existing buildings that reflects the changes associated with the amended plans and the conditions of consent.

#### **67. Updated Geotechnical Report**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with an updated geotechnical report that reflects the changes associated with the amended plans and the conditions of consent. The recommendations of the updated report must be complied with.

#### **68. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.*

#### **69. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of

Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

## **70. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

## **71. Concealment of Plumbing and Ductwork**

Prior to the issue of the Stage 3 and Stage 4 Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork for the new buildings (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## **72. Compliance with Accessibility and Usability Requirements – CC Stage**

Prior to the issue of a Construction Certificate the Certifying Authority is to be provided with details demonstrating compliance for the Independent living units with the applicable standards concerning accessibility and useability for hostels and self-contained dwellings and Additional standards for self-contained dwellings within Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The details must include a report from an accredited Assess consultant.

## **73. Dilapidation Report – Pre-Development**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Half-width of West Street adjacent the site, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath, between Railway Terrace and Thomas Street.

The dilapidation report is to be prepared by a suitably experienced Civil and/or Structural Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

## 74. Traffic Plan of Management

Prior to the issue of a Construction Certificate a Traffic Plan of Management shall be submitted to Council in accordance with the Traffic RFI prepared by GTA submitted to Council referenced in Condition 3, and also include a management plan to include the following:

- a) Prohibition of right turns by vehicles out of the site (except for emergency vehicles) from the West Street access;
- b) A signage and carparking plan which maximises the retention of existing "on-street" parking whilst providing for efficient and safer movement of vehicles at the West Street vehicle access. The plan must also include an assessment of sight lines (pedestrians and vehicles) and detail the loss of any "on street" parking spaces.
- c) A management plan that requires all staff that travel by private vehicle to enter and leave site via Charles O'Neill Way and Thomas Street;
- d) Loading dock management including maximum size of vehicles and proposed delivery times; and
- e) A review by a suitably qualified Traffic Engineer of the Traffic Plan of Management after 1 year of operation providing recommendations regarding safety and traffic improvements with particular reference to the West Street access. Further reviews shall be undertaken at 2 and 5 years after commencement of operations to ensure the management plan is being followed.

## 75. Parking Facilities – Major (Including Basement)

Prior to the issue of the Stage 3 and Stage 4 Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably experienced 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) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australian Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parking facilities: Off-street parking for people with disabilities and the following specific requirements:

- a) The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a MRV design vehicle.
- b) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s). Minimum headroom for an MRV under AS2890.2 must be provided throughout the path of travel for a MRV utilising the loading bay.
- c) The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004.
- d) Longitudinal sections along each outer edge of the vehicular access and parking facilities and throughout the path of travel for a MRV utilising the loading bay demonstrating compliance with the above requirements.
- e) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:

- i. Car spaces and aisles adjacent to walls or fences are increased in width by an additional 300mm;
  - ii. End spaces are provided with an additional 1m aisle extension; and
  - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- f) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
  - g) The vehicular access must be amended to provide clear sight lines (triangles) to pedestrians in West Street in accordance with the requirements of Clause 3.2.4(b) of AS/NZS 2890.1-2004.
  - h) All loading docks and parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## **76. Stormwater Drainage System – Major Developments**

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) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced 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 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 plan on Drawing Nos.C001-P4, C005-P5, C006-P3, C007-P3, C030-P5, C050-P3, and C060-P5 prepared by Bonacci Group P/L and dated 13/08/2019.
- b) Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to directly to Council's piped drainage system in West Street;
- 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) 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 controlled storm water system limited to fully pervious (state of nature) conditions.
- e) Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided.
- f) A pump-out system for drainage of surface flows from the basement ramp is permitted for the basement area only and must be designed in accordance with the following criteria:
  - i. Comply with all relevant Australian Standards.
  - ii. An overflow, flashing light and audible alarm is to be provided to warn of pump failure.
  - iii. A maintenance regime for the pump system must be provided, including provision for regular maintenance and servicing at least every 6 months.

- iv. The proposed pump system must consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the rate of inflow for the one-hour duration, 100-year Average Recurrence Interval (ARI) storm event. The holding tank must be capable of holding one hour's runoff from one-hour duration 20-year ARI storm event.
  - v. Where OSD facilities are required by this consent, the pump system must be discharged to the OSD storage tank.
  - vi. Subsurface flows must be collected at the point of ingress to the basement i.e. at the basement walls.
  - vii. The subsurface drainage system must have sufficient capacity to collect and convey all surface flows to the pump out system.
  - viii. Inlet pits and drains for subsurface drainage must be designed to minimise potential for pollutants from cars or other sources to enter the subsurface drainage system, e.g. isolate any subsurface drains at boundary walls, inspection pits with solid covers, etc.
- g) No nuisance or concentration of flows to other properties.
- h) 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.
- i) Stormwater quality improvement devices must be installed such that stormwater flows leaving the site meet the following environmental targets:

<b>Pollutant</b>	<b>Baseline Annual Pollution Load (kg/ha/yr)</b>	<b>Retention Criteria</b>
Gross Pollutants, including trash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load
Total Suspended solids, including sediment and other fine material less than 5mm	900	85% reduction of average annual load
Total Phosphorous	2	65% reduction of average annual load
Total Nitrogen	15	45% reduction of average annual load
Hydrocarbons (Oil and Grease)		90% reduction of average annual load – no visible discharge
Toxicants		100% containment of toxicants

- j) A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken.

## **77. Structural and Geotechnical Report**

Prior to the issue of the Stage 3 Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
- b) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years.
- c) All components of the basement, including footings and subsoil drainage, must be shown on the plans and be located entirely within the property boundary.
- d) No adverse impact on surrounding properties including Council's footpath and road.
- e) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.
- f) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- g) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

***(Condition amended – MOD/2024/0221 – 06/11/2024)***

## **78. Public Domain Works – Prior to Construction Certificate**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced 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) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b) Extension of the central median and upgrading of the existing pedestrian crossing to a raised pedestrian crossing in West Street in accordance with the Signage and Linemarking Plan N177910-05-01 by GTA Consultants;
- c) An assessment and upgrading (if necessary) of the street lighting in West Street to ensure that the lighting levels of the extended median and the raised pedestrian crossing comply with current Australian Lighting Standards;

- d) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- e) New concrete footpath, landscaping and kerb along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer.
- f) The construction of a shared pedestrian/cycle path along the southern boundary with the rail corridor with a minimum of 3.5m width, including an assessment and upgrading (if necessary) of the lighting along the path to ensure that the lighting levels comply with current Australian Lighting Standards;
- g) A long section, along both sides of the proposed vehicular crossing at West Street, drawn at a 1:20 or 1:25 natural scale. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing surface levels and proposed surface levels. The long section approved by Council shall define the Alignment Levels at the property boundary.
- h) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. These sections will set the alignment levels at the boundary.
- i) The existing Council drainage system in West Street (near the intersection of Thomas Street) must be extended to the frontage of the site generally in accordance with Stormwater Plan C030-P5. Pipes must be Class 4 Steel Reinforced Concrete Pipe. Plans, pit details, long sections and details must be provided including location of all utility services.

All works must be completed prior to the issue of an Occupation Certificate.

### **79. Paving/Decking Within the Vicinity of Trees**

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a report from the Project Arborist an demonstrating that the pavement works/decking within the specified radius of the trunk(s) the retained 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 grade.

*(Condition amended – MOD/2024/0221 – 06/11/2024)*

### **80. Underground Services Near Trees**

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree located on the subject site and adjoining sites (including trees located within the public domain).

### **81. Tree Transplant Method Statement**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plan indicating that the following tree/s must be transplanted and successfully established elsewhere within the site:

Tree/species	Quantity
Tree 62 – <i>Phoenix canariensis</i> (Canary Island Date Palm)	1

Prior to the issue of the Construction Certificate, the Certifying Authority, must also be provided with a Transplantation Method Statement prepared by a Consultant Arborist detailing the following:

- a) Pre-transplantation methodology;
- b) Preparation of transplantation site;
- c) Transplantation method;
- d) Post-transplantation establishment and maintenance programme (including duration).

## 82. Bin Storage Area

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

## 83. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

## 84. Each Residential Level is to Have Access to a Disposal Point for All Waste Streams.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

## 85. Revised Waste Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended Waste Management Plan reflecting the changes to the final plans and the conditions of consent within this application.

## 86. Diversity of Local Native Plant Species

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with an amended landscape plan with a plant schedule consisting of 90% local native plants, including a dense grassy understorey with shrub layer and associated canopy that utilises a diverse and representative range of local native species as per the table below.

Lot size	Minimum number of different local native plant species required		
	Trees	Shrubs	Grasses, groundcovers, climbers
0 – 499m <sup>2</sup>	2-3	8	5
500 – 999m <sup>2</sup>	2-3	10	6
1000 – 1999m <sup>2</sup>	5-6	12	7
2000 – 5000m <sup>2</sup>	5-6	15	8

## 87. Density and Layout of Plants

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with an amended landscape plan showing plant species mixed throughout garden beds rather than distinct blocks of one species. Garden beds must contain a minimum of 4 plants/m<sup>2</sup> including rooftop gardens.

## 88. Fauna Movement Across and Within the Site

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with a landscape plan showing that access for bandicoots and other fauna within and into the site is maintained. Any new or replacement boundary fences, gates and internal dividing fences must have 150mm by 300mm gaps (or 150mm diameter circular gaps) spaced no more than 2m along the base of the fence or gate.

## 89. Height of Raised Garden Beds

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with an amended landscape plan showing that the edge of all raised garden beds are no more than 200mm tall or provide access points for Long-nosed Bandicoots.

## 90. Lighting Design

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended landscape and lighting plans showing that any proposed external lighting uses sensor lighting to minimise lighting at night. Fauna-friendly lighting must be used on site. Use globes with longer wavelengths like orange and red. Install shields on pole mounted lights to direct illumination downwards and reduce spill-over into adjacent landscaped areas.

## **91. Biodiversity Offsets Scheme**

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with written evidence that the applicant has retired one Species Credit for impacts to the Long-nosed bandicoot population in inner western Sydney, as per the NSW Biodiversity Offsets Scheme.

## **92. Heritage Architect Supervision**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the details of a suitably qualified Heritage Architect who will be commissioned to assist and to provide heritage advice to the consultant team throughout the design development, contract documentation and construction stages of the project, along with the proposed meeting/inspection schedule.

The Heritage Architect is to be involved in the resolution of all matters where existing significant fabric and spaces are subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site on a regular basis and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

The heritage architect is to provide a site induction for all tradespeople working within the historic elements of the building or grounds to inform them of the significance of the site and buildings.

## **93. Heritage Interpretation Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Heritage Interpretation Plan for the site.

The plan is to be prepared by a suitably qualified heritage practitioner, interpretation specialist 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 archival, oral and other specific historical information regarding the historical development and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, interpretive panels and the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, details, materials and content of the interpretation device/s being proposed.

The interpretation plan must include an implementation plan setting out the process for designing, fabricating and installing the proposed interpretation including content.

## **94. Protection of Significant Fabric**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a protection plan certified by a suitably qualified Heritage Architect detailing how Significant original fabric of the existing building such as original walls, cornices, joinery, decorative ceilings, fireplaces, is to be protected during site preparation and construction works from potential damage. Equipment

laydown areas and contractor vehicles must be located away from the heritage structures and areas of heritage significance to minimise any potential impact to the external or internal fabric. Contractor's vehicles must not be parked near heritage structures or landscaped areas which could inadvertently be damaged. Protection measures are to be specified in the construction management plan.

## **95. Schedule of Conservation Works**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Schedule of Conservation Works with detailed documentation of the conservation works to Ann Walsh building including the North Garden and to the former Novitiate. The Schedule is to be prepared by a qualified Heritage Architect in accordance with the Australia ICOMOS Burra Charter 2013.

The schedule is to detail the conservation of all significant fabric, including but not limited to the following: doors, windows, fireplaces, stonework, brickwork, joinery, floors including parquet flooring, ceilings, glazing, hardware, pavements, tiling, roof plumbing, roofing, structural timbers and painting, and the retention of significant garden features including stonework to steps, seating and paving, and the reconstruction of pergolas in their historic form. The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.

## **96. Visitor Bicycle Parking**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans that provide for five visitor bicycle spaces in accordance with the relevant standards within the site.

## **During Demolition and Construction**

### **97. 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:

8:00am to 12:00pm, Monday to Saturday; and

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.

### **98. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

### **99. Canopy and Root Pruning**

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

<b>Tree/species</b>
Tree 29 – <i>Corymbia citriodora</i> (Lemon Scented Gum). This tree is located on the adjacent site to the rear. The work must be undertaken in accordance with Section 3.6 (including Table 3) of the Arboricultural Impact Assessment (AIA) prepared by Tree iQ (Rev B) and dated 26 <sup>th</sup> August, 2019.
Tree 63 – <i>Cupressus species</i> (Cupressus). Minor pruning to clear deck. The work must be undertaken in accordance with Section 3.6.6 of the AIA.
Tree 66 – <i>Cinnamomum camphora</i> (Camphor Laurel). One branch to clear access for vehicular movements. The work must be undertaken in accordance with Section 3.6.7 of the AIA.

No climbing spikes/spurs are to be worn.

## 100. Tree Protection

To protect the following tree/s, ground, trunk and branch protection must be installed prior to any works commencing in accordance with the Tree Protection Plan and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

<b>Tree</b> - refer to Arboricultural Impact Assessment prepared by Tree iQ (Rev B) and dated 26 <sup>th</sup> August, 2019
Trees - 29, 31, 32, 34, 35, 38, 39, 40, 43, 45, 46, 47, 48, 49, 52, 56, 57, 58, 62, 63, 64, 66, 77, 78, 79. 80, 81, 83, 84 &100.
Street trees – A-G and 4 x <i>Lophostemon confertus</i> (Brush Box) on West street

## 101. Limited Root Pruning

If tree roots (must be approved by the Project Arborist) are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and fit for purpose tool. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

## 102. 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 №/ Botanical/Common Name/Location	Time of Inspection
Trees - 29, 31, 32, 34, 35, 38, 39, 40, 43, 45, 46, 47, 48, 49, 52, 56, 57, 58, 62, 63, 64, 66, 77, 78, 79. 80, 81, 83,84 &100. Street trees – A-G and 4 x <i>Lophostemon confertus</i> (Brush Box) on West street	In accordance with the Tree Protection Plan referred and section 4 of AS4970— <i>Protection of trees on development sites</i> .

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

## 103. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s must utilise the thrust boring method or non-destructive excavation method such as either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation). Thrust boring being carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system.

Schedule	
Tree/location	Radius in metres
Trees - 29, 31, 32, 34, 35, 38, 39, 40, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 58, 62, 63, 64, 65, 66, 77, 78, 79. 80, 81, 83, 84 &100.	As nominated in the approved Tree Protection Plan or as specified in Appendix 3 of the Arboricultural Impact Assessment prepared by Tree iQ (Rev B) and dated 26 <sup>th</sup> August, 2019 – at the discretion of the Project Arborist.
Street trees – A-G and All <i>Lophostemon confertus</i> (Brush Box) on West Street (street trees)	

#### 104. 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.

#### 105. Mitigation Measures

The mitigation measures identified in the submitted Biodiversity Development Assessment Report (August 2019, NGH Environmental) must be implemented during project construction.

#### 106. Site Induction

Prior to commencement of any excavation, demolition or construction work, all workers on the work site must be made aware of the potential presence of Long-nosed Bandicoots as part of the site induction (including what they look like).

#### 107. Site Inspections

During excavation, demolition or construction work, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily by contractors prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas.

#### 108. Discovery of a Bandicoot on Site

During excavation, demolition or construction work the following steps must be taken by the contractor if a Bandicoot is found on site:

- a) All work on site must stop. There must be no attempt to harm or remove the Bandicoot. Removal of the bandicoot from the site can only be undertaken by a trained wildlife carer.
- b) Immediately contact WIRES (P: 1300 094 737) or Sydney Wildlife (P: 9413 4300) to arrange for a trained wildlife carer to safely remove the Bandicoot from the site.
- c) Council's Coordinator Urban Ecology Volunteers and Projects (P: 9392 5175) must also be contacted to report that a Bandicoot has been found on site.

No work shall proceed until the Bandicoot has been safely removed from the work site by a trained wildlife carer.

### **109. Fire Treatment of Existing Doors**

Original timber doors which are to walls and openings to be retained are to be fire upgraded as per NSW Heritage Office guidelines, rather than removed and replaced.

### **110. Historic Archaeology – Supervision & Unexpected Findings**

The development shall be subject of an archaeological watching brief, and any finds assessed and recorded by a suitable qualified archaeologist, and significant finds shall be safely housed.

If unexpected archaeological deposits are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment & Heritage must be notified. Additional assessment and approval pursuant to the *Heritage Act 1977* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

### **111. Skeletal Remains**

If any Aboriginal objects or bones suspected of being human are found during construction works, work must cease, no further disturbance of the site must occur, the NSW Police and the Office of Environment & Heritage Environment Line on 131 555 must be notified as soon as practicable and details of the objects or remains and their location are to be provided. The skeletal remains are to be managed in accordance with the Office of Environment & Heritage Skeletal Remains: Guidelines for Management of Human Skeletal Remains. These guidelines can be ordered by completing the Publications Order Form available at: <https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/publicationsorderform.pdf>

### **112. During Demolition and Construction Imported Fill Materials**

All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use.

All fill imported onto the site shall be validated by either one or both of the following methods:

- a) Imported fill 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 be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995).

### **Prior to Occupation Certificate**

### **113. Compliance with Accessibility and Usability Requirements – OC Stage**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be provided with details demonstrating compliance has been achieved for the Independent living units with the applicable standards concerning accessibility and useability for hostels and self-contained dwellings and

additional standards for self-contained dwellings within Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The details must include a report from an accredited Assess consultant.

#### **114. Aircraft Noise**

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 Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

#### **115. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

#### **116. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

#### **117. Restriction as to User for Accommodation**

Prior to the issue an an Occupation Certificate the Principal Certifier is to be provided with evidence that a restriction as to user has be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to the following:

- a) Seniors or people who have a disability;
- b) People who live within the same household with seniors or people who have a disability; and
- c) Staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

#### **118. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Extension of the Median Island and construction/upgrade of the raised pedestrian crossing including signage, line marking and street lighting along the West Street frontage.
- b) The construction of a 3.5m wide pedestrian/cycle path along the southern boundary with the rail corridor.

- c) The extension of Council drainage system in West Street (near the intersection of Thomas Street) to the frontage of the site.
- d) Heavy duty concrete vehicle crossing at the vehicular access location
- e) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
- f) The existing concrete footpath across the frontage of the site must be reconstructed and landscaped.
- g) Other works subject to the Roads Act 1993 approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

### **119. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

### **120. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced including all kerb outlets in stone kerb must be carefully core drilled.

### **121. Heavy Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

### **122. Redundant Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

### **123. Parking Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a suitably experienced 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 the vehicle access and off street

parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) A notice has been clearly displayed at the West Street frontage to indicate that visitor parking is available within the property.
- c) A Plan of Management for Staff Parking has been put in place.
- d) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- e) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

#### **124. Public Domain - Major Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with the works-as-executed plan(s), certified by a Registered Surveyor, that show the as built details in comparison to those shown on the plans approved with the public domain and Roadworks Permit with all relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

#### **125. Public Domain – 12 Months Maintenance Bond**

Prior to the issue of an Occupation Certificate, the applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the public domain works in an amount of \$19,800.00 for a period of twelve (12) months from the date of completion of the public domain works as surety for the proper maintenance of these works.

#### **126. Public Domain - 12 Months Maintenance**

Prior to the issue of an Occupation Certificate, the applicant shall, within fourteen (14) days of notification of Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.

#### **127. Dilapidation Report – Post-Development**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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.

#### **128. Stormwater Drainage and Road Works – Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably experienced 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) All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans.
- b) Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator.
- c) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

### **129. Basement Signoff – Major Development**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical 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 the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

### **130. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with an Operation and Management Plan 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.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

### **131. Easements, Restrictions on the Use of Land and Positive Covenants**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a) Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices;
- b) Positive Covenant related to on-site stormwater detention and/or retention system;
- c) Positive Covenant related to stormwater quality improvement devices; and

The wording in the Instrument must be in accordance with Councils Standard wording

### **132. No Weep Holes**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that any weep holes to Council road or footpath resulting from the building works have been removed.

### **133. 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.

### **134. Heritage Architect Certification**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with certification from the Heritage Architect that the works have been carried out in accordance with the Heritage Architect Supervision.

### **135. Prior to Occupation Certificate Contamination – Disposal of Soil**

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the Protection of the Environment Operations Act 1997.

### **On-going**

### **136. Use of Accommodation**

In accordance with 18 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* any accommodation on the site can only be occupied by the following persons:

- a) Seniors or people who have a disability;
- b) People who live within the same household with seniors or people who have a disability; and
- c) Staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

### **137. Operation and Management Plan**

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

### **138. Operational Traffic Plan of Management**

The Traffic Plan of Management approved with the Construction Certificate, must be implemented and maintained in use for the life of the development and must kept in a suitable location on site at all times and circulated to relevant staff to implement/manage.

### **139. Vehicles Leaving the Site**

All vehicles must enter and exit the site in a forward direction.

#### **140. Loading/unloading on Site**

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

#### **141. Waste Collection – Private Waste Contracts**

The site must utilise a private waste contract for all waste collection for the life of the development.

Any clinical or related waste generated on the premises is to be stored and collected separately from general waste.

Contracts for collection and disposal of clinical or related waste are to be held by the site building manager.

#### **142. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 Months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

#### **143. Bin Storage**

All bins are to be stored within the site. Bins are to be brought back on site within 12 hours of having been emptied.

#### **144. Documentation of Waste Services**

The development must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

#### **145. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

#### **146. Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area.

## Advisory notes

### Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

### 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.
- 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.

### **Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

### **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
- 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* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

### **Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

## **Fire Safety Certificate**

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

## **Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

## **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.

## **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> 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 AS1 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 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

### **Subsurface drainage pump-out systems**

Where it is demonstrated by detailed geotechnical investigation that the groundwater flows are minimal or intermittent, a pump out system for groundwater may be considered. An application for modification of development consent with supporting documentation must be submitted. Where this option is to be pursued dry-weather flows of any seepage water will not be permitted through kerb outlets and must be connected directly to a Council stormwater system in accordance with Council requirements.

### **Electrical Substations**

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

### **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
- 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.

### **Rock Anchors**

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

## **Public Domain and Vehicular Crossings**

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

## **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.

## **Easement and Covenant Process**

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b) Engineer's Certificate

- i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
- ii. the soundness of the storage structure;
- iii. the capacity of the detention storage;
- iv. the emergency overflow system being in place;
- v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- vi. the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- vii. basement car park pumps are class one zone two;
- viii. OSR pumps and SQIDS have been installed and commissioned.

c) Restriction-As-To-User

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.

Such restrictions must not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer

d) A Maintenance Schedule.

**Waste Collection – Rates Exempt**

If the site becomes a rateable property in the future, then the site will be subject to a domestic waste charge irrespective of whether Council waste services are used or not.

The site has not been designed to comply with Councils requirements for onsite waste collection. Should the operator of the site seek to utilise Council waste services in the future then the conditions of consent for this approval will need to be modified and works to the site will need to occur to allow for onsite waste collection for Councils standard vehicles.

## **Recycling / Garbage / Organics Service Information and Education**

The building manager is responsible for ensuring all tenants are kept informed regarding best practice waste and recycling source separation.

### **Long-nosed Bandicoots**

A fact sheet on Long-nosed Bandicoots is available in MDCP 2011 Part 2.13 Biodiversity. To the untrained eye, a Long-nosed Bandicoot may be mistaken for a rodent.

Bandicoots have been recorded using decks and subfloor areas where the structure is built on bricks or timber piers, or where there are missing bricks.

### ***Contamination – New Evidence***

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

### **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](http://www.basix.nsw.gov.au)

Department of Fair Trading 13 32 20

[www.fairtrading.nsw.gov.au](http://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](http://www.dialprior toyoudig.com.au)

Landcom 9841 8660

To purchase copies of Volume One of “Soils and Construction”

Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

## **General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means Inner West Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Inner West Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:  
the collection of stormwater,  
the reuse of stormwater,  
the detention of stormwater,  
the controlled release of stormwater, and  
connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.