

# Requirements and Mitigation Measures

## **STANDARD REQUIREMENTS**

The following identified requirements have been imposed to ensure that the development activity is carried out in accordance with the plans/documents and any amendments approved under Part 5 of the Environmental Planning & Assessment Act 1979.

### **1. Details of the Activity**

The activity must be carried out substantially in accordance with the following plans/documents as modified below except where the conditions of this consent expressly require otherwise:

<b>Table 1 Identified requirements</b>
Architectural Drawings prepared by Fulton Trotter Architects dated 14/03/23
Survey Plan prepared by Land Partners dated 27/10/20
Stormwater and Civil Engineering Plans prepared by Cardno dated 15/07/2022
Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology dated 06/02/23
Preliminary Construction Management Plan prepared by MBB dated 03/09/2022
Landscape Plan prepared by Taylor Brammer dated 03/02/23
Flora and Fauna Assessment prepared by Ecoplaning dated 25/01/23
Detailed Site Investigation prepared by Martens & Associates dated 18/08/2022
Acid Sulfate Management Plan prepared by Martens & Associates contained within the Supplementary Geotechnical Investigation dated 18/08/2022
Remedial Action Plan prepared by Martens & Associates dated 09/09/2022
Aboriginal Heritage Due Diligence Report prepared by GML dated 20/09/2022
NCC Report prepared by Certis dated 08/07/2022
Access and Mobility Report prepared by Certis dated 30/08/2022
Waste Management Plan prepared by TTM dated 08/07/2022
Traffic Impact Assessment prepared by Taylor Thomson Whitting dated 08/09/22
Construction Noise & Vibration Management Plan prepared by Day Design dated 15/08/22
Environmental Noise Assessment prepared by Day Design dated 15/08/22
Road Traffic Noise Intrusion Assessment prepared by Day Design dated 15/08/22

In the event of any inconsistency between the approved plans and supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

### **2. Amendment Tracking**

Where amendments to the approved plans are required, an amendments register is required which demonstrates the proposed changes and how these are considered to be substantially the same or not. The register can include any commentary from the Crown Certifier and each change is required to be endorsed by the SINSW Statutory Planning Division prior to the change being implemented.

### **3. Compliance with the Building Code of Australia and Australian Standard**

All building work must be undertaken in accordance with the Building Code of Australia and referenced Australian Standards.

#### **4. Access for People with Disabilities**

The works must be designed and constructed to provide access and facilities for people with a disability in accordance with the SINSW EFSG (or provide evidence of EFSG departure approval by SINSW), BCA, referenced standards and recommendations of the Accessibility Report. Prior to the issue of a Crown Certificate, the Crown Certifier must ensure that evidence of compliance with this condition from a suitably qualified person is provided and that the requirements are incorporated into any certified plans.

#### **5. Tree Removal**

- (a) Separate approval is to be obtained for tree removal and pruning works.

### **PRIOR TO COMMENCEMENT OF RELEVANT WORK ON SITE**

#### **6. Crown Certificate**

Crown building work cannot commence on site unless the Crown building work is certified by or on behalf of the Crown to comply with the Building Code of Australia in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979.

#### **7. Long Service Levy**

The Crown Certificate is not to be issued unless the Crown Certifier is satisfied the required levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. The levy must be paid by the person liable, as specified in Section 38 of the Building and Construction Industry Long Service Payments Act 1986.

#### **8. Council Notification**

The council for the area shall be advised in writing of the date it is intended to commence work, including demolition. A minimum period of seven (7) days notification shall be given.

#### **9. Notification to occupiers of adjoining land**

The adjacent and surrounding neighbouring properties shall be advised in writing, of the date it is intended to commence work, including demolition. A minimum period of seven (7) days notification shall be given.

#### **10. Construction Environmental Management Plan (CEMP)**

A CEMP must be prepared having regard to the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (2020) prepared by the Department of Planning and Environment.

The CEMP must include (where relevant), but not be limited to, the following:

- (a) Details of:
- i. hours of work;
  - ii. 24-hour contact details of site manager;
  - iii. management of dust and odour;
  - iv. stormwater control and discharge;
  - v. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - vi. measures to ensure that the construction compound has negligible impact to adjoining properties;
  - vii. any other specific environmental construction mitigation measures detailed in this REF;
  - viii. any requirements outlined in any relevant approvals, permits or licences. NB: separate approval to be obtained for tree removal and remediation works;

- ix. external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; and
- x. community consultation and complaints handling.
- (b) Aerial Site Plan showing location of proposed works;
- (c) Construction traffic and pedestrian management plan;
- (d) Construction noise and vibration management;
- (e) Construction waste management, including contaminated waste;
- (f) Construction soil and water management;
- (g) Flood management;
- (h) Tree protection;
- (i) Dust control;
- (j) Demolition work plans;
- (k) Unexpected finds protocol for Aboriginal cultural heritage;
- (l) Unexpected finds protocol for historical heritage;
- (m) Unexpected finds protocol for contamination; and
- (n) Emergency Management Plan.
- (o) Construction staging. This is to address the staging of works, including required remediation works.
- (p) Remediation, including capping design, as outlined in the Remedial Action Plan prepared by Martens & Associates dated 09/09/2022.

## 11. Stormwater Management System

Prior to the commencement of construction details of the stormwater management system is to be submitted to the Certifier for approval. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design prepared by Cardno dated 15/07/2022;
- (c) be in accordance with applicable Australian Standards; and
- (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

## 12. Tree Protection and Management

- (a) Prior to the commencement of relevant work, a Project Arborist is to be appointed.

To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed.

Details of the appointed project arborist must be submitted to Crown Certifier for registration with the application for the Crown Certificate.

- (b) All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Crown Certificate shall include the following information:
  - i. retention of trees as required by these conditions,
  - ii. the position of their trunks, full diameter of their canopies,
  - iii. Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).
  - iv. Any pier and beam construction for the footings. The beams must be shown as being above grade on top of the piers. The beams must not be installed flush with grade.
- (c) Installation of Tree Protection Measures

Prior to the commencement of relevant work, trees identified for retention in the Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology, dated 06/02/23 must have tree protection measures installed for the ground, trunk and canopy. The installation of tree protection fencing must comply with specified TPZ radius for each tree.

The Project Arborist is to determine the tree protection measures with consideration of the Arboricultural Impact Assessment. This is to include:

- i. The tree protection works are to be maintained in place until the completion of all demolition, excavation and building work.
- ii. The installation of the tree protection works must be undertaken by an arborist with a minimum AQF Level 3 qualification and supervised by the appointed project arborist.
- iii. The installation of the tree protection fencing is to consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
- iv. The installation of tree protection fencing must comply with specified TPZ radius for each tree.
- v. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone (TPZ).
- vi. Tree crown protection measures are required.
- vii. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- viii. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- ix. All TPZs must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- x. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the TPZs, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

Before the commencement of relevant site or building work, the owner must ensure the measures for tree protection detailed in the CEMP are in place.

### **13. External Walls and Cladding**

The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA. Prior to the commencement of construction, the Crown Certifier must be provided with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. A copy of the documentation is to be submitted to the satisfaction of the Crown Certifier.

### **14. Protection of Public Infrastructure**

Prior to the commencement of construction, the following must be carried out:

- (a) consult with the relevant owner and provider of services and infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) that have the potential to be affected; and
- (c) submit a copy of the dilapidation report to the relevant SINSW asset management unit.

### **15. Pre-construction Dilapidation Report – BY CONTRACTOR**

Prior to the commencement of construction, a pre-commencement dilapidation report must be submitted to the council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, as well as Council assets that are likely to be impacted by the proposed works.

### **16. Works in the road reserve**

Any works within the road reserve requires approval under Section 138 of the Roads Act 1993. This includes a road opening permit for a temporary construction access.

## **17. Construction Parking – BY CONTRACTOR**

Prior to the commencement of construction, a Construction Worker Transportation Strategy (CWTS) is to be submitted to the Certifier. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

## **18. Construction Pedestrian and Traffic Management**

Prior to the issue of any Crown certificate or any preparatory, demolition or excavation works, whichever is the earlier::

- (a) Prepare a preliminary Construction Traffic and Pedestrian Management Plan for Council review demonstrating the proposed management of the impact in relation to construction traffic addressing the following:
  - i. Assessment of cumulative impacts associated with other construction activities (if any).
  - ii. An assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity.
  - iii. Details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process.
  - iv. Details of anticipated peak hour and daily construction vehicle movements to and from the site.
  - v. Details of on-site car parking and access arrangements of construction vehicles, construction workers to and from the site, emergency vehicles and service vehicle.
  - vi. Details of temporary cycling and pedestrian access during construction.

## **DURING DEMOLITION AND CONSTRUCTION**

### **19. Site Notice**

A site notice must be prominently displayed in a prominent position at the site during construction to inform the public of project details, and must satisfy the following requirements:

- (a) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
- (b) the approved hours of work, the name of the builder, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries must be displayed on the site notice(s); and
- (c) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

### **20. No Obstruction of Public Way**

Building materials, machinery, vehicles, refuse, skip bins or the like must not be stored or placed in the public way (outside of any approved construction works zone) under any circumstances.

### **21. Implementation of CEMP and Sub Plans**

The demolition and construction works are to be undertaken in accordance with the approved CEMP referred to in Conditions above.

### **22. Demolition**

Demolition work must comply with the demolition work plans required by Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001) and endorsed by a suitably qualified person.

### **23. Presence of Asbestos**

On demolition sites where buildings to be demolished contain asbestos or asbestos-containing material, risk control measures are to be enforced to ensure compliance with Clause 259 of the Occupational Health and Safety Regulation 2001.

### **24. Demolition/Construction Hours**

Demolition and construction, may only be carried out between the following hours:

- (a) 7:00am and 6:00pm, Mondays to Fridays inclusive; and
- (b) 8:00am and 3:00pm, Saturdays.

No work may be carried out on Sundays or public holidays.

Deliveries may occur outside the hours of demolition and construction referred to above, but not before 6:30am or after 6:30pm.

Demolition and construction may be undertaken outside of the hours listed above if required:

- (a) By the police or public authority for the delivery of vehicles or materials;
- (b) In an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
- (c) Where the works are inaudible at the nearest sensitive receivers.

### **25. Construction Noise Limits**

The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

### **26. Construction Vehicles Entering the Site**

Construction vehicles (including concrete agitator trucks) are not to arrive at the site or surrounding residential properties outside of the construction hours of work outlined under REF conditions.

### **27. Unexpected Finds Protocol – Aboriginal Heritage**

- (a) In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. Consultation with the Aboriginal community representatives must be undertaken, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW
- (b) SINSW Heritage Team must be contacted on the day unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered. This would likely result in the need for an Aboriginal Heritage Impact Permit (AHIP) to be obtained from Heritage NSW prior to works being resumed.
- (c) If human skeletal material less than 100 years old is discovered, the Coroners Act 2009 requires that all works should cease, and the NSW Police and the NSW Coroner's Office should be contacted. Traditional Aboriginal burials (older than 100 years) are protected under the National Parks and Wildlife Act 1974 (NPW Act 1974) and should not be disturbed.

Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect the find and recommend an appropriate course of action. Should the skeletal material prove to be archaeological Aboriginal remains, notification of Heritage NSW and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

### **28. Unexpected Finds Protocol – Historic Heritage**

If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the NSW Heritage Division contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the NSW Heritage Division.

### **29. Unexpected Finds Protocol – Contaminated Material**

If unexpected contaminated material is encountered during the works, all work shall cease, the site will be secured and a safe work method statement(s) and appropriate documented practices would be implemented to ensure the site is suitable for its use in accordance with the approved Construction Management Plan (Outlined under REF conditions).

### **30. Groundwater**

Should any groundwater be encountered during the excavation, works are to cease immediately. Where groundwater needs to be removed, an approval will be required under the Water Management Act 2000. This will require an application for a water supply works approval to be submitted to the NSW Natural Resources Access Regulator (NRAR) for assessment and determination. Council is to be contacted to determine the appropriate measures for the management and disposal of the groundwater.

### **31. Tree Protection Measures**

Tree Protection Measures must be maintained by the project arborist in accordance with Condition 12(c) for the duration of works.

### **32. Arborist inspection and reporting of retained trees**

- (a) The project arborist must inspect and monitor the tree(s) identified for retention in for the duration of the development works to ensure the health and condition of the tree(s) is maintained.
- (b) The owner is to be provided with reports by the project arborist within 5 days of an inspection detailing: the date of inspection; tree number, location and species tree health; compliance with the conditions of this consent; description of works inspected; description of any impacts to trees and any rectification and/or mitigation works prescribed and or undertaken.
- (c) Regular inspections and reporting from the project arborist to the owner are required but not limited to the following items:
  - i. Maintenance of tree protection measures;
  - ii. Tree pruning;
  - iii. Root pruning;
  - iv. Any works or excavation within the TPZ; and
  - v. The installation of services within the TPZ.

### **33. Remediation Works**

Remediation works, as identified in the Remedial Action Plan prepared by Martens dated 09/09/2022, are to be undertaken in accordance with the Staging Plan identified in the Construction Environmental Management Plan (CEMP).

### **34. Flood and Emergency Risk**

- (a) Construction workers and people using the facility are to be made aware of the flood risk, for example by using signage.
- (b) An appropriate business emergency plan is to be developed to assist in being prepared for, responding to and recovering from flooding.
- (c) The SES is to be notified in the event that any construction activities are expected to cause traffic disruption or impacts to emergency vehicle access.

## **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

### **35. Completion Certificate**

A Crown Completion Certificate is to be issued by a Crown Certifier prior to the occupation of the buildings/works.

### **36. External Walls and Cladding**

Prior to the issue of a Completion Certificate, the Crown Certifier must be provided with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

### **37. Utilities and Services**

Prior to issue of a Completion Certificate, a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994 must be obtained.

### **38. Mechanical Ventilation**

Prior to issue of a Completion Certificate, evidence must be provided to the satisfaction of the Crown Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

### **39. Operational Noise – Design of Mechanical Plant and Equipment**

Prior to issue of a Completion Certificate, evidence must be provided to the Crown Certifier that the noise mitigation recommendations in the Construction Noise & Vibration Management Plan, Environmental Noise Assessment, and Road Traffic Noise Intrusion Assessment prepared by Day Design dated 15/08/22 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in abovementioned reports.

This will require noise compliance measurements to be conducted following the installation of mechanical plant to determine compliance at nearby sensitive receivers. If compliance cannot be achieved, appropriate noise attenuation measures are to be provided, including the installation of appropriate physical measures such as acoustic screens, to ensure compliance at the nearest residential receivers. The physical attenuation measures are to be located to minimise their visibility from the nearest road and adjacent residential properties.



#### **40. Fire Safety Certification**

Prior to issue of a Completion Certificate, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority. The Fire Safety Certificate must be prominently displayed in the building.

#### **41. Structural Inspection Certificate**

Prior to issue of a Completion Certificate for the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Crown Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority.

#### **42. Post-construction Dilapidation Report – BY CONTRACTOR**

Prior to the operation commencing, a suitably qualified person must be engaged to prepare a post-construction dilapidation report at the completion of construction. This report is:

- (a) to ascertain whether the works created any structural damage to adjoining buildings or infrastructure;
- (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
  - i. compare the post-construction dilapidation report with the pre-construction dilapidation report required (outlined in REF Conditions); and
  - ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) to be forwarded to the council for information.

#### **43. Green Travel Plan**

A Green Travel Plan shall be prepared to increase the mode share of public transport and active transport for all staff and visitors. The plan shall be prepared in consultation with TfNSW. This plan shall include a mechanism to monitor the effectiveness of the measures of the plan.

A copy of the updated Green Travel Plan is to be submitted to TfNSW via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au), prior to the issue of the Certificate of Completion.

The plan shall be reviewed and updated annually in consultation with the stakeholders and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.

The plan (as reviewed and updated annually) shall be implemented for the life of the development.

### **POST OCCUPATION**

#### **44. Landscaping**

The landscaping and vegetation on the site must be maintained for the duration of occupation of the development.

#### **45. Fire Safety Statement**

The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## APPENDIX 10 DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
<b>Certifier</b>	In the case of Crown development, a person qualified and accredited to issue a Certification of Crown work
<b>Construction</b>	All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following: <ul style="list-style-type: none"> <li>building and road dilapidation surveys;</li> <li>investigative drilling or investigative excavation;</li> <li>Archaeological Salvage;</li> <li>establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>minor adjustments to services or utilities</li> </ul>
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>REF</b>	Review of Environmental Factors
<b>SINSW</b>	School Infrastructure NSW
<b>Suitably qualified person</b>	A professional with the necessary qualifications having regard to the nature of their services.