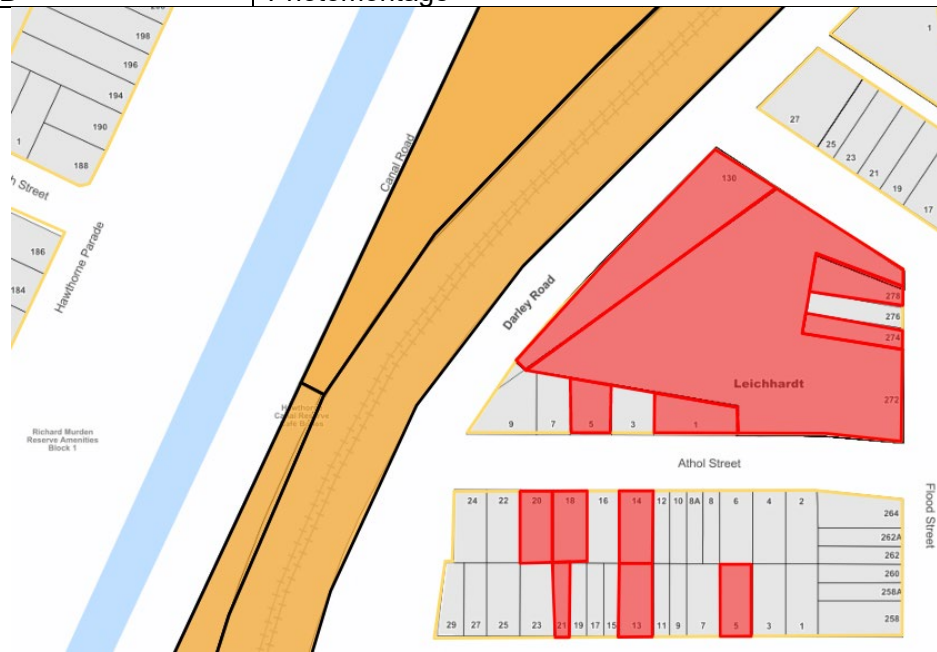





 DEVELOPMENT ASSESSMENT REPORT			
Application No.	DA/2022/0761		
Address	Lot 1 in DP 1262751, Darley Road LEICHHARDT NSW 2040, between William Street and Athol Street		
Proposal	Construction of a new mobile base station facility within the reserve of the light rail corridor on Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, six (6) panel antennas and a standard Telstra equipment shelter, ancillary equipment, all located within a secure fenced compound		
Date of Lodgement	13 September 2022		
Applicant	Kuda Dzinotizei		
Owner	Rail Corporation of NSW		
Number of Submissions	19		
Value of works	\$200,000.00		
Reason for determination at Planning Panel	Number of submissions exceed Officer delegations		
Main Issues	Visual impact amenity impacts to adjoining properties		
Recommendation	Approved with Conditions		
Attachment A	Recommended conditions of consent		
Attachment B	Plans of proposed development		
Attachment C	Concurrence from Transport for NSW		
Attachment D	Photomontage		
			
LOCALITY MAP			
Subject Site		Objectors	  N
Notified Area		Supporters	
Note: Due to scale of map, not all objectors could be shown.			

1. Executive Summary

This report is an assessment of the application submitted to Council for the construction of a new mobile base station facility within the reserve of the light rail corridor on Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, six (6) panel antennas and a standard Telstra equipment shelter, ancillary equipment, all located within a secure fenced compound at Lot 1 in DP 1262751, Darley Road Leichhardt, between William Street and Athol Street.

The application was notified to surrounding properties, and 19 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Visual impact of the proposed development; and
- Amenity impacts to the surrounding residential properties.

Subject to recommended conditions, the impacts of the proposal are considered to be acceptable, and therefore, the application is recommended for approval.

2. Proposal

A summary of the proposed development is as follows:

- Excavation of site and installation of pier footing;
- Installation of a new 25m concrete monopole;
- Installation of a triangular headframe at the top of the pole;
- Installation of a Telstra standard equipment shelter (dimensions 3000mm L x 2380mm W x 2970mm H);
- Installation of three (3) 4G panel antennas and three (3) 5G panel antennas mounted on the headframe at a maximum height of 26.3m;
- Installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment.

3. Site Description

The site is legally described as Lot 1 in DP 1262751, Darley Road Leichhardt. The site is owned by Rail Corporation of NSW, and the subject lot is approximately 5241 sqm extending from James Street to Allen Street. The subject site is located on the western side of Darley Road, between between William Street and Athol Street.



Figure 1: Aerial view of site

The subject area where the proposed development is located on the rail corridor and is currently a reserve that does not support other forms of development.

The subject site is not listed as a heritage item and is not located within a Heritage Conservation Area. The property is identified as a flood prone lot.

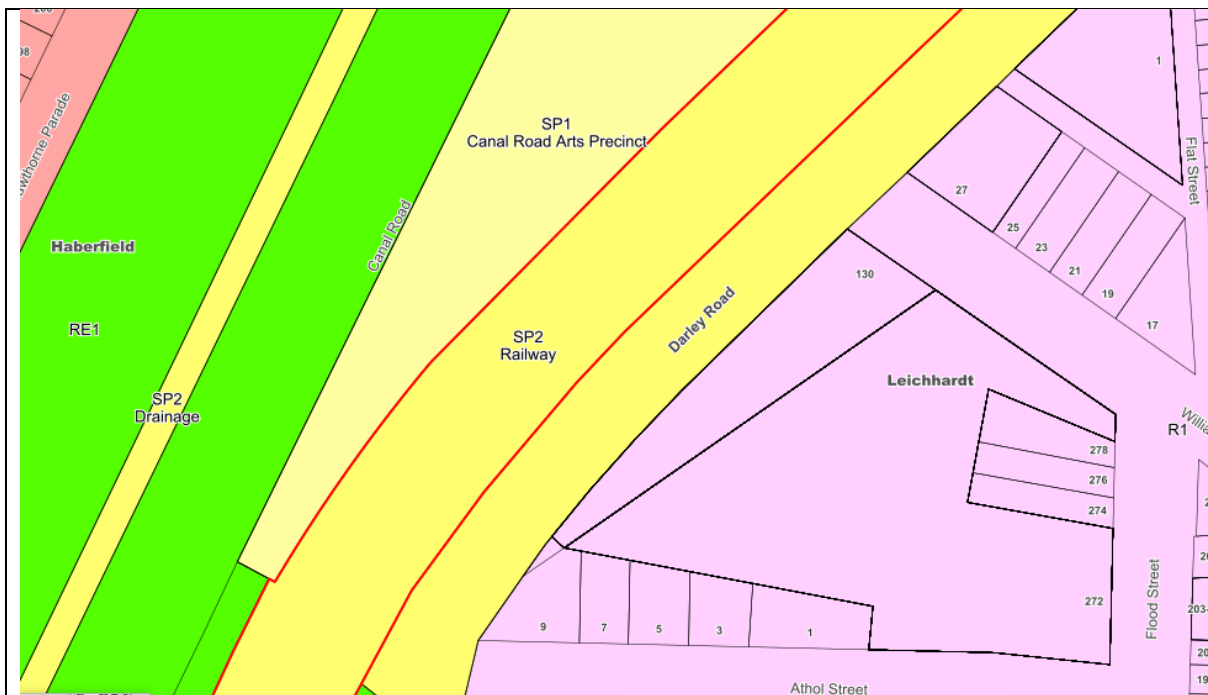


Figure 2: Zoning map

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision Date &
PDA/2021/0413	Construction of telecommunications tower	16/11/2021 Advice Issued

Surrounding properties

130 William Street

Application	Proposal	Decision Date &
BA/1998/507	Construct 12 x 2 storey dwellings	29/09/1998 Approved
D/1999/978	Consolidation of two existing lots into 1 and strata subdivision of new lot into 12.	23/12/1999 Approved

272 Flood Street

Application	Proposal	Decision Date &
DA/255/1993	Erect 44 townhouses	28/04/1994 Approved
DA/126/1994	38 Townhouses	28/04/1994 Approved
DA/299/1996	Strata subdivision	25/07/1996 Approved

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
29/11/2022	<p>Request for additional information letter sent to applicant, requesting additional information to address the following issues:</p> <ul style="list-style-type: none"> • Visual impact to the surrounding residential properties • Health and Safety • Noise impacts • Alternate locations/alternative height • Additional details regarding the pre-consultation process

20/01/2023	Additional information provided: <ul style="list-style-type: none"> • Acoustic report provided • An amended design which consists of a streamlined design but increases the height • Applicant's response letter
3 March 2023	E-mail advising the applicant that, while the amended design is more 'streamlined', it proposes an increase in height which is not supportable - therefore, the amended design is not accepted and the assessment will be based on the originally notified design. Additional information requested with regard to visual impact to be reassessed to be consistent with the original proposal.
4 April 2023	Additional information provided which includes a detailed response letter addressing the issues in the Request for Additional Information letter dated 29 November 2023, and additional photomontage images depicting the visual impacts.

5. Assessment

The following legislation is relevant to assessment of the proposed telecommunications facility;

- Telecommunications Act 1997 (the Act);
- Telecommunications (Low-impact Facilities) Determination 2018 (the Determination);
- Telecommunications Code of Practice 2018 (the Code);
- Industry Code C564:2020 - Mobile Phone Base Station Deployment (the Deployment Code); and
- Environment Planning and Assessment Act 1979 (the EP&A Act).

Telecommunications Act 1997

The installation of certain telecommunications facilities (as defined in the Telecommunications Act 1997) is regulated by the Australian Communications and Media Authority (ACMA) under the Telecommunications Act 1997. The legislative requirements are discussed below in further detail. The Telecommunications Act 1997 (TA) came into operation in July 1997. This legislation establishes the criteria for 'low impact' telecommunication facilities. If a proposed facility satisfies the requirements of a 'low impact' facility, the development is exempt from the planning approval process.

Part 1 of Schedule 3 of the TA authorises a carrier to enter on land and exercise any of the following powers:

- Inspect the land;
- Install a facility; and to
- Maintain a facility.

A Carrier's power to install a facility is contingent upon:

- The Carrier being authorised to do so by a Facility Installation Permit, or the facility being a low impact facility (as defined by the Telecommunications (Low-Impact Facilities) Determination 1997 (as amended)), or
- The facility being temporary and used for a defence organisation for defence purposes, or
- If other conditions are satisfied in relation to the facility concerned.

As the proposal involves the installation of a 25-metre monopole, it does not constitute a low-impact facility under the Telecommunications (Low-Impact Facilities) Determination 1997 (as amended). As the proposed facility does not meet the criteria mentioned above, the applicant is not empowered to undertake the proposed works without approval under New South Wales legislation and must obtain development consent from Inner West Council through a development application.

Telecommunications Code of Practice 2018

The Telecommunications Code of Practice 2018 (TCP) is made under Schedule 3 of the Telecommunications Act 1997. The TCP ensures good practice measures under which a Carrier must operate and outlines conditions which carrier conduct must adhere to. This proposal has taken into consideration the requirements of carriers in the best practice conditions of the TCP and thus includes the best design, planning and location measurements to ensure the development is in accordance with sections 2.11 and 3.11 of the Act.

Telecommunications (Low-Impact Facilities) Determination 2018

The Telecommunications (Low-impact Facilities) Determination 2018 was made under subclause 6 (3) of Schedule 3 of the TA. The Act outlines under subclauses 6 (4), (5) and (7), that certain facilities cannot be low-impact facilities, these include the following:

- Designated overhead lines;
- A tower that is not attached to a building;
- A tower attached to a building and more than 5 metres high;
- An extension to a tower that has previously been extended; and
- An extension to a tower, if the extension is more than 5 metres high.

The proposal is not classed as a low-impact facility under the Determination as it involves the installation of a 25-metre monopole and is therefore subject to the assessment under the Inner West LEP 2022.

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The following provides further discussion of the relevant issues:

5(a)(i) **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there no evidence of contamination on the site, however, there is contamination history on the western adjoining site at 1 Canal Road. Preliminary Environmental Site Investigation dated August 2022 was prepared by 4Pillars Environmental Consulting Pty Ltd which provided the following the conclusion:

- *The proposed development consists of a communication tower and associated infrastructure.*
- *Samples were also visually thoroughly inspected for the presence of Asbestos Containing Material (ACM) in the soils retrieved from the bore holes. No potential ACM was noted in any of the samples or around the area of the borehole locations and no brake shoes or rail detonators (or shells thereof) were noticed*
- *The closest surface water body is Hawthorne Canal, approximately 80m from the Site in a westerly direction.*
- *Two boreholes were drilled across the Site as part of the investigation’s supplementary soil sampling program, with select soil samples obtained from the shallow fill layer submitted to the laboratory and analysed for a broad range of contaminants.*
 - *Concentration of all Contaminants of Potential Concern (CoPC) in soils were below the human health assessment criteria adopted for the Site.*
 - *Concentrations of all CoPC in soils were below the ecological assessment criteria adopted for the Site except for zinc in one sample. The elevated zinc concentration is not considered significant and does not warrant further investigation.*
- *Groundwater was encountered in BH1 at a depth of approximately 3.2 m in the weathered sandstone layer above bedrock. Groundwater was not tested but given the lack of contamination encountered in soil above the groundwater table, impact to groundwater originating from the Site us considered unlikely.*
- *Overall the Site is considered to pose a low risk to receptors and is considered to be suitable for the proposed development*

Given the above, it is concluded that the site is considered to be suitable for the proposed development, and the proposal satisfies the requirements under this part.

5(a)(ii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days.

Ausgrid does not object to the proposed development.

Development in, above, below or adjacent to rail corridors and interim rail corridors

The proposed development has been referred to the rail authority in accordance with Sections 2.97, 2.98, or 2.100 of *SEPP (Transport and Infrastructure) 2021*.

The application was referred to Transport for NSW (TfNSW) as concurrence is required. TfNSW provided concurrence subject to the imposition of conditions which are included in the recommendation.

Development with frontage to classified road

In considering Section 2.118(2) of *SEPP (Transport and Infrastructure) 2021*:

- Darley Road is a classified road.

The following details were provided in the Statement of Environmental Effects that accompanied the application with regard to the proposed access:

“A 3-meter wide access gate is to be installed in the exiting fence line to allow for vehicles and plant equipment to access the proposed lease area directly from Darley Road. This route enables direct access off a roadway which will minimise any disruptions during the build phase and any future required maintenance.

Once operational there will be no measurable impact on the road network and will not compromise the safety, efficiency, function or convenience of use or capacity of the operation of the existing and future road hierarchy. The facility will be unstaffed and operated remotely. Only occasional access is required for maintenance up to approximately three times per year by one passenger vehicle for approximately one day. Traffic management will be utilised when occasional heavy vehicle access is required during construction or when upgrading or replacing equipment on the monopole.”

It is considered that the proposal will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

The application was referred to Transport for NSW (TfNSW) as concurrence is required. TfNSW provided the following conclusions in the referral:

The proposed development is located within 25m of the Sydney Light Rail corridor and includes excavation / ground penetration deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 2.99 of the T&ISEPP. Clause 2.99 of the T&ISEPP requires TfNSW to take into consideration:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - i. the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - ii. the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects. TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the T&ISEPP and has decided to grant concurrence to the development proposed in development application DA/2022/0761. This concurrence is subject to Council imposing the conditions provided in TAB A. Should Council choose not to impose the conditions provided in TAB A (as written), then concurrence from TfNSW has not been granted to the proposed development.*

The conditions required by TfNSW have been included in the recommendation of this report.

Division 21 Telecommunications and other communication facilities

Clause 2.140 of the SEPP (Transport and Infrastructure) 2021 defines a “Telecommunications Facility” as:

- any part of the infrastructure of a telecommunications network, or
- any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- any other thing used in or in connection with a telecommunications network.

Clause 2.143 states that: “Development for the purposes of telecommunications facilities, other than development in clause 2.141 or development that is exempt development under clause 2.20 or 2.144, may be carried out by any person with consent on any land.”

Therefore, under *SEPP (Transport and Infrastructure) 2021*, development for the purposes of telecommunications may be carried out with consent on any land.

Clause 2.143(2) states:

“Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director General for the purposes of this clause and published in the Gazette.”

The applicable guideline is the *NSW Telecommunications Facilities Guideline including Broadband (July 2010)* and compliance with the requirements under these guidelines are summarised in the table below:

Principle 1 – A Telecommunications Facility should be sited in order to minimise visual impact:	
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	Not applicable- There are no suitable co-location opportunities on existing structures or buildings in the subject area.
(b)The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.	<p>The proposal is for a freestanding telecommunication tower structure that is located on land associated with rail corridor and therefore it is not attached to a building or directly adjacent to another building structure.</p> <p>The applicant had provided the following reasons in the Statement of Environment Effects in relation to compliance under the part:</p> <ul style="list-style-type: none"> - <i>The use of a slimline monopole structure as a measure to reduce the visual bulk and promote sky-lining (visual prominence against the backdrop of the sky) of the facility.</i> - <i>A monopole structure is considered a preferable design solution by industry standards given its reduced visual impact from both a distance and within proximity, whilst maintaining a high-quality service provision.</i> - <i>The proposed height of the facility is considered appropriate given the presence of other vertical elements including power poles, rail and other infrastructure within the Canal Road precinct which forms the backdrop to the proposed facility.</i> - <i>A compact headframe design to reduce the bulk and scale of the proposed facility.</i> - <i>The facility will use neutral finishes to help minimise visual impact.</i> - <i>The proposed facility will be partially screened by existing vegetation when viewed from nearby locations</i>

The applicant had also provided a number of photomontages that illustrate what the likely visual impacts are when viewed from Darley Road:

Figure 1 - View 1 of proposed facility looking south from Darley Road



Figure 2 - View 2 of the proposed facility looking north from the corner of Athol Street and Darley Road



Figure 3 - View 3 of the proposed facility looking south from the northern entry to 130 William Street



Figure 4 - View 4 of the proposed facility looking west from the southern entry to 130 William Street



A request of additional information letter was sent to the applicant on 29 November 22 which enquired whether the height of the structure had been minimised or whether there are alternative methods to lower the height of the structure. The following response was provided by the applicant:

“The proposed 25m monopole and antennas represents the minimum height suitable to deliver the required coverage. In conjunction with the search area, Telstra’s radio frequency engineers provide the nominal height to deliver service. To function, mobile base station antennas must have ‘line of sight’ to the devices they are servicing. At this location, a new facility smaller than 25m would not deliver the required performance.”

Having considered the photomontage images and the response with respect to height, it is considered that:

- While it is acknowledged the proposal will be highly visible given the height of the proposal, there are no alternative ways to lower the height and as the proposed development will be located on land on the rail-corridor which is adjacent to a State Road, which is considered a reasonable location for this type of infrastructure development.

(c) Where telecommunications facilities

The proposal will be finished in standard grey colours and that the shelter will be painted pale eucalypt. Pale eucalypt was considered

<p>protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.</p> <p>d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.</p>	<p>a neutral colour to blend in with vegetation. These colours are generally acceptable.</p>
<p>(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.</p>	<p>Not applicable as it is not located in a rural area.</p>
<p>(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area</p>	<p>Not applicable - The site is not located on or adjacent to a heritage item and/or heritage conservation area</p>
<p>(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.</p>	<p>While there will be some visual impacts due to the height of the development, as the proposed development is located on land within the raid corridor, the proposed development will not obstruct any significant views to heritage items, landmarks or streetscapes.</p>
<p>(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.</p>	<p>Not applicable. No pruning, lopping, or removal of any tree or other vegetation is required.</p>
<p>(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its</p>	<p>Not applicable. The proposal is for a new telecommunications facility.</p>

<p>condition before the facility was constructed.</p>	
<p>(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides</p>	<p>The siting and design of the proposed telecommunications facility is wholly compliant with the New South Wales Telecommunications Facility Guideline, as released by the NSW Department of Planning and Infrastructure.</p>
<p>Principle 2 – Telecommunications facilities should be co-located wherever possible</p>	
<p>(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.</p>	<p>All proposed conduits will be installed underground.</p>
<p>(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be collocated or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter. e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.</p>	<p>Additional information was requested with regard to whether the feasibility of alternative locations, in particular the Dan Murphy building which is part of the subject site owned by Transport NSW. The following response was provided by the applicant:</p> <p><i>“The siting of a new mobile base station facility is primarily guided by the radio frequency coverage target area. Based on this a ‘search area’ is provided by the carrier to the contractor which guides where a new mobile base station must be sited to deliver the required coverage. In determining the exact location, consideration is given to property (the ability to find a willing owner and suitable location), engineering (the constraints of constructing the facility and availability of power and fibre) and town planning (land zoning, permissibility, and other environmental overlays). As a result, it is a delicate balancing act to find a site that suitably satisfies the above requirements.</i></p> <p><i>The Dan Murphy building is outside the prescribed search area and as a result is not technically capable to deliver the required coverage. It must be noted the proposal is primarily intended to replace the Telstra site that was decommissioned at 141 Allen Street, Leichhardt. As a result, the search ring was centred on this site and candidates preferred based on their proximity to the original site.</i></p> <p><i>The proposed location within the light rail reserve is at the northern end of the search ring. The property at 1 Canal Road represents the northern boundary of the search area and as a result locations further removed from this were not considered.</i></p> <p><i>The proposed location within the light rail reserve was agreed in close consultation with the landowner as it represents the most practical solution from a property, engineering, and town planning perspective, and would not adversely impact on the operation of the light rail.</i></p> <p><i>Whilst we appreciate the proposed location is close to residential development, the site selection process deemed the proposed site to be the most suitable and practical given the predominant character of the area.”</i></p> <p>As outlined by the applicant’s response, there are no alternative solutions with regard to the proposed location.</p>
<p>(c) Towers may be extended for the purposes of co-location. (d) The extension of an existing tower must be</p>	<p>Not applicable. - The proposal does not involve an extension of an existing structure.</p>

<p>considered as a practical co-location solution prior to building new towers.</p>	
<p>(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the collocated telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard</p>	<p>The proposed site does not involve a co-location on an existing telecommunications facility.</p> <p>The proposed new facility will operate within acceptable levels of radio frequency emissions / within the maximum human exposure levels set out in the Radiation Protection Standard.</p>
<p>Principle 3 – Health standards for exposure to radio emissions will be met</p>	
<p>(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.</p>	<p>It is the legal obligation for any carrier to ensure that any telecommunications equipment is operated within the human exposure limits within the ARPANSA Radio Protection Standard.</p> <p>The applicant had provided an Environmental EME Report which outlines that the predicted maximum human exposure levels have been calculated to be 5.31% which is stated to be within the allowable public exposure limit.</p>
<p>(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency (ARPANSA). It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.</p>	<p>An EME Environmental Report has been provided as supporting information as part of this application. The EME Environmental Report is in accordance with the format prescribed by Australian Radiation Protection Nuclear Safety Agency.</p>

Principle 4 – Minimise disturbance and risk and maximize compliance	
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.	The proposal is compliant with the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996. The proposal does not penetrate any Obstacle Limitation Surface.
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	The proposed equipment at the subject site is licensed as per ACMA regulations. As a result, there is to be no interference with other civil and military communications facilities
(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	The proposed equipment is to be installed as per the manufacturer's specifications and relevant Australian engineering standards.
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	Not applicable – The proposal is a standalone structure
e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	Telstra has signed an agreement with the landowner to construct a new telecommunications facility. The new structure will not encroach on surrounding property boundaries.
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement	The construction of the proposal will adhere to and comply with the regulations set out within the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004).

<p>(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.</p>	<p>The site is not generally accessible by pedestrians or vehicles and will be fenced during construction.</p>
<p>(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</p>	<p>Construction works will be conducted between 7.00am and 5.00pm, Mondays to Saturdays. A condition of consent will be recommended with regard to these hours of operation.</p>
<p>(i) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.</p>	<p>A condition will be recommended that requires the provision of a Construction Traffic Management Plan before the demolition of works.</p>
<p>(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</p>	<p>Open trenching for the installation of underground power and fibre will be executed in compliance with the Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</p>
<p>(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.</p>	<p>The proposal will not impact any significant flora or fauna. All land will be restored to a condition that is similar to its condition before the work was carried out.</p>
<p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.</p>	<p>The proposed location is previously disturbed and no vegetation is proposed to be removed. Therefore the likelihood of impacting threatened species is considered and the proposal raises no issues in this regard.</p>
<p>(m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</p>	<p>An Aboriginal Heritage Information (AHIMS) report had been provided. No items or areas of Aboriginal significance were identified on the proposed allotment.</p>
<p>(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same</p>	<p>The proposal will not impede on any street furniture, paving or other existing facilities.</p>

condition as that which existed prior to the telecommunications facility being installed	
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5(a)(iii) *Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *IWLEP 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.5 - Additional Permitted Uses for Land
- Section 5.3 – Development near zone boundaries
- Section 5.4 – Controls relating to miscellaneous permissible uses
- Section 5.21 – Flood planning
- Section 6.1 – Acid Sulfate Soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater Management
- Section 6.8 – Development in Areas Subject to Aircraft Noise

Section 2.3 Land Use Table and Zone Objectives

The site is zoned LB2 under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

- “SP2 Railway”

Clause 2.140 of the *SEPP (Transport and Infrastructure) 2021* defines a “Telecommunications Facility” as:

- any part of the infrastructure of a telecommunications network, or
- any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- Any other thing used in or in connection with a telecommunications network.

Clause 2.143 states that:

“Development for the purposes of telecommunications facilities, other than development in clause 2.141 or development that is exempt development under clause 2.20 or 2.144, may be carried out by any person with consent on any land.”

Therefore, under *SEPP (Transport and Infrastructure) 2021*, development for the purposes of telecommunications may be carried out with consent on any land.

Notwithstanding the above, the development is telecommunication equipment which is considered to be an ancillary use to the existing railway use of the subject site which is currently used for railway purposes, therefore it is considered to consistent with the items listed as permitted with consent within the land use table. The development is consistent with the objectives of the SP2 zone as the development complies with the objective: “*To provide for infrastructure and related uses.*”

5(d) **Development Control Plans**

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.2 West Leichhardt Distinctive Neighbourhood	Yes– see discussion
Part C: Place – Section 3 – Residential Provisions	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes – see discussion
C4.5 Interface Amenity	Yes– see discussion
C4.6 Shopfronts	N/A
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises and Small Bars	N/A

C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	N/A
C4.16 Recreational Facility	N/A
C4.17 Sex Services Premises	N/A
C4.18 Vehicle Sales or Hire Premises And Service Stations	N/A
C4.19 Vehicle Repair Station	N/A
C4.20 Outdoor Dining Areas	N/A
C4.21 Creative Industries	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	N/A
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	N/A
Part E: Water	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

C2.2.3.2 West Leichhardt Distinctive Neighbourhood and C4.4 Elevation and Materials

The proposal includes the construction of a new mobile base station facility within the reserve of the light rail corridor at Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, 6 panel antennas, a standard Telstra equipment shelter and ancillary equipment.

As summarised in the SEE, the proposed works include:

- Excavation of site and installation of pier footing;
- Installation of a new 25m concrete monopole;
- Installation of a triangular headframe at the top of the pole;
- Installation of a Telstra standard equipment shelter (3m long x 2.38m wide x 2.97m high);
- Installation of 3 4G panel antennas and 3 5G panel antennas mounted on the headframe at a maximum height of 26.3m;
- Installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment.

Pre-DA advice was sought for the proposed construction of a telecommunications tower (PDA/2021/0413). Advice in the Pre-DA letter stated that:

“At DA stage, the Statement of Environmental Effects must provide strong justifications for the proposed height and location of the proposed structure. Multiple photo montages should be provided to identify or establish the visual impacts from the surrounding residential properties and the public domain. A materials and finishes must also be provided at DA stage to ensure the materials will not result in adverse glare impacts to the surrounding residential properties.”

The SEE states that Telstra requires a minimum height of 25m to support coverage in the Leichhardt area, given that there are no other suitable facilities nearby, and that to co-locate on any other facility would not improve coverage to the Leichhardt area.

Two photomontages provided in the SEE (Figures 14 and 15) illustrating the visual impact from Darley Road. At 25m in height, the proposed structure will be visible from Darley Road and from a distance. The structure will not impact on heritage streetscapes.

C5 of Part C2.2.3.4 of the DCP requires that the availability of views, both of city landmarks and local features be preserved and enhanced. The monopole will be visible as part of the skyline from surrounding areas, including from Heritage Conservation Areas. It will not impact on views to Heritage Conservation Areas or heritage items.

C1 of Part C2.2.3.4 of the DCP requires that the character of the Helsarmel Distinctive Neighbourhood is maintained by keeping development complementary in architectural style, form and materials. While the proposed works are not complementary of the architectural style or materials of the distinctive neighbourhood, the proposed location for the telecommunications facility is positive from a heritage perspective in that it is not located within a Heritage Conservation Area and not in close proximity of any environmental heritage (the closest heritage item is 102 William Street approximately 250m from the subject site).

C8 of Part C2.2.3.4 of the DCP encourages landscaping in the front building setback throughout Helsarmel Distinctive Neighbourhood. A Landscape Plans has not been provided. It is recommended that a condition be included in the consent requiring that a landscape plan be prepared to ensure the Telstra standard equipment shelter blends in with its surroundings and is sympathetic to the desired future character of the Helsarmel Distinctive Neighbourhood.

A materials and finishes schedule was not provided. However, the SEE states the proposal will be finished in standard grey colours and that the shelter will be painted pale eucalypt. Pale eucalypt was considered a neutral colour to blend in with vegetation. These colours are generally acceptable.

An AHIMS search result was submitted with the application which confirms there are no known Aboriginal sites or Aboriginal places in or near the subject site. A condition is included in the recommendation in the event of unexpected archaeological deposits or Aboriginal objects are found during the works.

C4.5 Interface Amenity

The following objectives are applicable:

O1 To ensure that development does not impact the surrounding area or cause unreasonable nuisance to any other use by way of:

- a. noise;*
- b. odour;*
- c. vibration;*
- d. overshadowing; and*
- e. overly bulky or overbearing development that significantly reduces outlook or privacy.*

The applicant provided Acoustic report to consider the noise and odour impacts, shadow diagrams in relation to overshadowing, photomontages in relation to reduction of outlook.

There are no odour impacts from the proposed and the acoustic report, prepared by Koikas Acoustics and dated 13 January 2023 provided the following conclusion:

“The assessment considers potential noise impacts on surrounding residential premises such that acceptable acoustic amenity for the area is maintained.

Acoustic planning levels have been referenced from current Council, EPA and POEO acoustic planning guidelines and requirements.

There is sufficient scope to ensure the development complies with all relevant criteria, and no specific additional noise mitigation strategies are required to be implemented to ensure this criterion is complied with.”

The Acoustic report will be referenced as part of any consent granted.

Shadows were provided depicting the potential impacts at hourly intervals between 9am and 3pm during winter solstice. The shadow diagrams demonstrate that, while there are some additional impacts, due to the slender monopole nature of the proposed structure, these impacts are limited in nature and will not adversely impact the surrounding residential properties with regard to solar access (see shadow diagrams below).



Issues in relation to visual impact were discussed in greater detail in an earlier section of the report in relation to the assessment of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. While the proposal will be highly visible given the height of the proposal, there are no alternative ways to lower the height and as the proposed development will be located on land on the rail-corridor which is adjacent to a State Road, it is a reasonable location for this type of infrastructure development. As the proposed development is located on land within the rail corridor, the proposed development also does not obstruct any significant views to heritage items, landmarks or streetscapes.

Given the above, the proposal is considered to be consistent with the objectives under this part.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

The application was renotified between 2 November 2022 and 16 November 2022 as the wrong properties were notified in the original notification process. 19 submissions were received in response to renotification of the application.

The following issues raised in submissions have been discussed in this report:

- Visual bulk impact/spoil view – see assessment under 5(a)(i) State Environmental Planning Policy (Transport and Infrastructure) 2021 and 5(d) Development Control Plans - C4.5 Interface Amenity
- Better location for the tower/should be on top of a building – see assessment under 5(a)(i) State Environmental Planning Policy (Transport and Infrastructure) 2021
- Overshadowing – see assessment under 5(d) Development Control Plans - C4.5 Interface Amenity.
- Noise – see assessment under 5(d) Development Control Plans - C4.5 Interface Amenity.

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The development is too close to residential area

Comment: The subject site is located within land associated with the rail corridor and there are no direct adjoining residential properties. On balance, the subject site is a reasonable location for this type of infrastructure development.

Issue: Value of homes decreasing

Comment: This is not an issue that is assessed within the framework of the Environmental Planning and Assessment Act.

Issue: DA tracking website showed Dan Murphy site

Comment: The site is legally described as Lot 1 in DP 1262751, the subject lot is approximately 5241sqm and extends from James Street to Allen Street. Therefore the Dan Murphy site is technically part of the land associated with this site, although not directly relevant. This is an abnormality given the unusual size and shape of the lot. The application was renotified between 02/11/2022 and 16/11/2022 to ensure the correct surrounding properties were notified.

Issue: Health and safety impacts

Comment: Additional information was requested in relation to the potential health and safety impacts raised in the submission and the applicant had provided the following response in this regard:

EME levels, which are based on safety guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and regulated by the Federal

Government's, Australian Communications and Media Authority (ACMA). The ACMA's regulatory arrangements require base stations to comply with the exposure limits set in the relevant Australian safety standard; the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021), known as RPS S-1 or the ARPANSA Standard.

The proposal at Darley Road has been designed to comply with the relevant Australian safety standard called RPS S-1 or Radiation Protection Series – S1 (Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz). RPS S-1 is set by ARPANSA and is based on the safety guidelines recommended by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The EME Report provides a calculation of the maximum EME associated with the proposed facility that would be experienced at a range of locations up to 500m from the facility location, measured in accordance with the ARPANSA methodology at 1.5m above ground level.

The maximum EME level calculated as a result of the proposal at 7 Darley Road is 5.31% of the allowable 100% standard. EME levels are calculated as a 'worst case scenario' based on the maximum power the facility is capable of operating at – in reality, actual levels will generally be much lower. The Facility also has the ability to reduce power when not in use.

We reaffirm that the calculations provided in the EME Report are maximum levels. As with all cellular networks of this type, the Telstra facility will utilise power management techniques that constantly monitor power levels required to ensure only the minimum amount of power required is used. The Australian Media and Communications Authority (ACMA) has recently undertaken 5G Audits on EME level across 129 base stations in NSW.

The audit found the average EME levels from all technologies including 3G, 4G and 5G across 129 base stations was less than 1.2% of the public safety limits and the majority of sites were under 1%. The ACMA audit also compared the measured values to those reported by Carriers in the ARPANSA EME Report prepared for all mobile base station sites in Australia and available on the Radiofrequency National Site Archive (RFNSA). In all cases the measured values from the ACMA audit were below the Carriers' predictions and in the vast majority of cases were less than half the levels reported on the RFNSA at: <https://amta.org.au/acma-audit-reassures-5g-is-safe-2/>

We would also like to highlight some aspects of the public health and safety standards. Firstly, The ARPANSA Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below any harmful levels. The ARPANSA Standard is designed to protect people of all ages and health status (including the aged, infirm, children, babies and pregnant women) against all known adverse health effects from exposure to EME, 24 hours per day, 7 days per week. As a condition of its licence to operate radiocommunications transmitters, Telstra is obligated to ensure that EME levels from their facilities comply with safety regulations.

Secondly, we highlight that the national safety regulations protect the public by placing a limit on the strength of the signal that any licensed radio facility may transmit. They do not impose any general public distance-based restrictions.

Consequently, Mobile Phone Base Stations are found in all environments. For example, the ACMA Register of Licensed Radio Communications shows that nationally, there is a significant number of licensed radio facilities (including mobile network facilities) located in residential areas, recreational parks and sporting fields, university campuses and hospitals across Australia. The ACMA Register of Licensed Radio facilities is available at: http://web.acma.gov.au/pls/radcom/register_search.main_page

Thirdly, and importantly, the public health and safety standards recommended by the WHO are based on a large body of peer-reviewed science. The WHO, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and other international safety bodies advise that “There is no evidence that exposure to low level EME is harmful to human health” (WHO) and “The weight-of-evidence provides no credible indication of adverse effects caused by chronic exposures below levels specified in this standard.” (IEEE).

The applicant had also provided the following information in regards to **Carrier Governance procedures and verification**:

As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply with the ARPANSA Standard and must be reviewed for compliance by a certified and accredited person. Once a base station becomes operational or is modified, a Site Compliance Certificate is prepared by a National Association of Testing Authorities (NATA) Assessor to certify that the site has been assessed and complies with the Radio Frequency Human Exposure Limits as specified by the Australian Communications and Media Authority (ACMA) Licence Condition Determination (LCD) and the requirements of RPS1 – S1.

The Site Compliance Certificate for the site can be accessed via the RFNSA once it has been uploaded. It generally takes approximately 45 days after a site has been constructed and is in service. These reports are publicly available on the Radio Frequency National Site Archive (RFNSA): www.rfnsa.com.au/2040032.

It is considered the information provided by the applicant above has reasonably addressed the issues raised in relation to health and safety.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Health – No objections subject to conditions
- Heritage – No objections subject to conditions
- Development Engineers – No objections to conditions.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Ausgrid – No objection to development.
- Transport for NSW – Concurrence given subject to conditions.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0761 for construction of a new mobile base station facility within the reserve of the light rail corridor on Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street. The proposal comprises a new 25m monopole, six (6) panel antennas and a standard Telstra equipment shelter, ancillary equipment, all located within a secure fenced compound at Lot 1 in DP 1262751, Darley Road, Leichhardt, between William Street and Athol Street, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
N110955, SHT No. S1, Issue 3	SITE ACCESS AND LOCALITY PLAN	04.08.22	BMM Group
N110955, SHT No. S1-1, Issue 3	SITE LAYOUT	04.08.22	BMM Group
N110955, SHT No. S1-2, Issue 3	ANTENNA LAYOUT	04.08.22	BMM Group
N110955, SHT No. S3, Issue 3	SOUTH EAST ELEVATION	04.08.22	BMM Group
N110955, SHT No. S3-1, Issue 3	ANTENNA CONFIGURATION TABLE	04.08.22	BMM Group
N110955, SHT No. G2, Issue 3	SITE DETAIL SURVEY	01.08.22	BMM Group
2040032	ARPANSA EME Report	02/08/2022	BMM Group
Report reference: 20220225FOR-01	Preliminary Environmental Site Investigation with Supplementary Sampling	August 2022	4Pillars Environmental Consulting Pty Ltd

5730R20230111mLotIDP1262751DarleyRdLe ichhardCDA	ACOUSTICAL REPORT	13 January 2023	Koikas Acoustics
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As amended by the conditions of consent.

FEES

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:	\$2,800.00
Inspection Fee:	\$350.00

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

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

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

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

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

GENERAL CONDITIONS

3. 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.

4. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered impervious areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

5. Landscape Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a landscape plan which includes appropriate native species to ensure the Telstra standard equipment shelter blends in with its surroundings and is sympathetic to the desired future character of the Helsarmel Distinctive Neighbourhood.

6. Environmental EME Report

The installation of the wireless base station is to comply with the Environmental EME Report prepared by BMM Group report No.2040032 dated 02/08/2022.

7. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by Koikas Acoustics Pty Ltd reference 5730R2023111mLot1DP126751DarleyRdLeichhardt_DA dated 13 January 2023 must be implemented.

8. 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.

9. 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.

10. Protection of TfNSW Infrastructure and Light Rail Operations

General

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;]
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the

- principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

PRIOR TO ANY DEMOLITION

11. 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.

12. Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

PRIOR TO CONSTRUCTION CERTIFICATE

13. Dilapidation Report – Pre-Development – Minor

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

14. Flood Affected Site

The subject site is identified as a flood control lot. Under PART E: WATER of Council's DCP 2013. All applications submitted for a flood control lot must be accompanied by a Flood Risk Management report supported by a flood study prepared by a relevantly qualified civil engineer. The report must establish the Hazard Category of the site. Flood Risk Management Report and Plans certified by a suitably qualified Civil Engineer must be provided indicating that the design comply with the following specific requirements.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer that the works comply with the following specific requirements:

- a. All electrical equipment and wiring must be waterproofed or installed at or above the Flood Planning Level (1% AEP flood level plus 500mm freeboard).;
- b. A structural engineer's certificate must be submitted stating that the proposed structure has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100-year flood level;
- c. The existing ground levels throughout the site must be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths must be detailed on the plan; and
- d. All fencing within the overland flow path must be of an open type so as to allow for the free flow of water throughout the site so as to maintain existing flows;
- e. All Telstra requirements for the proposed works in a flood affected site must be complied with.

An application for a flood certificate can be made to Council to obtain information on flooding of the subject site and surrounds. The information within the Flood Certificate can be utilised to inform the preparation of the Flood Risk Management Report.

15. Flood Risk Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Flood Risk Management Plan prepared and certified by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:

- a. Recommendations on all precautions to minimise risk to personal safety and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site must be assessed for the 100-year ARI and Probable Maximum Flood (PMF) storm events. The precautions must include but not be limited to the following:

- i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris;
 - ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;
 - iii. Flood warning signs/depth indicators for areas that may be inundated;
 - iv. A flood evacuation strategy; and
 - v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.
- b. All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below:
- i. Building Code of Australia;
 - ii. Defined flood level (DFL) 100-year Average Recurrence Interval flood level;
 - iii. Defined flood event (DFE) 100-year Average Recurrence Interval flood; and
 - iv. Flood hazard level (FHL) Flood Planning Level (FPL).

16. Structural and Geotechnical Report

Prior to the issue of a 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 practicing 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. No adverse impact on surrounding properties including Council's footpath and road;
- d. The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development;
- e. Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property; and
- f. Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.

17. 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 13 20 92

18. Process of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant shall:

- Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
 - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

19. Review and Endorsement of Documents

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:

- Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;

- Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
- If required by TfNSW, details of the vibration and movement monitoring system that will be in place before excavation commences;
- Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
- Detailed survey plan with location of services.

20. Pre-construction Work Dilapidation Report

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

21. Electrolysis Analysis

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

22. Reflectivity Report

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

23. Consultation Regime

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

24. Insurance Requirements

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

25. Works Deed / Agreements

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

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements; • Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs; • Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
- Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;

- Review of the machinery to be used during excavation/ground penetration / construction works;
- The need for track monitoring; Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SVMS);
- Endorsement of plans regarding proposed crane location;
- Light Rail Operator's rules and procedures; and
- Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the light rail corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

DURING DEMOLITION AND CONSTRUCTION

26. 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.

27. 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).

28. Construction Hours – Class 2-9

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

- a. 7:00am to 5.00pm, Mondays to Saturdays,
- b. at no time on Sundays or public holidays.

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

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

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

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

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

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

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

29. 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.

30. During Construction

- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;

- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

PRIOR TO OCCUPATION CERTIFICATE

31. 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.

32. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

33. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Principal Certifier 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 Environmental Operations Act 1997*.

34. Post - construction Dilapidation Report

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

35. Reflectivity Report

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

36. As-built drawings

Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.

ON-GOING**37. 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.

ADVISORY NOTES**Permits**

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

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

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

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those

lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Historic Archaeology – Unexpected Findings

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.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
 - b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
 - c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
 - d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
 - e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
 - f. Development Application for demolition if demolition is not approved by this consent;
- or

- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

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.

Noise

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

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.

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro

www.diysafe.nsw.gov.au
 Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555
www.environment.nsw.gov.au

Sydney Water 13 20 92
www.sydneywater.com.au

Waste Service - SITA Environmental Solutions 1300 651 116
www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au
 Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development

MOBILE NETWORK SITE 33/1054

SITE LOCALITY

Client: BMM GROUP
Job No.: BC25

Project Address: 1 DARLEY ROAD, LEICHHARDT, NSW 2040
Sheet Name: SITE PLAN
Drawing No.: BC25-S01
REV: A

Project Details:
J.C. Engineers Pty. Ltd.
 intelligence engineering | train
 ABN 33 616 356 808 | QR
 1/27/21
 18872 | 18872 | 18872


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DATE	BY	DATE	BY
12/06/2022	JA		
DATE	BY	DATE	BY

FOR APPROVAL: [Signature]
DATE: 12/06/2022
Version: 1, Version Date: 12/06/2022

24/01/2020 11:22:31 AM






LEICHHARDT DARLEY RD

NODE MANAGER ADDRESS ID: 331054

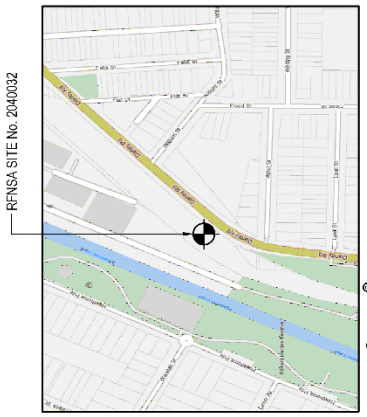
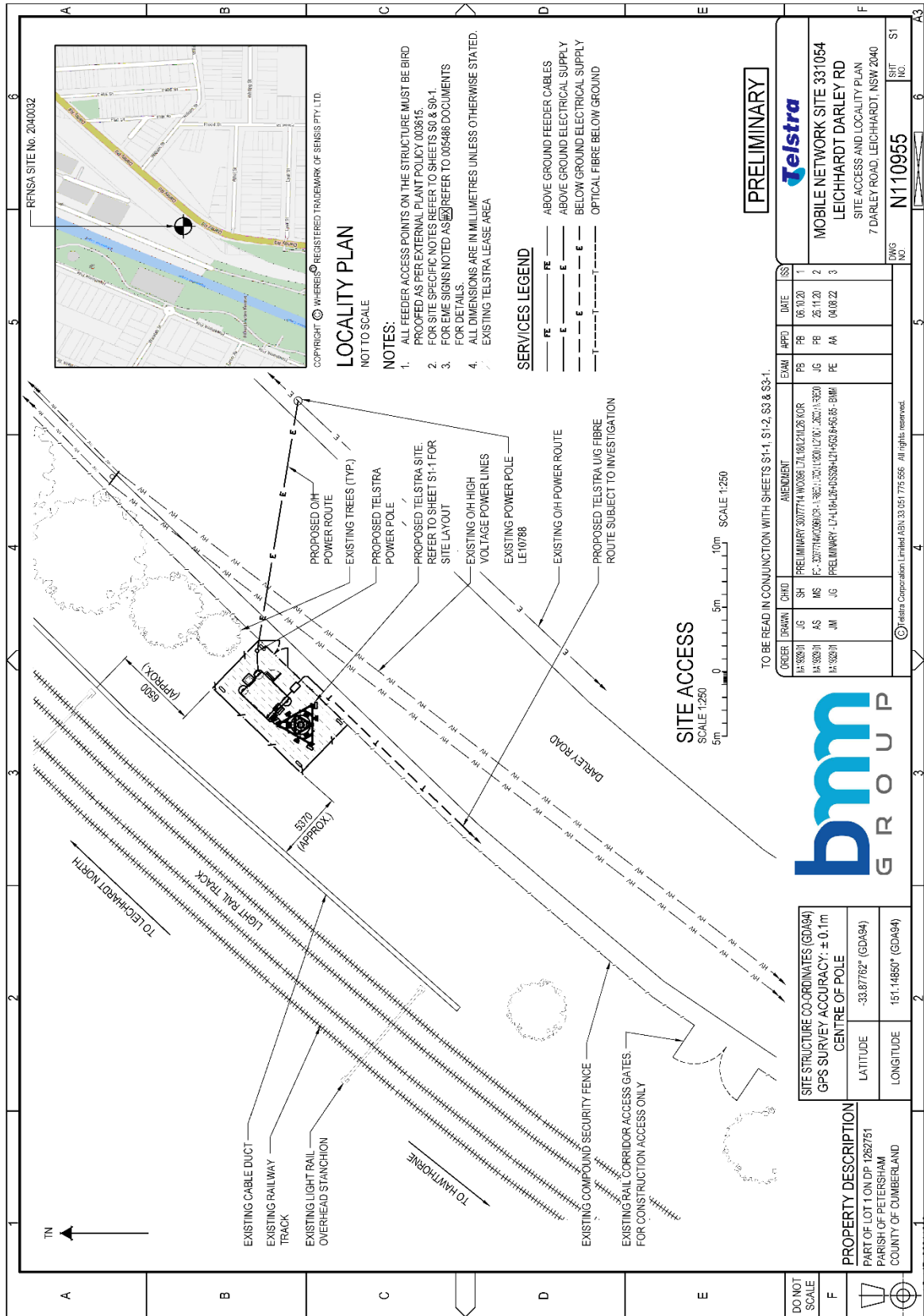
ADDRESS: 7 DARLEY ROAD
LEICHHARDT
NSW 2040



ORDER / DRAWN	CHKD	AMENDMENT	EVALD	APPD	DATE	ISS
N110955-1	AS	PC-301744086008-186012011800120118001201	JG	PP	28/11/20	1
N110955-2	JM	PRELIMINARY - L74-16-25-55235-214531645235-BM	PE	AA	04/08/22	2

DRAWING DESCRIPTION	DRAWING NUMBER	SHEET NO.	ISSUE NO.	ISSUE DATE	CANCELLED	PRELIMINARY FOR CONSTRUCTION	AS BUILT	REFERENCE ONLY
SITE ACCESS AND LOCALITY PLAN	N110955	S1	3	04/08/22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SITE LAYOUT	N110955	S1-1	3	04/08/22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTENNA LAYOUT	N110955	S1-2	3	04/08/22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH-EAST ELEVATION	N110955	S3	3	04/08/22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTENNA CONFIGURATION TABLE	N110955	S3-1	3	04/08/22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DO NOT SCALE	F	© Telstra Corporation Limited ABN 35 051 775 556. All rights reserved.	DWG NO. N110955	SHT NO. DC
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LOCALITY PLAN
NOT TO SCALE

- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003845.
 2. FOR SITE SPECIFIC NOTES REFER TO SHEETS S03 & S04.
 3. FOR EWE SIGNS NOTED AS REFER TO 003486 DOCUMENTS FOR DETAILS.
 4. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.

SERVICES LEGEND

- FE ABOVE GROUND FEEDER CABLES
- E ABOVE GROUND ELECTRICAL SUPPLY
- E BELOW GROUND ELECTRICAL SUPPLY
- E OPTICAL FIBRE BELOW GROUND

SITE ACCESS
SCALE 1:250
5m 10m

PRELIMINARY

TELSTRA	MOBILE NETWORK SITE 331054
	LEICHHARDT DARLEY RD
	SITE ACCESS AND LOCALITY PLAN
	7 DARLEY ROAD, LEICHHARDT, NSW 2040
DWS NO.	N110955
SHT NO.	S1

ORDER	ISSUED	BY	DATE	AMENDMENT
HA-930301	JG	MS	16/10/20	1
HA-930301	AS	MS	25/11/20	2
HA-930301	JM	JG	04/08/22	3

ORDER	ISSUED	BY	DATE	AMENDMENT
HA-930301	JG	MS	16/10/20	1
HA-930301	AS	MS	25/11/20	2
HA-930301	JM	JG	04/08/22	3

SITE STRUCTURE CO-ORDINATES (GDA94)	
GPS SURVEY ACCURACY: ± 0.1m	
CENTRE OF POLE	
LATITUDE	-33.87762° (GDA94)
LONGITUDE	151.14850° (GDA94)

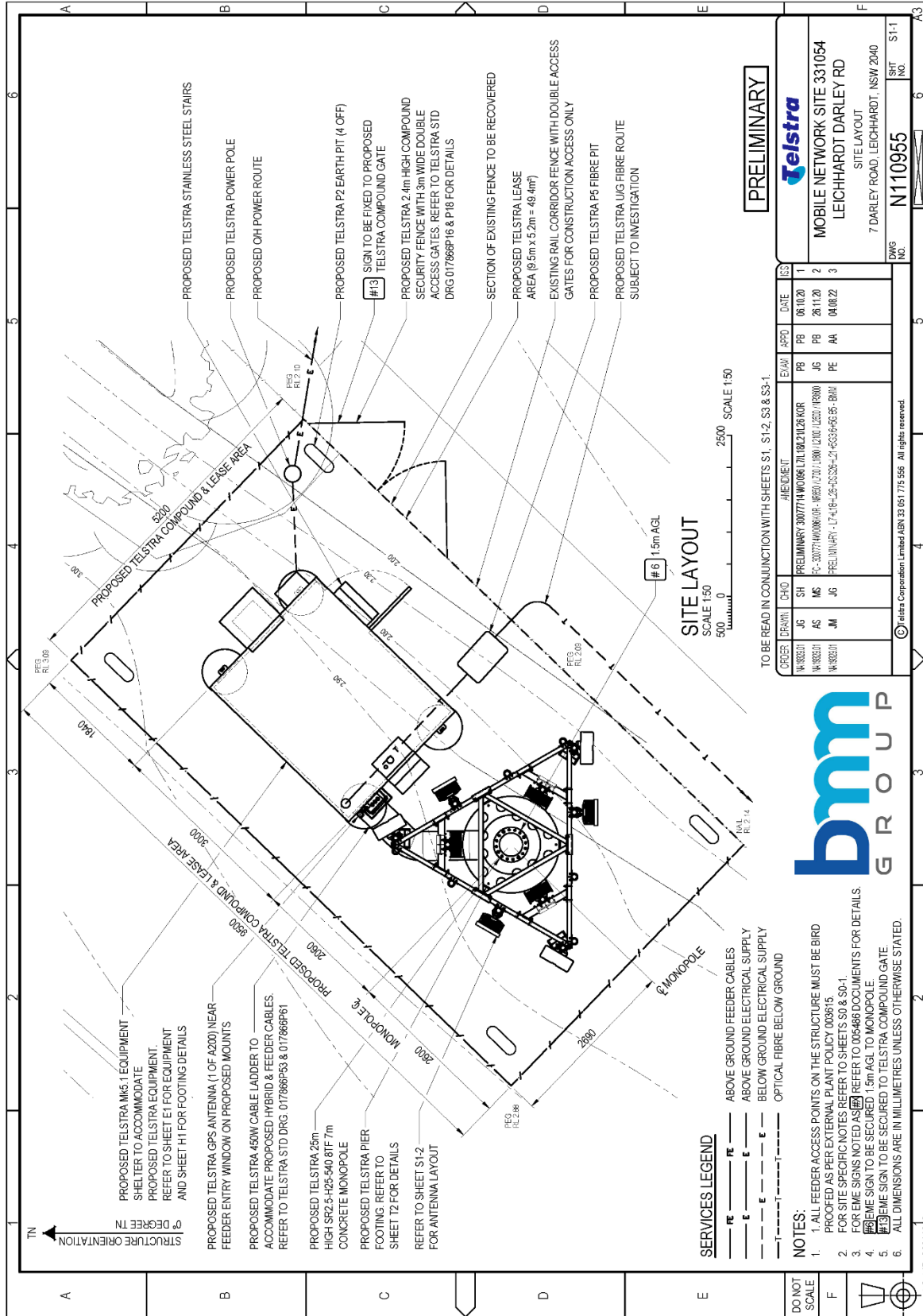
PROPERTY DESCRIPTION	
PART OF LOT 1 ON DP 1282751	
PARISH OF PETERSHAM	
COUNTY OF CUMBERLAND	

DO NOT SCALE	
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GROUP

TO BE READ IN CONJUNCTION WITH SHEETS S1-1, S1-2, S3 & S3-1.



PRELIMINARY

Telstra	
MOBILE NETWORK SITE 331054	
LEICHHARDT DARLEY RD	
SITE LAYOUT	
7 DARLEY ROAD, LEICHHARDT, NSW 2040	
DWG NO.	S1-1
DWG NO.	N110955

NO.	DESCRIPTION	DATE	BY	APP'D	DATE
1	PRELIMINARY	06/10/20	JG	PB	06/10/20
2	REVISED	26/11/20	AS	JG	26/11/20
3	REVISED	04/08/22	JM	PE	04/08/22

PROJECT	MOBILE NETWORK SITE 331054
CLIENT	Telstra Corporation Limited
DATE	12/08/2022

NOTES:

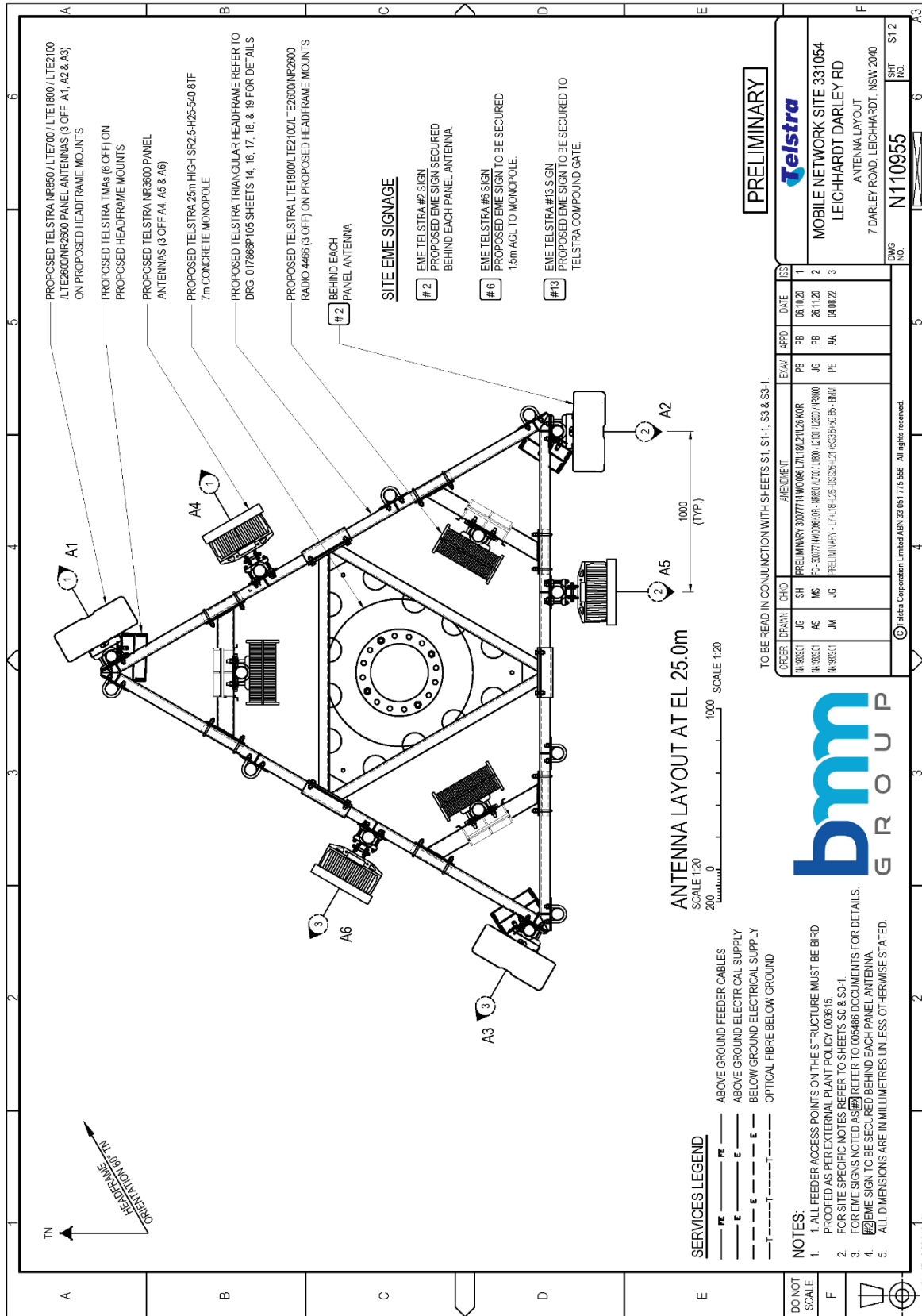
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.
3. FOR EME SIGNS NOTED AS (E) REFER TO 005466 DOCUMENTS FOR DETAILS.
4. (E) EME SIGN TO BE SECURED 1.5m AGL TO MONOPOLE.
5. (E) EME SIGN TO BE SECURED TO TELSTRA COMPOUND GATE.
6. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.

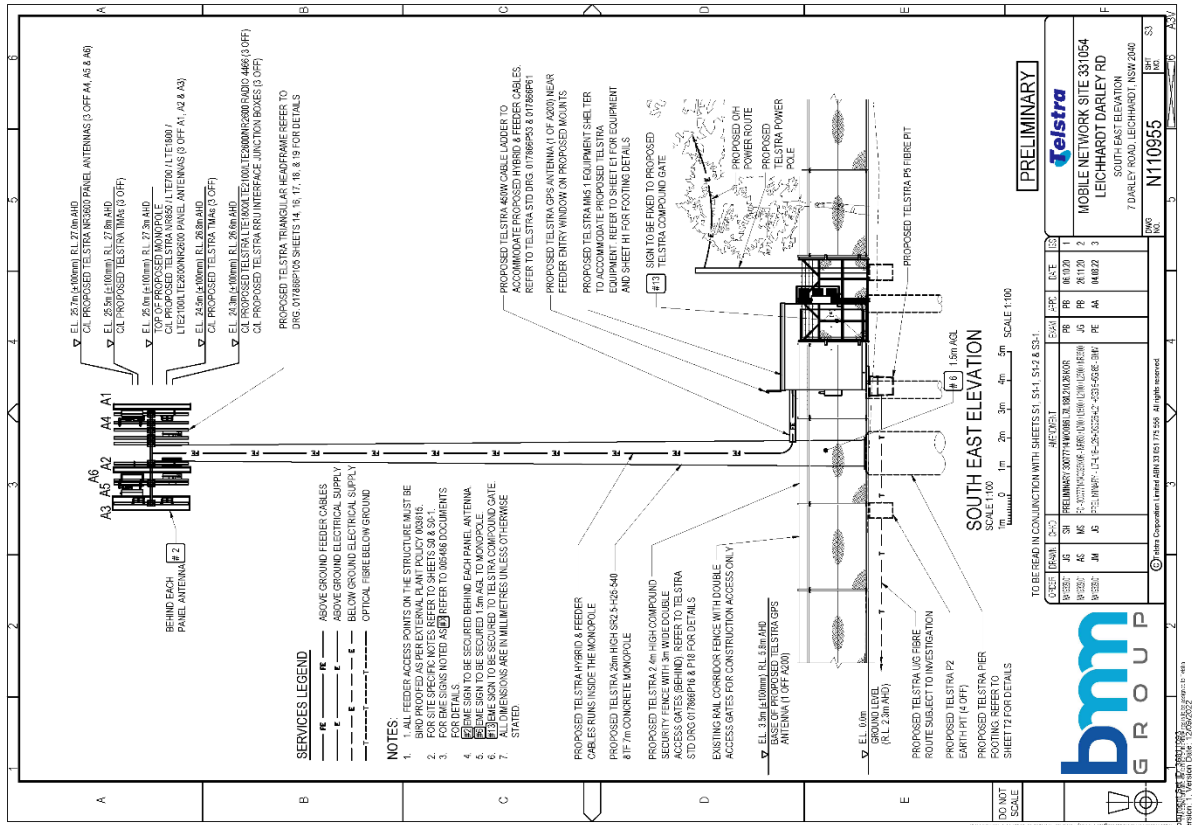
SERVICES LEGEND

- FE — ABOVE GROUND FEEDER CABLES
- E — ABOVE GROUND ELECTRICAL SUPPLY
- E — BELOW GROUND ELECTRICAL SUPPLY
- E — OPTICAL FIBRE BELOW GROUND

DO NOT SCALE

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PRELIMINARY

Telstra
MOBILE NETWORK SITE 331054
LEICHHARDT DARLEY RD
SOUTH EAST ELEVATION
7 DARLEY ROAD, LEICHHARDT, NSW 2100

DATE	DESCRIPTION	BY	CHK
06.10.20	REVISED	FR	FR
28.11.20	REVISED	JG	FR
04.02.21	REVISED	AE	AE
04.02.21	REVISED	JM	AE

NO	DATE	DESCRIPTION
1	06.10.20	PRELIMINARY
2	28.11.20	REVISED
3	04.02.21	REVISED

bmm
GROUP

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Version 1.0, Version Date: 13/06/2021

SERVICES LEGEND

- ABOVE GROUND FEEDER CABLES
- ABOVE GROUND ELECTRICAL SUPPLY
- BELOW GROUND ELECTRICAL SUPPLY
- OPTICAL FIBRE BELOW GROUND

NOTES

- FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE SHOWN PROPOSED AS PER EXTERNAL PLANT POLICY DRAINS FOR SITE SPECIFIC NOTES REFER TO SHEETS SA & SA-1.
- FOR FINE SIGNS REFER TO 205446 DOCUMENTS.
- FOR FINE SIGNS TO BE SECURED BEHIND EACH PANEL ANTENNA REFER TO SHEETS SA & SA-1.
- FOR FINE SIGNS TO BE SECURED TO MONOPOLE REFER TO SHEETS SA & SA-1.
- FOR FINE SIGNS TO BE SECURED TO TELSTRA COMPOUND GATE REFER TO SHEETS SA & SA-1.
- FOR FINE SIGNS TO BE SECURED TO TELSTRA COMPOUND GATE REFER TO SHEETS SA & SA-1.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.

PROPOSED TELSTRA P1 FIBRE PIT
PROPOSED TELSTRA P2 EARTH PIT (E-OFF)
PROPOSED TELSTRA P1 FIBRE PIT
PROPOSED TELSTRA P2 EARTH PIT (E-OFF)

SCALE 1:100
0 1m 2m 3m 4m 5m


TELSTRA MOBILES ANTENNA CONFIGURATION TABLE		TELSTRA MOBILES ANTENNA CONFIGURATION TABLE			
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	PHYSICAL ANTENNA HEIGHT CL A.G.L. BEARING (°T)	SECTOR NO. & TECHNOLOGY	
A1	COMMSCOPE RRW-65D-R6D-ZF 2688 x 488 x 197mm	INSTALL	25.0m	S1: LTE700 / NR650 S1: LTE700 / NR650 S1: LTE700 / NR650 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: LTE700 / NR650 S2: LTE700 / NR650 S2: LTE700 / NR650 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: LTE700 / NR650 S3: LTE700 / NR650 S3: LTE700 / NR650 S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: LTE1800 / LTE2100 / LTE2600 / NR2600	
A2	COMMSCOPE RRW-65D-R6D-ZF 2688 x 488 x 197mm	INSTALL	25.0m	180°	
A3	COMMSCOPE RRW-65D-R6D-ZF 2688 x 488 x 197mm	INSTALL	25.0m	300°	
A4	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	25.7m	60°	S1: NR3600 S1: NR3600
A5	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	25.7m	180°	S2: NR3600 S2: NR3600
A6	ERICSSON AIR3258 PANEL 793 x 408 x 235mm	INSTALL	25.7m	300°	S3: NR3600 S3: NR3600
A200	ERICSSON GPS KRE 101 208271 OMNI Ø98 x 95mm	INSTALL	BASE OF GPS 3.5m	0°	-

PRELIMINARY



MOBILE NETWORK SITE 331054
LEICHHARDT DARLEY RD
 ANTENNA CONFIGURATION TABLE
 7 DARLEY ROAD, LEICHHARDT, NSW 2040

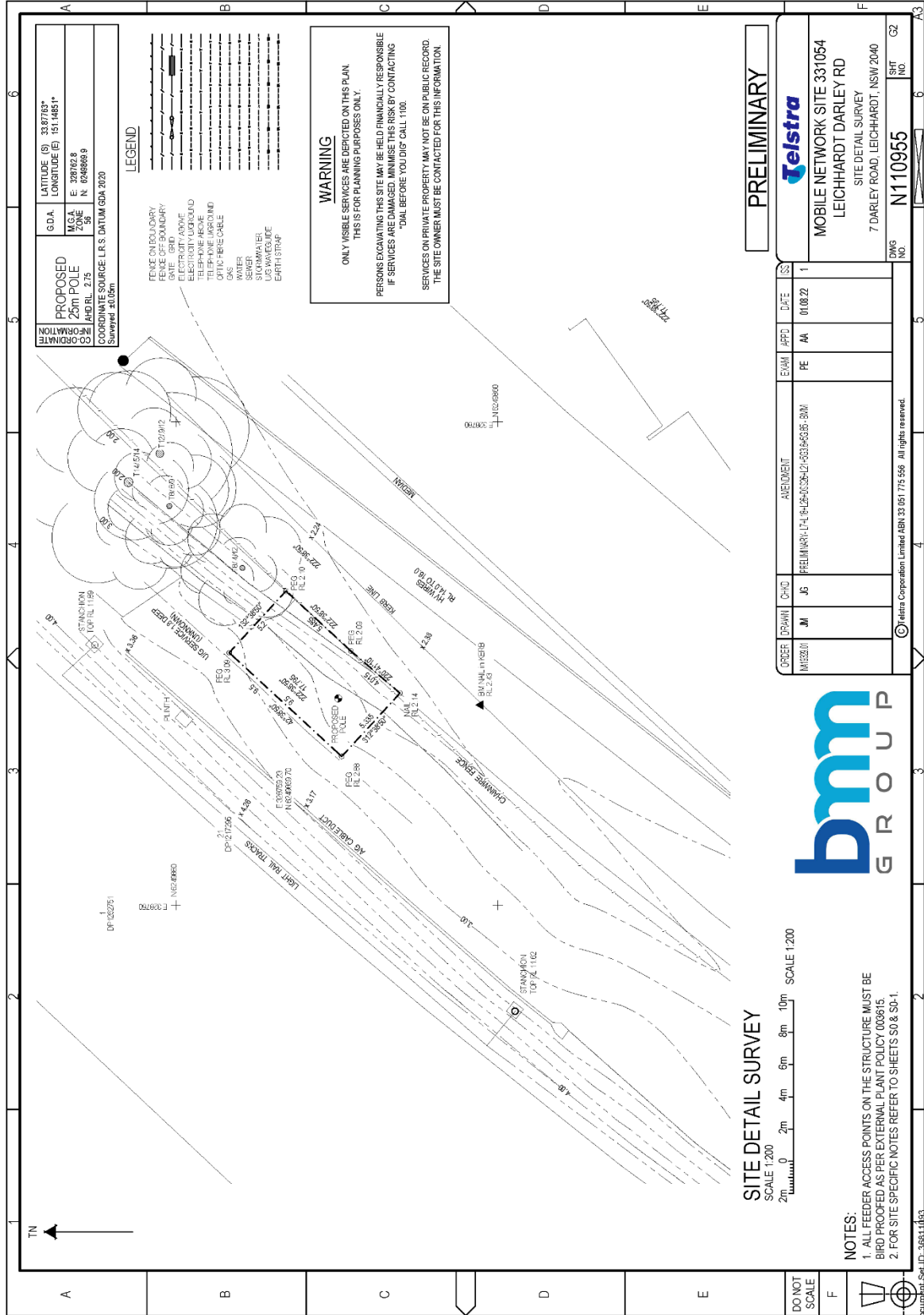
DESIGN	DATE	APPROVED	DATE
JG	06/10/20	PB	06/10/20
AS	26/11/20	JG	26/11/20
JM	04/08/22	PE	04/08/22



TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S1-2 & S3.

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Document Title: Telstra Mobile Network Site 331054
 Version: 1, Version Date: 12/08/2022



Attachment C- Concurrence from Transport for NSW

Transport for NSW



Mr Eric Wong
Planner
Inner West Council
PO Box 45
Leichhardt NSW 2040

Dear Mr Wong

Development Application for 7 Darley Road, Leichhardt NSW 2040 (DA/2022/0761) Concurrence Letter

Thank you for your correspondence via the ePlanning portal (ref: CNR-46228) on 29 September 2022, requesting Transport for NSW (TfNSW) to provide concurrence, pursuant to the provisions of the State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&ISEPP).

Protection of Sydney Light Rail (SLR) Corridor

The proposed development is located within 25m of the Sydney Light Rail corridor and includes excavation / ground penetration deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 2.99 of the T&ISEPP. Clause 2.99 of the T&ISEPP requires TfNSW to take into consideration:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - i. the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - ii. the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the T&ISEPP and has decided to grant concurrence to the development proposed in development application DA/2022/0761. This concurrence is subject to Council imposing the conditions provided in **TAB A**.

Should Council choose not to impose the conditions provided in **TAB A** (as written), then concurrence from TfNSW has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979, which requires Council to give notice of that appeal to a concurrence authority. TfNSW therefore requests that Council comply with this requirements should such an event occur.

Transport for NSW
20-44 Ennis Road, Milson Point NSW 2061 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602

Thank you again for the opportunity of providing advice for the above development application. If you require further clarification regarding this matter, please don't hesitate to contact Mark Ozinga, Principal Manager Land Use Planning and Development on 0439 489 298.

Yours sincerely



2/11/2022

David Hartmann
Director, Corridor & Network Protection
Customer Strategy and Technology

Objective Reference CD22/05894

OFFICIAL

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Document Set ID: 37608683
Version: 1, Version Date: 05/04/2023

TAB A – Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations**General**

- The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;
- The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;
- TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
- All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

Prior to the Issue of the Construction CertificateProcess of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant shall:

- Consult with TfNSW, Altrac and the Sydney Light Rail Operator to ascertain requirements in relation to the protection of TfNSW's infrastructure and to confirm the timing of the each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Sydney Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
 - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
 - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site, easement and substratum;
 - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components, for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;
 - If required by TfNSW, details of the vibration and movement monitoring system that will be in place before excavation commences;
 - Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor; and
 - Detailed survey plan with location of services.

Pre-construction Work Dilapidation Report

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

Electrolysis Analysis

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

Reflectivity Report

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

Consultation Regime

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

Insurance Requirements

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

Works Deed / Agreements

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

- Sydney Light Rail Operational requirements;
- Sydney Light Rail access requirements;
- Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;

- Security of costs;
- Insurance requirements and conditions;
- TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
- Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;
 - Infrastructure Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:
 - Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation/ground penetration / construction works;
 - The need for track monitoring;
 - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
 - Endorsement of plans regarding proposed crane location;
 - Light Rail Operator's rules and procedures; and
 - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the light rail corridor;
- Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and
- Sydney Light Rail site works access approval and access permit to work.

During Construction

- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;

- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Sydney Light Rail Operator at intervals required by TfNSW and the Sydney Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

Prior to the Issue of the Occupation Certificate

Post - construction Dilapidation Report

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

Reflectivity Report

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

As-built drawings

Prior to the issue of any Occupation Certificate, as-built drawings certified by a Registered Surveyor shall be submitted to TfNSW and Council by the applicant. The Principal Certifying Authority is not to issue the Occupation Certificate until the written confirmation received from TfNSW that this condition has been satisfied.

Attachment D – Photomontages

				<p>After</p>	
<p>Before</p>		<p>After</p>		<p>This is a representation only. The final installation may vary slightly</p>	
<p>Copyright The information on this drawing is subject to copyright and is not to be copied, reproduced or used without the written approval of Pixelwise Pty Ltd</p>		<p>pixelwise 405 Murrumbidgee St Woolcockart NSW 2206 P: +61 2 9480 8319 F: +61 2 9480 8370 www.pixelwise.com.au</p>		<p>bmm</p>	
<p>Antenna headframe amended ZV Preliminary</p>		<p>Site Address 7 Darley Road Leichhardt NSW 2040</p>		<p>Site Name : Leichhardt Darley Rd</p>	
<p>Revision Description</p>		<p>Site Number : M110956</p>		<p>Photographer : Velstra</p>	
<p>Created</p>		<p>Drawing No. : IM03</p>		<p>Approved : B</p>	
<p>Date</p>		<p>Checker :</p>		<p>Date : 22.12.22</p>	
<p>10.03.23</p>		<p>IM03</p>		<p>REV : B</p>	
<p>B</p>		<p>ZV</p>		<p>REV : B</p>	
<p>A</p>		<p>ZV</p>		<p>REV : B</p>	

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Version: 1, Version Date: 03/04/2023

				<p>Before</p> <p>After</p>		<p>This is a representation only. The final installation may vary slightly</p>									
								<p>Copyright information on this drawing is subject to copyright and is not to be reproduced or used without the written approval of Pixelwise Pty Ltd.</p>							
Rev	Date	Created	Revision Description					<p>Site Address 7 Darley Road Leichhardt NSW 2040</p> <p>Drawing title Photomontage View 4</p>		<p>Site Name Leichhardt Darley Rd</p> <p>Site Number N110955</p> <p>Drawing No. IM04</p>				<p>Approved:</p> <p>Date: 22.12.22</p> <p>REV B</p>	

Document Set ID: 37597679
Version: 1, Version Date: 03/04/2023