

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### SCHEDULE 1

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/1479 dated 4 December 2019 and the following drawings prepared by Sue Barnsley Design:

Drawing Number	Drawing Name	Date
DA01 Rev D	CoS Site Area & Zoning	5 February 2019
DA02 Rev F	Landscape plan	18 October 2018
DA03 Rev B	Landscape plan	18 October 2018
DA04 Rev A	Landscape Section AA – Plaza and Park West	15 August 2018
DA05 Rev A	Landscape Section AA – Park East	15 August 2018
DA06 Rev A	Landscape Section BB – Plaza	15 August 2018
DA07 Rev A	Landscape Section CC – Play Area	15 August 2018
DA08 Rev B	Landscape Planting – Trees	18 October 2018
DA09 Rev A	Landscape Planting – Plaza	15 August 2018
DA10 Rev A	Landscape Planting – Park	15 August 2018
DA11 Rev A	Landscape Planting – Preliminary Schedule	15 August 2018
DA12 Rev A	Landscape Materials	15 August 2018

The following drawings were prepared by Northrop:

Drawing Number	Drawing Name	Date
EL000 Rev 4	Electrical services cover sheet, legend of symbols	10 August 2018
EL010 Rev 5	Landscape plan	12 September 2018
EL100 Rev 4	Electrical services lighting layout	18 October 2018
EL500 Rev 5	Electrical services schematics	15 August 2018
SC001 Rev 2	Structural pole foundation	18 August 2018

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) BICYCLE PARKING AND END OF TRIP FACILITIES**

- (a) The minimum number of bicycle parking spaces to be provided for the development must comply with the table below.

User	Number of bicycles to be accommodated	Requirements
Customer / visitor	5	Class C bicycle parking facility in accordance with AS2890.3

- (b) The layout, design and security of bicycle facilities must comply with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Certifying Authority confirming prior to the Construction Certificate being issued.

**(3) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Construction Traffic Management Plan must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

The CTMP must be designed in consultation with the Sydney Coordination Office within TfNSW, Altrac and Sydney Light Rail Operator and consider the Sydney Light Rail being in operation. The applicant must submit a copy of the final plan to the Coordinator General, Transport Coordination for

endorsement, prior to the commencement of any work. The CTMP needs to specify, but not limited to, the following:

- Location of the proposed work zone/s
- Location of proposed crane/s
- Haulage routes
- Construction vehicle access arrangements
- Proposed construction hours
- Estimated number of construction vehicle movements
- Construction program
- Consultation strategy for liaison with surrounding stakeholders;
- Any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from construction vehicles during the construction of the proposed works
- Cumulative construction impacts of surrounding developments. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network
- Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP

The applicant must provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

Note: Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website:

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

#### **(4) COMPLIANCE WITH SITE CONTAMINATION MANAGEMENT PLAN**

- (a) The management and operation of the park must always be undertaken in accordance with the Site Contamination Management Plan prepared by JBS&G dated 13 August 2019 (Council reference 2018/484591-11).
- (b) The Plan must form part of any Plan of Management for Wimbo Park.

## **(5) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

## **(6) IMPORTED FILL MATERIALS**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should 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 shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

## **(7) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council's Area Planning Manager and the Principal Certifier.

## **(8) STOCKPILES**

- (a) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Unit.
- (b) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- (c) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- (d) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

## **(9) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
  - (i) A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.
- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Work Cover document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 - 1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**(10) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 1 below must be retained and protected in accordance with the conditions of consent throughout the construction and development.

Table 1 – Tree Retention:

<b>Tree No</b>	<b>Botanical/Common Name</b>	<b>Location</b>
T2006	Platanus acerifolia	Street Tree – Bourke St
T663	Platanus acerifolia	Street Tree – Bourke St
T664	Lophostemon confertus	Street Tree – Bourke St

**(11) PROJECT ARBORIST**

- (a) A Project Arborist, with minimum AQF Level 5 qualifications, shall be appointed by the City’s Tree Management Team. The Project Arborist will be responsible for monitoring and certification of all tree protection measures in accordance with these conditions of consent and also for any activities proposed around any trees listed for retention.
- (b) The Contractor shall provide site access to the Project Arborist at all times. The Project Arborist may provide advice on the existing trees, however all communications will be formalised between the Contractor and the Principal’s representative.

**(12) SITE INDUCTION - TREES**

- (a) The Principal’s Representative, Project Arborist, Contractor and any other persons required to work within the Tree Protection Zone (TPZ) of any trees shall attend a site induction meeting before any machinery or materials are brought onto the site and before the commencement of any site works including demolition, earthworks or site clearing.
- (b) The Tree Protection Measures, including the location of tree protection fencing, site sheds, stockpile areas, temporary access roads, sediment control devices and any drainage works shall be confirmed during the site induction meeting.
- (c) The site induction will highlight the requirements to protect the trees within the site, the type of actions that could lead to potential damage

and the penalties imposed by Council for breach of the tree protection measures.

### **(13) STREET TREE PROTECTION**

The three (3) street trees located along the Bourke Street frontage must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows for the duration of construction works:

- (a) Tree trunk protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times
  - (ii) Tree trunk/s must be protected by wrapped hessian or similar material to limit damage
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion
  - (iv) Tree trunk protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (d) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy, or
  - (ii) within two (2) metres of tree trunks or branches of any street trees
- (e) Any excavation within must be undertaken by hand.
- (f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 4 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40mm diameter are encountered during the installation of any services.
- (g) Existing sections of kerbs adjacent to any street tree shall not be removed without approval from the Street Tree Coordinator. Removal of kerbs adjacent to mature trees can cause trees to become unstable and fail.



- (h) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning and Assessment Act 1979.

**(14) STREET TREE PRUNING**

- (a) The consent from Council's Tree Contract Coordinator must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

**(15) TREE PROTECTION PLANS**

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

**(16) TREE PROTECTION ZONE**

- (a) Before the commencement of works, Tree Protection Zones (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.

**TPZ Schedule**

<b>Tree No</b>	<b>Species Name</b>	<b>Location</b>	<b>Radius (m) From Trunk</b>
T2006	Platanus acerifolia	Street Tree – Bourke St	10.5 metres
T663	Platanus acerifolia	Street Tree – Bourke St	7 metres
T664	Lophostemon confertus	Street Tree – Bourke St	5 metres

- (b) The ground surface protection must be installed if construction access is required through any TPZ and the existing concrete and/or paved footpath is demolished:

- (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
  - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (c) The following works must be excluded from within any TPZs:
- (i) Excavation (except for localised siting of piers)
  - (ii) Soil cut or fill including trenching;
  - (iii) Soil cultivation, disturbance or compaction;
  - (iv) Stockpiling, storage or mixing of materials;
  - (v) The parking, storing, washing and repairing of tools, equipment and machinery;
  - (vi) The disposal of liquids and refuelling;
  - (vii) The disposal of building materials;
  - (viii) The siting of offices or sheds;
  - (ix) Any action leading to the impact on tree health or structure.
- (d) All work undertaken within or above the TPZ must be:
- (i) Carried out in accordance with the work methodology statement prepared by an Arborist (minimum AQF Level 5) and approved by Council's Tree Management Officer in writing before its implementation; and
  - (ii) Supervised by a qualified Consultant Arborist (minimum AQF Level 5)

#### **(17) ADVANCED TREE PLANTING**

Tree planting must be undertaken in accordance with the following conditions, and to Council's satisfaction, prior to the issuing of the Occupation Certificate;

- (a) All new trees shall be planted in accordance with the approved Landscape Plans.
- (b) The trees must be grown to Australian Standard 2303:2015 'Tree stock for landscape use'
- (c) At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 2.5 metres.
- (d) All new trees must be planted by a qualified Horticulturalist or Arborist of Level 3 under the Australian Qualifications Framework (AQF).

- (e) All new trees must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.
- (f) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.
- (g) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

**(18) ARCHAEOLOGICAL INVESTIGATION**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) Council must be informed.

**(19) HERITAGE INTERPRETATION PLAN**

- (a) An interpretation plan for Wimbo Park must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.
- (b) The interpretation plan must detail how information on the history and significance of Wimbo Park will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.
- (c) The plan must specify the location, type, making materials and contents of the interpretation device being proposed.
- (d) Prior to the opening of the park, the approved interpretation plan must be implemented to the satisfaction of Council's Area Co-ordinator Planning Assessments / Area Planning Manager.

**(20) ALIGNMENT LEVELS – MINOR DEVELOPMENT**

- (a) Where ground floor levels of existing buildings are being retained, alignment levels for the buildings and site frontages of those buildings must be submitted to and approved by Council prior to a Construction Certificate being issued for public domain works or above ground building works, whichever is earlier. The submission must be prepared

by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Footpath Levels and Gradients Approval Application form (available on the City's website).

- (b) If a *Public Domain Plan* condition applies to the development consent the *Public Domain Plan* submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

## **(21) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

## **(22) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN**

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the site adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the

applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

**(23) PUBLIC DOMAIN PLAN**

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.
- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

**(24) PUBLIC DOMAIN WORKS BOND**

Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

**(25) PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER**

- (a) Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*.
- (b) Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's *Public Domain Manual* and *Sydney Streets Technical Specification*, including requirements for as-built documentation, certification, warranties and the defects liability period.

**(26) STORMWATER AND DRAINAGE**

- (a) Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering design, calculations and design for the stormwater overland flow path for the development must be:
  - (i) prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and
  - (ii) prepared in accordance with the City of Sydney's *Stormwater Drainage Manual*, technical specifications, standards and policies, as amended from time to time; and
  - (iii) submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.
  - (i) The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.
  - (ii) All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.

### **On-site Detention**

- (c) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.
  - (i) Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.
  - (ii) Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

### **Stormwater Quality Assessment**

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design as per approved MUSIC Link report prepared by Alluvium, project details Wimbo Park, dated 8/2/2019;
- (ii) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and
- (iii) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.
- (iv) include certification from a suitably qualified practicing professional that the requirements of parts d) (i), (ii) and (iii) of this condition have been met.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

### **Completion / Works-as-Executed Documentation**

- (e) Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:
  - (i) All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.
  - (ii) a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.
  - (iii) Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the *Public Domain Manual*, the *Stormwater Drainage Manual*, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.
  
- (f) Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):
  - (i) A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;
  - (ii) a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;
  - (iii) a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;
  - (iv) evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance



Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;

The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.

**(27) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS**

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.

**(28) DRAINAGE AND SERVICE PIT LIDS**

Drainage and service pit lids shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Design Code* and *Sydney Streets Technical Specification*. Details of drainage and service pit lids shall be submitted and approved by Council prior to a Construction Certificate being issued for the relevant stage of work.

**(29) PUBLIC DOMAIN DAMAGE DEPOSIT**

- (a) A Public Domain Damage Deposit calculated on the basis of 12 lineal metres of concrete on the Bourke St site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).
- (b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.
- (c) The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.

**(30) CONSTRUCTION ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**(31) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.

- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

### **(32) HOURS OF WORK AND NOISE**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

### **(33) OCCUPATION CERTIFICATE TO BE SUBMITTED**

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

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

## SCHEDULE 3

### TRANSPORT FOR NSW – CONDITIONS

#### General Conditions

1. 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;
2. 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;
3. The applicant should utilise planned light rail shutdowns in coordination with the Sydney Light Rail Operator where available. 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;
4. 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;
5. The applicant shall maintain sufficient clearance, in consultation with TfNSW and the Light Rail Operator, between the planted vegetation and the light rail track. The applicant shall maintain/remove vegetation growth that would likely have an impact on light rail operations at no cost to TfNSW;
6. The relocation of any TfNSW services or infrastructure is to be at the applicant's cost and to TfNSW Requirements and Standards;
7. All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW/Roads and Maritime Services; and
8. 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 the 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.

#### Prior to the issue of the Construction Certificate

9. The applicant should consult with TfNSW, Altrac and the Sydney Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation;
10. Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's

infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement;

11. The applicant shall provide the final design to the Sydney Light Rail Team within TfNSW for endorsement to ensure that it is satisfied with the final design of the development, prior to the issue of the Construction Certificate;
12. Prior to the issue of the relevant Construction Certificate, the applicant shall undertake a services search to establish the existence and location of any rail services including infrastructure/services routes installed for future proofing of the Wimbo Park Stop. Persons performing the services search shall use equipment that will not have impact on rail services and signalling. In the event that rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW whether these services could be affected by the works proposed or if they are to be relocated or incorporated within the site;
13. Prior to the issue of the relevant Construction Certificate, a risk assessment workshop with all relevant stakeholders and designers is to be held to identify the likelihood and risks associated with park activities and to propose risk management measures. All risk management measures agreed in the risk assessment workshop should be incorporated into the design by the applicant;
14. 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;
15. Prior to the issue of the relevant Construction Certificate, 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; and
16. Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor or 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.

#### Prior to the Commencement of Works

17. Prior to the commencement of works on site, a Safety Interface Agreement (SIA) between the Sydney Light Rail Operator, TfNSW and the applicant must be signed and accepted by all parties prior to the start of works. This agreement will include, but is not limited to;
  - Review of the machinery to be used during excavation/ground penetration/ construction works;
  - The need for track monitoring;

- Design and installation of lights, signs and reflective material;
  - Design of crossing over Sydney Light Rail tracks;
  - Access by representatives of TfNSW, Altrac and the Sydney Light Rail Operator to the site of the approved development and all structures on that site;
  - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS); and
  - Altrac and Sydney Light Rail Operator's rules and procedures.
18. Prior to the commencement of works, an agreement between Altrac, Sydney Light Rail Operator, TfNSW and the applicant must be signed and accepted by all parties. This agreement will include, but is not limited to:
- 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;
  - 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, shutdown/power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
  - Interface coordination between Altrac, Sydney Light Rail Operator and the subject development construction works;
  - 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 Sydney Light Rail Corridor;
  - Arrangements for shutdowns; and
  - Sydney Light Rail restricted operations related costs attributed to the applicant requested and approved Sydney Light Rail site works access approval and access permit to work.
19. Prior to the commencement of works, the applicant shall provide TfNSW (and any third party contractor nominated by TfNSW) with a detailed program outlining relevant design, construction and maintenance activities in order to be satisfied that the proposed works do not in any way adversely impact the Sydney Light Rail Project.

### During Construction

20. No rock anchors/bolts (temporary or permanent) are to be installed into TfNSW's property or easements and the light rail corridor;
21. 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;
22. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor/assets. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant; and
23. 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).

### Prior to the issue of the Occupation Certificate

24. The final 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, Altrac and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from TfNSW confirming its satisfaction with rectification of any damage identified in the dilapidation survey;
25. Where defects are identified during the final dilapidation survey, a subsequent final dilapidation joint inspection survey shall be undertaken to agree closure of defect rectification actions; and
26. Prior to the issue of the Occupation Certificate, 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.