

ATTACHMENT 1

CONDITIONS OF CONSENT

BUILDING C LDA2021/35 – 11-17 Khartoum Road, Macquarie Park

GENERAL

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Demolition Site Plan	01.10.2021	550008, DA-004, Revision 10
Proposed Site Plan	01.10.2021	550008, DA-005, Revision 11
Staging Site Plan	01.10.2021	550008, DA-007, Revision 11
Basement 3 Plan	01.10.2021	550008, DA-010, Revision 10
Basement 2 Plan	01.10.2021	550008, DA-011, Revision 10
Basement 1 Plan	01.10.2021	550008, DA-012, Revision 10
Ground Floor Plan	01.10.2021	550008, DA-013, Revision 11
Level 1 Plan	01.10.2021	550008, DA-014, Revision 11
Level 2 Plan	01.10.2021	550008, DA-015, Revision 11
Level 3 Plan	01.10.2021	550008, DA-016, Revision 11
Level 4-5 Plan	01.10.2021	550008, DA-017, Revision 11
Level 6 Plan	01.10.2021	550008, DA-018, Revision 11
Roof Plan	01.10.2021	550008, DA-0019, Revision 11
North Elevation	01.10.2021	550008, DA-021, Revision 10
East Elevation	01.10.2021	550008, DA-022, Revision 10
South Elevation	01.10.2021	550008, DA-023, Revision 10
West Elevation	01.10.2021	550008, DA-024, Revision 10
Section North-South	01.10.2021	550008, DA-026, Revision 11
Section East-West	01.10.2021	550008, DA-027, Revision 11
Façade Intent Details	01.10.2021	550008, DA-028, Revision 3
Materials and Finishes	01.10.2021	550008, DA-050, Revision 10
Landscape Plan Ground Floor/B1	01.10.2021	SS20-4495, 001, Issue E
Landscape Plan Level 1 & 3	01.10.2021	SS20-4495, 011, Issue D
Landscape Plan	01.10.2021	SS20-4495, 101, Issue D
Landscape Plan	01.10.2021	SS20-4495, 102, Issue E
Landscape Details	01.10.2021	SS20-4495, 501, Issue D
Concept Siteworks and Stormwater Management Plan	06.10.2021	DAC404.01, Revision 07
Concept Siteworks and Stormwater Management Plan – Sheet 1	06.10.2021	PDC404.01, Revision 04

Concept Siteworks and Stormwater Management Plan – Sheet 2	06.10.2021	PDC404.02, Revision 06
Concept Stormwater Management Report	30.08.2021	171708-08_M-Park Building C, Revision 7
Arboricultural development impact assessment report	16 August 2021	Birds Tree Consultancy – Masterplan Revision H
Access Report	28.01.2021	Morris Goding Access Consulting Access Review V5
BCA Report	28.01.2021	McKenzie Group Revision E
ESD report	16.12.2020	Cundall Johnston and Partners Pty Ltd
Supplementary ESD Report	7.04.2021	Cundall Johnston and Partners Pty Ltd
Geotechnical Ground Water Impact Report	28.10.2020	Douglas Partners Project R.003.Rev0
Geotechnical Investigation Report	27.10.2020	Douglas Partners Report R.001.Rev1
Pedestrian Wind Environment Study	21.01.2021	WD841-04F01(REV3)
Acoustic Report	28.11.2017	Acoustic Logic Report Rev 2
Supplementary Acoustic Memorandum	9.10.2020	Floth Report
Waste Management Plan	28.01.2021	Rev No. 5

Prior to the issue of the relevant Construction Certificate, the following amendments shall be made:

- a) **Lift in pedestrian link.** The materials for the lift shaft for the lift located at the eastern side of the site within the pedestrian link are to have a high level of transparency. Details of the materials are to be submitted to Council for approval.
- b) **Pedestrian Footpath access to Through Site Link.** The pedestrian footpath adjoining the southwestern frontage of the building must continue through to the through site link at its south eastern end. To achieve this, the projecting garden must be reduced to align with the façade, and the footpath continued onwards.

The amended landscape plans are to be submitted to and approved by Council prior to the issue of the relevant **Construction Certificate**.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Saturday (other than public

holidays). No building activities are to be carried out at any time on a Sunday or a public holiday.

4. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant to this consent is to be removed when the work has been completed.
5. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (*Public Civil Works*) and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.
9. **Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
10. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (*Public Civil Works*), to the satisfaction of Council. Council's standards and specifications are available on the Council website.

11. **Works on Public Roads.** Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.
12. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.
13. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
14. **Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land. The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.
15. **Mechanical ventilation of loading docks.** All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and air-conditioning in buildings – Mechanical ventilation in buildings*
16. **Storage of hazardous substances.** The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*.
17. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.
18. **Vehicle Access/Egress Movements.** Vehicle entry and exit movements to and from Khartoum Road via the northern private road are to be restricted to left in/left out only (i.e. No right turning movements are permitted).
19. **Geotechnical report.** All design works and construction works are to be undertaken in full compliance with all of the recommendation in the Douglas Partners Geotechnical Report dated October 2020.
20. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 16th August

2021, must be retained and protected: Trees , 66, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 82, 83, 91, 92 & 93.

21. **Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 16th August 2021, are approved for removal: Trees 64, 67, 68, 69, 84, 85, 86, 87, 88, 89, 90 & 191.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

22. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) 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
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
23. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
24. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
25. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
26. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to

receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

27. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
28. **Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
29. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
30. **Imported fill – type.** All imported fill must be Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
31. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Excavated Natural Material. Records of the validation must be provided upon request by the Council.
32. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
33. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Excavated Natural Material that has been validated for use on the site is accepted.
34. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.
35. **Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to the commencement of any demolition work.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the DPTMP.

The DPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of

Council, undertake remedial treatments such as patching at no cost to Council.

xiii. Comply with relevant sections of the following documents:

- The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
- TfNSW' *Traffic Control at Work Sites* technical manual; and
- Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

36. **Implementation of Demolition Pedestrian and Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Transport Department for approval. A copy of the approved DPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before the relevant Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

37. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the relevant **Construction Certificate**.

38. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

39. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
(a) Infrastructure Restoration and Administration Fee
(b) Enforcement Levy
40. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**
41. **Transport for NSW.** The applicant is to enter into a Transport Infrastructure Contribution Deed (Stage 2 Deed) with Transport for NSW, prior to the issue of a construction certificate that authorises the construction of Building D, for the delivery of road improvement works at the intersection of Khartoum Road and Talavera Road, Macquarie Park comprising a monetary contribution of \$853,650. This contribution amount is for the cumulative traffic impacts from Buildings B, C and D.
42. **Stormwater Plans – Design Changes.** The Stormwater Plan prepared by Northrop dated 14th May 2021 is to be amended so that the proposed drainage swale is removed from the Tree Protection Zone (TPZ) of Trees 72 & 74. Details of compliance are to be shown on the plans for the relevant Construction Certificate.
43. **Stormwater Plans – Installation of Infrastructure.** The proposed stormwater pipe and grated trench drain associated with the ramp/walkway within the Tree Protection Zone (TPZ) of Trees 73, 74 & 76 are to be installed entirely above the existing ground levels and via a method that does not require excavation. Details of compliance are to be shown on the plans for the relevant Construction Certificate.
44. **Suspending Paving/Deck Construction.** All stairs, ramps, walkways and platforms/terraces which occur within the Structural Root Zone (SRZ) and Tree Protection Zone (TPZ) of Trees 72, 73, 74, 75, 76, 77, 79, 80, 82 & 83 are to be suspended entirely above the existing ground levels. Each of these elements are to be supported by an isolated pier and beam method of construction with minimal disturbance made to the existing ground levels. Test excavation for pier locations is to be completed under the supervision of the Project Arborist and must employ a method of hand digging using non-motorised tools or via hand operated pneumatic device. If any significant roots are encountered during this process, the piers are to be relocated in consultation with the Project Arborist to avoid impact. Built elements which occur within the SRZ of Trees 76, 82 & 83 are to be completely cantilevered so as to avoid any pier excavation within this zone. Details of compliance are to be shown on the plans for the relevant Construction Certificate.
45. **Automated Irrigation.** A permanent, automatic irrigation system is to be installed to the underside of all suspended platforms/terraces within the TPZ of

Trees 82 & 83. The watering system is to operate for the duration of construction works and in perpetuity after final completion. Soil moisture levels within the TPZ of these trees are to be regularly monitored by the Project Arborist with any required adjustments to the system made accordingly. Details of compliance are to be shown on the plans for the relevant Construction Certificate.

46. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
47. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the relevant **Construction Certificate**.
48. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for the relevant **Construction Certificate**;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To mitigate for the lack of dedicated sight distance splays at the loading dock access and additionally complement the proposed signage and warning lamps, the exit path of a service vehicle must be delineated by linemarking and RPM's in the loading bay area so as to guide vehicles to emerge adjoining the southeastern side of the access. Additionally the exit door and façade on the southeastern side of the service vehicle entry must be visually open, either using a grate, mesh or louvre façade, such that exiting drivers will have sight distance along the footpath region to the southeast.

- c) Similar to above, an opening must be provided on the southeastern side of the vehicle entry so as to provide adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area. The region must be equivalent to a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.
- d) The landscaped garden bed on the southeastern side of the vehicle entry is noted to project beyond the building alignment, over the footpath and will force pedestrians onto the roadway when accessing the central through site link. The garden bed must therefore be modified to extend no further than the southern façade and the area to be treated as footpath.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of the relevant Construction Certificate.

49. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure in Talavera Road generally in accordance with the plans by Northrop Consulting Engineers Pty Ltd. (Refer to project No 171708-08 Dwgs DAC401.01 Rev 07 dated 6 October 2021 and DAC405.21Rev 04 dated 30 August 2021) subject to any variations marked in red on the approved plans or noted following;
- The stormwater system shall incorporate a connection stub extending to the southeastern extent of this development so as to enable use of the nominated rainwater tank storage by the development of Building D.
 - Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid

long term impacts related to the support of structures on neighbouring properties.

50. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for the relevant Construction Certificate.

51. **Stormwater Management - Pump System.** The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3.

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3, except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

52. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Talavera Road will require the assessment, approval and inspection by

Council's Public Works section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the relevant Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

53. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, noting relatively minor seepage may be expected and is managed through conventional drainage systems, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

- Is in accordance with the recommendations of the approved Geotechnical Report.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the relevant Construction Certificate.

54. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for the relevant Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
 - Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
 - Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
 - The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
 - Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
 - Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
 - Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
 - Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.
55. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils*

and Construction“ by NSW Department – Office of Environment and Heritage and must contain the following information;

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

56. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue the relevant Construction Certificate.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a

public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.

- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

57. Waste and Service Vehicle Access. Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of an 8.8m long Medium Rigid Vehicle (MRV), as a minimum requirement. The minimum height clearance required is 4.5m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m long MRV shall be submitted to and approved by Council's Transport Department prior to the issue of the relevant Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

58. **Central median within Khartoum Road.** Work As Executed (WAE) engineering drawings on the central median within Khartoum Road (based on the approved Concept Design prepared by Northrop dated 6 September 2021, Drawing No. SKC11.01, Revision 2) are to be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) and submitted to and approved by Council's City Works Directorate prior to the issue of the relevant Construction Certificate.

The proposed central median shall be designed in accordance with relevant Transport for NSW's technical directions/drawings (e.g. Drawing No. R0300-01), Austroads and other relevant design standards.

The submitted engineering drawings shall include plans, sections, existing and finished surface levels, kerb returns, existing and proposed signage and line marking and other relevant details for the proposed central median works.

59. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Report prepared by Morris Goding Access Consulting Access Review V5 dated 28 January 2021. Details including compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the relevant construction certificate being issued.
60. **Bicycle Parking.** A minimum of 43 bicycle parking spaces or lockers designed and installed in accordance with the Australian Standard AS2890.3 are to be provided with the development. Details are to be submitted on the relevant Construction Certificate plans.
61. **Energy Efficiency.** The development is to comply with the ESD Strategy as outlined in the DA ESD Report prepared by Cundall Johnston and Partners Pty Ltd dated 16 December 2020, and supplementary report dated 7 April 2021. The PCA is to be provided with a report to verify that the relevant Construction Certificate Plans comply with the recommendations of the report.
62. **Noise.** The development shall be carried out in accordance with the recommendations provided within the Environmental Noise Impact Assessment prepared by Acoustic Logic Revision 2 dated 28 November 2017 and supplementary memorandum prepared by Floth dated 9 October 2020. The recommendations contained in the report are to be demonstrated on the relevant Construction Certificate plans. Details indicating compliance with these recommendations are to be submitted to the PCA prior to the relevant Construction Certificate being issued.
63. **Arts and Cultural Plan.** Prior to the issue of the relevant Construction Certificate, a site specific Public Arts Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner, should align with the City of Ryde's Public Art Principles outlined in the *City of Ryde*

Public Art Planning Guide for Developers and will be required to address the following:

- Specific project description
 - Aims and objectives
 - Statement of artistic intent
- Thematic framework
 - How the artwork is developed in relation to the site
 - Response and interpretation of urban fabric and local culture
 - Explanation of the range of art forms and design applications
- Concept drawings / descriptions of proposed public artworks (which correspond with architect drawings/plans approved as part of the development)
 - Integrated artworks
 - Site specific artworks
 - Proposed use of materials – robustness and durability
- Project parameters and implementation
 - Arts management
 - Scope of works
 - Schedule of works and timeframe
 - Public art budget and budget breakdown
 - Engineering works
 - Construction schedule
 - Maintenance requirements and schedule
 - Decommissioning procedures

64. **Wind Mitigation.** The development shall be carried out in accordance with the recommendations provided within the Pedestrian Wind Environment Study prepared by Windtech (dated 21 January 2021). All recommendations are to be demonstrated on the relevant Construction Certificate plans. The Construction Certificate plans are to demonstrate that the development complies with the walking comfort criterion.

65. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of the relevant Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

66. **Lighting of common area.** Details of the lighting within the common areas within site is to be submitted to Council for approval prior to the issue of the relevant Construction Certificate. The detailed lighting scheme is to be prepared by a suitably qualified lighting consultant, and must meet the

requirements of AS1158.3.1:2020 *Lighting for Roads and Public Spaces*. Details are to be submitted on the Construction Certificate plans with documentation provided by a lighting expert.

67. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:
- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
 - b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
 - c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.
68. **Public domain improvements.** The public domain is to be upgraded in both Talavera Road and Khartoum Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – *Macquarie Park Corridor*. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the relevant Construction Certificate.

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Macquarie Park Tree Master Plan. A minimum of nine (9) street trees are to be provided along the road frontages. The applicant is required to consult with Sydney Water in the appropriate location of these trees.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

(c) All telecommunication and utility services are to be placed underground along the Khartoum Road and Talavera Road frontages. The extent of works required to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.

(d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158 *Lighting for Roads and Public Spaces*, with a minimum vehicular luminance category V3 and pedestrian luminance category PR2 along both Khartoum Road and Talavera Road.

Subject to design, it is expected that two new street lights on multifunction poles (MFPs) will be required along the Khartoum Road frontage and four new street lights on MFP's will be required along the Talavera Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park Corridor. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to and approved by Council's City Works Directorate prior to lodgement of the scheme with Ausgrid for their approval.

Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide including the design template and checklist, and the street lighting schema can be made available to the Electrical Design Consultant upon request to Council's City Works Directorate.

69. **Public Infrastructure Works.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council's City Works Directorate prior to the issue of the relevant Construction

Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and line-marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed road works into the remaining street scape.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- (b) The construction of new kerb and gutter along the Khartoum Road and Talavera Road frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- (c) Half road resurfacing works along the Talavera Road and Khartoum Road frontages where rectification works are required. A dilapidation report is to be prepared prior to commencement of construction works to determine the condition of the road pavement on both the Talavera and Khartoum Road frontages. The dilapidation report to be used as the basis to identify the need for any rectification works (such as resurfacing) to the road surface following the site construction. The scope of the works is also required to be determined based on a joint inspection between Council and the Applicant. After the joint site inspection is carried out the final scope of the road pavement works will be captured on the civil plans to be submitted with the relevant construction certificate.
- (d) The construction of the **part b3** of the pedestrian through site link (see Revised Staging Plan, Revision N, dated 2/10/2020 of the Deed), along the south-eastern boundary of the Stage 3 works.
- (e) The removal of the existing retaining wall along the Talavera Road frontage and the relocation of it within the site.
- (f) The construction of full width granite footway along the Khartoum Road and Talavera Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park Corridor.
- (g) The relocation of the existing bus shelter on the Talavera Road frontage as advised by Council next to the site boundary.
- (h) Signage and line-marking details. The existing Share User Path (pedestrians and cyclists) along the Talavera Road frontage to be marked clearly with any deviations of the travel paths in front of the relocated bus shelter.
- (i) The construction of median along the centre line of Khartoum Road with all relevant signage, forcing “Left-In Left-Out” entry / exit via the driveway in Khartoum Road.

- (j) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (k) Staging of the public civil works, if any, and transitions between the stages.
- (l) The relocation/adjustment of all public utility services affected by the proposed works and will form part of the scope outlined in the VPA. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

- 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- 2. Rectification of the roads, where required, should not result in small patches of new sheeting, and rectification work should be undertaken holistically where required.
- 3. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 4. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 "*Standards Enforcement*". A checklist has also been prepared to provide guidance and is available upon request to Council's City Works Directorate.
- 5. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

70. **Reinstatement of Bus Stop and Bus Shelter.** The existing bus stop and shelter along the Talavera Road frontage of the development site shall be relocated to a Council approved temporary location prior to commencement of the public domain improvement works. The bus stop and the bus shelter shall be reinstated in its final location close to the property boundary in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.

71. **Pedestrian Link.** A 6m wide pedestrian link incorporating a 4m wide (and variable within the stairs towards Talavera Road) accessible paved footpath plus 2m landscape strip adjacent to it shall be provided along the south-eastern side of the proposed Building C. The pavement is to be narrowed on the stairs section to 3m, as shown on the plans prepared by 3XN dated 1 October 2021.

This is the part b3 of the pedestrian link providing connectivity between Talavera Road and future Road 1 with the layout to be generally in accordance with Ryde Development Control Plan 2014 Part 4.5 Macquarie

Park Corridor. The pedestrian link shall be constructed by the developer/ owner prior to the issue of the relevant Occupation Certificate for Building C at no cost to Council. Full public access is to be available at all times over the pedestrian link.

The detailed design of the Pedestrian Link shall follow the concept design by 3XN, especially Drawing No DA-009 (Revision A). Full construction details demonstrating compliance with the City of Ryde Public Domain Technical Manual PDTM Chapter 6 – Macquarie Park Corridor are to be submitted with the relevant Building C (Stage 3) Construction Certificate and shall include the following details:

- (a) The design must provide a clear delineation as a pedestrian-only zone as well as sufficient design variation/articulation to create an experience of high amenity for users moving through the site. Landscape variation and features to relieve the gun-barrel style design should be incorporated to distinguish the pedestrian link from the new internal roadways;
- (b) Fully dimensioned plans showing the width of the pedestrian link, footpath, transitions and landscaping areas along the footpath
- (c) Selection of paving type, colour and dimensions in accordance with Council's requirements;
- (d) Fencing in consultation with Council is to be provided along the eastern boundary of the pedestrian link;
- (e) Provision of adequate lighting (category PR2 according to Australian Standards AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces) for illumination of the footpath to ensure safety and security of the users during night time;
- (f) The pedestrian link shall be accessible for people with disabilities. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council.

72. **Vehicle Footpath Crossing and Gutter Crossover.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life that is consistent with that of the development, and that it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

Prior to the issue of the relevant Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges. The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

73. **Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve and in the pedestrian link area following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of **\$140,000** shall be lodged with the City of Ryde prior to the issue of the relevant Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.
74. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

75. **Anticipated Assets Register - Changes to Council Assets.** In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and

Infrastructure Department. The listings should also include any assets removed as part of the works.

The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

76. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
77. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
78. **Carpark exhaust vent.** The carpark exhaust vent shall comply with the requirements of AS1668.2 and:
 - i. at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - ii. at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
79. **Storage of commercial wastes.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.
80. **Construction of garbage rooms.** All garbage rooms must be constructed in accordance with the following requirements:
 - a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

- f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - i) The room must be provided with adequate artificial lighting; and
 - j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
81. **Installation of grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
82. **Underground diesel storage system details.** Details of the new underground diesel storage system must be submitted for approval with the application for the relevant Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the system complies with the conditions of this Consent.
83. **Installation/operation fuel pumping systems.** The installation and operation of fuel pumping systems of underground storage tanks shall be carried out by a duly qualified person out in accordance with:
- (a) AS 1940:2017 The Storage and Handling of Flammable and Combustible Liquids;
 - (b) AS 4897-2008 The design, installation and operation of underground petroleum storage systems;
 - (c) Protection of Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
84. **Ausgrid.** The applicant is to consult with Ausgrid in preparing the Construction Certificate plans. The applicant is to ensure Ausgrid are satisfied that the technical and statutory requirements in regard to the safe and reliable operation and maintenance of Ausgrid's network is maintained. Evidence is to be provided to the certifier prior to the relevant Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

85. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
86. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
87. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by a minimum AQF Level 5 consulting Arborist which provides details and guidance as to how existing trees to be retained are to be protected during the proposed works. This document is to be prepared prior to the commencement of any works and is to take into consideration all trees on site and within the public domain which may be affected by the proposal.
88. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site.
89. **Tree Protection Fencing.** The Tree Protection Zones of all retained trees must be protected by way of fencing and signage designed and located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
90. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Birds Tree Consultancy dated 16th August 2021. All trees are to be monitored to ensure adequate health throughout the works period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist. Details of the Project Arborist are to be submitted to Council prior to the commencement of the proposed works.
91. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a

construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

92. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection (e.g. intersection of Khartoum Road and Talavera Road).
93. **Notice of Intention to Commence Public Domain Works.** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.
- Note:** Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.
94. **Notification of adjoining owners & occupiers – public domain works.** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.
95. **Pre-construction inspection.** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.
96. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to any work commencing.

All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

97. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street

frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.

- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

- 98. **Temporary Footpath Crossing.** A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.
- 99. **Ryde Traffic Committee Approval.** A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

- 100. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
- 101. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction and demolition work.
- 102. **Noise management plan.** Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
 - (a) Identification of nearby affected residences or other sensitive receivers.
 - (b) An assessment of the expected noise impacts.

- (c) Details of the work practices required to minimise noise impacts.
- (d) Noise monitoring procedures.
- (e) Procedures for notifying nearby affected residents.
- (f) Complaints management procedures.

103. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
104. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
105. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.
106. **Canopy Tying.** Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.
107. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
108. **Construction materials.** All materials associated with construction must be retained within the site.
109. **Site 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.
110. **Site maintenance.** The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
111. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the

minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

112. **Lighting.** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
 - Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - Sensor lighting should be installed into areas that may be areas of concealment.
 - All outdoor public spaces should be well lit to ensure safety during the hours of darkness.
 - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
 - To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
113. **Prevention of graffiti.** To assist in the prevention of graffiti, consideration should be given to the use of graffiti resistant materials to assist in the quick removal of any graffiti.
114. **Fire Doors.** Signage is to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only. All fire doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
115. **Access control.** Access control should be put in place to prevent authorised access. In this respect, access should be restricted to employees only to the lifts and stairs leading to the upper levels.
116. **Locks to doors.** All locks fitted to the doors should be of high quality and meet the Australian design standard. Any glass within these doors should be laminated to enhance the physical security of the doors.
117. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
118. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
119. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate

version of the Stormwater Management Plan by Northrop Consulting Engineers Pty Ltd. (Refer to project No 171708-08 Dwgs DAC401.01 Rev 07 dated 6 October 2021 and DAC405.21Rev 04 dated 30 August 2021) submitted in compliance to the condition labelled “*Stormwater Management.*” and the requirements of Council in relation to the connection to the public drainage system.

120. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
121. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
122. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
123. **Dust control.** Appropriate measures must be taken to control the generation of dust during demolition and excavation work:
 - (a) Any materials that are likely to generate dust during demolition, excavation or removal must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - (b) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
 - (c) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
124. **Storage and removal of wastes.** All demolition, excavation and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

125. Implementation of Construction Pedestrian and Traffic Management Plan.

All construction activities are to be undertaken in accordance with the approved Construction Pedestrian and Traffic Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council's Traffic, Transport and Development Department for approval. A copy of the approved CPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all relevant works are completed in compliance with the approved construction certificate plans and relevant conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

126. Landscaping. All landscaping works approved by condition 1 are to be completed prior to the issue of the relevant **Occupation Certificate**.

127. Sydney Water – Section 73 Compliance Certificate. A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of the relevant Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

128. **Certification of underground petroleum storage systems.** An installation certificate from a suitably qualified person certifying that the underground petroleum storage system complies with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of the Occupation Certificate.
129. **Energy Efficiency.** Prior to the issue of the relevant Occupation Certificate, the applicant is to provide a report to Council and the PCA to confirm that the development complies with the DA ESD Report prepared by Cundall Johnston and Partners Pty Ltd dated 16 December 2020, and supplementary report dated 7 April 2021.
130. **Noise.** Prior to the issue of the relevant Occupation Certificate, a suitably qualified acoustic consultant is to certify that the development complies with the recommendations in the report titled Environmental Noise Impact Assessment, prepared by Acoustic Logic, dated 28 November 2017, and supplementary memorandum prepared by Floth dated 9 October 2020. .
131. **Disabled Access.** Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.
132. **Wind Mitigation.** Prior to the occupation of the development, a suitably qualified wind consultant is to verify that the development complies with the recommendations in the report titled Pedestrian Wind Environment Study prepared by Windtech dated 21 January 2021.
133. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the relevant application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
134. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump and WSUD components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website). The positive covenant must be registered on

the title prior to the release of any the relevant Occupation Certificate for development works for which the system(s) serve.

135. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of the relevant Occupation Certificate.

136. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of the relevant Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the

development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.

- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support (where this activity has been undertaken).
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

137. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

138. **Parking Area Linemarking and Signage.** To ensure the safe and efficient circulation of traffic and access to parking, directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be

provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

139. **Access and Right of Way.** A Right of Way (ROW) shall be created over the pedestrian link in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA in accordance with the timing of the Deed of Agreement.

The terms of the Right of Way must ensure that:

- a. The Pedestrian Link is accessible at all times to the Public;
- b. The Pedestrian Link will be adequately maintained by the occupier/owner of the site at all times;
- c. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

140. **Vehicle Footpath Crossing and Gutter Crossover – Construction.** The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of the relevant Occupation Certificate at no cost to Council. Works may include the removal of any redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

141. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover.** A Compliance Certificate shall be obtained from Council's City Works Directorate and a copy submitted to the Principal Certifier prior to the issue of the relevant Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

142. **Public Domain Improvements and Infrastructure Works – Completion.** All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of the relevant Occupation Certificate.

143. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular

crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

144. **Electricity accounts for new street lighting.** Prior to the issue of the relevant Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.
145. **Compliance Certificates – Street Lighting.** Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
146. **Compliance Certificate – External Landscaping Works.** Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
147. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of the relevant Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

148. **Registered Surveyor Final Certificate.** Upon completion of all construction works, and before the issue of the Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.
149. **Supervising Engineer Final Certificate.** Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

150. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the relevant Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

151. **Decommissioning of Ground Anchors.** Prior to the issue of the relevant Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
152. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

153. **Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to the issue of the relevant Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have

dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

154. **Public Domain Design and Construction Staging.** The Applicant shall be responsible for the design and construction of all public domain improvement and infrastructure works for each stage. All engineering civil works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works*, relevant Development Control Plans and in accordance with Council's specifications and to the satisfaction of Council. Council has full control to implement and impose any necessary condition to coordinate staging of the public domain work throughout the assessment phase of the development applications. All design and construction to public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
155. **Loading Dock Management Plan.** A Loading Dock Management Plan shall be prepared by a suitably qualified traffic engineering consultant and submitted to Council's Transport Department for review, prior to the issue of the relevant Occupation Certificate. The Plan will need to demonstrate how the internal loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. Vehicle queuing on public road(s) is not permitted.
156. **Khartoum Road Central Median – Completion** – The central median works within Khartoum Road shall be completed to Council's satisfaction, in accordance with the approved WAE drawings and at no cost to Council, prior to the issue of the relevant Occupation Certificate.
157. **Framework Travel Plan.** A final Travel Plan based on the preliminary Framework Travel Plan will be submitted to and approved by Council prior to the issue of the relevant occupation certificate for any stage of development. The Final Travel Plan will detail the promotion, development, implementation and monitoring of a coordinated transport strategy for each stage of the development, and must contain a range of site-specific measures and details on how the objectives and targets of the travel plan are to be achieved. It will include, at a minimum, the following additional information beyond the Framework Travel Plan:
 - Nomination of a specific person for the role of Travel Plan Coordinator and provision of related contact details.
 - Detailed and updated information on the findings of the site audit including but not limited to pedestrian connectivity and bicycle network.
 - Specify the number of bicycle parking spaces being provided which falls under the responsibility of the developer.

- Calculations demonstrating how the number of each type of dedicated parking spaces will support the proposed mode share targets for the development.
- Details on the number of staff/visitors expected at the site and expected number of each trip type generated during various time periods.
- Additional columns for each action detailing the estimated cost/source of funding/ proposed timing for all nominated actions. Where two parties are nominated against an item this should be subdivided into relevant subitems with appropriate actions relevant to each party, to ensure that only one party is clearly responsible for implementing each item.
- A Final Travel Access Guide and details on how it will be kept updated and distributed to occupants and staff at the building.

158. **Review of Travel Plan.** A Review of the Final Travel Plan for the building shall be conducted annually and submitted to Council for a minimum of 5 years after the issue of an occupation certificate. The Travel Plan review shall demonstrate progress towards Travel Plan targets and objectives and include the following information:

- Basic information about the site, including the number of employees;
- Details of mode-splits and progress towards targets (obtained from an annual survey);
- Details of the initiatives implemented since the last review;
- An assessment of whether initiatives have been successful in terms of meeting Travel Plan objectives and targets; and
- Details of future initiatives to be undertaken or other changes required to meet targets and objectives.

This requirement shall be included in any contract of sale for the property.

159. **CCTV.** The applicant must install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, retail and public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

160. **Hours of operation.** The hours of operation for the retail spaces on the ground floor of the building are to be restricted to:

- 6am to 11pm (Monday-Friday).

- 6am to 10pm (Saturday)
- 7am to 10pm (Sundays and public holidays)

161. **Limiting noise from the retail spaces.** No live or amplified music is to be played in any of the retail spaces on the ground floor.
162. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- A maximum allocation of 184 commercial spaces
 - A minimum of 8 retail parking spaces
 - A minimum of 12 motorbike parking spaces and,
 - A minimum of 43 bicycle parking spaces.
163. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).
164. **Loading Bay Management – Implementation.** To ensure the efficient use of the Loading Bay and prevent loading/ service movements impacting surrounding parking availability or the amenity of the public domain, the Loading Bay Management Plan as specified in the approved Traffic Report (Refer to “*Traffic and Transport Impact Assessment Report for Building C*” by Colston Budd Rogers and Kafes Pty Ltd. dated January 2021 – Section 8) must be prepared for integration into any Building Management or Strata Management Statement and implemented in the operation of the development. The statement is to be amended to require any vehicle greater than SRV dimensions must utilise the internal loading bay area until the circulatory driveway is completed in association with the adjoining Building D.
165. **Offensive noise.** The use of the premises must not cause the emission of ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997*.
166. **Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *Noise Policy for Industry (EPA, 2017)*.
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.

167. **CCTV.** As a minimum, CCTV cameras at entry and exit points to the premises must record footage of a nature and quality in which it can be used to identify a person recorded by the camera.

- All other cameras **MUST** record footage of a nature and quality in which it can be used to recognise a person recorded by the camera. The time and date must automatically be recorded on all recordings made whilst it is recording.
- All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- If requested by police, the applicant or body corporate is to archive any recording until such time as they are no longer required.
- The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

168. **Signage requirements of NSW Police.**

- A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.
- Signage also needs to be provided at entry/exit points and throughout the development to assist users. Clear signage should indicate restricted areas.
- Signage also needs to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.
- Signage is to be used to indicate entries and exits. Signs should be clear, legible and useful. The front of the building should have clear signage in regards to street numbers so that emergency services are able to clearly read the numbers. To assist with way finding for emergency services, numbering of street numbers, building numbers and levels of the building should be clearly displayed.
- Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
- Location maps should be used throughout the complex to indicate to visitors where they are.
- Good signage with clear instructions in relation to way finding should be erected within the basement car park areas.