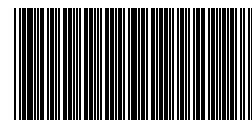




Filed: 20 January 2022 2:10 PM



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### Section 34 Agreement

#### COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2021/00195421

#### TITLE OF PROCEEDINGS

First Applicant	APLUS ARCHITECTURE PTY LTD ACN 139354233
First Respondent	COUNCIL OF THE CITY OF RYDE ABN 81621292610

#### FILING DETAILS

Filed for	APLUS ARCHITECTURE PTY LTD, Applicant 1
Legal representative	Debra Jean Townsend
Legal representative reference	
Telephone	9296 2341

#### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Section 34 Agreement (Section 34 Agreement - Epping Road - including Annexure A.pdf)

[attach.]

Form A (version 2)

**SECTION 34 AGREEMENT**(Section 34 *Land and Environment Court Act NSW 1979*)**COURT DETAILS**

Court	Land and Environment Court of New South Wales
Class	1
Case number	2021/195421

**TITLE OF PROCEEDINGS**

Applicant	<b>Aplus Architecture Pty Ltd</b>
Respondent	<b>Council of the City of Ryde</b>

**FILING DETAILS**

Filed for	<b>Aplus Architecture Pty Ltd</b> , Applicant and Council of the City of Ryde, <b>Respondent</b>
Legal representative	Debra Townsend, King & Wood Mallesons
Legal representative reference	602-0065644
Contact name and telephone	Clarissa Sukkar, (02) 9296 2352
Contact email	clarissa.sukkar@au.kwm.com

**AGREEMENT BETWEEN PARTIES – SECTION 34(3)**

- 1 The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
- 2 The terms of the agreement are as follows:
  - a. The appeal is upheld.
  - b. Development application no. LDA2021/0146 for the amalgamation of Lot 1 in DP833060 and Lot 4 in DP27145, the staged demolition of existing buildings, the construction, in three stages, of a shop premises and two commercial buildings (with ground floor retail and basement parking) and associated works at 45-47 Epping Road, Macquarie Park, is approved subject to the conditions set out in Annexure “A” to this agreement.
- 3 Pursuant to section 34(3) of the *Land and Environment Court Act 1979* (NSW), the parties request that the Court dispose of these proceedings in accordance with the terms of the agreement set out in paragraph 2.

## SIGNATURES

Signature of Applicant's legal  
representative



Capacity

Solicitor on the record

Date of signature

20 January, 2022

Signature of Respondent's legal  
representative



Capacity

Solicitor on the record

Date of signature

20 January 2022

## **Annexure A**

# **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** LDA2021/0146

**Development:**

amalgamation of Lot 1 in DP833060 and Lot 4 in DP27145, the staged demolition of existing buildings, the construction, in three stages, of a shop premises and two commercial buildings (with ground floor retail and basement parking) and associated work

**Site:** 45-47 Epping Road, Macquarie Park (Lot 1 in DP833060 & Lot 4 in DP27145)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:**

**Date from which consent takes effect:** Date of determination.

### **TERMINOLOGY**

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as [insert details].

The conditions of consent are as follows:

**PART 1** - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2021/0146 subject to the following conditions of consent:
1. **Variation to Executed Planning Agreement.** A deed of variation to the planning agreement between City of Ryde & Total Forms Pty Limited and PS1875 Property Holding Pty Limited dated 19 November 2020 is to be executed by the registered owners of the property and provided to Council in registerable form for the dedication of the strip of land (at the south eastern corner of the site with a variable width) along the Wicks Road frontage as marked in red on survey plan prepared by C & A Surveyors NSW Pty Ltd and dated 1 July 2019 in accordance with the offer made to Council in the letter from Total Forms Pty Limited and PS1875 Property Holding Pty Limited dated 1 November 2021 and the terms of the draft deed of variation as proposed by Total Forms Pty Limited and PS1875 Property Holding Pty Limited annexed to this consent and marked "A".
- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 6 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) 1. above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) 1. above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

**PART 2** - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

## GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

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

Document Description	Plan No./ Reference	Date
Development Summary – Part 1	A+ Design Group, Drawing No. A1.02, Issue C	12.10.2021
Development Summary – Part 2	A+ Design Group, Drawing	12.10.2021

	No. A1.03, Issue D	
Site Analysis	A+ Design Group, Drawing No. A2.01, Issue D	12.10.2021
Site Staging 1 Proposal	A+ Design Group, Drawing No. A2.02, Issue C	12.10.2021
Site Staging 2 Proposal	A+ Design Group, Drawing No. A2.03, Issue C	12.10.2021
Site Staging 2 Proposal Roof	A+ Design Group, Drawing No. A2.03.1, Issue B	12.10.2021
Site Staging 2 - 3D Diagram	A+ Design Group, Drawing No. A2.03.2, Issue B	12.10.2021
Site Staging 3 – Complete Proposed Site Plan	A+ Design Group, Drawing No. A2.04, Issue C	12.10.2021
Demolition Plan	A+ Design Group, Drawing No. A2.05, Issue C	12.10.2021
Basement 2	A+ Design Group, Drawing No. A3.01, Issue D	12.10.2021
Basement 1	A+ Design Group, Drawing No. A3.02, Issue D	12.10.2021
Lower Ground Level	A+ Design Group, Drawing No. A3.03, Issue E	12.10.2021
Ground Level	A+ Design Group, Drawing No. A3.04, Issue E	12.10.2021
Level 1	A+ Design Group, Drawing No. A3.05, Issue D	12.10.2021
Level 2	A+ Design Group, Drawing No. A3.06, Issue D	12.10.2021
Level 3	A+ Design Group, Drawing No. A3.07, Issue D	12.10.2021
Level 4	A+ Design Group, Drawing No. A3.08, Issue D	12.10.2021
Level 5	A+ Design Group, Drawing No. A3.09, Issue D	12.10.2021
Level 6	A+ Design Group, Drawing No. A3.10, Issue D	12.10.2021
Level 7	A+ Design Group, Drawing No. A3.11, Issue D	12.10.2021
Level 8	A+ Design Group, Drawing No. A3.12, Issue D	12.10.2021
Roof and Plants	A+ Design Group, Drawing No. A3.13, Issue D	12.10.2021
Building A – Elevations	A+ Design Group, Drawing No. A4.01, Issue D	12.10.2021
Eastern Elevation	A+ Design Group, Drawing No. A4.02, Issue D	12.10.2021
Eastern Elevation – Building B	A+ Design Group, Drawing No. A4.03, Issue D	12.10.2021
Northern Elevation	A+ Design Group, Drawing No. A4.04, Issue D	12.10.2021
Western Elevation	A+ Design Group, Drawing No. A4.05, Issue D	12.10.2021
Western Elevation – Building C	A+ Design Group, Drawing	12.10.2021

	No. A4.06, Issue D	
Southern Elevation	A+ Design Group, Drawing No. A4.07, Issue D	12.10.2021
Section A-A	A+ Design Group, Drawing No. A5.01, Issue D	12.10.2021
Ramp Section – Carpark / Deliveries Access	A+ Design Group, Drawing No. A5.02, Issue D	12.10.2021
Section C-C	A+ Design Group, Drawing No. A5.03, Issue D	12.10.2021
Section D-D	A+ Design Group, Drawing No. A5.04, Issue D	12.10.2021
Façade Section – Building C	A+ Design Group, Drawing No. A5.05, Issue C	12.10.2021
Façade Section – Building B	A+ Design Group, Drawing No. A5.06, Issue B	12.10.2021
Façade Section – Building C 3D	A+ Design Group, Drawing No. A5.07, Issue A	12.10.2021
Façade Section – Building C 3D	A+ Design Group, Drawing No. A5.08, Issue A	12.10.2021
Façade Section – Building C 3D	A+ Design Group, Drawing No. A5.09, Issue A	12.10.2021
Façade Section – Building B 3D	A+ Design Group, Drawing No. A5.10	n.d.
Façade Section – Building B 3D	A+ Design Group, Drawing No. A5.11, Issue A	12.10.2021
Façade Section – Building B 3D	A+ Design Group, Drawing No. A5.12, Issue A	12.10.2021
Schedule of Materials & Finishes	A+ Design Group, Drawing No. A7.01, Issue D	12.10.2021
CGI- Epping Road	A+ Design Group, Drawing No. A7.02, Issue D	12.10.2021
CGI- Wicks Road	A+ Design Group, Drawing No. A7.03, Issue D	12.10.2021
CGI- Courtyard	A+ Design Group, Drawing No. A7.04, Issue C	12.10.2021
Landscape Coversheet	Site Image, Drawing No. 000, Issue F	08.10.2021
Tree Retention and Removal Plan	Site Image, Drawing No. 001, Issue B	08.10.2021
Landscape Masterplan	Site Image, Drawing No. 002, Issue G	08.10.2021
Landscape Public Domain Plan	Site Image, Drawing No. 003, Issue B	08.10.2021
Deep Soil Area	Site Image, Drawing No. 004, Issue B	08.10.2021
Landscape Plan	Site Image, Drawing No. 101, Issue F	08.10.2021
Landscape Plan	Site Image, Drawing No. 102, Issue F	08.10.2021
Landscape Plan	Site Image, Drawing No. 103, Issue F	08.10.2021
Landscape Plan	Site Image, Drawing No. 104,	08.10.2021

	Issue F	
Landscape Details	Site Image, Drawing No. 501, Issue C	14.09.2021
Landscape Details	Site Image, Drawing No. 502, Issue B	14.09.2021
Landscape Sections	Site Image, Drawing No. 601, Issue A	14.09.2021
Layout Plan	Stellen Consulting, Drawing No. CV-100, Revision 3	15.11.2021
Driveway Long Section Profile	Stellen Consulting, Drawing No. CV-101, Revision 3	15.11.2021
Loading Dock Section and Kerb Detail	Stellen Consulting, Drawing No. CV-102, Revision 3	15.11.2021
Legend	Stellen Consulting, Drawing No. DR-000, Revision 4	17.11.2021
Staging Plan	Stellen Consulting, Drawing No. DR-001, Revision 1	17.11.2021
Pipe Layout – Ground Floor – Stage 2	Stellen Consulting, Drawing No. DR-002, Revision 2	17.11.2021
Pipe Layout – Ground Floor – Stage 3	Stellen Consulting, Drawing No. DR-003, Revision 4	17.11.2021
Pipe Layout – Lower Ground Floor – Stage 2	Stellen Consulting, Drawing No. DR-004, Revision 2	17.11.2021
Pipe Layout – Lower Ground Floor – Stage 3	Stellen Consulting, Drawing No. DR-005, Revision 4	17.11.2021
Pipe Layout – Connection to Council System	Stellen Consulting, Drawing No. DR-006, Revision 1	17.11.2021
Catchment Plan – Stage 2 & Stage 3	Stellen Consulting, Drawing No. DR-010, Revision 1	17.11.2021
Details – Sheet 1	Stellen Consulting, Drawing No. DR-020, Revision 0	09.06.2021
Details – Sheet 2	Stellen Consulting, Drawing No. DR-021, Revision 2	17.11.2021
Long Section – Connecting to Council System	Stellen Consulting, Drawing No. DR-031, Revision 1	17.11.2021
Stormwater Report	Stellen Consulting, P170852-LT-SW-001-5	17.11.2021
Overland Flow Assessment Report	Stellen Consulting, Reference No. P170897-RP-FL-001-3, Revision 3	17.11.2021
Arboricultural Impact Assessment	Tree Talk Arboricultural Consulting, Project No. 5366/67/F&C/C (a21004)	November 2021
Structural Design Report	ACOR Consultants, Reference No. NSW201431_STR, Revision B	1.04.2021
Structural Demolition Report	ACOR Consultants, Reference No. NSW201431	1.04.2021
Crime Prevention Through Environmental Design (CPTED) Assessment	Amedia, Reference No. A21004	-



Traffic and Parking Assessment Report	Varga Traffic Planning, Reference No. 20778	21.04.2021
Revised Traffic & Parking Assessment	Varga Traffic Planning, Reference No. 20778	15 September 2021
Framework Travel Plan	Varga Traffic Planning, Reference No. 20778	16.09.2021
Operational Waste Management Plan	Elephants Foot Recycling Solutions, Report No. SO929, Revision C	16.04.2021
Construction & Demolition Waste Management Plan	Elephants Foot Recycling Solutions, Report No. SO929, Revision B	16.04.2021
Noise Impact Assessment	Acoustic Logic, Reference No. 20210175.1/1103A/R-/AZ, Revision 3	15.09.2021
NCC Assessment Report	Credwell Consulting Pty Ltd, Reference No. C21056-NCC, Revision 1	17.03.2021
Fire Engineering Letter	Fire Safety Studio, Reference No. 2020292-L01-V03	21.04.2021
ESD Report	Credwell Consulting Pty Ltd, Reference No. E21028-ES, Revision 3	17.09.2021
Section J Report	Credwell Consulting Pty Ltd, Reference No. E21028-SJ, Revision 1	16.04.2021
Preliminary Geotechnical Assessment	Martens & Associates Pty Ltd, Reference No. P1806907JR02V01	September 2019
Preliminary Site Investigation	Martens & Associates Pty Ltd, Reference No. P1806907JR01V02	September 2019
Environmental Wind Tunnel Study October 2021 Design Refinements	SLR Ref: 610.30301-R01, Version No -v1.3	November 2021
Survey Plan	Prepared by C & A Surveyors NSW Pty Ltd, and as outlined in red and attached to the letter of offer to enter into a variation to the planning agreement dated 1 November 2021	01.07.2019 (with red outline added on 1 November 2021)

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

- a) The Ground Level plan layout of Building B is to be reconfigured to eliminate any obstruction to fire escape routes.
- b) The Ground Level plan layout of Building C is to be reconfigured to eliminate any obstruction to fire escape routes.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Inconsistency between documents.** In the event of any inconsistencies between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.
3. **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.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Geotechnical Compliance.** All design works and all construction works be undertaken in full compliance with all of the recommendations in the Martens Consulting Engineers report dated September 2019.
6. **Signage – not approved** - Despite any notation on the plans, this consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
7. **Security Grilles** - This consent does not authorise the erection of any security grilles or barriers on any shopfront. Separate approval must be obtained for any such works.

#### **Protection of Adjoining and Public Land**

8. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
9. **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 this consent is to be removed when the work has been completed.
10. **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.
11. **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.

12. **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.

## Engineering

13. **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.
14. **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.
15. **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.
16. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

## Traffic

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 via Wicks Road are to be restricted to left in/left out only (i.e. No right turning movements into and out of the site is permitted).

## Public Domain

19. **Design and Construction Standards** – All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works* and relevant Development Control Plans except as amended by the conditions herein.
20. **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, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.

21. **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.
22. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
23. **Public areas and restoration works** - 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 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.
24. **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.

#### **Future use of commercial premises**

25. **Separate development application** - Separate development application must be submitted to Council for any future use of the commercial retail tenancies.

#### **Food Premises**

26. **Requirement for Trade Waste Agreement** - A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.
27. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

#### **Acoustic**

28. **Compliance with Acoustic Report** - All control measures nominated in the Acoustic Report No. Ref: 202101175.1/1103A/R0/AZ, dated 11 March 2021, prepared by Acoustic Logic must be implemented.

## Contamination

29. **Detailed site investigation report** - The applicant must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site.

30. **Remediation Action Plan** – If remediation is required by the detailed site investigation report a Remediation Action Plan prepared by a suitably qualified person shall be provided to the Certifying Authority and Council. The Remedial Action Plan should be prepared in accordance with the requirements of "Managing Land Contamination Planning Guidelines SEPP No. 55 Remediation of Land".

Note. No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

31. **Validation Report** – Following any remediation, a validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- (a) compliance with the approved RAP;
- (b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- (c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;

and includes:

- (d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- (e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
- (f) a statement confirming that the site following remediation of contamination is suitable for the intended use.

## Sediment and Erosion Control

32. **Sediment and Erosion Control measures** - Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.
33. **Erosion & sediment control measures** - Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public

lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

34. **Soil and Water Management (Stockpiles)** - Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

## **Waste**

35. **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.
36. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
37. **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.
38. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.
39. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow

collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.

40. **Tree Planting – Selection & Establishment.** Tree specimens chosen for planting within the proposed development are to align with the requirements for stock selection as stipulated by AS2303-2015 – Tree stock for landscape use. Further, the trees shall be planted in accordance with the specifications as prescribed within Section 6 of the City of Ryde Tree Management Technical Manual and maintained until they reach a height of five (5) metres or have a stem circumference of 450mm at a height of 1.4m above ground level, at which time they shall become protected by Part 9.5 (Tree Preservation) of the City of Ryde Development Control Plan 2014. If either of these trees die before reaching this size, they are to be replaced in accordance with the replanting conditions provided above.

### **Transport for NSW Conditions**

41. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Epping Road boundary.
42. The civil works on Epping Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

43. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

44. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

45. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
46. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
47. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Epping Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

#### **Water NSW – General Terms of Approval**

48. Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
49. Before any construction certificate is issued for any excavation under the development consent, the applicant must:
  1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and
  2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
  3. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
  4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
50. A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes:
  1. This approval is not a water access licence.
  2. A water year commences on 1 July each year.



3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
  4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
51. If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:
- a) record water taken for which the exemption is claimed, and
  - b) record the take of water not later than 24 hours after water is taken, and
  - c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
  - d) keep the record for a period of 5 years, and
  - e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
    - i. not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
    - ii. if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
52. All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
53. The design and construction of the building must prevent:
- a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
  - b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
  - c) any elevated water table from rising to within 1.0m below the natural ground surface.
54. Construction phase monitoring bore requirements GTA:
- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
  - b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
  - c) The monitoring bores must be installed and maintained as required by the water supply work approval.
  - d) The monitoring bores must be protected from construction damage.
55. Construction Phase Monitoring programme and content:
- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to

groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

- (i) Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
  - (ii) Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
  - (iii) Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
  - (iv) QA: Include details of quality assurance and control
  - (v) Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

56. The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.
57. Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
58. This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
59. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Tree Talk Arboricultural Consulting dated November 2021, must be retained and protected: Trees 1, 2, 3, 4, 12, 13, 13a, 14, 15, 16, A, B, C, D, E, F, G, H, I, J & K.
60. **Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Tree Talk Arboricultural Consulting dated November 2021, are approved for removal: Trees 5, 6, 7, 8, 9, 10, 10a, 10b, 10c, 11, 17.

## DEMOLITION

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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.

61. **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.
62. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
63. **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 the Work Cover Authority, 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.
64. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
65. **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.
66. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
67. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
68. **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.
69. **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 Virgin Excavated Natural Material that has been validated for use on the site is accepted.

70. **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.

### **Imported fill**

71. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
72. **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 Transport Department, 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*.

**73. 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 a 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.

### Staging of construction certificates

74. This development consent is structured to facilitate staged construction certificates, as detailed in the Site Staging Plans listed in **Condition 1** of this development consent. The construction certificates are to be issued in the order of the stages shown in this plan.

Unless otherwise stated, all conditions of consent relate to the first stage. Within this consent, any reference to 'Stage 1', 'Stage 2' or 'Stage 3', is assumed to be a reference to the stages shown in the aforementioned plan.

### Surrender of consent

75. Prior to the issue of a construction certificate for Stage 2, LDA2015/0362 is to be surrendered and the child care use must cease.
76. **Lot consolidation.** Prior to issue of the Construction Certificate for works other than stage 1, the Applicant must consolidate the existing lots being Lot 1 within DP 833060 and Lot 4 within DP 27145 which will form the development site into a single lot. Evidence of lot consolidation, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Certifier prior to issue of the Construction Certificate for works other than stage 1.

### Contributions

77. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$193,192.80
Open Space & Recreation Facilities	\$437,350.73
Traffic Facilities	\$227,209.89
Plan Administration	\$12,844.61
<b>The total contribution is</b>	<b>\$870,598.03</b>

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

**The monetary contribution must be paid prior to the issue of the Occupation Certificate in respect of each Stage of any building to which this consent relates as detailed in the below tables. However, if no Construction Certificate in respect of the erection of any building to which this consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first Construction Certificate after that date for any such building. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.**

**Stage 1 – Construction of Building A**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community Cultural	\$565.60
Open Space and Recreation	\$1,280.00
Transport Facilities	\$664.80
Plan Administration	\$37.60
<b>TOTAL</b>	<b>\$2,548.00</b>

**Stage 2 – Construction of Building B**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community Cultural	\$122,393.82
Open Space and Recreation	\$277,078.06
Transport Facilities	\$143,944.88
Plan Administration	\$8,138.03
<b>TOTAL</b>	<b>\$551,554.79</b>

**Stage 3 – Construction of Building C**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community Cultural	\$70,233.38
Open Space and Recreation	\$158,992.67
Transport Facilities	\$82,600.21
Plan Administration	\$4,668.98
<b>TOTAL</b>	<b>\$316,495.24</b>

A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

## Planning Agreement

78. Required payments shall be made to Council in accordance with the terms of the Voluntary Planning Agreement entered into on 19 November 2020 and varied by letter dated 1 November 2021 and the deed of variation entered into pursuant to the deferred commencement condition (A).
79. Prior to the issue of the first construction certificate for any building for Stage 3 approved by this development consent, the road dedication identified in the deed of variation, referred to in deferred commencement condition (A) 1. of this consent, to the planning agreement dated 19 November 2020 is to be dedicated to Council as public road. The road dedication identified in the letter dated 1 November 2021 the deed of variation entered into pursuant to the deferred commencement condition (A) is to be registered.
80. **Lift Access** - Prior to the issue of the Construction Certificate for Stage 3, an Access Consultant is to certify that the path between Wicks Road and the external lift adjacent to the driveway, complies with Australian Standard 1428.2 and Control 5.4 under Part 9.2 of the Ryde Development Control Plan 2014. Should any further amendments be required, the immediately adjacent stairway is to maintain a minimum width of 3,000mm.
81. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principal Certifier is to be provided with a written Design Verification from a registered architect that has overseen the design. This statement must include verification from the registered architect that the plans and specifications are consistent with the approved design and achieve the design quality of the development to which this consent relates.
82. **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**.
83. **Structural Certification** - The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the relevant **Construction Certificate**.
84. **Security deposit** - The Council must be provided with security for the purposes of section 4.17 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**
85. **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
86. **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 relevant **Construction Certificate**.



87. **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](http://www.sydneywater.com.au/tapin) to apply.
88. **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**.
89. **Bicycle Parking.** A minimum of 29 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.
90. **Energy Efficiency.** The development is to comply with the ESD Strategy as outlined in the DA ESD Report prepared by Credwell Consulting Pty Ltd, Reference No. E21028-ES, Revision 3 dated 17 September 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.
91. **Access for people with disabilities (commercial).** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifier prior to the issue of a Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

## Engineering

92. **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 a Construction Certificate:

- a) The inside curve at the crest of all internal ramps descending from Lower Ground is to accommodate a radius / or splay of no less than 2m on the inside curve so as to ensure efficient two way vehicle flow at these entries.
- b) CC plans are to note signage and line marking implemented in the service vehicle manoeuvring area so as to prevent any through traffic imposing on service vehicles reversing in the area (eg drivers unfamiliar with service operations potentially tailgating service vehicles into the facility). This is to ensure that entering drivers maintain a safe distance from service vehicles manoeuvring into loading bays.
- c) 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.

- d) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through 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.

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

93. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to a new kerb inlet pit on Wicks Road, generally in accordance with the plans by Stellen Consulting,

Drawing Number	Revision Number	Dated
DR-000	4	17.11.2021
DR-001	1	17.11.2021
DR-002	2	17.11.2021
DR-003	4	17.11.2021
DR-004	2	17.11.2021
DR-005	4	17.11.2021
DR-006	1	17.11.2021
DR-010	1	17.11.2021
DR-020	0	09.06.2021
DR-021	2	17.11.2021
DR-031	1	17.11.2021

subject to any variations marked in red on the approved plans or noted following:

- 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 a Construction Certificate at the relevant stage 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.

94. **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.

95. **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 the relevant Construction Certificate for construction of basement levels.

96. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Wicks 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 Construction Certificate for Stage 2. 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.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

97. **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, 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 hydrogeological 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 Geotechnical Report.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of any Construction Certificate associated with excavation of the basement levels.

98. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include;
- 140 Wicks Road
  - 49 Epping Road

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate for Stage 2 or Stage 3 (whichever occurs first).

99. **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 a Construction Certificate for any excavation of the basement levels.

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:

- a) 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.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) 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.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) 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.
- f) 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.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

100. **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 for all stages. 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.

## Traffic

101. **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 of any 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 Transport Department, 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*.

102. **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 a 12.5m long Heavy Rigid Vehicle (HRV), 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, height clearance and swept path diagrams of a 12.5m long HRV shall be submitted to and approved by Council's Transport Department prior to the issue of any 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.

## Public Domain

103. **Public Domain 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 in the Ryde DCP 2014 Part 8.5 *Public Civil Works*, and the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor.

The staging of the development works and associated Public Domain will require the preparation and implementation of a Public Domain Construction Staging Plan (PDCSP) and be submitted to Council **prior to issue of any Construction Certificate**.

The PDCSP must address the following matters:

- (a) Which existing and new buildings will be occupied and operational during each stage of the development.
- (b) How vehicular and pedestrian access will be maintained to each operational stage, throughout each stage of the development works.
- (c) How uninterrupted pedestrian access will be maintained along the full frontage of the development site throughout each stage of the development.
- (d) Provide details of any staging of the street lighting works and how any interim arrangement will meet the required street lighting standards.
- (e) The extent of public domain works associated with each stage of the development and indicative timing.

104. **Public domain improvements** - Public domain plans detailing upgrades along Epping Road and Wicks Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park are to be prepared and submitted to Council. The plans shall detail works including paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council. Public domain works plans shall be submitted to Council and approved prior to issue of the Construction Certificate for any works other than stage 1 for the following works:

- (a) Footpath paving as specified in the condition of consent for public infrastructure works. Plans must demonstrate smooth transition to existing adjacent footway at the completion of each phase of the public domain works.
- (b) Street trees to be provided along the Epping Road frontage in accordance with the Macquarie Public Domain Technical Manual. In the case that there is insufficient space to plant the required trees, Council's Landscape Architect to specify an alternate species or landscape treatment where possible.

**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 Epping Road and Wicks Road frontages. The extent of works required in order 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.
- (d) For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.
- (e) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2020 Lighting for Roads and Public Spaces, with a minimum



vehicular luminance category V3 and pedestrian luminance category P2 along the Epping Road frontage and vehicular luminance category V5 and P2 along the Wicks Road frontage, or equivalent.

Subject to design, it is expected that three new street lights on multi-function poles (MFP) will be required along the Epping Road frontage and five new street light on multi-function poles will be required along the Wicks Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park. 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.

105. **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 Construction Certificate for any works other than stage 1**. The drawings must cover public domain works associated with all stages of the development works. 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 Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The full reconstruction of half road width along the Wicks Road frontage of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*. ***This work is to be completed as part of the stage 3 public domain works.***
- (b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction. *Removal of the redundant gutter crossing on the Epping Road frontage and replacement with kerb and gutter is subject to TfNSW specification, approval and inspection.*
- (c) The construction of new kerb and gutter along the Wicks Road frontage of the development site.

- (d) Reconstruction of kerb on the Epping Road frontage and any associated road restoration works in accordance with TfNSW requirements. These works will be subject to TfNSW specification, approval and inspection.
- (e) Construction of granite a new 2.40m granite footway along the Epping Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park.
- (f) Street trees to be provided along the Epping Road frontage in accordance with the Macquarie Public Domain Technical Manual. In the case that there is insufficient space to plant the required trees, Council's Landscape Architect to specify an alternate species or landscape treatment where possible.
- (g) Construction of full width granite footway along the Wicks Road frontage of the site to accommodate a Shared User Path including all required sign posting and line markings to accommodate the continuation of the existing shared user path extending along Wicks Road.
- (h) The Wicks Road driveway crossing must be constructed and paved in accordance with Council's standard vehicular crossing, PV 4.9.
- (i) The plans must clearly define the extent of public domain works associated with each stage and demonstrate adequate transitions between the completed public domain works for stage 2 and existing infrastructure along the frontages of stage 3. These details must coordinate with the submitted Public Domain Construction Staging Plan (PDCSP).
- (j) Stage 2 public domain works must incorporate public domain works along the frontages of both Stage 1 and 2. Any temporary works to accommodate access from the existing footway along the frontage of Stage 1 must be undertaken with the property boundary to maintain adequate pedestrian access following completion of stage 1 and prior to public domain works along the frontage to be undertaken as part of stage 2.
- (k) Upon submission of public domain plans, it must be demonstrated that compliance with Council standards and the Disability Standards for Accessible Public Transport 2002 can be achieved in relation to the bus stop located on the Epping Road frontage of the development. The final scope of upgrade works will be finalised after the review and approval of the public domain works by Council.
- (l) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (m) Signage and line marking details.
- (n) The relocation/adjustment of all public utility services affected by the proposed works. 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.

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**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. 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.
3. 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.
4. 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.

106. **Access to Bus Stop** – Access to the existing bus stop along the Epping Road frontage of the development shall be maintained throughout the public domain improvement works.

107. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossing and associated gutter crossover shall be designed for 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 Construction Certificate for works other than stage 1, 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 B99 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 width of the new crossing shall be sufficient to accommodate turning manoeuvres of the largest vehicle requiring access to the site as demonstrated by swept paths submitted to and reviewed by Council. The driveway must be designed without splays, and 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.

108. **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 following completion of the development. Public domain works will be considered completion following the issue of compliance certification for external works associated with Stage 3. 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 \$160,000 shall be lodged with the City of Ryde prior to the issue of the Construction Certificate for works other than stage 1 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.

109. **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 issue of any Construction Certificate for Stage 1.

**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.

110. **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, 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.

111. **Dedication of Land on Wicks Road Frontage.** To enable the continuation of shared user path extending from the north-eastern end of the site's Wicks Road frontage to the intersection of Wicks Road and Epping Road, the land shown outlined in red on the survey plan prepared by C&A Surveyors NSW dated 1 July 2019, and attached to the letter of offer to enter into a variation to the planning agreement dated 1 November 2021 (and the deed of variation entered into pursuant to the deferred commencement condition (A)) must be dedicated to Council as a public road and registered with the

Lands Registry Office (NSW), prior to issue of any Construction Certificate for any building for Stage 3.

## **Drainage**

- 112. Flooding - Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development.

A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the relevant Construction Certificate for the following items:

- (a) The applicant shall comply with the flood recommendations provided in the Overland Flow Assessment Report prepared by Stellen Consulting, Reference No. P170897-RP-FL-001-3, Revision 3 dated 17 November 2021.
- (b) The habitable floor levels encompassed under this approval must not be constructed less than the approved Overland Flow Assessment Report prepared by Stellen Consulting, Reference No. P170897-RP-FL-001-3, Revision 3 dated 17 November 2021.
- (c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard.
- (d) Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.
- (e) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties.
- (f) All basement carpark areas shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- (a) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard.
- (b) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

- 113. Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or

equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

114. **Stormwater - Council Drainage – Pit Connection Details** - The proposed site drainage connection to the {existing Council kerb inlet pit} shall be made via a uPVC pipe. The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

115. **Stormwater - Drainage Design Submission - Assessment Fee** – The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, 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 prior to the issue of the Construction Certificate.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the Council drainage works and any additional reviews required.

116. **Stormwater - Drainage Design Submission** - 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 for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- (a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- (b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- (c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on {Stormwater Plans prepared by Stellen Consulting Pty Ltd Drawing No. DR-001 (Revision 1, 17/11/2021), DR-002 (Revision 2, 17/11/2021.)} is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- (d) Stormwater Plans prepared by Stellen Consulting Pty Ltd Drawing No. DR-002 (Revision 2, 17/11/2021.) shall include details as per City of Ryde standard drawings for the proposed 375 RCP connection to existing Council kerb inlet pit.

- (e) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- (f) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

## **Mechanical Ventilation**

117. **Mechanical Ventilation Details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.

Such details must include:

- (a) Plans and specifications of the mechanical ventilation systems;
- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications.

118. **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.

119. **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.

## **Landscaping**

120. **External Lighting Design** - A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers all open space areas within the site including interface of the ground commercial spaces with the adjoining public domain. All lighting is to comply with the relevant Australian Standards. Details of compliance are to be submitted with the plans for Construction Certificate.

121. **Automated Irrigation** - An automatic watering system is to be supplied to all landscape areas including communal open spaces to ensure adequate water is available to vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details of compliance are to be submitted with the plans for the relevant Construction Certificate.

122. **Safer by Design**. All recommendations contained in the Crime Prevention through Environmental Design (CPTED) Assessment Report prepared by Amedia, Reference No. A21004 are to be implemented. Details demonstrating compliance with these requirements are to be submitted to the PCA prior to the relevant Construction Certificate being issued.

123. **Wind Mitigation.** The development shall be carried out in accordance with the recommendations provided within the Environmental Wind Tunnel Study titled SLR Ref: 610.3031-R01 Version No: -v1.3 dated November 2021 prepared by SLR. 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.

## **Public Art**

124. **Public Arts Plan** - 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 and will be required to address the following:

- (a) Details of the nature of the work and its approximate location and size;
- (b) Details of how the proposed public art meets the following Design Selection Criteria:
- (c) Standards of excellence and innovation.
- (d) Relevance and appropriateness of the work in relation to the site.
- (e) Its contribution to creating sense of place, and integration into the built form.
- (f) Where possible, participation of local artists, local groups, youth or indigenous groups.
- (g) Consideration for public safety and the public's use of and access to the public space.
- (h) Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti.
- (i) Evidence of appropriate Public Liability Insurance to cover construction and installation of work.

125. **Lighting Design** - Outdoor lighting shall be provided to all communal open space and pedestrian circulation areas. Lighting designs shall form part of the plans submitted for Construction Certificate and align with AS4282: 2019 Control of the Obtrusive Effects of Outdoor Lighting. Energy efficiency in the design and provision of lighting is encouraged.

## **Food Premises:**

126. **Shop fit-out plans (Design)** - Detailed plans of all food preparation, beverage and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.



**Note:** Copies of AS 4764 - 2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

## **Acoustics:**

127. **Construction Noise Management Plan (demolition & construction)** - A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's *Interim Construction Noise Guideline* and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) hours of construction
  - (b) Identification of nearby residences and other sensitive land uses.
  - (c) Assessment of expected noise impacts.
  - (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
  - (e) include strategies that have been developed with the community for managing high noise generating works.
  - (f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
  - (g) include a complaints management system that would be implemented for the duration of the construction
  - (h) include a program to monitor and report on the impacts and environmental performance of the development
128. **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 clear details and guidance as to how existing trees to be retained are to be protected during construction. This is to take into consideration all trees on site and within the neighbouring allotments which may be affected by the proposed construction works. Specific methodology and hold points shall be specified for the demolition of existing retaining walls within the TPZ's of retained trees as well as excavation and construction of the basement walls. This document is to be reviewed and approved by Council prior to the issue of the relevant Construction Certificate.
129. **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

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

**Reason:** To ensure provision of services.

## **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.

### **130. 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.

### **131. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

- 132. 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.

## **Engineering**

- 133. 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. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

134. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.
135. **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 application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

## **Traffic**

136. **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.
137. **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.

## **Public Domain**

138. **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. Separate applications must be made prior to commencement of public domain works for both Stages 2 and 3.

**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.

139. **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. Separate notifications must be provided prior to commencement of public domain works for both Stages 2 and 3.

140. **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. Separate inspections are to be carried out prior to commencement of public domain works associated with both Stages 2 and 3.
141. **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 for any stage 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.

142. **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.

143. **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.

144. **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. The plans must clearly show signage line marking works associated with each stage of the public domain works. Any temporary, interim arrangements necessary between completion of public domain works associated with Stages 2 and 3, must be shown on the plans for RTC approval.

## **Drainage**

145. **Stormwater - Council Drainage - Structural Adequacy** - Council stormwater pits which are being connected into shall be surveyed and confirmed to be capable as being structurally adequate for receiving the upstream connection from the development and satisfy durability requirements. If it is deemed appropriate to replace

the pit, kerb inlet pits shall be cast in-situ and conforming to Council's standard drainage pit details.

A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate for works other than stage 1. certifying compliance with this condition.

146. **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 Tree Protection Plan & Specification. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
147. **Tree Protection Fencing.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites and AS4687 Temporary fencing and hoardings.

## 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.

148. **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 of the *Environmental Planning and Assessment Regulation 2000*. (Note: this condition does not relate to the staging of construction certificates or occupation certificates).
149. **Survey of footings/walls** - All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
150. **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 Virgin 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.
151. **Construction materials** - All materials associated with construction must be retained within the site.

**152. 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.

**153. 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.

**154. 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".

**155. Tree protection – no unauthorised removal** - This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

**156. Tree protection – during construction** - Trees that are shown on the approved plans as being retained must be protected against damage during construction.

**157. Surveillance cameras.** Surveillance cameras and recorders are to be installed and maintained to monitor and record all entrance and exit points to the building. This is to include the basement car park areas, the entry and exit points to the car park, the foyer area to the building, communal areas, lifts, public spaces and the retail areas. The cameras should also monitor the 50 metre vicinity outside the building. Recordings should be made 24 hours a day 7 days a week.

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 the Police, any recordings are to be archived until such time as they are no longer required.

Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel.

If the CCTV system is not operational, immediate steps are to be taken to ensure that it is returned to fully operational condition as soon as possible.

If requested by police, the applicant is to archive any recording until such time as they are no longer required.

158. **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.

159. **Street sign.** A street sign is to be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No. 8.

160. **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.

161. **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.

162. **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.

163. **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.

164. **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.

165. **Vehicle ingress and egress and contained within site.** All vehicles are to enter and leave the site in a forward direction. All vehicles are to be wholly contained on site before being required to stop. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Epping Road.

## Engineering

166. **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.

167. **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.

168. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the relevant Construction Certificate version of the Stormwater Management Plan by Stellen Consulting,

Drawing Number	Revision Number	Dated
DR-000	4	17.11.2021
DR-001	1	17.11.2021
DR-002	2	17.11.2021
DR-003	4	17.11.2021
DR-004	2	17.11.2021
DR-005	4	17.11.2021
DR-006	1	17.11.2021
DR-010	1	17.11.2021
DR-020	0	09.06.2021
DR-021	2	17.11.2021
DR-031	1	17.11.2021

submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

169. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the relevant 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.

170. **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 relevant 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.
171. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the relevant 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.

## **Traffic**

172. **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.

## **Public Domain**

173. **Hold Points during construction - Public Domain –** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council’s City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken. A separate set of inspections are to be carried out and certificates to be submitted for public domain works associated with both Stages 2 and 3 of the development.

- (a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- (b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- (c) Upon compaction of the applicable sub-base course.
- (d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).

- (e) Upon installation of any formwork and reinforcement for footpath concrete works.
- (f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

## Drainage

174. **Stormwater - Hold Points during construction** – Council requires inspections to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

## Waste:

175. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.
176. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines
177. **Contaminated soil disposal** - 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.
178. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:
- (a) Work Health and Safety Act 2011
  - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
  - (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines
179. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.
180. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any

demolition or construction wastes from the site. These records must be retained and made available to Council on request.

181. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
182. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of the relevant Construction Certificate.
183. **Soil Moisture within TPZ.** Soil moisture levels within all TPZs are to be regularly monitored by the Project Arborist. If temporary irrigation or watering is required within the TPZ, then any above-ground irrigation system is to be installed and maintained by a suitably qualified individual.
184. **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.
185. **Stormwater Trench/Pit Locations - General.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
186. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.

## 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 works are completed in compliance with the approved construction certificate plans and all 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.

### Staging of occupation certificates

187. This development consent is structured to facilitate staged occupation certificates, as detailed in the Site Staging Plans listed in **Condition 1** of this development consent. The occupation certificates are to be issued in the order of the stages shown in this plan.

Unless otherwise stated, all conditions of consent relate to the first stage. Within this consent, any reference to 'Stage 1', 'Stage 2' or 'Stage 3', is assumed to be a reference to the stages shown in the aforementioned plan.

188. **Landscaping** - All landscaping works approved by this consent are to be completed prior to the issue of any **Occupation Certificate** for each stage.

189. **Fire safety matters** - At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

190. **Road opening permit – compliance document** - The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate** for works other than stage 1.

191. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.
192. **Energy Efficiency.** Prior to the issue of the Occupation Certificate for works other than stage 1, the applicant is to provide a report to Council and the PCA to confirm that the development complies with the ESD report prepared by Credwell Consulting Pty Ltd, Reference No. E21028-ES, Revision 3 dated 17 September 2021.
193. **Noise.** Prior to the issue of any Occupation Certificate, a suitably qualified acoustic consultant is to certify that the development complies with the recommendations in the report entitled Noise Impact Assessment prepared by Acoustic Logic, Reference No. 20210175.1/1103A/R-/AZ, Revision 30 dated 15 September 2021.
194. **Disabled Access.** Prior to occupation of the relevant stage 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.
195. **Wind Mitigation.** Prior to the occupation of the relevant stage of the development, a suitably qualified wind consultant is to verify that the development complies with the recommendations in the Environmental Wind Tunnel Study titled SLR Ref: 610.3031-R01 Version -v1.3 prepared by SLR dated November 2021.
196. **Safer by Design.** Prior to the issue of any Occupation Certificate, a report is to be provided by an appropriately qualified consultant verifying that all of the recommendations contained in the Crime Prevention Through Environmental Design prepared by Amedia, Reference No. A21004 have been complied with.
197. **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 any 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.

198. **Travel Access Guide.** The final Travel Access Guide to be provided with the Final Framework Travel Plan will include at least the following:

- Cycling routes shown in a different colour/pattern to be clearly differentiated from bus routes.
- Pedestrian crossing points (pedestrian refuges/pedestrian crossings/traffic lights with pedestrian phase)
- Building AB detail inset zoomed in further to show also end of trip facilities/through site pedestrian and cyclist links and connections to surrounding infrastructure/taxi drop off points/any carpooling parking locations.
- Bicycle parking locations within cycle catchment.
- Nearby carshare pods.
- Details of promotional programs available to tenants/staff (e.g. discounted Opal cards/etc) and special events (e.g. Walk/Cycle to workday) (placeholder with details to be finalised by specific tenants).
- Details regarding Connect CoHop program and other Connect programs such as personalised travel planning.
- Details regarding available carshare pods (e.g. GoGet).
- Details regarding telecommuting options and policies (placeholder with details to be finalised by specific tenants).
- Details regarding NSW Transport Trip Planner and other trip planning apps as relevant from <https://transportnsw.info/apps>
- Transport Coordinator contact details (placeholder with details to be finalised in Final Travel Plan).

199. **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.”

200. **Sydney Water – Section 73** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

## Engineering

201. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate for Stages 2 and 3. 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.
202. **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, charged/ siphonic and onsite disposal/ absorption 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 an Occupation Certificate for Stages 2 & 3 of the development works for which the system(s) serve.



203. **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 an Occupation Certificate for Stages 2 & 3.

204. **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 an Occupation Certificate for the noted Stages. 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) (All Stages).
- 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 (All Stages).
- 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. (Stage 2 only)
- 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. (Stage 2 only)

- 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) (All Stages).
- 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. (Stages 2 & 3 if applicable).
- 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. (Stages 2 & 3)
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction. (Stages 2 & 3).

205. **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).

206. **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.

## **Traffic**

207. **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 Occupation Certificate for works other than stage 1. The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements within the public road reserve. Vehicle queuing on public road(s) is not permitted.

208. **Signage and Linemarking - Internal.** A plan detailing the signage & linemarking and/or other traffic control devices (e.g. "TRUCKS (CROSSING OR ENTERING)" sign(s), convex mirror(s), etc.) proposed within the basement car parking levels and loading dock area (i.e. within the property boundary) shall be prepared by a suitably qualified person and submitted to and approved by the Principal Certifying Authority prior to the issue of the Occupation Certification for works other than stage 1. A copy of the approved plan is to also be submitted to Council.
209. **Signage and Linemarking (Internal) – Implementation.** The applicant is to install all signage & linemarking and/or other traffic control devices within the property, as per the plan approved by the Principal Certifying Authority. These works are to be implemented prior to the issue of the Occupation Certificate for works other than stage 1.
210. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and linemarking associated with alterations to Council's Public Domain shall be prepared by a suitably qualified traffic engineering consultant and submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.
- Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.
211. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.
212. **Framework Travel Plan.** A finalised Framework Travel Plan (FTP) is to be submitted to Council's Environment Team for review and approval, prior to the issue of any Occupation Certificate. The FTP must:

- (i) Adopt strategies and procedures to meet a 50% public transport/50% private transport target for the development for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to and within the Macquarie Park Corridor.
- (ii) Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the 50% public transport/50% private transport target for the development for the journey-to-work.
- (iii) Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-site-links where required.
- (iv) Walking and cycling (lockers and end-of-trip facilities).

## **Public Domain**

213. **Public Domain Works Staging Bond –** Prior to issue of any Construction Certificate for works other than stage 1 of the development, a Public Domain Works Staging Bonds, equal to the value of the outstanding public domain works for stages 2 and 3 must be lodged with Council. The applicant must submit an estimate for the full scope of the public domain works for each stage prepared by a suitably qualified and experienced Quantity Surveyor and the value of this bond must be reviewed and approved by Council. The bond must be provided to Council in the form of a bank cheque or unconditional bank guarantee with no expiry date, in favour of City of Ryde.

In the case that the outstanding public domain works are delayed beyond the timeframes specified and approved within the Public Domain Construction Staging Plan, Council may undertake the completion of any outstanding public domain works and recoup the full costs of the works including project management fees, from the bond but only if a reasonable period of notice is provided to the applicant having regard to the nature and extent of public domain works yet to be completed. The bond will only be released following the issue of the final compliance certificate for public domain works associated with all stages of the development.

214. **Vehicle Footpath Crossing and Gutter Crossover – Construction** - The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate for Stage 2 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.

215. **Public Domain Improvements and Infrastructure Works – Completion** – Public domain improvements and infrastructure works associated with stages 2 and 3 of the development 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 for stages 2 and 3.

216. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate for the relevant stage, 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. Separate certification must be submitted for public domain works associated with both stages 2 and 3.

217. **Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate for the relevant stage, 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. Separate account set ups must be submitted for connection of new MFPs associated with both stages 2 and 3 if applicable.

218. **Compliance Certificates – Street Lighting** – Prior to the issue of any Occupation Certificate for the relevant stage, 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. Separate certification must be submitted for street lighting works associated with both stages 2 and 3 if applicable.

219. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate for the relevant stage, 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. Separate certification must be submitted for external landscaping works associated with both stages 2 and 3.

220. **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. Separate public domain works-as-executed plans must be submitted for public domain works associated with both stages 2 and 3.

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.

221. **Registered Surveyor Final Certificate** – Upon completion of all construction works for stages 2 and 3, and before the issue of the relevant 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. Separate certification must be submitted for public domain works associated with both stages 2 and 3.

222. **Supervising Engineer Final Certificate** – Prior to the issue of the relevant Occupation Certificate for stages 2 and 3, 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. Separate certification must be submitted for public domain works associated with both stages 2 and 3.

223. **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 Occupation Certificate for the relevant stage. 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. Separate post-construction dilapidation reports must be submitted for public domain works associated with both stages 2 and 3.

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.

224. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, final inspections shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works for both stages 2 and 3. Defects found at such inspections shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works for public domain works associated with stages 2 and 3. 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.

225. **Compliance Certification – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate for both stages 2 and 3, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve associated with the relevant stage, 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 each Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

226. **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 thought out 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.

## **Drainage**

227. **Flooding – Engineering Compliance Certificate** – A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of

the relevant Occupation Certificate, confirming that all requirements of condition “*Flooding - Flood and Overland Flow Protection*” have been satisfied.

The qualified and practising Chartered Civil Engineer shall have experience in the area respective of the certification unless stated otherwise.

228. **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 DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services’ standards and specifications, where applicable.
229. **Certification of Mechanical Ventilation Work** - Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

## **Landscaping**

230. **Tree Stock** - All plants, materials, hardscape and watering systems identified on the approved drawings are to be grown and installed in a manner consistent with Australian Standard AS2303 - 2015 – Tree Stock for Landscape Use and AS4419 - 2003 – Soils for Landscaping and Garden Use. Evidence of tree and landscape materials conforming with the relevant standards must be provided prior to the relevant Occupation Certificate.
231. **Final Assessment of Trees.** At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of the relevant occupation certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.
232. **Lighting Design** - Outdoor lighting shall be provided to all communal open space and pedestrian circulation areas. Lighting designs shall form part of the plans submitted for Construction Certificate and align with AS4282: 2019 Control of the Obtrusive Effects of Outdoor Lighting. Energy efficiency in the design and provision of lighting is encouraged.
233. **Registration of retail food business (Council)** - Prior to an Occupation Certificate being issued, the retail food business must submit a food business registration with Council.
234. **Certify fit-out complies with food safety standards** - Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian

Standard AS 4674 - 2004. It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

235. **WaterNSW requirement.** Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
- a) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
    - 1) All results from the Approved Monitoring Programme; and
    - 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.
  - b) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/waterlicensing/dewatering](http://www.waternsw.com.au/customer-service/waterlicensing/dewatering)



## 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.

### Drainage

236. **Overland Flow – Free from obstructions (On Going Condition)** – Overland flow path and flood storage areas to be maintained and kept free of debris/weed to allow unobstructed passage of overland flow of water through the site. The new buildings shall not have the subfloor area enclosed or utilised for storage. No obstructions (e.g. Planter Boxes, Bench, Landscaping, etc.) shall be placed within the overland flow path or flood storage areas, without Council's written consent.

### Engineering

237. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation for each Stage as follows;

#### Stage 1

- A minimum of 4 spaces for Building A

#### Stage 2

- A maximum of 219 commercial spaces
- A minimum of 8 retail spaces (including 4 spaces for the retail of Building A)

#### Stage 3

- A maximum of 269 commercial spaces
- A minimum of 16 retail spaces (including 4 spaces for the retail of Building A and 4 spaces for the retail of Building B)

238. **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).

### Framework Travel Plans

239. The proponent is to ensure that the approved Framework Travel Plan is implemented for the ongoing service life of the development by the strata management/ owners corporation and that they are integrated into any future Strata / Building Management Statements and occupant workplace policies.
240. **Travel Plan.** The proponent shall include in any lease agreement for the building the requirement for tenants to develop and implement a Tenant Specific Travel Plan (consistent with Final Travel Plan as certified by Council) and participate in an Annual Travel Plan Review process. The nominated Travel Plan Coordinator shall be responsible for overseeing implementation of the Final Travel Plan and overseeing the ongoing review and annual travel plan monitoring process agreed with Council."

### Tree Establishment

241. All tree plantings must be maintained in good health and condition until they reach a height of at least 5 metres. Any tree failures must be replaced and maintained as per the above.

### **Traffic**

242. **Implementation of Loading Dock Management Plan.** All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted.

### **Food Premises:**

243. **Food premises** - The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

### **Acoustics:**

244. **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 *New South Wales Industrial Noise Policy* (EPA, 2000).
  - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
  - (c) The transmission of vibration to any place of different occupancy.
245. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
246. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

### **Waste:**

247. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.
248. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
249. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

250. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
251. **Remove putrescible waste at sufficient frequency** - All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

### **Control of Spruiking and Music**

252. Unless separate approval is granted by Council, the operators of the premises must not permit any spruiking at the site or within the public domain, or the playing of amplified music or messages that would disturb the amenity of other public and private places.

## Annexure “A”

# Deed of Variation of Planning Agreement

*Reference: RYD183-00082*

## **Draft 1**

**20 January 2022**

The Council of the City of Ryde  
*ABN 81 621 292 610*

Total Forms Pty Limited  
*ACN 003 374 794*

PS1875 Property Holdings Pty Limited  
*ACN 169 850 855*

### **Newcastle**

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# Deed

## Date

## Parties

### First party

<b>Name</b>	The Council of the City of Ryde ( <b>Council</b> )
<b>ABN</b>	81 621 292 610
<b>Contact</b>	General Manager
<b>Telephone</b>	02 9952 8222

### Second party

<b>Name</b>	Total Forms Pty Limited ( <b>Developer</b> )
<b>ACN</b>	003 374 794
<b>Contact</b>	Tony Leung
<b>Telephone</b>	[Telephone no.]

### Third party

<b>Name</b>	PS1875 Property Holdings Pty Limited ( <b>Landowner</b> )
<b>ACN</b>	003 374 794
<b>Contact</b>	Tony Leung
<b>Telephone</b>	[Telephone no.]

## Background

- A. On 19 November 2020, the parties entered into the Planning Agreement.
- B. The parties have agreed to vary the Planning Agreement in connection with the Development of the Land to:
  - (a) provide for an additional public benefit through dedication of land subject to an existing footpath and road reserve; and
  - (b) a consequential reduction in the value of the monetary contribution to be paid under the Planning Agreement.

## Operative part

### 2 Definitions

- 2.1 In this deed, unless the context indicates a contrary intention:

**Business Day** means a day on which banks are open for general banking business in Sydney, New South Wales, excluding Saturdays and Sundays; and

**Planning Agreement** means the planning agreement in relation to 45 and 47 Epping Road, Macquarie Park between Council and the Developer and the Landowner dated 19 November 2020.

- 2.2 Except as provided in clause 2.1, all capitalised words used in this deed that are defined in clause 1.1 of the Planning Agreement have the same meaning as in the Planning Agreement.

### 3 Interpretation

In this deed, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to a document is to the document as varied, amended, supplemented, novated or replaced from time to time;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is to a party, clause, paragraph, schedule or annexure to or of this deed;
- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect the interpretation of this deed;
- (d) **(Background)** the Background forms part of this deed;
- (e) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their permitted novatees, permitted assignees, personal representatives and successors;
- (f) **(including)** including and includes (and any other similar expressions) are not words of limitation and a list of examples is not limited to those items or to items of a similar kind;
- (g) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (h) **(singular and plural)** the singular includes the plural and the plural includes the singular;
- (i) **(gender)** words importing one gender include all other genders;
- (j) **(legislation)** a reference to legislation or any legislative provision includes:
  - (i) any modification or substitution of that legislative provision; and
  - (ii) any subordinate legislation issued under that legislation or legislative provision including under that legislation or legislative provision as modified or substituted;
- (k) **(time and date)** a reference to a time or date is to the time and date in Sydney, Australia;
- (l) **(joint and several)** an agreement, representation, covenant, warranty, right or obligation:
  - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons binds them jointly and severally;



- (m) **(replacement bodies)** a reference to a body that ceases to exist or whose powers or functions are transferred to another body is to the body that replaces it or that substantially succeeds to its powers or functions; and
- (n) **(Australian currency)** a reference to dollars or \$ is to Australian currency.

#### 4 Construction

Neither this deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting.

#### 5 Timing of acts or things

- (a) If the time for doing any act or thing required to be done under this deed or a notice period specified in this deed expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing done under this deed is done after 5 pm on a day, it is taken to have been done on the following Business Day.

#### 6 Status of this Deed

- 6.1 This deed is an amendment to the Planning Agreement within the meaning of clause 25C(3) of the EP&A Regulation.
- 6.2 This deed is not a Planning Agreement within the meaning of section 7.4(1) of the EP&A Act.

#### 7 Commencement

- 7.1 This deed commences and has force and effect on the date when the parties have executed the same copy of this deed.
- 7.2 The party who executes this deed last is to insert on the front page the date it did so and provide a copy of the fully executed and dated deed to any other person who is a party.

#### 8 Amendment to Planning Agreement

On and from the date of this deed, the Planning Agreement is amended as follows:

- (a) The following definitions are inserted in clause 1.1:

***Dedication Land*** means land required to be dedicated to Council under this agreement as shown in the plan at Annexure C;

***Encumbrance*** means any:

- (a) security for the payment of money or performance of obligations, including a mortgage, charge, lien, pledge, trust, power or title retention;
- (b) right, interest or arrangement which has the effect of giving another person a preference, priority or advantage over creditors including any right of set-off;
- (c) right that a person (other than the owner) has to remove something from land (known as a profit-à-prendre), easement, public right of way, restrictive or positive covenant, lease, or licence to use or occupy; or
- (d) third party right or interest or any right arising as a consequence of the enforcement of a judgment,

or any agreement to create any of them or to allow them to exist;

**Permitted Encumbrance** means each of:

- (a) easements benefiting statutory authorities authorised by Approvals;
- (b) environmental management requirements imposed under an Approval;
- (c) an Encumbrance (other than a mortgage, charge, pledge, lien, security interest, title retention, contractual right of set-off, or any other security agreement or arrangement in favour of any person) the Council agrees in writing is a Permitted Encumbrance;

- (b) The formula at clause 3(a) of the Planning Agreement is replaced with the following:

*For Stages 1 and 2: Monetary Contribution = Approved GFA x \$132.50*

*For Stage 3: Monetary Contribution = (Approved GFA x \$132.50) - \$100,000*

- (c) The following is inserted after clause 3:

**3A. Land Dedication**

- (a) *Prior to the issue of the first Construction Certificate for Stage 3 of the Development as identified as stage 3 on the plan at Annexure D, the Developer must dedicate, at no cost to the Council (other than the offset of the Monetary Contribution as contemplated under this Deed), the Dedication Land freed and discharged from all Encumbrances, taxes, rates or charges except Permitted Encumbrances.*
- (b) *Prior to the dedication of the Dedication Land in accordance with this clause 3A, the Developer must:*
  - (i) *allow members of the public to go, pass and repass over the Dedication Land at all times, on foot at all times, with or without companion animals (as defined in the Companion Animals Act 1998) or other small pet animals, and to the extent that the Dedication Land includes any part of the road carriageway, with vehicles;*
  - (ii) *not construct any structures or erect on any fences or hoarding on the Dedication Land;*
  - (iii) *not prevent access to any services located on the Dedication Land;*
  - (iv) *keep the Dedication Land in good repair and condition;*
  - (v) *keep the Dedication Land clean and free from rubbish; and*
  - (vi) *maintain public liability insurance in the amount of \$20,000,000 per claim covering the use of the Dedication Land by the public.*
- (c) *Until the Dedication Land is dedicated to Council in accordance with this agreement, the Developer indemnifies the Council against any claim, loss, liability, damage, proceeding, order, judgment or expense (**Claim**) in connection with the use of the Dedication Land, except to the extent that such Claim is caused by Council's negligence or default.*

- (d) *Prior to making an application for a subdivision certificate for the plan of subdivision that dedicates the Dedication Land, the Developer must:*
  - (i) *provide a a draft plan of subdivision to Council, together with (if not shown on the plan of subdivision) a survey plan showing the location of the existing footpath and any part of the road carriageway which exists within the land to be dedicated; and*
  - (ii) *demonstrate that any part of the existing footpath and road carriageway which encroaches on land owned by the Developer at the date of this agreement is located wholly within the land to be dedicated.*
- (e) *The obligation to dedicate the Dedication Land will be taken to have been satisfied when the land is dedicated as a public road by operation of the registration of a plan of subdivision in accordance with section 9 of the Roads Act 1993.*
- (f) *The parties agree that the Dedication Land will used for the purposes of a public pedestrian pathway and road reserve.*
- (d) The amount of \$2,148,620.00 in clause 1.1 of Schedule 7 of the Planning Agreement is deleted and replaced with the amount of \$2,048,620.00.
- (e) The following is inserted at the end of Schedule 7 of the Planning Agreement:

### **3 Compulsory Acquisition**

- (a) *If the Developer does not dedicate to Council the Dedication Land as required by this Deed, the Council may compulsorily acquire the Dedication Land, in which case the Developer consents to the Council compulsorily acquiring that land for compensation in the amount of \$1.00 without having to follow the pre-acquisition procedures in the Land Acquisition (Just Terms Compensation) Act 1991 and recovering any costs, including legal costs, incurred by the Council on acquisition of the land from the Developer.*
- (b) *The obligation to dedicate the Dedication Land as required by this Deed only applies if a Construction Certificate for the development proposed under Development Application LDA2021/0146 is obtained. If no Construction Certificate is obtained, the Developer is under no obligation to dedicate the Dedication Land.*
- (c) *If Council compulsorily acquires the Dedication Land, clause 0 constitutes an agreement for the purposes of section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.*
- (d) *Except as otherwise agreed between the Developer and Council, the Developer must ensure the Dedication Land is freed and discharged from all Encumbrances (other than Permitted Encumbrances) and affectations (including any charge or liability for rates, taxes, strata levies and charges), on the date of acquisition.*
- (e) *The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the Dedication Land under this clause 3.*

(f) *The Developer must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the Dedication Land.*

- (f) Annexure B of the Planning Agreement, being the calculation of the Monetary Contribution, is deleted and replaced with Annexure A to this deed.
- (g) The plan at Annexure B to this deed, being the plan showing the land to be dedicated under the new clause 3A of the Planning Agreement, is inserted as Annexure C to the Planning Agreement.

## 9 Registration and Release from Title

The parties agree that the provisions of clause 5 and clause 6 and Schedules 5 and 6 of the Planning Agreement concerning registration of the Planning Agreement on title apply to this deed as if those provisions were set out in full.

## 10 Explanatory Note

- (a) Annexure C contains the Explanatory Note relating to this deed and as required by clause 25E of the EP&A Regulation.
- (b) Pursuant to clause 25E(7) of the EP&A Regulation, the parties agree that the Explanatory Note is not to be used to assist in construing this deed.

## 11 Notices

Clause 16 of the Planning Agreement applies as if it forms part of this deed with any necessary changes.

## 12 Costs and expenses

Each party will bear its own costs and expenses of drafting, negotiating and executing this deed.

## 13 Relationship between parties

- (a) Nothing in this deed:
  - (i) constitutes a partnership between the parties; or
  - (ii) except as expressly provided, makes a party an agent of another party for any purpose.
- (b) A party cannot in any way or for any purpose:
  - (i) bind another party; or
  - (ii) contract in the name of another party.

## 14 Invalidity

- (a) A word or provision must be read down if:
  - (i) this deed is void, voidable, or unenforceable if it is not read down;
  - (ii) this deed will not be void, voidable or unenforceable if it is read down; and
  - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:

- (i) despite the operation of clause 14(a), the provision is void, voidable or unenforceable if it is not severed; and
- (ii) this deed will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this deed has full effect even if clause 14(b)(i) or clause 14(b)(ii) applies.

## 15 Warranties

The parties warrant to each other that they:

- (a) have full capacity to enter into this deed; and
- (b) are able to fully comply with their obligations under this deed and the Planning Agreement as modified by this deed.

## 16 Governing law and jurisdiction

- 16.1 The laws applicable in New South Wales govern this deed.
- 16.2 The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

## Executed as a deed

**Executed** for and on behalf of the )  
**Council of the City of Ryde** ABN 81 621 )  
 292 610 by its authorised delegate )  
 pursuant to section 377 of the *Local* )  
*Government Act 1993* in the presence of: )  
 )  
 )  
 )

.....  
 Signature of Witness

.....  
 Signature of Authorised Representative

.....  
 Print name of Witness

.....  
 Name and Position

**Executed** by **Total Forms Pty Limited** )  
 ACN 003 374 794 in accordance with )  
 section 127 of the *Corporations Act 2001* )  
 (Cth) by: )  
 )  
 )

.....  
 Signature of Director

.....  
 Signature of Director/Secretary

.....  
 Print name of Director

.....  
 Print name of Director/Secretary

**Executed by PS1875 Property Holdings** )  
**Pty Limited** ACN 169 850 855 in )  
accordance with section 127 of the )  
*Corporations Act 2001* (Cth) by: )  
 )  
 )

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Print name of Director

.....  
Print name of Director/Secretary

## Annexure A                      Replacement Annexure B to Planning Agreement

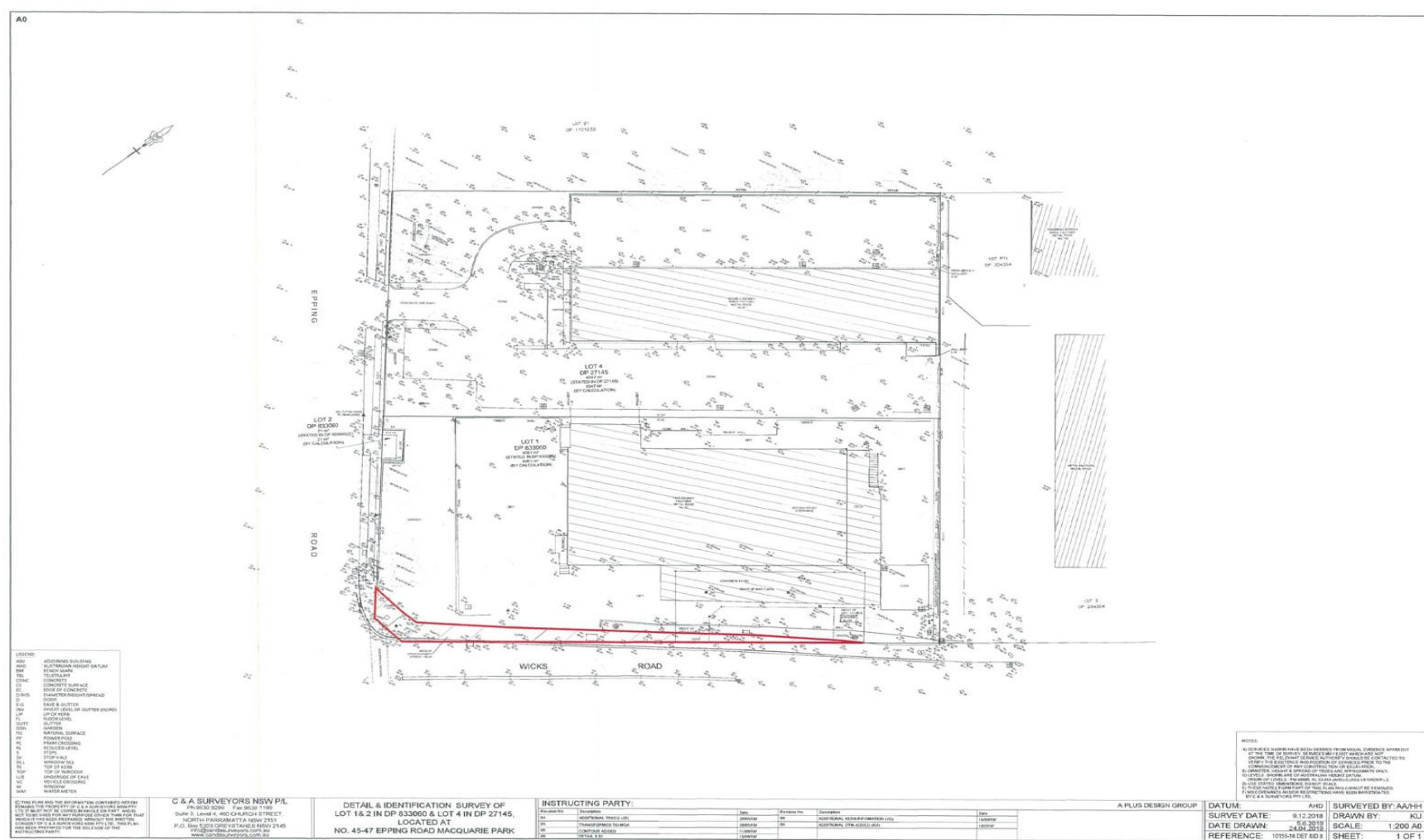
### Annexure B – Calculation of Monetary Contribution

Total amount of Contribution	=	8,108 sqm (incentive GFA) x \$265.00 / sqm
	=	\$2,148,620.00
Value of contribution land	=	196 sqm x \$510.00 / sqm
	=	\$100,000.00 (rounded up to the nearest thousand)
Value of Monetary contribution	=	Total amount of contribution – Value of Contribution Land
	=	\$2,148,620.00 - \$100,000.00
	=	<b>\$2,048,620.00</b>
Proposed GFA	=	16,216 sqm
Monetary contribution per sqm of Approved GFA	=	Value of Monetary Contribution / Proposed GFA
	=	<b>\$2,048,620.00 / 16,216</b>
	=	<b>\$126.33</b>



Annexure B                      New Annexure C to Planning Agreement

## Annexure C – Dedication Land



## Annexure C Explanatory Note

### Explanatory Note

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

#### **Draft Deed of Variation to 45 and 47 Epping Road, Macquarie Park Planning Agreement**

This is an Explanatory Note under clause 25C(3) of the *Environmental Planning and Assessment Regulation 2000* relating to a proposed variation of the planning agreement entered into on 19 November 2020 between the parties set out below (**Planning Agreement**).

#### **1 Parties**

The parties to the Planning Agreement and the draft Deed of Variation are:

- (a) The Council of the City of Ryde (**Council**)
- (b) Total Forms Pty Limited (**Developer**)
- (c) PS1875 Property Holdings Pty Limited (**Landowner**)

#### **2 Description of the Land to which the Draft Deed Applies**

The Planning Agreement and the draft Deed applies to 45 and 47 Epping Road, Macquarie Park which is contained in Lot 1 DP 833060 and Lot 4 DP 27145 (**Land**).

#### **3 Description of Development to which the Draft Deed Applies**

The Planning Agreement and the draft Deed apply to any future development of the Land proposed in accordance with the Incentive Height and Floor Space Provisions, including the construction of a building or buildings that exceed the height and floor space ratio provisions in the LEP.

Since the Planning Agreement, the Developer has lodged LDA 2021/146 for the construction of two multi-storey commercial / retail buildings and a café on the Land.

#### **4 Summary of Objectives, Nature and Effect of the Draft Deed**

##### **(a) Objectives of Draft Deed**

The objective of the draft Deed is to amend the Planning Agreement.

##### **(b) Nature of Draft Deed**

The draft Deed is a deed of variation of the Planning Agreement under clause 25C(3) of the *Environmental Planning and Assessment Regulation 2000*.

(c) **Effect of the Draft Deed**

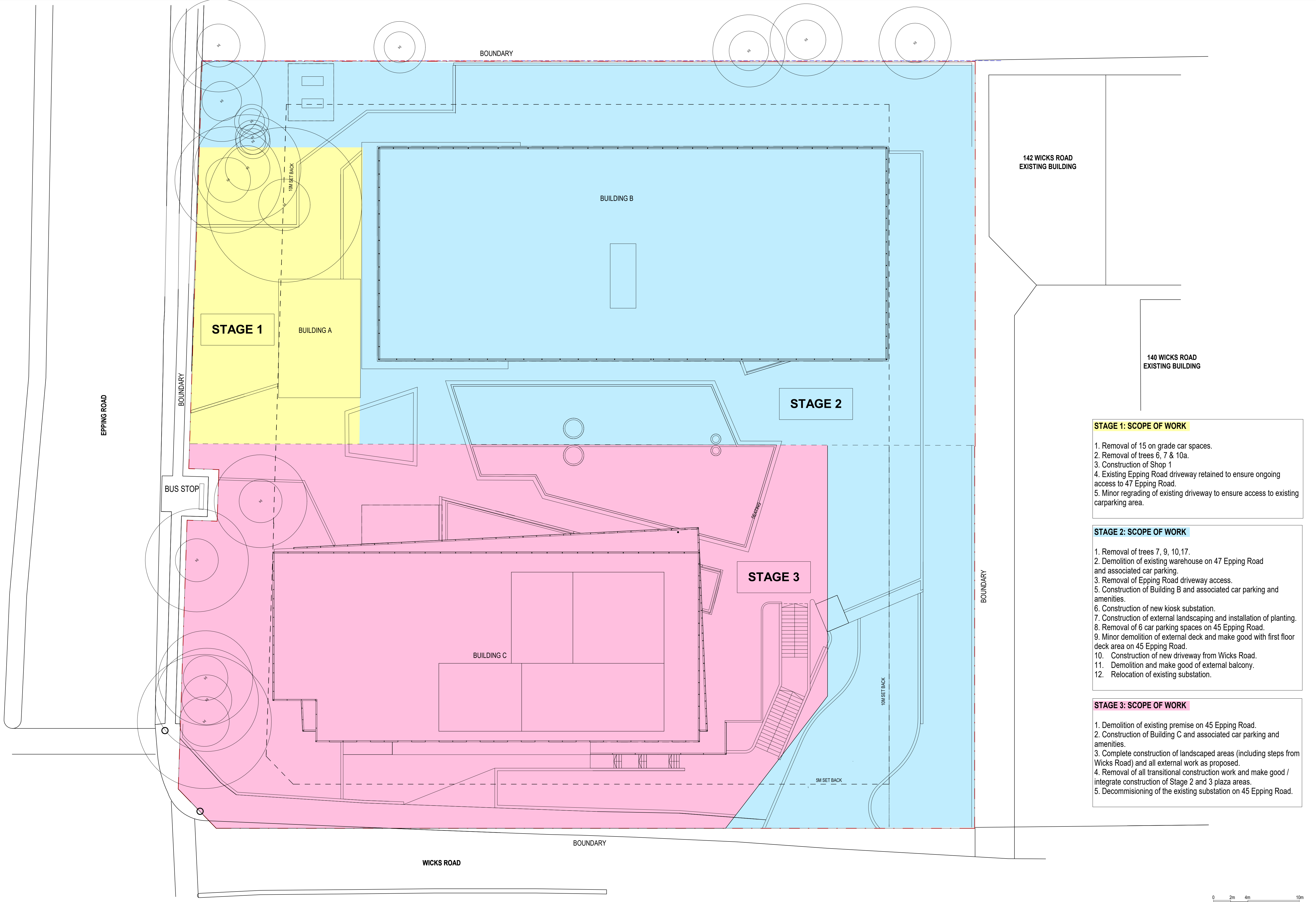
The draft Deed amends the Planning Agreement to:

- (i) provide for an additional public benefit through dedication of land subject to an existing footpath; and
- (ii) a consequential reduction in the value of the monetary contribution to be paid under the Planning Agreement.

**5 Assessment of the Merits of the Draft Deed and Impacts on the Public**

- (a) The proposed amendment to the Planning Agreement will require the dedication of land to Council on which part of the footpath and road kerb along Wicks Road has been constructed. Approximately 196 square metres of private land is to be dedicated to Council.
- (b) The dedication of the land is necessary to ensure public infrastructure under Council ownership and is therefore considered to have material public benefit.
- (c) The value of the land to be dedicated has been agreed between the parties. The parties have further agreed that it is appropriate to reduce the monetary contributions otherwise payable under the Planning Agreement by the value of the land to be dedicated.
- (d) The proposed variation to the Planning Agreement will not therefore change the total value of contributions to be delivered under the Planning Agreement and will not have any negative impact on the public. The proposed dedication of the land will mean that there will be no disruption to the existing public pathway along Wicks Road.

## Annexure D     Staging Plan



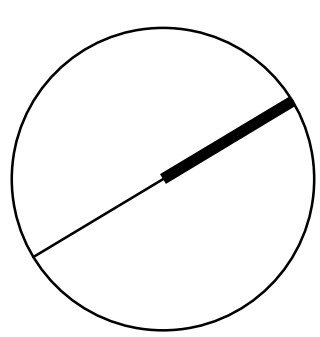
- STAGE 1: SCOPE OF WORK**
- 1. Removal of 15 on grade car spaces.
  - 2. Removal of trees 6, 7 & 10a.
  - 3. Construction of Shop 1
  - 4. Existing Epping Road driveway retained to ensure ongoing access to 47 Epping Road.
  - 5. Minor regrading of existing driveway to ensure access to existing carparking area.

- STAGE 2: SCOPE OF WORK**
- 1. Removal of trees 7, 9, 10,17.
  - 2. Demolition of existing warehouse on 47 Epping Road and associated car parking.
  - 3. Removal of Epping Road driveway access.
  - 5. Construction of Building B and associated car parking and amenities.
  - 6. Construction of new kiosk substation.
  - 7. Construction of external landscaping and installation of planting.
  - 8. Removal of 6 car parking spaces on 45 Epping Road.
  - 9. Minor demolition of external deck and make good with first floor deck area on 45 Epping Road.
  - 10. Construction of new driveway from Wicks Road.
  - 11. Demolition and make good of external balcony.
  - 12. Relocation of existing substation.

- STAGE 3: SCOPE OF WORK**
- 1. Demolition of existing premise on 45 Epping Road.
  - 2. Construction of Building C and associated car parking and amenities.
  - 3. Complete construction of landscaped areas (including steps from Wicks Road) and all external work as proposed.
  - 4. Removal of all transitional construction work and make good / integrate construction of Stage 2 and 3 plaza areas.
  - 5. Decommissioning of the existing substation on 45 Epping Road.

Rev	Description	Date
A	ADDITIONAL INFORMATION	14/01/2022

Project Name
45-47 Epping Road ,Macquarie Park
Client Name
Total Forms Pty Ltd



Drawing Title
STAGING PLAN
SCALE
Drawing no:
NTS @ A1 NTS @ A3
A2.06
ISSUE
A