

Recommended Conditions of Consent

Development Description: Site preparation works, tree removal, civil and stormwater infrastructure and vehicular access. Construction of a mixed use development with 5 basement parking levels and a podium with 3 towers above. Land uses include retail premises, a restaurant, centre-based child care facility and residential apartments. The development includes associated stormwater management works, landscaping and communal open space areas and public domain improvements.

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 strictly in accordance with the following plans (stamped approved by Council) and support documents:

Plans		
Document Description	Date	Plan No/Reference
GENERAL INFORMATION		
Cover Sheet & Drawing List	15.12.22	A0000 A5
Legends Sheet	17.11.21	A0001 B
Development Data Sheet (as amended in red)	05.12.22	A0005 A3
Development Data Sheet 2	27.10.22	A0006 A2
Site Plan	26.11.21	A0012 G
Site Analysis	26.11.21	A0013 F
Landscape Plan (<i>concept</i>)	27.10.22	A0014 A2
Construction Staging Plan	10.11.21	A0015 A
Construction Staging Plan	27.10.22	A0016 A1
Occupational Staging Plan	26.11.21	A0017 E
Occupational Staging Plan	27.10.22	A0018 A1
Occupational Staging Plan	26.11.21	A0019 D
Staging 1 Private Domain Handover BLOCK A - Ground	04.07.22	A1010 A1
Staging 1 Private Domain Handover BLOCK A - Level 1	27.06.22	A1010 A1
Staging 2 Private Domain Handover BLOCK B - Ground	04.07.22	A1010 A1
Staging 2 Private Domain Handover BLOCK B - Level 1	27.06.22	A1011 A1
Staging 3 Private Domain Handover BLOCK C - Ground	04.07.22	A1010 A1
Staging 3 Private Domain Handover BLOCK C - Level 1	27.06.22	A1011 A1
Staging 3 Private Domain Handover BLOCK C - Ground	04.07.22	A1010 A1
Staging 3 Public & Private Domain Handover BLOCK C - Level 1	27.06.22	A1011 A1
GENERAL ARRANGEMENT		
Parking Level 05 Floor Plan	27.10.22	A1005 A2
Parking Level 04 Floor Plan	27.10.22	A1006 A2

Parking Level 03 Floor Plan	27.10.22	A1007 A2
Parking Level 02 Floor Plan	27.10.22	A1008 A2
Parking Level 01 Floor Plan	05.12.22	A1009 A3
Ground Floor Plan	02.02.23	A1010 A6
Level 01 Floor Plan	05.12.22	A1011 A4
Level 02 Floor Plan	05.12.22	A1012 A4
Level 03 Floor Plan	27.10.22	A1013 A3
Level 04 Floor Plan	27.10.22	A1014 A2
Level 05 Floor Plan: Podium Plan	27.10.22	A1015 A2
Level 10 Floor Plan: Typical Floor Plan L06-L15, L18	27.10.22	A1020 A2
Level 19 Floor Plan	27.10.22	A1029 A2
Level 20 Floor Plan	27.10.22	A1030 A2
Level 21 Floor Plan	27.10.22	A1031 A2
Level 22 Floor Plan	27.10.22	A1032 A2
Level 23 Floor Plan	27.10.22	A1033 A2
Level 25 Floor Plan: Typical Plan L24-L27	27.10.22	A1035 A2
Level 28 Floor Plan	27.10.22	A1038 A2
Level 30 Floor Plan	27.10.22	A1040 A2
Level 36 Floor Plan	27.10.22	A1046 A2
Level 37 Floor Plan	27.10.22	A1047 A2
Level 38 Floor Plan & Building A Roof Plan	27.10.22	A1048 A2
Level 39-43 Floor Plan	27.10.22	A1049 A2
Level 44 Floor Plan	27.10.22	A1054 A2
Level 45 Floor Plan & Building B Roof Plan	27.10.22	A1055 A2
Level 46 Floor Plan	27.06.22	A1056 A2
Level 47-53 Floor Plan	27.06.22	A1058 A1
Level 54 Floor Plan	27.06.22	A1060 A1
Level 55-57 Floor Plan	27.06.22	A1067 A1
Level 58 Floor Plan	27.10.22	A1068 A1
Level 59 Floor Plan & Building C Roof Plan	27.06.22	A1069 A2
Level 60 Floor Plan	27.10.22	A1070 A1
Roof Plan	27.10.22	A1071 A2
ELEVATIONS & SECTIONS		
North & West Elevations (as amended in red)	27.10.22	A1080 A2
South & East Elevations	27.10.22	A1081 A3
Talavera Road Street Elevation	27.10.22	A1082 A2
Building B & C Elevations	27.10.22	A1083 A3
Building A & C Elevations	27.10.22	A1084 A2
Sections	27.10.22	A1095 A2
Sections	27.10.22	A1096 A2
EXTERNAL MATERIALS & FINISHES		
Podium - Childcare - External Finishes & Detail	27.10.22	A1195 A3
Building A - External Materials & Finishes Elevations (as amended in red)	27.10.22	A2290 A3
Building B - External Materials & Finishes Elevations	27.10.22	A3290 A3
Building C - External Materials & Finishes Elevations	27.10.22	A4290 A3
COMPLIANCE DIAGRAMS		

Adaptable Apartments	13.11.21	A0710 D
Solar Access Compliance Diagrams	27.10.22	A0734 A2
Cross Ventilation Compliance Diagrams	27.06.22	A0735 A1
Cross Ventilation Compliance Diagrams	27.10.22	A0740 A2
Communal Open Space Diagram	27.10.22	A0750 A2
Communal Open Space Solar Diagram 01	27.10.22	A0751 A2
Communal Open Space Solar Diagram 02	30.06.22	A0752 A1
Deep Soil Diagram	05.12.22	A0770 A3
GFA Diagrams - Parking Levels	27.06.22	A1708 A1
GFA Diagrams - P01 to L02	27.06.22	A1710 A1
GFA Diagrams - P04 to L16 (as amended in red)	27.10.22	A1714 A2
GFA Diagrams - P17 to L21	27.06.22	A1727 A1
GFA Diagrams - P22 to L28	27.06.22	A1732 A1
GFA Diagrams - P30 to L38	27.06.22	A1740 A1
GFA Diagrams - P39 to L46	27.06.22	A1743 A1
GFA Diagrams - P48 to L58	27.06.22	A1758 A2
GFA Diagrams - P59	27.06.22	A1769 A1
Building A - L02-L05 Floor Plan	20.10.22	R2015 A
Building A - L06-L36 Floor Plan	27.10.22	R2020 A1
Building A - L37 Floor Plan	20.10.22	R2047 A
Building B - L00 Floor Plan	20.10.22	R3010 A
Building B - L01-L04 Floor Plan	20.10.22	R3014 A
Building B - L05-L38 Floor Plan	27.10.22	R3020 A1
Building B - L39-L43 Floor Plan	27.10.22	R3049 A1
Building B - L44 Floor Plan	27.10.22	R3054 A1
Building C - L05 Floor Plan	27.10.22	R4015 A1
Building C - L06-44 Floor Plan	27.10.22	R4020 A1
Building C - L45-L53 Floor Plan	20.10.22	R4060 A
Building C - L54 Floor Plan	20.10.22	R4064 A
Building C - L55-L57 Floor Plan	20.10.22	R4067 A
Building C - L58 Floor Plan	20.10.22	R4068 A
LANDSCAPE PLANS prepared by Urbis		
Planting Plan - Ground Level	13.01.23	001 B
Planting Plan - Ground Level	13.01.23	002 B
Planting Plan - Level 5	16.06.22	004 A
Planting Plan - Building C L 19, 36	16.06.22	005 A
Planting Plan - Building A L 38	16.06.22	006 A
Planting Plan - Building B L 45	16.06.22	007 A
Planting Plan - Building C L 54	16.06.22	008 A
Planting Plan - Building C L 59	16.06.22	009 A
CIVIL PLANS prepared by AT&L		
Cover Sheet & Locality Plan	01.07.22	DAC401 B
General Notes & Legends	01.07.22	DAC402 B
Phasing Plan	01.07.22	DAC403 B
General Arrangement Plan	01.07.22	DAC404 A
Typical Sections Sheet 1	25.10.22	DAC405 D
Typical Sections Sheet 2	25.10.22	DAC406 D
Siteworks & Stormwater Drainage Sheet 1	01.07.22	DAC410 B
Siteworks & Stormwater Drainage Sheet 2	01.07.22	DAC411 A

Driveway & Turning Head Plan	01.07.22	DAC415 B
Pavement Plan	01.07.22	DAC416 A
Stormwater Treatment Tank Plan & Sections	01.07.22	DAC420 B
Sitework Details	01.07.22	DAC421 A
Stormwater Details	01.07.22	DAC422 B
Stormwater Drainage Catchment Plan	01.07.22	DAC441 B
Erosion & Sedimentation Control Plan	01.07.22	DAC470 B
Erosion & Sedimentation Control Details	01.07.22	DAC471 B

REPORTS			
Document Description	Prepared By	Date	Plan No/Reference
Access Review	Morris Goding Access Consulting	7-Dec-21	Ver2
Acoustic Assessment	Acoustic Logic	28-Jun-22	Rev3
Acoustic Certification of Plenum Details	Acoustic Logic	15-Jul-21	Acoustic Logic
Arboricultural Impact Assessment Report	Jackson Nature Works	28-Aug-22	-
BASIX, Thermal Comfort & ESD Report	Integreco	20-Jan-23	Rev 8
Staged Construction Management & Occupation Plan	Karimbla	-	-
CPTED	APP	Oct-21	-
Section J - DTS Report	Integreco	11-Jul-22	Rev3
BCA Compliance Report	J square	30-Nov-21	2255 RevB
Bushfire Assessment Report	Australian Bushfire Consulting Services	12-Nov-22	19-084-2E
Child Care Access Diagrams (6)	PTW Architects	Jul-22	-
Civil & Stormwater Report	AT&L	27-Sep-21	16-428
Phase II Detailed Site Investigation	ADE Consulting Group	21-Jun-19	MER-02-15171/DSI/v2f
Civil Flood Impact Assessment	TTW	12-Jul-22	201936
Geotechnical Advice	JK Geotechnics	31-May-22	34315Ylet3
Landscape Plans & Report	Urbis	13-Jan-23	-
Flora & Fauna Assessment	Fraser Ecological Consulting	28-May-22	-
PPG Systems for Masonry Surfaces: Armawall	PPG	Oct-22	Ver1
Public Art	The Blueprint	31-May-22	J10429 Issue 1
Wind Environment Assessment	WindTech	26-Nov-21	WA574-06F01(rev2)-WE Memo
Natural Ventilation	WindTech	30-Aug-22	WA574-07F03
Façade Design Coordination	WindTech	28-Jun-22	WF574-07F02(rev1)

Reflectivity Glare and Reflectivity Assessment	SRL	7-Dec-21	-
Lift Reports for the child care lift & restaurant lift	KONE	27-Oct-21	-
Lift Reports for Buildings A, B & C	KONE	24-Nov-21	-
Transport Impact Assessment	ARUP	10-Oct-22	Issue10
Waste Management Plan	MRA Environmental	1-Jul-22	Ver4

Prior to the issue of the relevant **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) The provision of residential car parking spaces is to be reduced to a maximum of 1,035 spaces.
- (b) The paint to be used on external surfaces is to be Armawall in accordance with the specifications in the PPG Systems for Masonry Surfaces correspondence prepared by PPG Architectural Coatings dated October 2022.
- (c) The Bulky Waste Storage Room for Building C shall be interchanged with the Retail Waste Holding Room to ensure ease of transporting the bulky waste material to the loading dock.
- (d) The Bulky Waste Storage Room for Building A shall be interchanged with the Plant Room and Cleaners Room.
- (e) The façade material is to continue into the vehicle entry and exit points for the extent visible from the internal street.

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

(Reason: To ensure the development is carried out in accordance with the determination).

2. **Consistency with VPA.** The development is to be carried out in accordance with the requirements and timing stipulated in the Voluntary Planning Agreement dated 30 July 2022 (AS358401) registered against the subject site.

(Reason: Statutory requirement).

3. **Scope of this DA.** This consent approved the land use only of the restaurant, retail premise(s) and child care centre. Separate development consent / modification is required to be obtained for the fitout and operation of the restaurant, retail premise(s) and child care centre. Approval is to be sought for the child care centre including, but not limited to, fitout and operational detail, landscaping, concurrence from the Department of Education regarding simulated outdoor space, Plan of Management, provision of parking, noise management and wayfinding.

(Reason: Statutory requirement).

4. **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.

(Reason: Statutory requirement).

5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1171992M_06 dated 19 January 2023 and 1248473M_07 dated 19 January 2023.

(Reason: Statutory requirement).

6. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the relevant **Construction Certificate**.
- (Reason: DCP compliance).
7. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.
- (Reason: To protect the amenity of the locality).
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.
- (Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).
9. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- (Reason: To ensure public safety).
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.
- (Reason: To ensure public safety).
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/doors must be installed so they do not open onto any footpath.
- (Reason: To ensure that development occurs within the site boundaries and maintain public safety and amenity in public domain areas).
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.
- (Reason: To ensure public safety).
13. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
- (Reason: To protect the amenity of the adjoining properties).
14. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
- (Reason: Safety).

15. **Wastewater discharge.** The spas/pools shall be connected to the Sydney Water sewer for discharge of wastewater.
- (Reason: To ensure the appropriate discharge of wastewater).
16. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
- (Reason: Safety).
17. **Transport for NSW - General Terms of Approval.** The development shall satisfy the requirements of Transport for NSW issued in their correspondence dated 16 September 2022 (see Attachment 1).
- (Reason: Requirement of Transport for NSW).
18. **NSW Rural Fire Service.** The development shall satisfy the General Terms of Approval issued by NSW Rural Fire Service on 21 April 2022 (see Attachment 2).
- (Reason: Requirement of NSW Rural Fire Service).
19. **Ausgrid.** The development shall satisfy the requirements set out by Ausgrid in their correspondence (reference 2017/36/59) with regard to method of electricity connection, supply of electricity, conduit installation, service mains, underground cables and substations (see Attachment 3).
- (Reason: Requirement of Ausgrid).
20. **NSW Local Police.** The recommendations of the CPTED Report referred to in **Condition 1** are to be implemented. This includes installation of CCTV within the car park areas, including at the entrance and egress points. Appropriate coverage of CCTV is to be installed throughout the complex, especially in the foyer areas.
- (Reason: Requirement of NSW Local Police).
21. **Drainage Design and Construction Standards.** All engineering detailed design plans and associated drainage works shall be carried out in accordance with the requirements of the relevant Australian Standards and Council's DCP Part 8.2.
- Detailed design of all proposed Council Infrastructure works or proposed modification to Council infrastructure which may be located inside the property boundary, must be approved by Council City Works Directorate and undertaken in accordance with Council's 2014 DCP Part 8.2 and relevant Australian Standards, except otherwise as amended by conditions of this consent.
- (Reason: To ensure Council's DCP and relevant Australian Standard requirements are met).
22. **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.
- (Reason: To ensure the public areas are restored upon completion of construction works).
23. **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.

(Reason: Protection of infrastructure and compliance with relevant Authorities requirements).

24. **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.

(Reason: Compliance with relevant Acts.)

25. **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.

(Reason: No encroachment of private works on public land)

26. **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.

(Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken).

27. **Design and Construction Standards.** All engineering plans and detailed design work shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure, 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.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

28. **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.

(Reason: To ensure the amenity and state of the public domain is maintained.)

29. **Compliance with Acoustic Report.** All control measures nominated in Acoustic DA Report No. 20210030.2/2411A/R1/PF prepared by Acoustic Logic and dated 24/11/2021, shall be implemented.

(Reason: To ensure that the development is in accordance with the required acoustic attenuation measures).

30. **Provision for installation of kitchen exhaust systems.** Adequate provision must be made for the installation of kitchen exhaust systems to any commercial premises to be occupied as food premises.

It is recommended that a multi-stage air filtration unit be incorporated into the mechanical exhaust ventilation system due to the topography of the land, the prevailing weather conditions and the proximity of the structure in relation to residential uses on the site and adjoining site as follows:

- (a) The design, construction and installation of all duct work to be in accordance with the requirements of Clause 7.5 of Australian Standard AS 1668.2-2012 (Fire and Smoke Control - Kitchen Hood Exhaust Systems).
- (b) The design, manufacture and installation of exhaust hoods to be in accordance with the requirements of Appendix E of Australian Standard AS 1668.2- 2012 (Kitchen Exhaust Hoods).

The air filtration system is to retain a minimum of 90 per cent of total smoke and a minimum of 95 per cent of oil and fat discharged by the cooking process. In this regard, details of filtration data, including details of the efficiency of each stage of the filtration system and fan unit details are to be documented and kept on site.

The multi-stage air filtration unit is to be fitted with a self-actuating by-pass in the odour absorption filter stage and be provided with air filters, differential pressure gauges as well as electrical interlocks to prevent use of the system unless all filter stages are in place.

(Reason: To control offensive emissions and ensure the protection of the environment)

31. **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.

(Reason: To ensure the proper disposal of wastewater)

32. **Duty to Notify Pollution Incidents.** Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

(Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997).

33. **Spill clean-up equipment.** Sufficient supplies of appropriate absorbent materials and /or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

(Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains).

PRIOR TO THE RELEVANT 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.

34. **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:

Stage 1 as per the Construction Staging Plans PTW-DA-A0016 & PTW-DA-A0015	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 1,438,434.62
Open Space & Recreation	\$ 2,779,977.68
Transport & Traffic Facilities	\$ 217,467.17
Plan Preparation & Administration	\$ 66,550.57
The total contribution is	\$ 4,502,430.04

Stage 2 as per the Construction Staging Plans PTW-DA-A0016 & PTW-DA-A0015	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 1,834,194.48
Open Space & Recreation	\$ 3,536,227.43
Transport & Traffic Facilities	\$ 250,659.87
Plan Preparation & Administration	\$ 84,316.82
The total contribution is	\$ 5,705,398.60

Stage 3 as per the Construction Staging Plans PTW-DA-A0016 & PTW-DA-A0015	
A – Contribution Type	B – Contribution Amount
Community Facilities	\$ 3,139,597.95
Open Space & Recreation	\$ 6,054,846.80
Transport & Traffic Facilities	\$ 434,834.12
Plan Preparation & Administration	\$ 144,440.10
The total contribution is	\$ 9,773,719.97

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 contribution must be paid **prior to the issue of any Construction Certificate for each relevant Construction Stage**. 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.

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>.

(Reason: Statutory requirement).

35. **Design Verification.** Prior to any relevant Construction Certificate being issued with respect to this development, the Principle Certifying Authority 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 specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

(Reason: Statutory requirement).

36. **Adaptable Apartments.** A total of 104 adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the relevant Construction Certificate plans. Prior to the issue of the relevant Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299, relevant components of AS 2890 and Council's DCP 2014.

(Reason: To ensure the development is constructed in accordance with the requirements for adaptability).

37. **Wind Mitigation Measures.** Written certification shall be provided by a suitably qualified wind consultant confirming that the wind mitigation devices/screens are appropriately detailed on the relevant Construction Certificate plans to achieve the appropriate wind protection at the public domain and for occupants as detailed in the Wind Environment Assessment prepared by WindTech, reference WA574-06F01(rev2), dated 26 November 2021 and the subsequent Façade Design Coordination report prepared by WindTech, reference WF574-07F02(rev1), dated 28 June 2022. This includes the recommendation of the Wind Environment Assessment to complete a wind tunnel study to accurately quantify the resulting wind effects for the selected design. The wind impacts need to be measured at all the critical outdoor trafficable areas within and around the development site.

(Reason: To ensure the amenity of occupants and the general public is provided.)

38. **Waste Management.** The relevant construction certificate documentation shall demonstrate the following:

- a. Details of waste chute and the specifications for the device to slow the waste coming down the chutes.
- b. All waste storage areas are to have a doorway must be wide enough to allow the bins allocated to the property to fit through the opening including the door:
 - 1100L Bins – width 1.4m, depth 1.1m, height 1.4m
 - 660L Bins – width 1.3m, depth 0.8m, height 1.3m
 - 240L Bins – width 600mm, depth 800mm, height 1100mm
- c. Space for two separate receptacles must be provided inside each dwelling to store up to two days worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.
- d. Access to the bulky waste area must be provided for collection contractors. Suitable details including the transport route within 15m of the loading dock shall be clearly shown on the approved plan.

- e. All garbage and recycling rooms must be constructed in accordance with the following requirements:
- i. The room must be of adequate dimensions to accommodate all waste containers, and allow easy access to the containers for users and servicing purposes.
 - ii. 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.
 - iii. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation.
 - iv. 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.
 - v. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint.
 - vi. 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.
 - vii. 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.
 - viii. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
 - ix. The room must be provided with adequate artificial lighting.
 - x. A hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

(Reason: To ensure the appropriate management of waste.)

39. **External downpipes.** All water pipes, waste pipes, stack work, duct work, and the like, are to be integrated into the façade and not exposed. Details confirming compliance with this condition are to be detailed on the relevant Construction Certificate plans to the satisfaction of the Certifying Authority.

(Reason: To ensure water pipes are screened from view.)

40. **Replacement Tree Planting.** To compensate for the removal of locally endemic canopy trees, replacement planting is to be provided at a minimum ratio of 2:1. In this regard a minimum of eighteen (18) locally endemic replacement canopy trees are to be provided on site which are of a species consistent with the Critically Endangered Ecological Community (CEEC): Blue Gum High Forest in the Sydney Basin Bioregion. Trees selected for planting are to be installed at a minimum pot size of 200L and must be of a species capable of reaching a minimum mature height of fifteen (15) metres with a spreading canopy. Details of compliance are to be shown on the plans for the relevant Construction Certificate.

(Reason: To compensate for proposed tree removal and ensure there is no net loss of locally endemic canopy trees in the long-term).

41. **Street Tree Planting.** Street tree planting is to be provided along Talavera Road in accordance with the requirements of Section 3.4 and Section 6.6.2 of Chapter 6 of the City of Ryde Public Domain Technical Manual. Updated landscape documentation is to be submitted to Council's Landscape and Public Domain Teams for assessment and approval prior to issuance of any relevant Construction Certificate.

(Reason: To ensure street tree planting is provided in accordance with the City of Ryde Public Domain Technical Manual).

42. **Planting Plans.** Detailed Planting Plans representing the location and arrangement of all trees, shrubs and groundcovers are to be submitted to Council's Landscape Team for assessment and approval prior to issuance of any relevant Construction Certificate.

(Reason: To ensure proposed planting meets site-specific requirements and is commensurate with the scale of the built form).

43. **Tree Planting – Selection & Establishment.** Tree specimens chosen for planting 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 any tree dies before reaching this size, it is to be replaced with a specimen of the same species and pot size and maintained accordingly.

(Reason: To ensure the establishment of viable canopy tree planting in the medium-long term).

44. **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 Certifying Authority prior to the issue of each **Construction Certificate**.

(Reason: Statutory requirement).

45. **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 each relevant **Construction Certificate**.

(Reason: Statutory requirement).

46. **Structural Design.** All design and construction works shall comply with the Geotechnical Investigation Report prepared by JK Geotechnics dated 20 October 2021.

(Reason: To ensure the design and construction works are structurally sound).

47. **Security deposit.** The Council must be provided with security for the purposes of section 4.17 (6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation.)

(Reason: Statutory requirement).

48. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

49. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the relevant **Construction Certificate**.

(Reason: Statutory requirement).

50. **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 Certifying Authority prior to the issuing of the **Construction Certificate**.

(Reason: Statutory requirement).

51. **External materials.** Building materials and finishes are to be finished with an anti-graffiti coating at ground/street level. Roofing and other external materials must be of low glare and reflectivity. The reflectivity of glass used in the external facades of the buildings is not to affect road traffic and must not cause discomfort through glare or intense heat to surrounding areas. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of each relevant **Construction Certificate**.

(Reason: To ensure the use of appropriate external materials and minimise reflectivity).

52. **Lighting of common areas.** Details of lighting for internal driveways, all car parking areas, communal open spaces and corridors/pathways and the street frontage shall be submitted for approval prior to issue of each relevant **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

(Reason: To ensure lighting is used in all common areas).

53. **Ventilation Plenums.** Specifications for the ventilation plenums shall be detailed on the relevant construction certificate plans and be accompanied by certification from a suitably qualified consultant to verify appropriate ventilation and noise attenuation measures are installed.

(Reason: To ensure the ventilation plenums are suitably integrated into the development).

54. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the Swimming Pools Act 1992 and Swimming Pools Regulation 2018. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

(Reason: Statutory requirement).

55. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any relevant Construction Certificate satisfactory evidence is to be provided to the Certifying Authority 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: Statutory requirement).

56. **Fire Hydrant Enclosure.** Prior to the issue of the relevant Construction Certificate for works above ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened.)

57. **Public Art.** Prior to the issue of the relevant Construction Certificate, including prior to the issue of any Construction Certificate relating to Stage 3 construction works, a detailed Public Art Plan is to be approved by Council's Centres Coordinator. This plan is to be prepared by an arts and cultural planner, should align with the City of Ryde's Public Art Principles outlined in the City of Ryde Public Art Planning Guide for Developers and will be required to address the following:
- a. Specific project description
 - Aims and objectives
 - Statement of artistic intent
 - b. Thematic framework
 - How the artwork is developed in relation to the site
 - Response and interpretation of urban fabric and local culture
 - Explanation of the range of art forms and design applications
 - c. Concept drawings / descriptions of proposed public artworks (which correspond with architect drawings/plans approved as part of the relevant stage(s) of the development)
 - Integrated artworks
 - Site specific artworks
 - Proposed use of materials – robustness and durability
 - d. Project parameters and implementation
 - Arts management
 - Scope of works
 - Schedule of works and timeframe
 - Public art budget and budget breakdown
 - Engineering works
 - Construction schedule
 - Maintenance requirements and schedule
 - Decommissioning procedures.

(Reason: To ensure integrated artwork is provided and complies with the Ryde DCP 2014.)

58. **Public Domain Improvements – Design for Construction Certificate.** The public domain is to be upgraded in both Talavera Road and the slip lane towards the M2 (the continuation of the Herring Road) frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, in accordance with Section 138 Roads Act. The plans shall include:

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Macquarie Park Street Tree Master Plan.

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 all frontages. The extent of works required to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

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

Subject to design, it is expected that a minimum of five new street lights on multi-function poles (MFP's) will be required along the Talavera Road frontage and one new street light on an MFP will be required along the Slip Lane frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde **Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor**. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments).

- 59. **Public Infrastructure Works - Design for Roads Act Approval.** 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 under the Roads Act by Council's City Works Directorate. The works shall be in accordance with City of Ryde DCP 2014, Part 4.5 Macquarie Park Corridor, Part 8.5 - Public Civil Works, Part 8.2 - Stormwater Management and City of Ryde Public Domain Technical Manual; Chapter 6 – Macquarie Park Corridor, where applicable.

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

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 **one lane road width** for the **Talavera 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*.
- (b) The full reconstruction of the **Access Road** – the road along the eastern boundary towards the site (continuation of Herring Road) in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.

- (c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- (d) The construction of new kerb and gutter along the Talavera Road and the Access Road (Slip Lane) frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Talavera Road and the Access Road.
- (e) Construction of full width granite footway along the Talavera Road and the Access Road (Slip Lane) frontages of the development site in accordance with the City of Ryde **Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor** and as shown in purple on AT&L drawing DAC404 – Issue A. The retention of trees will not allow full width pedestrian footpath along the Access Road.
- (f) Re-construction of two kerb ramps at the intersection of Talavera Road with Herring Road with granite pavers.
- (g) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (h) Signage and line-marking details.
- (i) Staging of the public civil works, if any, and transitions between the stages.
- (j) 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.

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.

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards).

60. **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. 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 the amount of **\$385,000** shall be lodged with the City of Ryde prior to the issue of a Section 138 Roads Act approval by Council 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.

(Reason: Ensure compliance with specifications).

61. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

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

(Reason: Ensure compliance with Council's requirements).

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

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

(Reason: Record of civil works).

63. **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 Construction Certificate for the following items:

- a) The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment prepared by TTW Pty Ltd dated 12 July 2022.
- b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Impact Assessment prepared by TTW Pty Ltd dated 12 July 2022.
- c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100-year ARI) flood level plus 500 mm freeboard.
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.
- d) 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.

(Reason: to ensure flood protection measures are as per approved flood report).

64. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), 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).

(Reason: To ensure no water from Council's Stormwater Drainage Network enters the site).

65. **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 relevant Construction Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng).

(Reason: To ensure connection to pit compliance with Council's DCP and Australian Standards).

66. **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 relevant 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.

(Reason: to ensure relevant Council assessment fees are paid).

67. **Stormwater - Drainage Design Submission.** Engineering drawings prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) 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 relevant 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 Civil Plans prepared by at & I P/L Drawing No. DAC410, DAC411, DAC415, DAC420 (Project No. 16428, Revision B, 01 July 2022)

is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.

- d) 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.
- e) Any stormwater pit with a depth greater than 1.8 metres shall be designed and certified by a suitably qualified Structural Engineer and the certification shall be submitted with the drainage design drawings.
- 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.

(Reason: To ensure the Stormwater Civil Design complies with Council's and Australian Standards and has sufficient details to obtain a construction certificate).

68. **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 Traffic and Development Engineer prior to submission of the CPTMP.

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

The CPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times. Construction materials are to be stored away from waste materials on site.
- 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)/Traffic Guidance Scheme(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 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.
- 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*.

(Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of demolition and construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site).

69. **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 Council's 12.5m long waste vehicle, as a minimum requirement. The minimum height clearance required is 4.5m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of a Council's 12.5m m long garbage truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council) prior to the issue of the relevant Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

(Reason: To assist with the safety and efficiency of heavy vehicles entering and exiting the site).

70. **Waste Management Plan.** Any changes to the Waste Management Plan prepared by MRA Environmentla and dated July 2022 and relevant plans which were utilised to evaluate the waste collection by Council, have to be approved by the Waste Department at the City of Ryde Council before the issue of any relevant Construction Certificate to ensure the waste collection is not affected.

(Reason: To ensure that waste collection is consistent with the Waste Management Plan).

71. **Waste Management.** Waste management and collection shall satisfy the following:
- a) All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
 - 1,100L Bins – width 1.4m, depth 1.1m, height 1.4m.
 - 660L Bins – width 1.3m, depth 0.8m, height 1.3m.
 - b) Space for two separate receptacles must be provided inside each dwelling to store up to two days' worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.
 - c) Waste trucks will enter the basement from Lachlan Avenue in a forward direction and reverse into the loading bay on the lower ground floor and exit in a forward direction.
 - d) The height clearance excluding any service pipes is to be 4.5m for the truck to enter the basement and service the bins.
 - e) A bulky waste storage of a minimum of 20m² is to be provided adjacent to the loading bay for residents to store any unwanted household items awaiting the booked Household Cleanup Collection.
 - f) All garbage and recycling rooms must be constructed in accordance with the following requirements:
 - i. The room must be of adequate dimensions to accommodate all waste containers, and allow easy access to the containers for users and servicing purposes;
 - ii. 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;

- iii. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- iv. 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;
- v. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- vi. 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;
- vii. 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;
- viii. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- ix. The room must be provided with adequate artificial lighting; and
- x. A hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

(Reason: To ensure that waste storage and collection can be properly carried out).

72. **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 each relevant Construction Certificate;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 and Council's DCP 2014 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the relevant Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel. 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 and Council's DCP 2014 for the respective type of vehicle.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, 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 2014. 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 each relevant Construction Certificate.

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

73. **Electric Vehicle Charging Points.** Prior to the relevant Construction Certificate being issued, amended basement plans are to be submitted to the Principal Certifying Authority depicting Electric Vehicle charging points at a minimum rate of 10% of each category of parking (1,035 residential, 104 visitor, 70 commercial and 21 car share) with a minimum

'Level 2' charging point consisting of single or three-phase point with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056 (21 January 2019). Further, capability is to be provided within the switchboards and cabling for all parking spaces to be converted in the future.

(Reason: To ensure that the development adequately caters for owners of electric vehicles.)

74. **Car share parking spaces.** To maintain, facilitate and encourage the use of the car share parking spaces within the development, the following requirements are to be maintained for the ongoing serviceable life of the development:

- a) 21 car share spaces must be provided.
- b) 6 car share spaces must be publicly accessible and 15 car share spaces must be available to residents 7 days of the week, 24 hours of the day. The spaces are to be well lit with safe pedestrian access.
- c) Car share spaces are to be clearly sign-posted, designated and line marked in the development.
- d) The car share spaces are to remain as common property in any future strata subdivision of the development.
- e) The car share spaces are to be provided with sufficient cellular connectivity as well as providing the requisite infrastructure (e.g., conduits, wiring, adequately sized power supply and metering cabinet) so that EV chargers can be readily provided.

Evidence demonstrating the above requirements is to be provided on the relevant Construction Certificate plans.

(Reason: To ensure the effective operation of the car share spaces).

75. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the proposed kerb inlet pit within the site frontage, generally in accordance with the plans by AT&L Design, Project No.: 16-428, Issue No. B, dated 1 -07-22 subject to any variations marked in red on the approved plans or noted following:
- a) Details of roof water collection and connection to the proposed rainwater tank shall be shown on the final stormwater management plan.
 - b) 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 each relevant Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following:

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

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

76. **Stormwater Management – Connection to Public Drainage System.** Engineering plans detailing the connection of the developments stormwater management system to the public drainage service must be forwarded to Council and an inspection fee (as per Council's

schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of each relevant Construction Certificate.

Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

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.

(Reason: To ensure that the connection is in accordance with the City of Ryde 2014 DCP Part 8.2 and to Council's satisfaction.)

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

Prior to the issue of each relevant Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 10m wide, without the 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.

An assessment and inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of each relevant Construction Certificate.

The Council approved design details shall be incorporated into the plans submitted for the application of each relevant Construction Certificate.

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

78. **Geotechnical Design, Certification and Monitoring Program.** 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 hydro-geological measures by the professional engineer; and;
 - Details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of the Geotechnical Investigation Report prepared by JK Geotechnics dated 20 October 2021.

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

(Reason: To ensure there are no adverse impacts arising from excavation works.)

79. **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 110-112 Talavera Road Macquarie Park

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

(Reason: To clarify any claims of damage made by adjoining property owners.)

80. **Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for any Construction Certificate. The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following:

- 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.

(Reason: 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.)

81. **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 each relevant 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:

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

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

82. **Construction Noise Management Plan (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 any 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.

(Reason: To ensure noise impacts during construction are appropriately managed).

83. **Noise impact on residential building.** Prior to the issue of each relevant Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on residential buildings from rail corridors and/or busy roads:
- (a) In any bedroom in the building: 35dB(A) between 10pm – 7am
 - (b) Anywhere else in the building (other than a garage, hallway, kitchen or bathroom: 40dB(A) at any time.

(Reason: To ensure the measures to mitigate noise impacts are implemented).

84. **Environmental Management Plan.** Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
 - (b) Construction Noise and Vibration Management Sub-Plan;
 - (c) Construction Waste Management Sub-Plan;
 - (d) Construction Soil and Water Management Sub-Plan;
 - (e) Flood Emergency Response;
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

(Reason: To ensure that the business establishes a commitment to the protection of the environment).

85. **Sydney Airport Approval.** Prior to the issue of any Construction Certificate for above ground works, the applicant shall obtain approval for the use of construction cranes from Sydney Airport to the satisfaction of the Certifying Authority.

(Reason: Sydney Airport requirement.)

86. **CASA Requirement.** The documentation for the relevant Construction Certificate shall include details of obstacle lighting by medium intensity steady red lighting during the hours of darkness and periods of low visibility at the highest point of the building. Obstacle lights are to be arranged as per section 9.31 of the Part 139 MOS. Characteristics for medium intensity steady red are stated in subsection 9.33 of MOS. The proponent/building owner/building operator is to ensure that the obstacle lighting is appropriately monitored.

Under Subsection 8.109(5) of the MOS, CASA has determined the buildings may remain unmarked because it is sufficiently conspicuous in shape and size.

(Reason: CASA requirement.)

87. **Sydney Water Requirement.** The documentation for the relevant Construction Certificates shall demonstrate that the planning the water, wastewater and recycled water servicing needs of the development as detailed in the correspondence from Sydney Water dated 5 July 2022 are satisfied.

(Reason: Sydney Water requirement.)

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.

88. 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.

(Reason: Statutory requirement).

89. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(Reason: Statutory requirement).

90. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

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

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

(Reason: Statutory requirement).

91. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

(Reason: Statutory requirement).

92. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

(Reason: To ensure the address of the development meets Council's requirements).

93. **Notice of Intention to Commence Public Domain Works –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Note: Copies of several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

(Reason: Ensure compliance and record of works).

94. **Notification of adjoining owners & occupiers – public domain works -** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

(Reason: Ensure compliance and record of works).

95. **Pre-construction inspection -** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

(Reason: Ensure compliance and communicate Council's requirements).

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

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

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

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

(Reason: Protection of Council's infrastructure).

97. **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.

(Reason: Transport for NSW requirement).

98. **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 any works that may impact on traffic flows on a State Road.**
 - 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 be 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.

(Reason: Legal requirement).

99. **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.

(Reason: Ensure public amenity and safety.)

100. **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.

(Reason: Ensure compliance.)

101. **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 commencement of any works, certifying compliance with this condition.

(Reason: to verify the structural integrity of the pit).

102. **Retaining Walls within Public Land** – Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within public land are to be designed by a Structural Engineer and must have subsoil drainage connected to the public drainage system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided to Council for approval prior to the issue of any relevant Construction Certificate and at no cost to Council.

All components of any retaining walls, including subsoil drainage, must be located entirely within public land. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

(Reason: Ensure public safety and protection of infrastructure)

103. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a Traffic Engineer having RMS accreditations and submitted to Council for approval prior to the issue of any relevant Construction Certificate.

The CTMP must:-

- a. Make provision for all construction materials to be stored on site, at all times.
- b. Specify construction vehicle routes and rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Traffic section.
- d. Wherever the site is in proximity to a Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- e. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- f. Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.

- g. 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 tree's.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities). The modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

The review of the CTMP is subject to fees in accordance with Council's Schedule of Fees and Charges, in effect at the time of submission at the time of submission.

(Reason: To ensure public safety and minimise any impacts of construction vehicle movements to the adjoining pedestrian and vehicular traffic systems and the surrounding community.)

- 104. **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.

(Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.)

- 105. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 28 August 2022, must be retained and protected: Trees 3, 4, 7, 8, 9, 31 and 32.

(Reason: To ensure all trees which are not significantly impacted by the proposed works are appropriately retained and protected).

- 106. **Tree Removal – Subject Site.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 28 August 2022, are approved for removal: 18, 19, 20, 21, 22, 23, 27, 28, 30 and 44.

(Reason: To facilitate the proposed construction works).

- 107. **Tree Removal – Neighbouring Allotments.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 28 August 2022, are approved for removal subject to the provision of consent from Roads & Maritime Services (RMS): Trees 5 & 6. RMS consent must be obtained in written, signed format and provided to Council for review and approval prior to issuance of Construction Certificate.

(Reason: To facilitate the removal of undesirable weed species, subject to RMS consent).

- 108. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by an AQF Level 5 consulting Arborist who is registered as a consulting arborist with either Arboriculture Australia or the Institute of Australian Consulting Arboriculturists. This document is to provide details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to take into consideration all within proximity to the proposed works which may be affected by the proposal. The Tree Protection Plan & Specification is to be submitted to Council for review and approval prior to issuance of Construction Certificate.

(Reason: To provide a suitable framework and guidance for tree protection prepared by a qualified professional).

109. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

(Reason: To ensure suitable tree protection is in place prior to the commencement of any demolition works).

110. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 28 August 2022. 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.

All tree removal work is to be carried out in accordance Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

(Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees).

111. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site.

(Reason: To ensure suitable tree protection is in place prior to the commencement of any works).

112. **Tree Protection Fencing.** The Tree Protection Zones of all retained trees must be protected by way of fencing and signage designed and located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To provide suitable protection fencing for trees nominated for retention).

113. **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.

(Reason: To ensure excavation works associated with stormwater infrastructure do not result in damage to existing tree roots).

114. **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.

(Reason: To ensure excavation works associated with services installation do not result in damage to existing tree roots).

115. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools.

Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure all excavation works do not result in damage to existing tree roots).

116. **Canopy Tying.** Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.

(Reason: To minimise the extent of canopy pruning necessary to facilitate construction and mitigate impacts to existing trees nominated for retention).

117. **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.

(Reason: To reduce the stress and negative impacts caused by any root pruning required for construction).

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.

118. **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 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

119. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.

(Reason: To protect the amenity of the neighbourhood).

120. **Noise management plan.** Where construction activities are likely to cause significant noise or vibration (e.g., jackhammering, rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:

- (a) Identification of nearby affected residences or other sensitive receivers.
- (b) An assessment of the expected noise impacts.
- (c) Details of the work practices required to minimise noise impacts.
- (d) Noise monitoring procedures.
- (e) Procedures for notifying nearby affected residents.
- (f) Complaints management procedures.

(Reason: To protect the amenity of the neighbourhood).

121. **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.

(Reason: To ensure that the development is in accordance with the determination).

122. **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.

(Reason: To ensure soil and water management controls are in place before site works commence).

123. **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.

(Reason: To ensure no adverse impacts on neighbouring properties).

124. **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.

(Reason: To ensure that building materials are not washed into stormwater drains).

125. **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

(Reason: To prevent pollution of the environment).

126. **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.

(Reason: To prevent pollution of waterways).

127. **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 any relevant Construction Certificate.

(Reason: To protect against subsidence, erosion and other nuisances).

128. **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.

(Reason: To ensure fill is consistent with the consent).

129. **Construction materials.** All materials associated with construction must be retained within the site.

(Reason: To ensure the public domain is not affected during construction).

130. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework 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.

(Reason: Statutory requirement).

131. **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.

(Reason: To ensure the site is appropriately maintained during construction).

132. **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".

(Reason: To ensure works do not disrupt pedestrians and vehicular traffic).

133. **Consent documents available on site.** At all times during the construction, a copy of the development consent and the approved stamped plans is to be kept on site. These documents are to be made available to any Council Officer as requested.

(Reason: To ensure Council Officers are able to access the consent during any site inspection).

134. **WaterNSW.** If groundwater is encountered during the development and requires removal, the proponent shall contact WaterNSW immediately and apply for a dewatering water supply work approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.

(Reason: Requirement of WaterNSW).

135. **Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (Construction Activities).

(Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.)

136. **Construction Traffic Management Plan - Implementation.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS

accreditation. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

(Reason: To ensure that construction vehicle movements and activities are undertaken in accordance with the approved CTMP throughout the period of construction.)

137. **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.

(Reason: To prevent soil and sediment spill in the public domain.)

138. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by AT&L, Project No.: 16-428, Issue No.: B, Dated 01-07-22, submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater system is constructed as approved)

139. **Stormwater Management – Works in the New Drainage Easement.** In relation to the works in the new drainage easement on neighbouring land, the builder/ developer must;

- a) provide a minimum 3 weeks notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
- b) ensure the works are completed in a timely manner.
- c) ensure any structures adjacent the works are adequately supported at all times.
- d) make provision to restore the work area so as to maintain the amenity of the land / minimise the imposition of works on the burdened land, should the works be delayed due to unforeseen events such as weather, service adjustments, etc.
- e) restore all areas on the burdened property disturbed by the construction works to a condition equivalent to the pre-developed state or otherwise as agreed by the owner of the burdened property.
- f) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

(Reason: To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services.)

140. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

141. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

142. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

143. **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) 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.

(Reason: Ensure compliance with relevant standards).

144. **Stormwater - Hold Points during construction – Council Drainage Works.** Council requires inspections to be undertaken by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, for all Council stormwater drainage works.

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:

- a) Upon connection to Council’s existing kerb inlet pit.

(Reason: to ensure construction works satisfy Council’s DCP and Australian Standards requirements).

145. **Implementation of the Construction Traffic and Pedestrian Management Plan.** All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP 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 CTPMP be impacted by surrounding major

development not encompassed in the approved CTPMP, the CTPMP measures and controls are to be revised accordingly and submitted to Council.

(Reason: This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction).

146. **Tip dockets for waste removal.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

(Reason: To protect the environment).

147. **Management of the site to avoid illegal dumping.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

(Reason: To protect the environment).

148. **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 AT&L, Project No. 16-428, Issue B dated 1/7/2022 submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater system is constructed as approved)

149. **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.

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

150. **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.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

151. **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.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

152. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure any excavation works are not detrimental to the health of the tree.)

153. **Tree Removal - Subject Site.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 28 August 2022, are approved for removal: 18, 19, 20, 21, 22, 23, 27, 28, 30 and 44.

(Reason: To ensure only the trees approved for removal are in fact removed)

154. **Tree Protection: Hold Points and Certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre-construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to City of Ryde Council on completion of the project.

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to works commencing
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to works commencing
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

(Reason: To ensure the Project Arborist certifies the protection of trees).

155. **Requirement to notify about new contamination evidence.** Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

(Reason: To ensure contaminated materials are appropriately reported and managed).

156. **Asbestos-handled & disposed of by licensed facility.** All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

(Reason: To protect the environment).

157. **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.

(Reason: To protect the environment).

158. **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.

(Reason: To protect the environment).

159. **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.

(Reason: To protect the environment).

160. **De-watering of Excavated Sites.** Any areas on the site which have been excavated 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 each relevant Construction Certificate.

(Reason: To protect the environment).

161. **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.

(Reason: To protect the environment).

162. **Imported fill – validated.** All imported fill must be validated in accordance with the Contaminated Sites Sampling Design Guidelines (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

(Reason: To protect the environment).

163. **Duty to Notify Pollution Incidents.** Council being the ‘appropriate regulatory authority’ must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

(Reason: To protect the environment).

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.

164. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1171992M_06 dated 19 January 2023 and 1248473M_07 dated 19 January 2023.
- (Reason: Statutory requirement).
165. **Landscaping.** The relevant landscaping works approved by condition 1 are to be completed prior to the issue of each relevant **Occupation Certificate**.
- (Reason: To ensure the development is in accordance with the development consent).
166. **Design Verification.** Prior to any relevant Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a registered architect that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Schedule 1 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- (Reason: Statutory requirement.)
167. **Public Art.** The artwork in the approved Public Art Plan shall be installed prior to the issue of the relevant Occupation Certificate and maintained for the life of the development.
- (Reason: To ensure integrated artwork is provided and maintained.)
168. **Privacy Screens.** The privacy screens approved on the plans shall be installed and maintained for the life of the development.
- (Reason: To ensure the privacy of occupants and neighbouring properties is maintained.)
169. **Wind Screens.** Written certification shall be provided by a suitably qualified wind consultant confirming that the wind mitigation devices/screens approved on the plans as specified in the Wind Environment Assessment prepared by Windtech have been appropriately and effectively installed. The wind screens shall be maintained for the life of the development.
- (Reason: To ensure the amenity of occupants and neighbouring properties is maintained.)
170. **Lift Management.** Written certification shall be provided by a suitably qualified lift management consultant confirming that the operation of the lifts agrees with the Lift Reports for the child care lift and restaurant lift prepared by Kone and dated 27 October 2021, and the Lift Reports for Buildings A, B and C prepared by Kone and dated 24 November 2021
- (Reason: To ensure the lifts operate efficiently.)
171. **Swimming Pool Register.** Legislation requires all swimming pools to be registered online at: <http://www.swimmingpoolregister.nsw.gov.au/>. Documentary evidence confirming that the swimming pool has been registered must be submitted to the Principal Certifying Authority prior to the issuing of any relevant Occupation Certificate.
- (Reason: Statutory requirement).
172. **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.

(Reason: Statutory requirement).

173. **All works/methods/procedures/control measures.** Prior to the issue of each relevant occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council in the DA Acoustic Assessment No. 20210030.2/2411A/R1/PF prepared by Acoustic Logic and dated 24/11/21.

(Reason: To demonstrate compliance with submitted reports).

174. **Acoustic Compliance report (Building design).** Prior to the issue of each relevant Occupation Certificate, written certification from a suitably qualified person shall be submitted to the Principal Certifying Authority and Council, stating that appropriate design and construction materials have been utilised to ensure compliance with Australian Standards AS/NZS 2107 and Table 4 point 8 of the EPA Road Noise Policy, Department of Environment, Climate Change and Water NSW, March 2011.

(Reason: Compliance with relevant noise criteria).

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

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

(Reason: Statutory requirement).

176. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

(Reason: To provide a record of any damage to adjoining properties post construction).

177. **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.

(Reason: To assist in way finding).

178. **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 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.

(Reason: Improved access and public amenity).

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

(Reason: Ensure Compliance).

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

(Reason: Ensure Compliance).

181. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of the relevant Occupation Certificates, 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 Ryde DCP 2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

(Reason: Ensure public safety and protection of infrastructure).

182. **Electricity accounts for new street lighting.** Prior to the issue of the relevant Occupation Certificates, 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.

(Reason: Public amenity and safety).

183. **Compliance Certificates – Street Lighting.** Prior to the issue of the relevant Occupation Certificates, 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.

(Reason: Ensure Compliance).

184. **Compliance Certificate – External Landscaping Works.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

(Reason: Ensure Compliance).

185. **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 Certificates.

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.

(Reason: Record of Completed Works).

186. **Registered Surveyor Final Certificate.** Upon completion of all construction works, and before the issue of the relevant Occupation Certificates, 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.

(Reason: Ensure Compliance and no encroachments).

187. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate for Stage 3 / Building C, 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.

(Reason: Ensure Compliance).

188. **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. The report shall be used by

Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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

(Reason: Protection of public assets).

189. **Decommissioning of Ground Anchors.** Prior to the issue of the relevant Occupation Certificates, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

(Reason: Ensure compliance for protection of public assets).

190. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time. A minimum 48 hours' notice will be required when booking for the final inspection.

(Reason: Ensure Compliance).

191. **Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to the issue of the relevant Occupation Certificates, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

(Reason: Ensure Compliance).

192. **Engineering Condition – Public Domain Works.** All outstanding civil works associated with road improvement works, kerb and gutter, footpath, vehicular crossing and stormwater drainage work for this development site shall be completed in accordance with Council's specifications and to the satisfaction of Council prior to the issue of the strata plans/subdivision certificate.

(Reason: Ensure compliance).

193. **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 through the assessment phase of the development applications. All design and construction of public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Public amenity and safety).

194. **Positive Covenant - Overland Flow.** A positive covenant shall be created for the existing overland flow path through the subject site, under Section 88E of the Conveyancing Act 1919. All associated costs shall be borne by the applicant.

This is to place a restriction on the title that the overland flow path and flood storage areas are maintained and kept free of debris/weed to allow unobstructed passage of overland flow of water through the site and underneath the residence. The new buildings shall not have the subfloor area enclosed or utilised for storage.

The wording of the Instrument shall be submitted to, and approved by Council's City Works Directorate prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

(Reason: To ensure the overland flow and flood storage areas are maintained and unobstructed).

195. **Flooding – Engineering Compliance Certificate.** A certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of each relevant Occupation Certificate, confirming that all requirements of condition “*Flooding - Flood and Overland Flow Protection*” have been satisfied. In addition, a statement from a suitably qualified and experienced flooding engineer shall be submitted to Council for the approval of Council’s Senior Coordinator Infrastructure Services which confirms that all entries and any opening leading to the basement (e.g., emergency exits, vents, etc.) have been constructed accordingly to ensure that the basement demonstrates flood immunity up to PMF event.

The qualified and practising Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) shall have experience in the area respective of the certification unless stated otherwise.

(Reason: To ensure that all flood and overland flow protection requirements are satisfied).

196. **Stormwater – Council Drainage Works – Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D-or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the relevant approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

(Reason: To ensure the public infrastructure works are completed in accordance with the approved plans and specifications).

197. **Stormwater - Post-Construction CCTV Report.** To ensure Council’s stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council’s pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the Council’s stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council. The applicant shall obtain written approval from a Council Engineer prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council's Assets and Integration Section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

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 report is submitted.

(Reason: to verify the post-construction condition of Council's drainage assets).

198. **Final Inspection – Council Drainage Assets Handover.** For the purpose of the handover of the trunk drainage assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the {Council Drainage Works}. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the trunk drainage Works.

Note: An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

(Reason: to verify the new drainage asset/s have been built as per Council's standards).

199. **Compliance Certificate – Council Drainage Works.** Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all Council drainage and associated restoration works have been completed to Council's satisfaction and in accordance with the Council approved drawings.

Note: The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

(Reason: to ensure drainage and its consequent restoration works have been conducted as per Australian and Council's standards).

200. **Restoration – Supervising Engineer's Certificate -** Prior to the issue of any 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.

(Reason: to ensure road and footpath restoration works have been completed as per Australian and Council's standards).

201. **Signage and Linemarking – External.** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and linemarking plan prepared by a suitably qualified traffic engineering consultant to be 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 Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

(Reason: To ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development is appropriately managed to minimise the impact to public safety and amenity.)

202. **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 the relevant Occupation Certificate.

(Reason: This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied).

203. **Signage and Linemarking (Internal).** A plan detailing the signage & linemarking and/or other traffic control devices (e.g. Stop sign and supplementary linemarking, convex mirror(s), etc.) proposed within the basement car parking levels and loading dock area shall be prepared by a suitably qualified traffic consultant and submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certification. A copy of the approved plan is to also be submitted to Council.

Reason: This condition is intended to ensure that the traffic management measures outlined in the approved signage and linemarking plan for the basement car park and loading dock are installed, prior to the development being occupied.

204. **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 any Occupation Certificate.

Reason: This condition is intended to assist with the safety of vehicles accessing and manoeuvring within the site.

205. **Agreement with a car share provider.** Prior to the issue of any Occupation Certificate, documentary evidence is to be provided to Council that an agreement with a car share provider has been entered into for the 21 car share spaces on site. The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability.

(Reason: To ensure the effective operation of the car share spaces).

206. **Framework Travel Plan.** A finalised Framework Travel Plan (FTP) is to be submitted to Council's Environment Department 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) Provide, to Council satisfaction, supportive infrastructure for:
 - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development.
 - Taxi drop-off areas or parking (as appropriate) and carpooling and car share dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development.
- (v) Walking and cycling (lockers and end-of-trip facilities).

(Reason: This condition is designed to assist in reducing future traffic congestion and promote alternative transport options in Macquarie Park).

207. **Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 12.5m in length.

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 on the public road (including verge). Vehicle queuing on any public road is not permitted.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

(Reason: This condition is intended to assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads).

208. **Inspection and Approval of Waste Arrangements.** An authorised Council waste officer is to inspect the development to ensure that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management Plan providing safe easy access to service the waste containers. Approval must be provided by City of Ryde Council prior to the issue of any Occupation Certificate.

(Reason: To ensure the waste arrangements are provided in accordance with the Waste Management Plan).

209. **Waste collection Services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.

(Reason: To ensure the site is serviced by waste collection).

210. **Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height

clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review and the covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To ensure owners maintain responsibility for waste collection services).

211. **Waste Servicing Room.** Where there is a lockable door to access a bin room or hard waste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household clean-up items.

Where there will be secure access in place to access the basement loading dock area, a lock box accessed by the Council universal key will be provided on the outside of the roller shutter doors. The building access fob will be housed in the lock box for use by the contractor to enable access to service the bins

(Reason: To ensure waste rooms can be accessed in a secure manner).

212. **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. 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.
(Reason: To clarify the configuration of the completed stormwater management system.)

213. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

(Reason: To maximise onstreet parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

214. **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 components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: 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).)

215. **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. 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.

(Reason: To clarify the configuration of the completed stormwater management system.)

216. **Drainage System Maintenance Plan.** 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 (e.g. 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 any Occupation Certificate.

(Reason: To ensure the approved stormwater components such as onsite detention system, pumps and WSUD measures, function as designed for the ongoing life of the development)

217. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's current standard terms for provision for overland flow and to the satisfaction of Council. To assure Council the completed development works are consistent with the approved development and associated flood conditions, Works-As-Executed plans and/ or engineering certification related to any flood mitigation measures are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To ensure that the site topography and any flood mitigation measures are maintained for the ongoing life of the development)

218. **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 any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the habitable floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed and that the requirements of the condition "Flood and Overland Flow Protection" have been satisfied.
- c) 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.

- d) 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.
- e) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (Stormwater drainage), 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.
- f) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- g) 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).
- h) 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.
- i) 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.
- j) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

219. **Parking Area Linemarking and Signage.** Traffic measures such as 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.

(Reason: To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.)

220. **All acoustic works/methods/procedures/control measures.** Prior to the issue of any occupation certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works / methods / procedures / control measures approved by Council have been completed in accordance with the DA Acoustic Assessment prepared by Acoustic Logic and dated 28 June 2022. The Certificate is also to verify that the appropriate design and construction materials have been utilised to ensure compliance with the relevant Australian Standards AS/NZS 2107 and Table 4 point 8 of the EPA Road Noise Policy, Department of Environment, Climate Change and Water NSW, March 2011.

(Reason: To ensure the required noise attenuation measures are implemented.)

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.

221. **Offensive noise.** The use/occupation of the premises, and noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To ensure the development does not impact on the amenity of the locality).

222. **Delivery and loading/unloading.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day (with the exception of waste collection).

All loading and unloading in relation to the use of the premises shall take place wholly within the property. Vehicle queuing on the public road is not permitted. Vehicles permitted to use the loading dock shall not exceed 10.8m in length.

(Reason: To ensure loading/unloading does not impact on the amenity of the locality).

223. **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) or outside of the loading dock is not permitted.

Reason: This condition is to ensure that the measures outlined in the approved loading dock management plan is implemented.

224. **No advertising.** No approval is granted in this consent for general or third party advertising which is prohibited.

(Reason: Statutory requirement).

225. **Landscaping.** All landscaping works approved by Condition 1 are to be maintained for the life of the development.

(Reason: To ensure the development is in accordance with the development consent).

226. **Removal of Graffiti.** It is the responsibility of the owner(s)/strata of the development to remove any graffiti on the site which is visible from the public domain in a timely manner.

(Reason: To ensure the development is maintained free of graffiti).

227. **No clothes drying on balconies.** It is the responsibility of the owner(s)/strata/occupants of the development to ensure that clothes drying is not carried out on balconies where such facilities are visible from the public domain.

(Reason: To ensure the visibility of laundry facilities is avoided in accordance with Council's DCP).

228. **Management of Waste Services.** The waste storage and collection services are to be maintained for the life of the development as follows:
- a) All domestic waste shall be collected by the Council waste collection contractor. The collection of domestic waste is not permitted to be undertaken by private contractors.
 - b) Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
 - c) All waste storage areas must be maintained in a clean and tidy condition at all times.

- d) Staff or contractors must be employed to take the waste containers from garbage and recycling rooms to the nominated waste collection room/area for servicing.
- e) All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- f) An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
- g) 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.

(Reason: To ensure that waste is appropriately managed).

229. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the parking allocation as follows:

- A maximum of 1,035 residential spaces including 104 accessible spaces
- 104 visitor spaces including 1 accessible parking space
- 21 car share spaces
- 25 child spaces including minimum 1 accessible parking space
- 24 retail spaces including minimum 1 accessible parking space
- 21 restaurant spaces including 1 accessible parking space
- 5 bicycle parking spaces for retail and restaurant.

(Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.)

230. **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).

(Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.)

231. **Flood Emergency Response Matters.** The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for the proposed development.

Implementation and maintenance of the FERP shall be the responsibility of building management and all owners, tenants and users of the building must be made aware of the FERP. FERP shall include details of the proposed 'on-site' refuge area. Permanent signage shall be installed in the common areas informing the future occupants of the emergency evacuation procedures and refuge areas

(Reason: to ensure Flood Emergency Response Plan is in place during and after construction is completed).

232. **Food premises.** The operation of the any commercial premises as a food 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.

(Reason: To ensure operation of the premises complies with the relevant legislation and standards)

233. **Use is not to cause air impurities.** The operation of any commercial premises as a food premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

(Reason: To prevent loss of amenity to the area)

234. **Use is not to cause offensive noise or vibration.** The use of the any commercial premises as a food premises is not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

(Reason: To prevent loss of amenity to the area)

235. **Installation of water-cooling systems.** Where any water-cooling system is installed, the following shall be undertaken, a Compliance Certificate shall be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 2010, the Regulations thereunder, the NSW Code of Practice for the Control of Legionnaires Disease and Australian Standard 3666.

(Reason: To comply with the Public Health Act)

236. **Registration of water-cooling systems.** All water-cooling systems regulated under the Public Health Act 2010 must be registered with Council's Environmental Health Unit within one (1) month of installation. Registration forms may be obtained from Council's website.

(Reason: To comply with the Public Health Act).

237. **Water-cooling system operation.** The operation of the water-cooling system is to comply with the relevant provisions of the Public Health Act 2010, Public Health Regulation 2015 and the Australian Standard 3666.

(Reason: To ensure operation of the premises complies with the relevant legislation and standards).

238. **Council may require acoustical consultant's report.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

(Reason: To demonstrate compliance with relevant legislation).

239. **Council may require acoustical consultant's report.** Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

(Reason: To demonstrate compliance with relevant legislation).

240. **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.

(Reason: To protect the amenity of surrounding properties).

241. **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.

(Reason: To reduce noise levels).

242. **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.

(Reason: To protect the amenity of the area).

243. **Air Conditioners in Residential Buildings.** The air conditioner/s must not:

(1) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(b) before 7.00am and after 10.00pm on any other day.

(2) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect the amenity of occupants and surrounding properties).

244. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the Swimming Pools Act 1992 and Swimming Pools Regulation 2018.

(Reason: Statutory requirement).

245. **CASA Requirement.** The building is to be obstacle lit by medium intensity steady red lighting during the hours of darkness and periods of low visibility at the highest point of the building. Obstacle lights are to be arranged as per section 9.31 of the Part 139 MOS. Characteristics for medium intensity steady red are stated in subsection 9.33 of MOS. The proponent/building owner/building operator is to ensure that the obstacle lighting is appropriately monitored.

(Reason: CASA requirement.)

246. **NSW Rural Fire Service.** The development shall maintain consistency with the General Terms of Approval issued by NSW Rural Fire Service on 21 April 2022.

(Reason: Requirement of NSW Rural Fire Service).

End of conditions.