

## **PROPOSED CONDITIONS OF CONSENT**

### **DEFERRED COMMENCEMENT**

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

- (A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2022/0267 for a Multi Sports Facility subject to the following conditions of consent:

The consent is not to operate until the following conditions are satisfied:

1. The Civil Plans prepared by Henry & Hymas Engineers (Revision 5) must be amended to show easement widths as follows:
  - a) 3m over existing Council pipes DN≤1350; and
  - b) 3.5m over existing Council pipe DN1500.
2. The Civil Plans prepared by Henry & Hymas Engineers (Revision 5) must be amended to show the levels of the existing Council pipe and demonstrate that sufficient vertical clearance between Council pipe DN1500 pipe and the proposed pipe DN900 (between the two basins) is achieved.

(Reason: To ensure adequate vertical clearance between the proposed underground pipe and existing pipe is obtained).

- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 12 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

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

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

### **GENERAL**

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

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

Document Description	Date	Plan No. / Reference
<b>Architectural Plans prepared by Cox Architecture</b>		
DA Cover Sheet	29.09.2023	DA-01-00, H, Project No. 220133.00
Da Tree Removal Plan	25.01.2023	DA-11-03, L
DA Site Plan	29.09.2023	DA-11-04, Q
DA Site Fence Plan	29.09.2023	DA-11-05, B
DA Basement Plan	15.03.2023	DA-21-00, J
DA Lower Ground Floor Plan	15.03.2023	DA-21-01, G
DA Ground Floor Plan	15.03.2023	DA-21-02, K
DA Roof Plan	15.03.2023	DA-21-04, J
GFA Area Schedule 1 of 2	25.01.2023	DA-21-05, J
GFA Area Schedule 2 of 2	25.01.2023	DA-21-06, F
DA Building Elevations	15.03.2023	DA-30-01, H
DA Material Schedule	15.03.2023	DA-30-02, A
DA Site Elevations	15.03.2023	DA-30-03, F
DA Site Elevations 2 of 2	15.03.2023	DA-30-04, A
DA Building Sections	29.09.2023	DA-40-01, J
Site Sections	15.03.2023	DA-40-02, F
Site Sections	15.03.2023	DA-40-03, A
Site Sections	29.09.2023	DA-40-04, B
DA Building Sections	29.09.2023	DA-40-01, J
DA Ramp Details - Vehicular Ramp	29.09.2023	DA-67-04, B

<b>Landscape Plans prepared by Turf</b>		
Landscape Plan	16.10.2023	L-200, C Project No. 2106
Landscape Schematic Design Plans		
Landscape Masterplan - Key Places	17.05.2023	L-DA-4, G
Extent of Works - Winbourne Street & Brush Road	17.05.2023	L-DA-5, G
Landscape Design Statement	17.05.2023	L-DA-6, G
Bush Fire Protection Areas	17.05.2023	L-DA-7, G
Northwest Detail Plan - Upper Courts & Communal Area	17.05.2023	L-DA-8, G
Elevation AA - Communal Space	17.05.2023	L-DA-9, G
Section BB - Arrival Area	17.05.2023	L-DA-10, G
Northeast Detail Plan - Interfaces to the Blue Gum Forest	17.05.2023	L-DA-11, G
Section CC - Lower Car Park & Informal Lawn to the Blue Gum Forest	17.05.2023	L-DA-12, G
Section DD - Blue Gum Forest Informal & Informal Lawn to Level 3 Courts	17.05.2023	L-DA-13, G
Southeast Detail Plan - Lower Courts & Terraced Landscape	17.05.2023	L-DA-14, G
Section EE - Level 3 Grass Courts at Brush Road	17.05.2023	L-DA-15, G
Southwest Detail Plan - Level 1 Courts and Southern Swale	17.05.2023	L-DA-16, G
Section FF - Level 1 Courts & Terraced Landscape	17.05.2023	L-DA-17, G
Planting Strategy Plan	17.05.2023	L-DA-18, G
Planting Palette	17.05.2023	L-DA-19, G
Planting Palette	17.05.2023	L-DA-20, G
Planting Palette	17.05.2023	L-DA-21, G

Planting Palette	17.05.2023	L-DA-22, G
Planting Schedules	17.05.2023	L-DA-23, G
Planting Schedules	17.05.2023	L-DA-24, G

<b>Civil &amp; Public Domain Plans prepared by Henry &amp; Hymas Engineers</b>		
Bulk Earthworks Cut & Fill Plan	17.11.2023	20D04_DA_BE10, 9
Cover Sheet, Drawing Schedule, Notes & Locality Sketch	17.03.2023	20D04_DA_C000, 5
General Arrangement Plan	05.10.2023	20D04_DA_C100, 5
Detail Plan Sheet 1 of 4	05.10.2023	20D04_DA_C101, 10
Detail Plan Sheet 2 of 4	17.11.2023	20D04_DA_C102, 7
Detail Plan Sheet 3 of 4	14.11.2023	20D04_DA_C103, 4
Detail Plan Sheet 4 of 4	05.10.2023	20D04_DA_C104, 3
Basement Plan	01.03.2023	20D04_DA_C110, 4
Stormwater Miscellaneous Details & Pit Lid Schedule	05.10.2023	20D04_DA_C200, 4
Site Sections and Details Sheet 1 of 2	17.03.2023	20D04_DA_C201, 4
Site Sections and Details Sheet 2 of 2	17.11.2023	20D04_DA_C202, 4
Stormwater Catchment Plan	14.11.2023	20D04_DA_C250, 6
Retaining Wall Plan	17.11.2023	20D04_DA_C300, 9
Retaining Wall Typical Details	01.03.2023	20D04_DA_C310, 3
Pavement Plan	05.10.2023	20D04_DA_C500, 6
Pavement Typical Details	01.03.2023	20D04_DA_C505, 1
External Works Detail Plan Sheet 1 of 3	17.03.2023	20D04_DA_EX01, 3
External Works Detail Plan Sheet 2 of 3	17.03.2023	20D04_DA_EX02, 3
External Works Detail Plan Sheet 3 of 3	17.03.2023	20D04_DA_EX03, 3

<b>Hydraulic Services Plans prepared by WSP Consulting Engineers</b>		
Cover Sheet & Drawing Index	02.12.2021	H000, 1, Project No. PS123419
Legend of Symbols	02.12.2021	H001, 1
Layout Site Plan	02.12.2021	H050, 1
Drainage Services Basement	02.12.2021	H100, 1
Drainage Services Lower Ground Floor	02.12.2021	H101, 1
Drainage Services Ground Floor	02.12.2021	H102, 1
Drainage Services Roof Level	02.12.2021	H103, 1
Pressure Services Basement	02.12.2021	H200, 1
Pressure Services Lower Ground Floor	02.12.2021	H201, 1
Pressure Services Ground Floor	02.12.2021	H202, 1

<b>Exterior Sports Lighting Services Plans prepared by WSP Consulting Engineers</b>		
Cover Sheet & Drawing Index	20.03.2023	E000, 3, Project No. PS123182
Legend of Symbols, General Notes & Specification	20.03.2023	E002, 1
Site Plan	20.03.2023	E051, 3
Aiming Diagram	20.03.2023	E053, 1
Lighting Details Sheet 1	20.03.2023	E060, 1
Lighting Details Sheet 2	20.03.2023	E061, 1
Lighting Details Sheet 3	20.03.2023	E062, 1
Aiming Details Sheet 1	20.03.2023	E070, 1
Aiming Details Sheet 2	20.03.2023	E071, 1
Aiming Details Sheet 3	20.03.2023	E072, 1
Luminaire Schedule - Pages 1-5	17.03.2023	PS123182, DA Issue

<b>Reports</b>		
Preliminary Construction Management Plan prepared by CBRE	May 2022	-
Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Kayandel Archaeological Services	08.03.2022	Version 2.0
Unexpected Aboriginal Finds Protocol prepared by Kayandel Archaeological Services	-	-
Arboricultural Impact Assessment prepared by Truth about Trees	17.05.2023	Q1467, Version 6
Vegetation Management Plan prepared by Travers Bushfire & Ecology	03.05.2023	21SEC06.2
C2 Zone Ecological Lighting Impact Assessment prepared by Travers Bushfire & Ecology	27.04.2023	21SEC06
Transport: Transport Impact Assessment prepared by Stantec	09.05.2022	300303425, Revision B
Transport: Response to Transport Related Submissions prepared by Stantec	17.05.2023	300303425
Transport: Parking Amendment letter prepared by Stantec	05.10.2023	300303425
Flood Impact Statement prepared by Quantum Engineers	17.05.2023	210078, Revision E
Sports Lighting Impact Assessment prepared by WSP	Mar 2023	PC123182, Rev 05
DA Acoustic Assessment prepared by Marshall Day Acoustics	23.03.2023	20210967, Rp 002, r03
Acoustic Addendum Letter to report prepared by Marshall Day Acoustics	12.12.2023	Lt 001 20210967
Signage & Graphics Schematic Design Report prepared by Cox Architects	03.12.2021	-
Social Impact Assessment prepared by Ethos Urban	14.04.2022	2210380, Version 3
Preliminary Operational Management Plan prepared by CBRE	Oct 2023	Revision 02.3
Environmental Sustainable Development Report by NDY	11.03.2022	rp210416s0009, Version 4.0

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

(Reason: Statutory requirement).

3. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development.”

(Reason: To ensure signage is not erected without prior development approval).

4. **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).

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

5. **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).

6. **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).

7. **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).

8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

(Reason: To ensure that development occurs within the site boundaries).

9. **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).

10. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

(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)

11. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater

and Floodplain Management), except otherwise as amended by conditions of this consent.

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

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g., Energy Australia, Ausgrid, Sydney Water, Telstra, RMS, Council, etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

(Reason: Access to public utilities).

13. **Road Activity Permits.** To carry out any work in, on or over a public road (including verge), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by Council.

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

14. **Public areas and restoration works.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 Public Civil Works, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

(Reason: To ensure public safety and protection of infrastructure).

## **PRIOR TO CROWN CERTIFICATE**

A Crown Certificate must be obtained from a Crown Certifier 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 Crown 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 (e.g. Council or government agency), the Crown Certifier 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 Crown Certifier.

15. **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 Crown Certifier prior to the issue of the Crown Certificate.

(Reason: Statutory requirement).

16. **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 Crown Certificate. (Category: Other buildings with delivery of bricks or concrete or machine excavation).
- (Reason: Statutory requirement).
17. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the Crown Certificate.
- (Reason: Statutory requirement).
18. **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 Crown Certificate.
- (Reason: Statutory requirement).
19. **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 Crown Certifier prior to the issuing of the Crown Certificate.
- (Reason: Statutory requirement).
20. **Sydney Water – Building Plan Approval.** The plans approved as part of the Crown Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
- (Reason: Statutory requirement).
21. **Installation of Grease Trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
- (Reason: To ensure the provisions of safe food handling and public health are maintained)
22. **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)

23. **Exhaust from ventilation systems.** Exhaust gases shall be discharged via a ventilation system installed in accordance with AS/NZS 1668.2: 2012 - The Use of Mechanical Ventilation and Air Conditioning in Buildings.

(Reason: To ensure the correct installation and operation of equipment for the protection of the local environment).

24. **Food Premises - Detailed Plans.** Detailed and scaled plans of all kitchen, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by Council or Registered Certifier as being compliant with the required standards prior to the issue of the Crown Certificate.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards).

25. **Construction of garbage rooms.** All garbage rooms must be constructed in accordance with the following requirements:

- (a) The room must be of adequate dimensions to accommodate all waste containers, and any equipment installed and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

(Reason: To ensure provision of adequate waste storage arrangements).

26. **Access for waste collection vehicles.** Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow private collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.

(Reason: To ensure provision of adequate private waste collection arrangements).



27. **Compliance with Acoustic Report.** Prior to the issue of a Crown Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified Acoustic Consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Marshall Day Acoustics (MDA), reference Rp 002 r03 20210967, dated 23 March 2023.

The colour of the acoustic fencing/barrier is to complement the site and surrounds. The colour is to avoid being visually prominent and detract from the appearance of the buildings and landscaping.

The boundary fencing along the northern boundary is to reflect the 'Northern Fence Modifications Letter' prepared by Marshall Day Acoustics, Reference Lt 002 20210967 and dated 12.12.2023, subject to the following amendments:

- i. The extent of acoustic fencing to the western side of the northern boundary is to extend to the existing fencing on the site (not to the site's western boundary) to allow suitable sightlines from the site's driveway.
- ii. The acoustic fencing along the boundary shared with the villas at Nos. 44-46 Winbourne Street is to be set back by at least 1.5m to allow for buffer landscaping between the boundary and the acoustic fencing. The acoustic fencing is to ensure that appropriate sight lines are provided for drivers.
- iii. The existing fencing on the boundary to No. 4 Daphne Street is to be made good at the applicant's cost (a new 3m high acoustic barrier is not required to be installed along the boundary shared with No. 4 Daphne Street).

The applicant is to investigate the suitability of the boundary fencing along the southern boundary which adjoins residential properties comprising a 3m acoustic barrier to provide protection from outdoor sport courts noise. The fence is to be cantilevered for the top 1m in order to reduce visual impact / overshadowing to neighbours, where this will not result in detrimental impact to the trees to be retained on the site. The design of the fencing and associated footings is to be supported by advice from a suitably qualified arborist and structural engineer that the works will not impact the health and longevity of the trees to be retained in the vicinity of the fencing.

(Reason: To protect the amenity of surrounding residents and the public).

28. **Energy and water efficiency.** The development is required to demonstrate energy and water efficiency principles. Details of the development's insulation and resource conservation must be provided to the Crown Certifier prior to the release of the Crown Certificate.

(Reason: To satisfy the requirements of Council's DCP 2014 Part 7.1 Energy Smart Water Wise).

29. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Crown Certifier prior to the release of the Crown Certificate.

(Reason: To ensure the use of appropriate material to minimise reflectivity).

30. **Tree Management & Protection Plan.** A dedicated and detailed Tree Management & Protection Plan is to be prepared by an AQF Level 5 Arborist who is registered 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 trees on site, on neighbouring property allotments and within the public domain which may be affected by the proposal. The Tree Management & Protection Plan is to be submitted to Council for review and approval prior to issuance of Crown Certificate.

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

31. **Arboricultural Work Method Statement – Winbourne Street Shared Path.** An Arboricultural Work Method Statement is to be prepared and is to include detailed, site-specific recommendations for how the proposed 2.5m shared path is to be installed within the Winbourne Street verge without causing detrimental impact to the existing street tree population to be retained. The statement is to include a detailed discussion of existing and proposed levels, surface finishes and associated subgrades adjacent to existing trees including demonstration as to how each tree can remain viable. The Arboricultural Work Method Statement is to be submitted to Council for review and approval prior to issuance of Crown Certificate.

(Reason: To outline a sustainable methodology for works set to occur within proximity to trees within the public domain).

32. **Electrical Services – Design Changes.** Design changes to Lighting and Electrical Engineering plans are to be undertaken in consultation with a suitably qualified AQF Level 5 Consulting Arborist to reduce impacts to existing trees to be retained. Specifically, all underground electrical services are to be relocated outside the Tree Protection Zone (TPZ) of retained trees. Details of compliance are to be shown on the plans for Crown Certificate.

(Reason: To minimise the level of impact to retained trees).

33. **Public Domain Landscaping.** A dedicated Landscape Plan is to be prepared for street verge areas adjacent to the 2.5m shared path to be installed within the Winbourne Street verge. Landscape documentation is to include a detailed representation of both new and replacement street trees as well as all softscape treatments to be associated with these works. This plan is to be submitted to Council for review and approval prior to issue of any Crown Certificate.

(Reason: To adequately demonstrate the future landscape embellishment of the public domain).

34. **Soil Vault System – Carpark.** The subgrade of the hard surfacing associated with the proposed at-grade carpark is to contain a suitable soil vault system capable of supporting future tree root development. The soil vault system is to be installed to each side of the three (3) narrow planting strips within the centre of the carpark with final extents to be coordinated between the Civil Engineer, Landscape Architect and Project Arborist. Details of compliance are to be shown on the plans for Crown Certificate.

(Reason: To ensure the establishment of trees within the carpark).

35. **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).

36. **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 (Off-street Parking standards).

The documentation submitted with the application for a Crown Certificate must be amended to the satisfaction of the Crown Certifier to ensure the boom gate at the entry to the facility is set back a minimum of 6m from the boundary alignment to ensure that a vehicle stands wholly off the public domain when in use.

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

37. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground public drainage service located in the site, generally in accordance with the Hydraulic Services Plans prepared by WSP Consulting Engineers (Project No. PS123419) subject to any variations marked in red on the approved plans or noted following:

- a) The stormwater system must integrate a minimum 90kL rainwater storage for the purpose of water reuse, as per the MUSIC modelling in the approved Civil report.
- b) To increase public safety, both the bioretention basins (located in the southeastern corner of the site) must be surrounded with open style fencing so as to minimise any person coming in vicinity of the stormwater inlets during an extreme storm event.
- c) A third stormwater inlet pit is to be located in the larger of the two bioretention basins. The inlet must be located more than 2m from the one proposed. This is to reduce the velocity of water entering all inlets.
- d) Signs must be located in the vicinity of the inlets, warning the public to keep clear of submerged stormwater inlets during extreme storm events and flooding.
- e) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Crown 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 (*Stormwater drainage*) 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.

(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)

38. **Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Crown 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 (e.g., 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 the relevant sections of the Roads / Local Government 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.)

39. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Crown 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.

The ESCP must be submitted with the application for a Crown Certificate.

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

40. **Construction Environmental Management Plan.** Prior to the issue of a Crown Certificate and prior to 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 applicant establishes a commitment to the protection of the environment).

41. **Street Trees.** Prior to the release of any Crown Certificate documentation must show the tree protection measures for street trees as specified in the approved Arboricultural Work Method Statement.

(Reason: To adequately demonstrate the future landscape embellishment of the public domain).

42. **Lawn area.** The relevant Crown Certificate documentation must detail the subsurface drainage and irrigation design, installation and maintenance of the passive lawn area to the north of the building.

(Reason: To ensure the success and longevity of the communal lawn area).

43. **Grass courts.** The relevant Crown Certificate documentation must detail the design, installation and maintenance of the grass courts and be certified by a suitably qualified and experienced sports turf consultant.

(Reason: To ensure the correct installation, irrigation and longevity of the courts).

44. **Fencing to the Winbourne Street frontage.** The relevant Crown Certificate documentation must show the boundary fencing along Winbourne Street next to the outdoor courts to be 3m in height above the finished site level to provide fencing which has a scale consistent with the ground level.

(Reason: To provide fencing which has a scale consistent with the ground level).

45. **Lighting.** Prior to issue of the relevant Crown Certificate documentation for lighting must be certified by a suitably qualified lighting expert verifying that the lighting is designed based on the approved ground levels throughout the site and generates the lowest possible obtrusive lighting levels to all surrounding residential properties. The lighting system must be capable of configuration of illumination levels (dimnable, responsive to ambient light conditions, automatic and manual switching) and lighting control arrangement (glare shields). Electric wiring to illuminated signs is to be concealed.

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

46. **Public address system.** Prior to issue of the relevant Crown Certificate documentation for the location and design of the public address system for announcements is to be detailed on the plans and certified by a suitably qualified acoustic consultant. The location, height and direction of the speakers is required to minimise the impact on residents. The certification and design are to be to the satisfaction of the Crown Certifier.

Noise from the public address system must comply with the EPA Noise Policy for Industry (this will require consideration of volume control and speaker location).

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

47. **Stormwater - Council Drainage – Pipe Connection Details.** The proposed site drainage connection to the existing Council stormwater drainage DN1500 shall be made as per the standard detail in Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Crown Certifier prior to the issue of the Crown Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng).

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

48. **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 Crown 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).

49. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Infrastructure Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:
- Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
  - the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
  - the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

(Reason: Ensuring compliance with Council's relevant Planning Instruments).

50. **Public Infrastructure Works / Improvements - Design for Crown Certificate.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council's City Infrastructure Directorate prior to the issue of the Crown Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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

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

- The full reconstruction of half road width pavement for the Winbourne Street and Brush Road frontages 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*. A determination on the final scope of road pavement upgrade works along the development frontages will be subject to Council inspection and, if required, testing of the existing road pavement, upon completion of internal works. Any road pavement testing required to demonstrate the condition of the existing road pavement will be at the applicant's cost.
- The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- The construction of new kerb and gutter along the Winbourne Street and Brush Road frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Winbourne Street and Brush Road. A determination on the final scope of kerb

and gutter renewal works required will be subject to a Council inspection prior to commencement of the public domain works.

- (d) A new 2.5m wide Shared User Path (SUP) is to be provided on the Winbourne Street development frontage and is to extend to Hermoyne Street to the north and Fir Tree Avenue to the south.
- (e) The existing line marking on the pedestrian crossing in Winbourne Street is to be reinstated.
- (f) A new pedestrian crossing (linemarking) is to be provided across Fir Tree Avenue to give precedence to the SUP.
- (g) A new pedestrian refuge island and associated crossing infrastructure (signage, line marking and kerb ramps) is to be provided across Brush Road at a suitable location as agreed with Council's Transport Services section.
- (h) Existing street lighting within the Winbourne Street and Brush Road development frontages are to be replaced with LED luminaires, designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category PR3. The street lighting will remain on the Ausgrid street lighting network.
- (i) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (j) Signage and line-marking details.
- (k) Staging of the public civil works, if any, and transitions between the stages.
- (l) The relocation/adjustment of all public utility services affected by the proposed works. 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 Infrastructure 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).

51. **Reinstatement of Bus Stop.** The existing bus stops along the Winbourne Street frontage of the development site shall be relocated to a Council approved temporary location prior to commencement of the public domain improvement works. The bus stop shall be reinstated in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.

(Reason: To improve public amenity).

52. **Vehicle Footpath Crossing and Gutter Crossover.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access



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

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

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

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be minimum **6.00m wide**, without the splays, shall be constructed at right angle to the alignment of the kerb and gutter and shall be located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted to the Crown Certifier, for the application of the Crown Certificate.

(Reason: To improved access and public amenity).

53. **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 **\$80,000.00** shall be lodged with the City of Ryde prior to the issue of a Crown Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

(Reason: To ensure compliance with specifications).

54. **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).

55. **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).

56. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineer and submitted to and approved by Council's Traffic Services Department prior to issue of any Crown Certificate.

Truck movements are to be restricted to outside of peak weekday commuter periods between 7:00am – 9:00am and 4:00pm – 6:00pm and peak weekday school periods to minimise impact on Winbourne Street and Marsden Road. Truck movements must be agreed with Council's Traffic Services Department prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Traffic Services Department for the CPTMP. The CPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s)/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: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems).

57. **Environmental Sustainability.** Prior to the issue of the relevant Crown Certificate documentation, the sustainability initiatives in the Environmental Sustainable Development Report by NDY, reference rp210416s0009, Version 4.0, dated 11.03.2022, is to be detailed on the plans and certified by a suitably qualified consultant. The certification and design are to be to the satisfaction of the Crown Certifier.

(Reason: To ensure sustainable measures are implemented).

58. **NSW Police requirements.** Prior to the issue of the relevant Crown Certificate, the requirements of NSW Police are to be shown on the relevant documentation:
- i. **Lighting and Technical Supervision:** It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.
  - ii. Lighting must meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention is to be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.
  - iii. The access/exit driveways are to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e., reducing a person walking from dark to light places.

- iv. CCTV: High quality CCTV must be used at the site and should be a minimum of 30 frames per second and be stored for a minimum of 30 days. The CCTV must record all entrance and exit points to the buildings, including the foyer area to the buildings, any communal areas, lifts, public spaces and the outdoor and basement car parks.
- v. CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras are to be capable of zooming in on a person of interest without loss of focus and/or quality. The owner is to train all relevant staff of how to use the CCTV cameras. Each tenancy is to install CCTV at access points.
- vi. Car Park: Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Park smarter signage is to be installed at the car parks.
- vii. The Safety Bollards: Safety bollards or a natural safety barrier are to be installed where the carparks meet the netball courts to prevent and mitigate the risk of vehicles entering the netball courts and causing damage / injuries to the community.

(Reason: To ensure the requirements of NSW Police are met.)

## **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.

### **59. 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 Crown Certifier for the work,
  - (ii) showing the name of the Crown Certifier (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).

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

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

(Reason: Statutory requirement).

61. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties, namely all adjoining properties, and public infrastructure (including roads, gutters, footpaths, etc.). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.

(Reason: To identify the condition of adjoining public and private properties prior to the commencement of work).

62. **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).

63. **Management of C2 Environmental Zone.** The management of the C2 Environmental Zone prior to construction works is to be undertaken in accordance with the Vegetation Management Plan prepared by Travers Bushfire & Ecology dated 3 May 2023.

(Reason: To ensure the C2 Environmental Zone is appropriately managed as part of the development works).

64. **Project Ecologist.** A suitably qualified Project Ecologist is to be engaged to ensure the Ecological objectives of the C2 Environmental Zone are met in accordance with the Vegetation Management Plan prepared by Travers Bushfire & Ecology dated 3<sup>rd</sup> May 2023. Details of the Project Ecologist are to be submitted to Council prior to the commencement of the proposed works.

(Reason: To ensure a suitably qualified Ecologist is appointed and made responsible for management of the C2 Environmental Zone).

65. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Truth About Trees dated 17 May 2023, must be retained and protected: 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 52, 53, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 84, 85, 87, 90, 91, 92, 144, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174 & 175.

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

66. **Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Truth About Trees dated 17 May 2023, are approved for removal: Trees 10, 12, 13, 22, 27, 30, 43, 49, 50, 51, 54, 59, 81, 82, 83, 86, 88, 89, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 147 & 148.

(Reason: To facilitate the proposed works).

67. **Tree Removal - 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 Ryde City 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 demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
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

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 facilitate the proposed works).

68. **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 Truth About Trees dated 17 May 2023. All trees are to be monitored to ensure adequate health throughout the works period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist. Details of the Project Arborist are to be submitted to Council prior to the commencement of the proposed works.

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

69. **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).

70. **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).

71. **Stormwater - Pre-Construction CCTV Report.** To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

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. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

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 pre-construction condition of Council's asset/s).

72. **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 Infrastructure 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: To ensure compliance and record of works).

73. **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).

74. **Pre-construction inspection.** A joint inspection shall be undertaken with Council's Engineer from City Infrastructure 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).

75. **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 Infrastructure 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).

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



- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period 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).

77. **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).

78. **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 line marking.

(Reason: Ensure compliance).

## 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.

79. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Crown Certifier 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 2021*.

(Reason: Statutory requirement).

80. **Management of C2 Environmental Zone.** The management of the C2 Environmental Zone during construction works is to be undertaken in accordance with the Vegetation Management Plan prepared by Travers Bushfire & Ecology dated 3 May 2023.

(Reason: To ensure the C2 Environmental Zone is appropriately managed as part of the development works).

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

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

82. **Noise management plan.** Where demolition or 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 Crown Certifier 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).

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

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

84. **Communication during construction.** As stated in the Social Impact Assessment (SIA) prepared by Ethos Urban and dated 14 April 2022, the applicant must develop a communications and engagement strategy to communicate with surrounding residents, workers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions are to be provided.

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

85. **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).

86. **Excavation within TPZ – General.** 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).

87. **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).

88. **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).

89. **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).

90. **Survey of footings / walls.** All footings and walls within 1m 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. Any fencing required to be installed within the site and is not permitted to encroach into adjoining properties.

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

91. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

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

92. **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).

93. **Imported Fill (Validated).** All imported fill must be validated in accordance with the Contaminated Sites Sampling Design Guidelines (EPA, 2022) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Crown Certifier (and Council) before the fill is used.

(Reason: To ensure imported fill poses no risk to the environment and human health).

94. **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).

95. **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).

96. **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).

97. **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).

98. **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 Crown Certifier immediately.

(Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health).

99. **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).

100. **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).

101. **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).

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

(Reason: To ensure trees are not removed from the site unless there is approval for the work).

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

(Reason: To ensure the protection of existing trees on site).

104. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

(Reason: Statutory requirement).

105. **Tree works – Arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including excavation and construction, in relation to the trees identified for retention on the site, surrounding properties and the public domain.

(Reason: To ensure all tree works are overseen by a suitably qualified Arborist).

106. **Tree works – Provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within 7 working days.

(Reason: To ensure Council is notified of the Project Arborist).

107. **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).

108. **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: 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).

109. **Road and Active Transport Upgrades.** The applicant must deliver the following works to mitigate traffic impacts associated with the development:
- A new shared (pedestrian/cyclist) path along the eastern side of Winbourne Street between Hermoyne Street and Fig tree Avenue adjacent to the site frontage.
  - A raised pedestrian crossing on Brush Road immediately south of the intersection with Cheers Street.

All costs associated with the design and delivery of the intersection upgrades outlined above are to be borne by the proponent.

(Reason: To ensure appropriate traffic management).

110. **Over Size / Over Mass Vehicles Permit.** Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal ([www.nhvr.gov.au/about-us/nhvr-portal](http://www.nhvr.gov.au/about-us/nhvr-portal)) prior to driving through local roads within the City of Ryde LGA.

(Reason: To ensure maintenance of Council's assets).

111. **Truck Shaker.** A truck shaker grid with a minimum length of 6m 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.)

112. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Crown Certificate version of the Stormwater Management Plan by Hydraulic Services Plans prepared by WSP Consulting Engineers (Project No. PS123419) 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)

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

114. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Crown Certificate version of the SDP submitted in compliance to the condition labelled "Site Dewatering Plan", the requirements of Council in regard 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.)

115. **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 Infrastructure 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).

116. **Transport for NSW requirements.** A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road during construction activities.

(Reason: To ensure the requirements of Transport for NSW are met.)

## **PRIOR TO OCCUPATION**

Prior to occupation, the Crown Certifier must ensure that all works are completed in compliance with the approved Crown certificate plans and all conditions of this Development Consent.

The Crown Certifier 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 Crown Certifier.

**117. Operational Management Plan.** The Operational Management Plan shall be updated to satisfy the following:

- i. Buses servicing events on the site shall return to the bus depot or off-site parking overlay facilities after drop off and return for pick up to ensure vehicular travel along the surrounding streets is not obstructed by buses.
- ii. Details of the ongoing maintenance and use of the outdoor grass courts.
- iii. Management strategies for noise control.
- iv. No whistles after 6pm during weeknight training (except in Summer competitions).
- v. Whistle use is to be minimised and is recommended to be replaced with a squeeze whistle.
- vi. Announcements on competition days to inform participants and spectators of important information such as game schedules, safety measures, procedures, etc., shall be limited and spread throughout a day.
- vii. Outdoor court use will start at the centre of the site (Level 2 outdoor courts in the top rows at the centre of the site [not the courts immediately next to dwellings]). Courts along the borders of the site will only be used in case all other courts are being used. Full use of external courts will likely only happen on Saturdays and special events.
- viii. Use of the outdoor courts next to the southern boundary is required to conclude by 8pm on weekdays and 7pm weekends and public holidays.
- ix. The use of the public address system is to be managed to minimise impact on residents. Announcements may be made on competition days to inform participants and spectators of important information such as game schedules, safety measures, procedures, etc. These are to be limited and spread throughout a day. The excessive use of the public address system is not permitted.
- x. Parking availability and policies must be communicated to users of the site, for example via a website which explains available on-site parking and provides information specific explaining how each event is managed to assist with mitigating potential amenity impacts on surrounding residents and the community.
- xi. The use of the courts must be scheduled in a staggered manner on game days (primarily Saturdays). That is, all outdoor courts may be available for use, and where possible only 18 courts to be scheduled to host games on Saturdays at any one time. Note: Scheduling takes into account some overlay in start/finish times of games.
- xii. Support for nearby schools, child care centres and similar organisations by prioritising access to hold events (such as sports days and graduation days).
- xiii. Scheduling secondary events at alternate times so as not to clash with netball training/games in terms of noise and traffic congestion.
- xiv. The outdoor courts (with the exception of the 2 courts with multi-sport line markings) are to be used for netball only.
- xv. Accessible information (e.g., regularly updated website) encouraging on-site parking under the building and/or away from residential boundaries to be prioritised.
- xvi. A Code of Conduct for users and spectators to avoid creating a nuisance in terms of shouting, blocking roads and pathways, etc.
- xvii. An “orientation period” when the facility starts operating/hosting netball competitions to assist with the smooth operation of the facility and traffic movement. This should involve additional staff dedicated to providing information to persons visiting the site for the first time to direct movement of people and vehicles to avoid congestion and disruption to the surrounding community.



- xviii. The outdoor recreational spaces (excluding courts) on the site are to be available for the use of local residents/visitors during opening hours.
- xix. Details of the ongoing maintenance and use of the grass courts.
- xx. Music in internal areas (for exercise classes or similar) should be limited to 7am-10pm and limited to 75dB(A)Leq within the space.
- xxi. All louvred windows to be closed during provision of music at any time, or when used outside of the 7am to 6pm period; provided music is limited to 75dB(A)Leq within the space.

(Reason: To protect residential amenity and ensure the operator commits to the specific details proposed in this Development Application).

**118. Transport for NSW requirements.** The development must be in accordance with the requirements of Transport for NSW as follows:

- i. Any special events on the subject site shall be in accordance with a Special Events Traffic and Transport Management Plan in accordance with the NSW Government guidelines. This Plan is to be included in the Operational Management Plan.
- ii. Off-street parking shall be designed in accordance with AS2890.1.

(Reason: To ensure the requirements of Transport for NSW are met.)

**119. Green Travel Plan.** Prior to occupation, a final Green Travel Plan (GTP) must be prepared to the satisfaction of Council's Transport Services Department detailing:

- i. Adopted targets to reduce single occupant car trips to the site based on an initial estimate of the number of trips to the site by mode;
- ii. Develop measures to achieve the targets including a list of specific tools or actions;
- iii. Develop monitoring scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey;
- iv. Demonstrate how on-site parking provision and built form design will contribute to the GTP and assist in meeting the mode share target for the development;
- v. Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-site links where required; and
- vi. Detail how walking, cycling and public transport strategies are supported by the Road and Active Transport Upgrades including:
  - a. The new shared (pedestrian/cyclist) path along the eastern side of Winbourne Street between Hermoyne Street and Fig tree Avenue adjacent to the site frontage; and
  - b. The new raised pedestrian crossing on Brush Road immediately south of the intersection with Cheers Street.

The GTP shall be incorporated into the development's Operational Management Plan.

(Reason: To assist in reducing future traffic congestion and promote alternative transport options).

**120. Road Safety Audit.** Prior to occupation, a post construction (pre-opening) Road Safety Audit report for the shared path along the eastern side of Winbourne Street and the raised pedestrian crossing on Brush Road must be prepared and submitted to the satisfaction of Council's Transport Services section. The person acting on this consent is required to address all deficiencies identified within the Audit report to the satisfaction of Council. Confirmation of Council approval is to be provided to the Crown Certifier.

(Reason: To ensure safety and amenity of all affected road users).

121. **Emergency Plan.** An Emergency Plan must be prepared by the applicant and made available to the local emergency services. The Emergency Plan is to detail way finding information for conditions during peak periods (general and special events) to support the needs of the surrounding community and support accessibility to roads and premises in the locality. The Emergency Plan is to be kept up to date.

(Reason: To support emergency services).

122. **Flood alarm system.** Prior to occupation the Crown Certifier is to be satisfied that the flood alarm system is capable of being manually controlled at all times to avoid unduly impacting on the amenity of the local community.

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

123. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to occupation of the premises.

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

124. **Final Assessment of Trees.** At the completion of all construction works, the Project Arborist is to carry out an assessment of all trees required to be retained as part of the development. This assessment is to be documented and submitted to Council for review and approval prior to occupation of the premises. The document will also specify any necessary remediation works necessary to ensure the ongoing health and viability of trees required to be retained.

(Reason: To ensure the ongoing health and viability of trees nominated for retention).

125. **Street Trees.** Prior to occupation of the premises, the new street trees planted along the street frontages must be inspected by Council's Tree Management Officer. The street trees must be in good health and vigour upon inspection and approved by Council's Tree Management Officer.

(Reason: To protect the longevity of trees).

126. **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 Crown Certifier prior to occupation of the premises.

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).

127. **Lighting.** Prior to occupation of the premises and upon installation of the lighting, the effectiveness of the glare shields (to minimise light spill and backward light distribution)

is to be verified by a suitably qualified lighting expert to ensure its effectiveness to protect residential properties from obtrusive lighting.

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

128. **Noise Attenuation.** A suitably qualified acoustic consultant must certify that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Crown Certifier prior to occupation of the premises.

(Reason: To ensure the development meets the required noise attenuation measures).

129. **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 prior to occupation of the premises. 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](http://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).

130. **Registration of retail food business (Council).** Prior to occupation of the premises, the retail food business must submit a food business registration with Council.

(Reason: Statutory requirement).

131. **Certify mechanical ventilation installation.** Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS/NZS 1668.2.2012 is to be provided to the Crown Certifier prior to occupation of the premises.

(Reason: Statutory requirement).

132. **Certify fit-out complies with food safety standards.** Certification to be provided to the Crown Certifier, prior to occupation of the premises, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the Crown Certifier to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

(Reason: Statutory requirement).

133. **Certify fit-out complies with food safety standards.** Certification to be provided to the Crown Certifier, prior to occupation of the premises, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the Crown Certifier to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

(Reason: Statutory requirement).

134. **Acoustic Verification Report.** Prior to occupation of the premises, a suitably qualified acoustic consultant (being a consultant who holds a current member grade of the Australian Acoustical Society) must prepare an acoustic verification report to the satisfaction of the Crown Certifier and Council that confirms the following:

- a) All recommendations contained in the DA acoustic report prepared by Marshall Day Acoustics (MDA), Reference Rp 002 r03 20210967, dated 23 March 2023 (and the 'Addendum Letter to report' prepared by Marshall Day Acoustics dated 12 December 2023 as amended by **Condition 27**) have been implemented; and
- b) The project specific noise criteria established in the approved acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

Should the noise and vibration levels exceed the relevant criteria, additional noise mitigation or managements measures may be required to be implemented subject to the approval of Council.

(Reason: To demonstrate compliance with submitted reports).

135. **Light spill.** A compliance report must be obtained from a suitably qualified and experienced lighting engineer prior to commencing use of the lights. The report must certify that light spill impacts comply with the Australian Standard AS4282-2019 Control of obtrusive effects of outdoor lighting.

(Reason: To ensure lighting complies with the relevant standards).

136. **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 occupation of the premises.

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

137. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted to the satisfaction of the Crown Certifier prior to occupation of the premises. 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.)

138. **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 and 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, certification of the system is 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 occupation of the 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).)

139. **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 / line markings are to be implemented prior to occupation of the premises.

(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)

140. **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 development 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 occupation of the development works.

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

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

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that 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.
- d) 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).
- e) 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.)

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

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

143. **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 occupation 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.)

144. **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 occupation.

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 occupation.

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).

145. **Stormwater - Council Easements.** Creation of a Council Drainage Easement Drainage easement in favour of Council shall be created over the existing pipelines that traverse the site for the purpose of maintaining stormwater drainage structures. The minimum width of new drainage easements must be in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual. The easement must be centrally located over the pipeline.

The wording of the dedication shall be submitted to and approved by Council's City Works Directorate prior to lodgement at NSW Land Registry.

The easement shall be registered, and a registered copy of the document shall be submitted to and approved by Council prior to the issue of an Occupation Certificate/use of the building.

(Reason: To ensure stormwater assets are located within a drainage easement in favour of Council).

146. **Signage and Linemarking (External) - Approval.** 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 approval, prior to occupation.

“KEEP CLEAR” pavement marking should be provided by the applicant on Marsden Road (as a minimum measure) to assist with the future safety and efficiency of vehicles turning out of Winbourne Street onto Marsden Road, in particular during peak periods. Other mitigation measures such as the provision of channelised “Seagull” linemarking treatment at the intersection of Marsden Road and Winbourne Street should also be provided. (It is noted that any traffic and parking changes on Marsden Road requires approval by Transport for NSW, as Marsden Road is a State Road).

Note: The applicant is advised that traffic and parking changes may need to be referred to the Ryde Traffic Committee, which 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).

147. **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 by the applicant (at no cost to Council), prior to occupation.

The construction of the approved signage and linemarking is to be carried out by the applicant and all costs associated with the supply and construction of the appropriate signage and linemarking are to be paid for by the applicant at no cost to Council.

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

148. **Traffic Control Device – Approval.** Detailed engineering design plans of the shared (pedestrian/cyclist) path along the eastern side of Winbourne Street and the raised pedestrian crossing on Brush Road are to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to occupation.

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 maintenance of traffic flow and safety on the surrounding road network).

149. **Traffic Control Device – Implementation.** The applicant is to construct the approved shared (pedestrian/cyclist) path along the eastern side of Winbourne Street and the



raised pedestrian crossing on Brush Road, as per the approved plan. These works shall be completed to Council's satisfaction, in accordance with the approved WAE drawings and at no cost to Council, prior to occupation.

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

150. **Vehicle Footpath Crossing and Gutter Crossover – Construction.** The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to occupation 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).

151. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover.** A Compliance Certificate shall be obtained from Council's City Infrastructure Directorate and a copy submitted to the Crown Certifier prior to occupation, 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).

152. **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 occupation.

(Reason: Ensure Compliance).

153. **Restoration – Supervising Engineer's Certificate.** Prior to occupation, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

(Reason: To ensure public safety and protection of infrastructure).

154. **Compliance Certificates – Street Lighting.** Prior to occupation, 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).

155. **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 occupation.

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).

156. **Registered Surveyor Final Certificate.** Upon completion of all construction works, and before occupation, 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).

157. **Supervising Engineer Final Certificate.** Prior to occupation, 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).

158. **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 Infrastructure Directorate, prior to occupation. 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).

159. **Decommissioning of Ground Anchors.** Prior to occupation, 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).

160. **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 Infrastructure 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).

161. **Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to occupation, a compliance certificate shall be obtained from Council's City Infrastructure 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).

162. **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).

## 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.

163. **Hours of operation.** The hours of operation are restricted to:

Whole Facility

Christmas Day: Closed

Easter Friday: Closed

The facility/premises is permitted to host up to 4 major events annually from 8am to 4pm on Saturday to Monday (inclusive) in the months of April to July (inclusive).

The outdoor courts (with the exception of the 2 courts with multi-sport line markings) which are to be used for Netball only.

Internal Courts

Monday to Friday: 5.30am to 10pm (activities to conclude by 9.45pm)

Saturday: 6.30am to 10pm (activities to conclude by 9.45pm)

Sunday and Public Holidays: 8am to 6.30pm

Indoor Gym

Monday to Saturday: 6.30am to 10pm (activities to conclude by 9.45)

Sunday and Public Holidays: 8am to 7pm

External Courts: 1 April - 30 September

Monday and Thursday: 7am to 8pm

Tuesday, Wednesday and Friday: 7am to 9pm (activities on-site to conclude by 8.45pm)

Saturday: 7am to 7.45pm

Sunday and Public Holidays: 8am - 6.30pm

External Courts: 1 October - 31 March

Sunday and Monday: Closed

Friday: 9.30am to 2.00pm (School sports only)

Tuesday and Wednesday: 7am to 9pm (activities on-site to conclude by 8.45pm)

Thursday: 7am to 8pm

Saturday: 7am to 7.45pm

(Reason: To restrict the hours of operation to ensure that there is acceptable amenity to the surrounding locality).

164. **Lighting.** The use of the premises must adhere to the following:

- i. The car park area is to be lit during operating hours for safe movement and security lighting. This lighting is to be low level (pole mounted) and designed to ensure light spill does not cause a nuisance and affect the amenity of surrounding residential properties.
- ii. Lighting groups 1, 2 and 3 are only permitted to be turned on when the courts in that area are being used.
- iii. Lighting of the outdoor courts is only permitted when the courts are in use, and only until 9pm on Monday to Friday; until 7:45pm on Saturday and until 6:30pm on Sunday and Public Holidays. Lighting of the outdoor courts is required to be dimmed to at least 50% between 9-9:30pm on Monday to Friday.
- iv. Lighting of the outdoor courts must suit the activity being undertaken at time of use. Mid-level local and regional competition and high level training is permitted to use 100% to achieve 200 lux average. Recreation, training, and low-level local competition must be dimmed to 50% to achieve 100 lux average.

- v. Lighting of the Multi-sport facility is only permitted when the building is in use, and only until 10pm on Monday to Saturday and until 7:45pm on Sunday and Public Holidays.

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

- 165. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

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

- 166. **Compliance with Acoustic Report.** All control measures nominated in the Acoustic Report prepared by Marshall Day Acoustics (MDA), Reference Rp 002 r03 20210967, dated 23 March 2023, and **Condition 29** are to be complied with.

(Reason: To demonstrate compliance with submitted reports).

- 167. **Noise Limits.** Noise generated at the premises must not exceed the noise limits specified in the Acoustic Report prepared by Marshall Day Acoustics (MDA), Reference Rp 002 r03 20210967, dated 23 May 2023, submitted with the development application.

(Reason: To demonstrate compliance with the submitted report).

- 168. **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).

- 169. **No live music.** No live music or entertainment shall be provided at the premises.

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

- 170. **Noise to residential premises.** There are to be no external speakers directly facing any nearby places of residence.

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

- 171. **User noise control.** The operator(s) of the premises shall be responsible at all times for the orderly dispersal of users from the facility/site.

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

- 172. **Use is not to cause air impurities.** The operation of the 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 protect the amenity to the area).

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

(Reason: Legislative requirements).

174. **Trade Waste.** Trade wastewater shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment).

175. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must be collected during the approved hours of operation of the development and outside of the peak usage times. Waste collection is not permitted to occur weekdays prior to 10am and after 3pm; weekends or public holidays.

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

176. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

(Reason: To ensure waste is collected and disposed of in an appropriate manner).

177. **Waste Management.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. Wastes for recycling must be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used. 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.

(Reason: To ensure waste is stored and collected in an appropriate manner).

178. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 9pm and 8am on any day.

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

179. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the covered basement parking area within the property.

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

180. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

(Reason: To ensure signage is consistent with a Council resolution).

181. **Signage – illumination.** Illuminated signs shall be fitted with a timing device to switch off the illumination between 10pm and 7am.

(Reason: To minimise the impact on neighbouring properties and the night sky).

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

(Reason: Statutory requirement).

183. **Management of C2 Environmental Zone.** The management of the C2 Environmental Zone is to be undertaken in accordance with the Vegetation Management Plan prepared by Travers Bushfire & Ecology dated 3 May 2023.

(Reason: To ensure the ongoing management of the C2 Environmental Zone).

184. **Parking Allocation.** Both the owner and occupier/manager of the development must provide and maintain the minimum parking allocation on the site:

- 293 car parking spaces;
- 4 motorcycle parking spaces; and
- 26 bicycle parking spaces.

Buses/coaches servicing events on the site shall return to the bus depot or off-site parking overlay facilities after drop off and return for pick up to ensure vehicular travel along the surrounding streets is not obstructed by buses/coaches.

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

185. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the owner(s), 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.)

186. **Parking Access Gate.** To ensure the full maximisation of the parking area, the carpark access must provide unrestricted access during the hours of operation.

(Reason: To maximise parking capacity of the development).

187. **Flood Emergency Response Matters.** The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP).

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 complete).

188. **Operational Management Plan.** The operation of the premises must adhere to the Operational Management Plan and be regularly revised and improved in accordance with the relevant recommendations of the Social Impact Assessment prepared by Ethos Urban and dated 14.04.2022.

(Reason: To protect the amenity and safety of surrounding roads and residents).

189. **Transport Management Plan.** When major events and competitions are to be held at the premises, a Transport Management Plan (TMP) complying with the latest version of *NSW Guide to Traffic and Transport Management for Special Events*, incorporating a Parking Management Plan (PMP) for expected vehicles including coaches, buses, large delivery vehicles and passenger cars is to be submitted to Council for assessment and possible approval by the Ryde Traffic Committee.

If the parking demand associated with the major events and competitions will require the occupancy of Council's roads, impacted residents are required to be notified at least 2 weeks prior to the event.

(Reason: To ensure appropriate management of traffic during major events and competitions).

190. **Review Report of Green Travel Plan.** The operation of the premises must adhere to a Green Travel Plan (GTP) to support walking, cycling and public transport strategies.

One year from the issue of the Occupation Certificate, and every year for minimum 5 years thereafter, the applicant shall submit to the satisfaction of Council's Traffic Services Department a review report on the effectiveness of the Framework Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include any recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Framework Travel Plan.

(Reason: To ensure the effective management of the Framework Travel).

191. **Complaints policy and incident register.** A Complaints policy and incident register must be implemented and revised on a regular basis by the site operator. This register and an updated and current Operational Management Plan must be submitted to Council and the Police annually, as well as an annual review which audits the operations of the facility and improvements to be implemented.

(Reason: Safety and security and to hold the operator accountable against the requirements of any consent issued and to the community).

**End of consent.**