

**LDA2022/0394 – 122 Herring Road, Macquarie Park**  
**Draft Conditions**

**Deferred Commencement**

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

1. **Surrender of Consent LDA2019/0264.** Development consent LDA2019/0264 is to formally surrendered in accordance with Section 4.63 of the Environmental Planning and Assessment Act 1979 (the Act) and Clause 68 of the Regulation.

Evidence of the above matter(s) must be produced to the consent authority, within 12 months of the date of the determination, otherwise the consent will lapse.

The consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

**PART A - MASTERPLAN APPROVAL**

The following conditions of consent included in Part A identify the requirements, terms and limitations imposed on the Masterplan Approval for the site.

1. **Masterplan Development Application.** Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2021* Part A of this Notice of Determination relates to a masterplan at 122 Herring Road, Macquarie Park (Lot 41 in DP 1247523). Subsequent development application(s) are required for any work on the site.
2. **Approved Plans/Documents – Masterplan.** Except as amended by any other condition of consent, the development is to be carried out in accordance with the following plans (stamped approved by Council).

| Drawing                                                                                     | Date       | Prepared by |
|---------------------------------------------------------------------------------------------|------------|-------------|
| DA-AR-0100 (Rev B10) - Morling College Masterplan Basement 3 Floor Plan                     | 28/11/2022 | Turner      |
| DA-AR-0101 (Rev B10) – Morling College Masterplan Basement 2 Floor Plan                     | 28/11/2022 | Turner      |
| DA-AR-0102 (Rev B10) – Morling College Masterplan Basement 01/Lower Ground Level Floor Plan | 28/11/2022 | Turner      |
| DA-AR-0104 (Rev B10) – Morling College Masterplan Herring Road Ground Floor Plan            | 28/11/2022 | Turner      |
| DA-AR-0105 (Rev B10) – Morling College Masterplan Level 1 Floor Plan                        | 28/11/2022 | Turner      |
| DA-AR-0106 (Rev B10) – Morling College Masterplan Level 2 Floor Plan                        | 28/11/2022 | Turner      |
| DA-AR-0107 (Rev B10) – Morling College Masterplan Level 5 Floor Plan                        | 28/11/2022 | Turner      |
| DA-AR-0108 (Rev B10) – Morling College Masterplan Typical Floor Plan                        | 28/11/2022 | Turner      |
| DA-AR-0109 (Rev B10) – Morling College Masterplan Upper Floor Plan                          | 28/11/2022 | Turner      |

| Drawing                                                                     | Date       | Prepared by |
|-----------------------------------------------------------------------------|------------|-------------|
| DA-AR-0110 (Rev B10) – Morling College Masterplan Top Floor Plan            | 28/11/2022 | Turner      |
| DA-AR-0111 (Rev B08) – Morling College Masterplan Roof Plan                 | 28/11/2022 | Turner      |
| DA-AR-2000 (Rev B04) – Morling College Masterplan Site A Sections           | 17/11/2022 | Turner      |
| DA-AR-2100 (Rev B06) – Morling College Masterplan Site A and B Sections     | 17/11/2022 | Turner      |
| DA-AR-2500 (Rev B06) – Morling College Masterplan Site A and B Elevations   | 17/11/2022 | Turner      |
| DA-AR-2903 (Rev B07) – Morling College Masterplan Scenario – Stage 1        | 28/11/2022 | Turner      |
| DA-AR-2904 (Rev B07) – Morling College Masterplan Scenario – Stage 2        | 28/11/2022 | Turner      |
| DA-AR-8300 (Rev B05) – Morling College Masterplan Site A Deep Soil Diagram  | 28/11/2022 | Turner      |
| DA-AR-8301 (Rev B05) – Morling College Masterplan Site A Soil Depth Diagram | 28/11/2022 | Turner      |

3. **Building Envelopes.** Subject to the other conditions of this consent, the building envelopes are only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings.
4. **Floor space ratio for the site.** The Floor Space Ratio (FSR) of the proposal must not exceed the maximum permissible floor space (60,633m<sup>2</sup> for the site) and shall be calculated in accordance with the Ryde Local Environmental Plan 2014 for any development across the entire site. Details of the Gross Floor Areas (by use) in the development (i.e. across the entire development site), is to be provided for every subsequent Development Application, and the maximum GFA must not exceed that shown on the approved architectural floor plans.
5. **Building height.**
  - a) The height of the buildings must not exceed the maximum heights as shown in the approved architectural plans.
  - b) Building Height shall be calculated in accordance with Clause 4.3 and 4.3A of the Ryde Local Environmental Plan 2014, applicable at the time of development consent.
6. **Consistency of future development applications.** While this consent remains in force, the determination of any future development application in respect of the site cannot be inconsistent with this consent.
7. **Matters not Approved.** The following items are not approved and do not form part of the Masterplan approval. The matters listed below will be included as documentation to separate development applications for Site A and Site B:
  - a. Any demolition, excavation and/or construction;
  - b. Any tree removal;
  - c. The layout, number of, and gross floor area allocation for apartments/commercial/retail tenancies;
  - d. The number of parking spaces, bicycle spaces, car share or loading spaces/areas;

- e. The design and materials of the building exteriors including facades and roofs;
  - f. Public Domain and landscape design;
  - g. Stormwater and Drainage design;
  - h. The final arrangement of land uses.
8. **Parking Capacity and Allocation.** Each building/development must provide parking in accordance with the applicable Council DCP controls at the time of lodgement of each subsequent development application for each of the buildings and is to also include:
    - a) At least two 2 loading bays capable of accommodating an MRV vehicle (as per AS 2890.2 dimensions) must be provided for each basement footprint.
    - b) Each building must have a dedicated waste loading area capable of accommodating the largest Council waste vehicle (dimensions available from Council's Resources Recovery Officer).
    - c) A minimum of 1 car space per 50 spaces allocated for the residential use are to be provided for the exclusive use of car share scheme vehicles.
    - d) Bicycle parking and end of trip facilities are to be provided. At a minimum the number of bicycle parking is to be consistent with the requirements of Council's DCP controls.
    - e) The provision of carparking must be staged relative to the level of development being undertaken and must be in accordance with the above parking rates such that there is no over supply of offstreet parking provided at any stage of development.
  9. **Herring Road Setback.** The front setback area of Building 1a, facing Herring Road is to include deep soil planting in accordance with Clause 7.4 (h) in Part 4.5 – Macquarie Park Corridor of the Ryde DCP 2014.
  10. **SEPP 65.** The residential components of any future development in each of the subsequent development applications of each of the buildings must address the principles of "State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development" and the controls within the accompanying Apartment Design Guide.
  11. **BASIX.** A BASIX Certificate in accordance with the requirements of "State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004" must be submitted with any relevant subsequent Development Application.
  12. **Acoustic Impact Assessment.** Any future applications for residential development or a noise generating use is to be accompanied by an Acoustic Impact Assessment report. The report must be prepared by a suitably qualified Acoustic Consultant and is to demonstrate that the development complies with the applicable controls under "State Environmental Planning Policy (Transport and Infrastructure) 2021."
  13. **Geotechnical Report.** Any future applications for excavation and/or construction of the basements levels and buildings is to be accompanied by a Geotechnical Report.
  14. **Access.** Any future applications are to be accompanied by an access report which demonstrate that the building, roadway, and pedestrian pathways have been designed and are capable of being constructed to provide access and facilities for people with a disability in accordance with the Disability Discrimination Act, Part 9.2 of the Ryde Development Control Plan 2014 and the Building Code of Australia.
  15. **Contamination.** A Detailed Environmental Site Assessment (DESA) must be submitted for the consideration of Council's Environmental Health Officer with any future development application. The DESA must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable

for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

16. **Ecologically Sustainable Design Statement.** An Ecologically Sustainable Development Design Statement is to be submitted with any future development applications that demonstrates the development complies with Clause 6.6 Environmental Sustainability of the Ryde Local Environmental Plan 2014.
17. **Crime Prevention Through Environmental Design.** All future development applications are to demonstrate that the principles of Crime Prevention Through Environmental Design are satisfied.
18. **Public Art.** A detailed public art strategy is to be developed and submitted with any future development applications for each of the buildings in accordance with Part 4.5 Macquarie Park Corridor Ryde Development Control Plan 2014.
19. **Water Sustainable Urban Design Strategy Plan.** A Water Sustainable Urban Design Strategic Plan (WSUDSP) must be prepared detailing WSUD components to be implemented throughout the development. The WSUDSP is to be submitted for any future development application for the site and must address Part 8.2 Stormwater and Floodplain Management of the Ryde Development Control Plan 2014 and the Water Sensitive Urban Design Guidelines.
20. **Waste Collection.** Any future development application for the site shall demonstrate compliance with Council's requirements for waste collection and Part 7.2 Waste Minimisation and Management of the Ryde Development Control Plan 2014. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.
21. **Wind Environment Statement.** The recommendations contained in the Wind Assessment Report prepared by Windtech dated 11 March 2020 must be incorporated in any future applications that includes a building over 5 storeys in height and an updated Wind Report submitted with each application.
22. **Traffic Impact Assessment Report.** To ensure that traffic and parking impacts are addressed for each building, a traffic impact assessment report shall be submitted with each future development application.
23. **Swept Path Analysis.** A temporary on-site loading bay and manoeuvring area, with overhead clearance of 4.5m shall be designed for safe forward in/out access of a Council waste vehicle which is 11.0m in length. A plan showing the swept path diagram of 11.0m Council's waste vehicle and location of the on-site loading bay shall be submitted to Council's Transport Department with each future development application. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.
24. **Public Domain.** Public domain detailed design plans must be lodged with the development applications for all future stages of this development and will be conditioned accordingly based on future submissions.

According to Part 4.5 Macquarie Park Corridor of the Ryde Development Control Plan 2014, a new Road 3 (with a 20m road reserve) is to be designed, built and dedicated to Council as part of any future redevelopment of this site.

The detailed road design shall be generally in accordance with the initially submitted Civil Engineering Design for the future Road 3, prepared by James Taylor & Associates (Civil & Structural Consulting Engineers), drawings Nos C.22 - Rev. E, C.23 – Rev. E, C.25 – Rev. E and C.26 – Rev. E.; AND the subsequently submitted Civil Engineering Plans by Robert Bird Group, Drawing No 83002 - Revision 04, Drawing No 83301 – Revision 04 and Drawing No 83305 – Revision 03, dated 10/05/2023.

The public infrastructure works along the new Road 3 and along the Herring Road frontage are to be in accordance with Part 4.5 Macquarie Park Corridor of the Ryde Development Control Plan 2014, and the Public Domain Technical Manual (PDTM) Section 6 – Macquarie Park.

25. **Servicing of 120 Herring Road.** As part of any future development application, the Applicant will provide detailed information addressing Council's requirement for an uninterrupted domestic waste service for the existing multi-unit residential complex at 120 Herring Road. The Applicant must ensure that adequate provision will be made for Council's waste contractor to enter the site, service bins, manoeuvre and exit back onto Herring Road in a forward facing direction. A swept path diagram for each stage of the development which will impact the existing waste service at 120 Herring Road must be provided.
26. **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) and the Ryde Development Control Plan 2014 with regard to vehicle access.

To ensure this, the following documentation must be provided with any future development application for works on the site;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) A vehicle swept path analysis must be prepared for all forms of vehicle access (loading bay, garage, etc) demonstrating safe and clear vehicle access can be attained throughout the proposed development parking areas.

This documentation must be submitted with any future development application for the proposed works encompassed under this Concept Approval, for the approval by the consent authority.

27. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Kikkiya Creek, in accordance with Part 8.2 Stormwater and Floodplain Management of the Ryde Development Control Plan 2014 and associated documentation.

The detailed plans and documentation of the drainage system for each subsequent development application must be prepared by a suitably qualified Civil Engineer and is to be submitted to the consent authority for approval. The stormwater management system must comply with the following:

- Incorporate onsite detention having design parameters compliant with Council's development controls.
- Comprise a design that is consistent with the proposed architectural and landscape plans.
- For Buildings 1 & 2, the stormwater system must incorporate Water Sustainable Urban Design components integrated into the landscaped open space areas. This is to ensure such features are easily maintained and not reliant on a manufactured, proprietary product.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

28. **Flood and Overland Flow Protection – Building 5 Loading Bay Access.** A portion of the property on the western perimeter is susceptible to flooding and overland flow during extreme storm events. To ensure that the development of Building 5 is adequately protected from inundation and the works do not exacerbate flood impacts on adjoining properties, the following measures must be implemented in the design of Building 5:

- a) The area of the loading bay access ramp anticipated to be impacted by overland flow must ramp up and be suspended above flood waters. The ramp must achieve a freeboard of 500mm between the flood water to the underside of the structure.
- b) The footing details of the ramp must respect the future final road boundary (ie the extension of the road onwards). There must be clear demarcation between the public domain and private infrastructure and the ramp structure must be wholly clear of the future public domain.
- c) To maximise flood storage, the underside of the ramped section must be surface treated to prevent the growth of vegetation and to permit the safe conveyance of flood water at any time.
- d) Portions of the ramp which are unable to be elevated to satisfy the freeboard (such as the base of the ramp at the loading bay manoeuvring area) must be constructed as an open grated platform to allow for the conveyance of flood water.
- e) All access / entries in the loading bay area must be designed having a crest threshold equal to the PMF flood level. This is to prevent *any* inundation of the development (basement levels) due to an extreme storm event.
- f) Areas of the development exposed to floodwaters must be constructed of flood compatible building components.

A Flood Impact Statement prepared in accordance with Part 8.2 Stormwater and Floodplain Management of the Ryde Development Control Plan 2014 must be submitted with any development application encompassing the construction of Building 5, located in the south-western corner of the site, adjoining Kikkiya Creek. The Flood Impact Statement must incorporate detailed flood analysis utilising 2D flood modelling (TUFLOW or similar) of the pre and post development conditions, for both the proposed roadworks and a conceptual, connected road network extending westwards. The flood model must incorporate the new

road turning head (cul-de-sac) and the works prescribed under the condition “*Flood and Overland Flow Protection – New Road Turning Head*”.

The intent of these requirements is to ensure the development does not exacerbate impacts of flooding on the subject site or neighbouring properties and that the development is adequately protected from flooding, that is anticipated to arise from large storm events. The above measures may need to be adjusted, or additional measures required, so as to achieve this objective pending on the outcome of detailed flood modelling.

The documentation is to be submitted to Council’s Drainage Engineer for review and approval prior to any development consent being issued for such works.

29. **Flood and Overland Flow Protection – New Road Turning Head.** A portion of the turning head (cul-de-sac) at the end of the new road, adjacent to Kikkiya Creek, is located in the flood and overland flow path. To ensure that the infrastructure does not adversely impact the flood regime on the subject site and neighbouring properties, by diversion or damming of flood waters, the works will require the implementation of box culverts under the road space to ensure the conveyance of flood waters are unhindered.

The following measures must be implemented:

- a) To ensure that the flood regime (in terms of flood depth and flow velocity) is maintained, if not improved in the sense of reduced risk, a series of box culverts are to be located under the roadway, aligned with the direction of overland flow. The width of the culverts is to extend to the prolongation of the flow boundary downstream from the footprint of Building 5.
- b) The entry to the culverts must incorporate grates and be angled horizontally to the flow such to deflect large debris (anticipated during extreme flood events) back to Kikkiya Creek.
- c) The culvert incorporate flow dissipaters/ rip-rap downstream.
- d) The structure and surrounding batters must incorporate vegetation and natural materials (i.e. sandstone blockwork) where possible so as to aesthetically blend with the surrounding natural environment of the creek.
- e) The footing details of the infrastructure must respect the future final road boundary (i.e. the extension of the road onwards). There must be clear demarcation between the public domain and private infrastructure and the infrastructure must be wholly founded inside the future, final, road space.
- f) The culvert must achieve a minimum of freeboard of all the following, in both the proposed road and the foreseeable connected road link westwards:
  - No less than 500mm clearance to the underside of the culvert for the 1% event.
  - Capacity to accommodate the PMF event, or as varied to the satisfaction of Council’s Drainage Engineer.

A Flood Impact Statement prepared in accordance with Part 8.2 Stormwater and Floodplain Management of the Ryde Development Control Plan 2014 must be submitted with any development application encompassing the construction of Building 5, located in the south-western corner of the site, adjoining Kikkiya Creek. The Flood Impact Statement must incorporate detailed flood analysis utilising 2D flood modelling (TUFLOW or similar) of the pre and post development conditions, for both the proposed roadworks and a conceptual, connected road network extending westwards. The flood model must incorporate the works prescribed under the condition “*Flood and Overland Flow Protection – Building 5 Loading Bay Access*”.

The intent of these requirements is to ensure the infrastructure does not exacerbate impacts of flooding on the subject site or neighbouring properties and that it is adequately protected from flooding, anticipated to arise from large storm events. The above measures may need to be adjusted, or additional measures required, so as to achieve this objective pending on the outcome of detailed flood modelling.

The documentation is to be submitted to Council's Drainage Engineer for review and approval prior to any development consent being issued for such works.

30. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a Traffic Engineer having RMS accreditations and submitted to Council's Senior Coordinator Transport Development for approval with each of the subsequent applications. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction vehicle routes and rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Traffic section.
- Wherever the site is in proximity to a Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

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

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Construction Traffic Management Plan is submitted.

31. **Road Delivery and Dedication (Road 3).** In accordance with Part 4.5 Macquarie Park Corridor of the Ryde Development Control Plan 2014 the development will require the construction and dedication of public road as specified for "ROAD 3" in Figure 4.1.1 Access Network.

The road is to be designed and built in two stages. The dedication of the road as public road in its entirety is proposed to happen before the issue of the Final Occupation Certificate for Site B.

The road space must be no less than 20m in width (unless otherwise agreed to by Council), aligned with Road 3 (noted in the above DCP) and generally as depicted on the approved Masterplan. Any variation to the alignment and levels, particularly at the western end of the road, will be subject to Council consideration and approval.

Any subsequent development applications must be accompanied by concept civil plans of the proposed road works for Council review and approval. Such plans are to incorporate longitudinal sections and cross sections depicting proposed levels, material specifications, provision for services and lighting, parking restriction details and drainage system. The infrastructure must be designed and constructed to comply with Council's current Public Domain standards, relevant DCP controls and Council guidelines.

At each stage, the road must provide a turning head or turning bay facility, sufficient to accommodate large service vehicles (10.8m HRV as defined by AS 2890.2 and as illustrated in the swept path diagrams, submitted to Council in April and May 2023 to safely exit the area). This will warrant the creation of a Right of Way over any adjacent private lot where the turning area is temporary and/ or extends beyond the area of future road dedication. Such a Right of Way may contain terms that it be extinguished on the progression of the future road dedication.

All documentation for the required road dedication is to be to Council's satisfaction and the dedicated land free of any burdens or legal instruments. All costs associated with the registration or assessment (should independent legal advice be sought) of the road dedication must be borne by the Applicant.

32. **Restrictive Covenant – Future Road dedication.** To ensure that any future development of the land respects the future road corridor, the first development consent for any works enacting on the masterplan will require a Restrictive Covenant to be registered on the title of the lot (or lots if the site is subdivided at the time) so as to prevent any further development works in the area of the future road.

The area of the covenant must encompass the future road dedication, any potential deviation of the road alignment so as to continue on through the neighbouring property to the west and is to encompass a turning circle / turning head to ensure vehicles may safely turn around.

The covenant may be extinguished in parts, where such areas are dedicated as public road to Council's acceptance. The terms of the covenant must state that no works are permitted in the burdened land (other than maintenance of the existing structures) and that the landform must remain unaltered, unless approved otherwise by Council. Council is to be listed as the prescribed authority to vary, modify or extinguish the covenant. All costs associated with the review and registration of the covenant (including preparation, registration and an independent assessment as Council may require) are to be borne by the Applicant.

33. **Road Dedication – Drainage Services and Easements.** All road dedications must have a drainage system which is designed to a Public Domain standard and in accordance with Part 8.2 Stormwater and Floodplain Management and Part 8.5 Public Civil Works of the Ryde Development Control Plan 2014. This will warrant the registration of a public drainage easement over the downstream portion of the drainage system which extends beyond the realm of the road dedication, to the point of discharge to a receiving waterway (creek) or other legal point of discharge. The downstream drainage services must be designed to Public

Domain standards and will require an easement in accordance with the requirements of the Ryde Development Control Plan 2014, respecting the required clearance from any adjoining buildings or structures.

34. **Updated Arboricultural Information.** Prior to the lodgement of any development application as related to this Concept Masterplan, a new or updated Arboricultural Impact Assessment (AIA) must be prepared by a suitably qualified AQF5 Consultant Arborist. The AIA is to provide a full assessment of the anticipated impacts to Trees 62, 63 and all trees on neighbouring allotments within 5m of the site boundaries. The AIA shall provide clear and concise recommendations for tree retention and removal and ensure no conflicting information. Recommendations for tree retention and removal are to be accompanied by sound discussion of the anticipated development impact. Trees already removed or not assessed are to be omitted from the report.

The Report must also include a tree protection plan (drawing) showing the TPZs for the trees as required by Australian Standard AS4970-2009. Protection of trees on development sites. It is recommended that the plan also shows the Structural Root Zones and is superimposed on the Site Plan showing the development and the assessed trees.

35. **Updated Ecological Information.** Prior to the lodgement of any development application related to this Masterplan, updated Ecological documentation prepared by a suitably qualified Ecologist must be provided. Specifically, the following information must be submitted:

1. An assessment of whether the proposal is likely to significantly affect threatened species under section 7.2, 7.3 and 7.4 of the NSW Biodiversity Conservation Act and with reference to parts 7.1, 7.2 and 7.3 (five-part test) of the Biodiversity Conservation Regulation. If the proposal is likely to significantly affect threatened species; a Biodiversity Development Assessment Report (BDAR) must accompany the DA. In the 'five-part test' there should be a calculation of how much Sydney Turpentine-ironbark Forest (STIF) canopy would be lost by referencing the updated Arboricultural Impact Assessment or by calculating using aerial photo interpretation.
2. An assessment of whether the native vegetation on the site qualifies as Turpentine-ironbark Forest of the Sydney basin Bioregion under the Commonwealth Environment Protection and conditions thresholds in the listing advice for the CEEC. If so, an assessment of impacts as per the "Matters of National Environmental Significance: Significant impact guidelines" should be referred to determine whether the proposed action is a controlled action requiring referral to the Federal Environment Minister.
3. If a BDAR is required, a tabulated assessment of the threatened species recorded within 5km of the site, their habitat requirements and the likelihood of occurrence at the subject site.
4. Clear representation of maps and figures and their relationship to the proposed development footprint. This must include mapping of extant STIF on site by canopy and threatened flora and fauna within 5km. Superfluous figures are to be omitted from the report.
5. Any report submitted to Council must align with the calculated impacts to existing trees as identified within the Arboricultural Impact Assessment (AIA) to accompany future development applications.

36. **Landscape Plan.** A Landscape Plan is required to be prepared for each future development application by a qualified Landscape Architect and is to conform to the requirements of the Apartment Design Guide – NSW Department of Planning. The Landscape Plan is to include tree replacement strategy to offset any tree removal, calculations showing planting on structures conform to the minimum soil standards for plant types and sizes as show in the Guide.
37. **Framework (Green) Travel Plan.** A Framework (Green) Travel Plan is to be submitted with any development application that involves a 10,000m<sup>2</sup> increase in GFA. The Framework Travel Plan is to be prepared in accordance with the requirements of Part 4.5 Macquarie Park Corridor of the Ryde Development Control Plan 2014 and must include (but not be limited to):
- (a) Details of the car sharing scheme on the site (in accordance with the conditions of this consent);
  - (b) Measures/ incentives to encourage occupants to enter into the car sharing scheme to be located on the site;
  - (c) Measures/ incentives for public transport usage; and
  - (d) Measures incentives to encourage cycling, including detailing end of trip facilities, bicycle parking facilities, signage and notification to residents and patrons to the centre.
38. **Public Access - Right of Way.** A public Right-of-Way (ROW) is to be provided over the open space between Herring Road and adjacent to Buildings 1 & 2 that connects to Saunders Close as well as between Buildings 3 & 4 to Road 3. Each subsequent development application is to show the location of the ROW. The Terms of Agreement are to be agreed to at the time of the subsequent Development applications.
39. **Driveway Connection of the MALC Building to future Road 3 and decommissioning and removal of the Shared Zone.** The shared zone which extends from the MALC building to Saunders Close as approved under LDA2022/0394 is temporary only and is to be decommissioned and removed once a direct driveway connection of the basement car parking area of the MALC building to Road 3 is constructed.

Any development application submitted for Stage 2 (Site B) and/or the continuation of Road 3, is to include engineering detail of the direct driveway connection from the MALC Building to Road 3.

Once the driveway connection of the basement car parking area of the MALC building to Road 3 is constructed, the area occupied by the decommissioned and removed shared zone is to be replaced with a combination of deep soil zones and pedestrian footpaths. In order to amend the open space/park area, an application to modify LDA2022/0394 will be required to be submitted to Council for consideration.

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**PART B – DEVELOPMENT APPROVAL (SITE A) – LDA2022/0394**

The following conditions of consent included in Part B identify the requirements, terms and limitations imposed on the development of Site A under LDA2022/0394.

**GENERAL**

1. **Approved Plans/Documents.** Except as amended by any other condition of consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents (including recommendations contained within):

| Plan No.                                                        | Dated      | Prepared By   |
|-----------------------------------------------------------------|------------|---------------|
| <b>Architectural Plans</b>                                      |            |               |
| DA-AR-110-005 (Rev X) - GA Plans Basement 03                    | 17/05/2023 | Turner Studio |
| DA-AR-110-006 (Rev Y) - GA Plans Basement 02                    | 17/05/2023 | Turner Studio |
| DA-AR-110-007 (Rev Z) - GA Plans Basement 01/Lower Ground Floor | 17/05/2023 | Turner Studio |
| DA-AR-110-009 (Rev W) – GA Plans Ground Level                   | 17/05/2023 | Turner Studio |
| DA-AR-110-010 (Rev T) – GA Plans Level 01                       | 17/04/2023 | Turner Studio |
| DA-AR-110-020 (Rev T) – GA Plans Level 02 to Level 04           | 17/04/2023 | Turner Studio |
| DA-AR-110-050 (Rev Q) – GA Plans Level 05                       | 17/04/2023 | Turner Studio |
| DA-AR-110-060 (Rev S) – GA Plans Level 06 to Level 10           | 17/04/2023 | Turner Studio |
| DA-AR-110-110 (Rev R) – GA Plans Level 11                       | 17/04/2023 | Turner Studio |
| DA-AR-110-120 (Rev P) – GA Plans Level 12                       | 17/11/2022 | Turner Studio |
| DA-AR-110-130 (Rev P) – GA Plans Level 13                       | 17/11/2022 | Turner Studio |
| DA-AR-110-140 (Rev N) – GA Plans Level 14                       | 17/11/2022 | Turner Studio |
| DA-AR-110-150 (Rev D) – GA Plans Roof Plan                      | 17/11/2022 | Turner Studio |
| DA-AR-210-101 (Rev N) – GA Elevations North Elevation           | 17/04/2023 | Turner Studio |
| DA-AR-210-201 (Rev N) – GA Elevations East Elevations           | 17/04/2023 | Turner Studio |
| DA-AR-210-301 (Rev N) – GA Elevations South Elevation           | 17/04/2023 | Turner Studio |
| DA-AR-210-401 (Rev O) – GA Elevations West Elevation            | 17/04/2023 | Turner Studio |
| DA-AR-310-101 (Rev H) – GA Sections Section AA                  | 17/04/2023 | Turner Studio |

| <b>Plan No.</b>                                                                         | <b>Dated</b> | <b>Prepared By</b> |
|-----------------------------------------------------------------------------------------|--------------|--------------------|
| DA-AR-310-201 (Rev H) – GA Sections Section BB                                          | 17/04/2023   | Turner Studio      |
| DA-AR-310-301 (Rev H) – GA Sections Section CC and EE                                   | 17/04/2023   | Turner Studio      |
| DA-AR-310-401 (Rev H) – GA Sections Section DD                                          | 17/04/2023   | Turner Studio      |
| DA-AR-310-601 (Rev H) – GA Sections Section FF                                          | 17/04/2023   | Turner Studio      |
| DA-AR-310-701 (Rev H) – GA Sections Section GG                                          | 17/04/2023   | Turner Studio      |
| DA-AR-310-801 (Rev H) – GA Sections Section HH                                          | 17/04/2023   | Turner Studio      |
| DA-AR-320-302 (Rev A) – Detailed Sections Façade Sections Amending DA                   | 30/06/2023   | Turner Studio      |
| DA-AR-320-303 (Rev A) – Detailed Sections Façade Sections Amending DA 2                 | 30/06/2023   | Turner Studio      |
| DA-AR-890-001 (Rev E) – Materials & Finishes Board – External Material & Finishes Board | 17/04/2023   | Turner Studio      |
| <b>Landscape Plans</b>                                                                  |              |                    |
| Plan 3.5 – Ground Floor Landscape Plan                                                  | 11/2022      | Oculus             |
| Plan 3.6 – Level One Landscape Plan                                                     | 11/2022      | Oculus             |
| Plan 4.1 – Community Garden                                                             | 11/2022      | Oculus             |
| Plan 4.2 – Open Lawn + Playground                                                       | 11/2022      | Oculus             |
| Plan 4.3 – Ground Floor Sections                                                        | 11/2022      | Oculus             |
| Plan 4.4 – Lawn + Amphitheatre                                                          | 11/2022      | Oculus             |
| Plan 4.5 – Ground Floor Sections                                                        | 11/2022      | Oculus             |
| Plan 4.6 – Shared Way                                                                   | 11/2022      | Oculus             |
| Plan 4.7 – Ground Floor Sections                                                        | 11/2022      | Oculus             |
| Plan 4.8 – Street Sections                                                              | 11/2022      | Oculus             |
| Plan 4.9 – New Road                                                                     | 11/2022      | Oculus             |
| Plan 4.10 – Street Sections                                                             | 11/2022      | Oculus             |
| Plan 4.11 – Ground Floor Sections                                                       | 11/2022      | Oculus             |
| Plan 4.12 – Level One Landscape Plan                                                    | 11/2022      | Oculus             |
| Plan 4.13 – Level 01 Section                                                            | 11/2022      | Oculus             |
| Plan 4.16 – Ground Floor Tree Plan                                                      | 11/2022      | Oculus             |
| Plan 4.17 – Level One Tree Plan                                                         | 11/2022      | Oculus             |
| Plan 4.18 - Planting                                                                    | 11/2022      | Oculus             |
| Plan 4.19 – Surface Materials                                                           | 11/2022      | Oculus             |
| Plan 4.20 – Walls and Furniture                                                         | 11/2022      | Oculus             |
| <b>Stormwater Management Plans</b>                                                      |              |                    |
| 22260-RBG-XX-XX-DR-CV-87001 (Rev 03) Stormwater Management Plan (Sheet 1 of 2)          | 19/05/2023   | Robert Bird Group  |
| 22260-RBG-XX-XX-DR-CV-87002 (Rev 03) Stormwater Management Plan (Sheet 2 of 2)          | 19/05/2023   | Robert Bird Group  |
| 22260-RBG-XX-XX-DR-CV-87151 (Rev 04) OSD Tank 1 Details                                 | 19/05/2023   | Robert Bird Group  |
| 22260-RBG-XX-XX-DR-CV-87152 (Rev 04) OSD Tank 2 Details                                 | 19/05/2023   | Robert Bird Group  |

| Document(s)                                 | Dated         | Prepared By                                       |
|---------------------------------------------|---------------|---------------------------------------------------|
| Morling College Landscape Design Report     | 25/11/2022    | Oculus                                            |
| Operational Waste Management Plan           | April 2023    | Waste Audit & Consultancy Services (Aust) Pty Ltd |
| BASIX Certificate 1324429M                  | 07/12/2022    | EMF Griffiths                                     |
| Stage 1 – DA Noise Impact Assessment (r3)   | 21/11/2022    | Renzo Tonin & Associates                          |
| Access Review – Final Amended V2            | 07/11/2022    | Morris Goding Access Consulting                   |
| Consulting Arboricultural Assessment Report | 13/11/2022    | Elke Landscape Architect                          |
| Detailed Site Investigation (Rev 2)         | 24/11/2022    | Foundation Earth Sciences                         |
| Geotechnical Investigation Report           | 02/11/2022    | Foundation Earth Sciences                         |
| Pedestrian Wind Environment Statement       | 25/11/2022    | Windtech                                          |
| Updated Ecological Review                   | November 2022 | Ecological Consultants Australia Pty Ltd          |
| Solar Light Reflectivity Study              | 24/11/2022    | Windtech                                          |
| Public Art Strategy                         | 25/10/2022    | Turner Studio                                     |

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

- a) **Deletion of Tandem Parking Spaces.** The 10 inside tandem parking spaces (adjacent to the wall) at Basement Level 02 allocated to Morling College and the 14 inside tandem parking spaces (adjacent to the wall) allocated to Morling College at Basement Level 03 are to be deleted.

Reason: To ensure compliance with the Ryde Development Control Plan 2014.

- b) **Window Treatments.** The east-facing side awning windows to Unit C.2.07 and the identical units on the floors above, are to include screen (this may include fixed screens or obscure/translucent film) with a sill height of 1.5m above the finished floor level of each unit.

Reason: To protect the visual privacy of the neighbouring residential building at 1 Saunders Close.

- c) **Pre-Cast Paneling.** In order to emphasise a greater sense of depth and relief, pre-cast paneling is to incorporate form-liners which are greater than the proposed 20mm to 35mm depth. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

Reason: To provide a sense of relief and solidity in a large volume of building mass.

Amended plans demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issuing of the Construction Certificate.

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

2. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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

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

Reason: Statutory requirement.

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1324429M dated 7 December 2022.

Reason: Statutory requirement.

5. **Communal Facilities.** The Communal gym and the Communal Business Lounge (including the Communal Terrace) located on Level 01 are not to be used for commercial purposes.

Reason: The ensure unrestricted access to occupants of the development.

6. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Reason: Statutory requirement.

7. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

Reason: To protect the amenity of the locality.

8. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

9. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

Reason: To ensure public safety.

10. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure public safety.

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

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

- 12. Public Space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Reason: to ensure public safety.

- 13. Public Utilities.** The Applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.

Reason: To ensure that the applicant avoids conflict with utilities and services.

- 14. Roads Act and Road Activity Permits.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with any Road Opening Permit issued by Council as required under section 138 of 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 compliance with the requirements of the Roads Act 1993 and to ensure the amenity and state of the public domain is maintained.

- 15. 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.

- 16. Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

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

- 17. Tree Retention.** The following trees, as referenced within the Arboricultural Assessment Report prepared by Elke Haege Thorvaldson dated 13 November 2022, must be retained and protected: Trees 19, 20, 101, 103, 104, 105, 106, 107, 108 & 109.

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

- 18. Tree Removal.** 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.

The following trees, as referenced within the Arboricultural Assessment Report prepared by Elke Haege Thorvaldson dated 13 November 2022, are approved for removal: Trees 7, 110, 111, 114, 115, 116, 117 & 118.

Reason: To facilitate the proposed works.

- 19. 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.

- 20. Tree Protection Schedule.** 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                          |

| Hold Point | Task                                           | Responsibility       | Certification    | Timing of Inspection                     |
|------------|------------------------------------------------|----------------------|------------------|------------------------------------------|
| 5          | Final inspection of trees by project Arborist. | Principal Contractor | Project Arborist | Prior to issue of Occupation Certificate |

Reason: To ensure that appropriate measures are taken throughout the development phase to protect and retain trees.

**21. Transport for NSW Requirements.**

- 1) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Herring Road boundary.
- 2) A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Herring Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To ensure the development does not impact upon the roadway and traffic flow.

**22. 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.

**23. 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: To ensure no encroachment of private works on public land.

**24. WaterNSW (General Terms of Approval).** The following General Terms of Approval (GTAs) issued by WaterNSW on 21 June 2023 do not constitute an approval under the Water Management Act 2000.

The development consent holder must apply to WaterNSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity. A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

The GTAs require:

**Dewatering**

#### GT0121-00001

Construction phase monitoring bore requirements GTA:

- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
- b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval.
- c) The monitoring bores must be protected from construction damage.

#### GT0122-00001

Construction Phase Monitoring programme and content:

- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
  - i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
  - ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
  - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
  - iv. QA: Include details of quality assurance and control.
  - v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
- b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

#### GT0123-00001

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

#### GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this

condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following:

- Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation.
- Survey plan showing ground surface elevation across the site.
- Architectural drawings showing basement dimensions.
- Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)).
- Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater.

Testing and management should align with the NSW Acid Sulphate Soil Manual.

#### GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: An extension of this approval may be applied for within 6 months of the expiry of Term.

#### GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: An extension of this approval may be applied for within 6 months of the expiry of Term.

#### GT0155-00001

The following construction phase monitoring requirements apply (Works Approval):

- a) The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW.
- b) The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme).
- c) The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

#### Schedule 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with LDA2022/0394 as provided by Council:

- FES, Detailed Site Investigation dated November 2022.
- FES, Dewatering Management Plan, dated November 2022.
- FES, Geotechnical Investigation Report, dated November 2022.
- URBIS, Statement of Environmental Effects, dated December 2022.

Reason: Statutory requirement.

- 25. 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 Part 8.5 (Public Civil Works), to the satisfaction of Council.

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

## **DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

- 26. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

Council must be notified of the following particulars:

- (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
- (ii) The date the work is due to commence and the expected completion date.

A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

Reason: To inform the commencement of work.

- 27. Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

Reason: Statutory requirement.

- 28. Demolition and Construction Noise Control.** A comprehensive demolition and construction noise and vibration management plan to protect the amenity of the adjacent properties must be prepared by a suitable qualified acoustic consultant and submitted to the Principal Certifier before demolition commences. The plan must be prepared in accordance with the relevant requirements of Interim Construction Noise Guideline (DECC, 2009) and AS2436-2010 "Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites" 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 or businesses.
- f. Complaints management procedures.

**Note:** Appropriate background noise levels relevant to the most sensitive receivers will be required to support the plan.

All relevant requirements of the plan must be implemented throughout the period of demolition and construction.

Reason: To protect the amenity of neighbouring residential and business property.

- 29. Dust Control.** A Dust Control Plan must be prepared in accordance with relevant legislation and guidelines and submitted to the Principal Certifier before demolition commences to prevent the escape of dust from the site during demolition and construction and include:

- a. Physical barriers being placed around the site and other dust sources to prevent wind or work activities from generating dust.
- b. Watering areas of exposed soil during dry windy weather.
- c. Covering or watering stockpiles during dry windy weather.
- d. Watering the work area or use of fog cannons during excavation work.
- e. Stopping excavation work during periods of high winds if dust emissions cannot be prevented.
- f. Watering haul roads during dry weather.
- g. Ensuring that all excavated materials transported from the site are covered.
- h. Re-stabilisation of disturbed areas as soon practicable after work is completed.

All relevant requirements of the plan must be implemented throughout the period of demolition and construction.

Reason: To ensure dust generated will not impact upon neighbouring public and private land.

- 30. Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Traffic Services Department prior to the commencement of any demolition work.

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

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

The DPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include Traffic Control Plan(s)/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.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
  - viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
  - ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
  - x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
  - xi. Specify spoil management process and facilities to be used on site.
  - xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
  - xiii. Comply with relevant sections of the following documents:
    - The Australian Standard Manual of Uniform Traffic Control Devices (AS1742.3-2019),
    - TfNSW' Traffic Control at Work Sites technical manual; and
    - Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

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

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

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

- 32. Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW and in accordance with the Detailed Site Investigation report dated 24 November 2023 as prepared by Foundation Earth Sciences.

Reason: Statutory requirement and safety.

- 33. Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

Reason: Statutory requirement.

- 34. Waste Management Plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.

Reason: To ensure the compliant and orderly disposal of waste.

- 35. Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. Trees marked for removal are to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

No trees are to be removed from adjoining properties.

Reason: Tree protection.

- 36. Tree Protection Fencing.** All protective fencing and signage around Tree Protection Zones (TPZs) must be 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. All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

Reason: Tree protection.

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

Reason: Statutory requirement.

- 38. Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

Reason: Statutory requirement.

- 39. Storage and removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

Reason: To ensure waste materials are disposed of safely.

- 40. Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

Reason: Statutory requirement.

- 41. Discovery of Additional Information.** Council and the Principal Certifier (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

Reason: Statutory requirement.

- 42. Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

Reason: To ensure waste materials are disposed of safely.

- 43. Noise control measures.** All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.

Reason: To protect the amenity of neighbouring land.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal 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 Construction Certificate can be issued.

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal 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 Principal Certifier.

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

| <b>A Contribution Type</b>        | <b>B Contribution Amount</b> |
|-----------------------------------|------------------------------|
| Community Facilities              | \$1,630,403.40               |
| Open Space & Recreation           | \$3,152,623.90               |
| Transport & Traffic Facilities    | \$251,422.89                 |
| Plan Preparation & Administration | \$75,490.02                  |
| <b>Total Contribution</b>         | <b>\$5,109,940.21</b>        |

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

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of

payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

The contribution must be paid prior to the issue of any Construction Certificate that authorises any works for the ground floor level or above. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

Reason: Statutory requirement.

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

Reason: Statutory requirement.

- 46. Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the Construction Certificate.

Reason: Statutory requirement.

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

Reason: Statutory requirement.

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

Reason: Statutory requirement.

- 49. Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the Construction Certificate.

Reason: Statutory requirement.

- 50. Acoustic Treatments.** The following areas are to include acoustic treatments which have been certified by an accredited acoustic consultant to mitigate impact upon amenity:

**Note:** The list of units below are to be read so as to include any identical units on the floors above where the same impacts are identified:

Unit B.1.03 Treatments are to be incorporated into the bedroom wall abutting the Communal Business Lounge.

Unit B.2.03 Treatments (in addition to glazing) are to be designed and installed to mitigate noise impact from the communal terrace and gym below.

Unit C.1.04 Treatments are to be incorporated into the bedroom wall abutting the neighbouring balcony of Unit C.1.03.

Unit C.1.05 Treatments are to be incorporated into the bedroom wall abutting the living room of Unit C.1.06.

Unit C.1.06 The window adjacent to the balcony to Unit C1.07 is to be treated to mitigate acoustic impact.

Unit C.1.08 The window abutting the neighbouring balcony to Unit C1.07 is to be deleted and the wall is to be treated to mitigate acoustic impact.

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the internal party walls between the bedroom and the living room of adjoining separate units has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the plans for any relevant Construction Certificate.

Details demonstrating compliance are to be submitted on the Construction Certificate plans.

Reason: To minimise acoustic impact and improve amenity.

- 51. Management of sediment and polluted water.** Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual shall be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate.

Reason: Protection of the environment.

- 52. Public Arts Plan.** A Public Arts Plan is to be provided as part of the proposed development in accordance with Part 4.5 of the Ryde Development Control Plan 2014. A Public Arts Plan is to be submitted for approval by Council prior to the issue of Construction Certificate (for above ground works).

The public art shall be equal to 0.1% of the estimated total construction cost and is to be prepared by an arts and cultural planner and will be required to address the following:

- Identify opportunities for the integration of public art in the proposed development;
- Identify themes for public art consistent with Part 4.2 of DCP 2014 & options considered;

- Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
- The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
- The proposal should provide engineer's drawings and demonstrate:
  - Australian building standards requirements and codes for the structural design;
  - Sound practices for fabrication and construction, and materials appropriate for application;
  - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.

Reason: To ensure compliance with the DCP and the delivery of public art.

- 53. Compliance with Acoustic Report.** The development is to comply with the recommendations contained in the Stage 1 – DA Noise Impact Assessment (r3) prepared by Renzo Tonin & Associates dated 21 November 2022 and all other relevant BCA acoustic requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

Reason: To protect the amenity of neighbouring land.

- 54. Compliance with Access Report.** The development is to comply with the requirements contained in the Access Review (Final Amended V2) report prepared by Morris Goding Access Consulting dated 24 November 2022. The development is to comply with the Access to Premises Standard 2010, BCA 2016 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

Reason: To ensure equitable access is provided.

- 55. Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

Reason: Statutory requirement.

- 56. Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals.
- connection and disconnection approvals.
- Diagrams.
- trade waste approvals.
- pressure information.

- water meter installations.
- pressure boosting and pump approvals.
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Reason: To protect Sydney Water assets.

- 57. 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 Certifying Authority prior to the release of the **Construction Certificate**.

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

- 58. Design Verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a registered architect that has overseen the design.

This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Reason: To maintain consistent architectural oversight.

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

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

And

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

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

Reason: Statutory requirement.

- 60. 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).

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

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.
- d) Each tandem space is to be converted to a standard single vehicle space (2.4m wide by 5.4m long).
- e) Basement car park plans are to be updated to reflect the following parking provision:

| Use                                    | Parking spaces allocated |
|----------------------------------------|--------------------------|
| Residential                            | 232 (maximum)            |
| Residential visitor                    | 27 (maximum)             |
| Car share                              | 7                        |
| Retail                                 | 47                       |
| Commercial                             | 35 (maximum)             |
| Morling College (MRC & MALC buildings) | 24 (maximum)             |
| <b>Total</b>                           | <b>372</b>               |

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

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

**61. Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to natural watercourse, generally in accordance with the plans 22260-RBG-XX-XX-DR-CV-87001 (Rev 03) *Stormwater Management Plan (Sheet 1 of 2)*; 22260-RBG-XX-XX-DR-CV-87002 (Rev 03) *Stormwater Management Plan (Sheet 2 of 2)*; 22260-RBG-XX-XX-DR-CV-87151 (Rev 04) *OSD Tank 1 Details*; and 22260-RBG-XX-XX-DR-CV-87152 (Rev 04) *OSD Tank 2 Details* dated 19 May 2023 as prepared by the Robert Bird Group, subject to any variations marked in red on the approved plans or noted following;

- a) External failure mode (i.e., overflow directed to an outside area) for the OSD systems must be provided to accommodate overflow in case of any blockage of the piped outlets.
- b) The OSD storage volumes shall be updated to reflect the proposed DRAINS modelled results.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (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.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

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

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

As a minimum, the OSD system must;

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

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

Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2.

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Off-street Parking and Council's specifications. The new crossing shall be located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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

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

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

- 64. Geotechnical Design, Certification and Monitoring Program.** The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to:
- provide appropriate support and retention to neighbouring property,

- ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that:
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
  - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
  - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
  - Is in accordance with the recommendations of the Geotechnical Report by Foundation Earth Sciences, Reference: G588-1/Rev2, Revision Number: 1, Dated 2/11/2022.

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

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

**65. Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (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 Section 138 of the Roads Act.

Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.

- 66. Stormwater Infrastructure – Design Changes.** The alignment of the proposed stormwater line adjacent to the north-eastern boundary of the subject site is to be amended to so that it is excluded from Tree Protection Zones (TPZs) of Trees 104 & 108 located within the neighbouring allotment at No 1 Saunders Close. Details of compliance are to be shown on the plans for Construction Certificate.

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

- 67. Stormwater Infrastructure – Root Sensitive Installation.** The section of the proposed stormwater line adjacent to the north-eastern boundary of the subject site which dissects the Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) of Trees 19 & 20 is to be installed via a method of under-boring. In regard, a minimum soil cover of one (1) metre must be provided between the top of the pipe and the existing ground surface levels within the TPZ/SRZ. Details of compliance are to be shown on the plans for Construction Certificate.

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

- 68. Stormwater - Council Drainage - Reflux Valve.** A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifier, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

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

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

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

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

- 70. Stormwater - Drainage Design Submission - Assessment Fee.** The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council prior to the issue of the Construction Certificate.

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

Reason: to ensure relevant Council assessment fees are paid.

- 71. Stormwater - Drainage Design Submission.** Engineering drawings prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e., utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e., utility services).
- c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on Civil Plans prepared by Robert Bird Group P/L Drawing No. 22260 - RBG-XX-XX-DR-CV-83002, 87101, 87102, 87103 (Project No. 22260C, Revision 3, 04 March 2023) is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

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

- 72. Stormwater – Council Drainage Works – Bond.** To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works, a maintenance period of twelve (12) months shall apply to the trunk drainage works following completion of the development.

The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the Council Drainage 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' maintenance period. Any defects identified during the maintenance period shall be rectified at their cost within a period of thirty (30) days after notification from Council. The details of the defects and repairs shall be documented and certified by a suitably qualified Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

A bond in the form of a cash deposit or Bank Guarantee of \$45,000}shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met.

Council engineers from the City Works Directorate shall be notified in writing three (3) months prior to the expiry of the maintenance period for the inspection of the trunk drainage works and restored areas. Details and certifications of the defects and repairs shall be provided to Council's City Works Directorate at this notification. The inspection shall be jointly conducted between Council engineers and the applicant's site engineers.

Notifications and inspections may be arranged by telephoning Council's Customer Service Section on 9952 8222 during office hours. A minimum of five (5) working days' notice shall be given to Council to inspect the works.

The bond will only be refunded when the works are determined to be satisfactory to Council, in writing, after the expiry of the twelve (12) months maintenance period.

Reason: to ensure satisfactory performance of drainage works during 12 months after the Compliance Certificate for the Council Drainage Works was issued.

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

Due to heavy traffic throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic 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: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

- 74. Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 10.8m long truck, as a minimum requirement.

The minimum height clearance required is 4.5m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 10.8m long truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council) prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Reason: This condition is intended to assist with the safety and efficiency of heavy vehicles entering and exiting the site.

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

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

- 76. Public Domain Improvements – Design for Construction Certificate.** The public domain is to be upgraded along the Herring Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual PDTM Chapter 6 – Macquarie Park Corridor. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- a) Footpath paving as specified in the condition of consent for public infrastructure works.
- b) Street trees to be provided in accordance with the Macquarie Park Tree Master Plan. The designated species are "Large smooth-barked in entries and median and small native trees in continuous garden beds" for the Herring Road frontage, and "Large smooth-barked in entries and blisters, small native trees in pits, and feature broad-canopy trees" for the new Road 3.

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

- c) All telecommunication and utility services are to be placed underground along the Herring Road, Saunders Close and new Road 3 frontages. The extent of works required to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

- d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158 Lighting for Roads and Public Spaces, with a minimum vehicular luminance category V3 and pedestrian luminance category PR3 along the Herring Road frontage and category V5 and pedestrian luminance category PR2 along the new Road 3.

Subject to design, it is expected that three new street lights on multi-function poles (MFP's) will be required along the Herring Road frontage and several new street lights on MFP's will be required along the new Road 3 frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

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

- 77. Public Infrastructure Works - Design for Construction 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 Works Directorate prior to the issue of the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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

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

- a) The construction of the first part (about 90m) of the new Road 3 with 20m wide road reserve in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works. The cross section of the new Road 3 will include 2 x 3.0m wide moving lanes, 2 x 2.5m wide parking lanes, 2 x 4.5m wide pedestrian walkways.

The design is to follow:

- The Concept Design by James Taylor & Associates (Civil and Structural Consulting Engineers), drawings Nos C.22 – Rev. E, C.23 – Rev. E, C.25 – Rev. E and C.26 – Rev. E;
  - The Civil Engineering and Stormwater Management Report by Robert Bird Group, Issue 1, dated 25/11/2022, and subsequent letter, dated 18th May 2023.
  - The Civil Engineering Plans by Robert Bird Group, Revision 02 and variable, initially issued on 25/11/2022 and subsequently amended in April and May 2023 – namely Drawing No 83002 - Revision 04, Drawing No 83301 – Revision 04 and Drawing No 83305 – Revision 03, dated 10/05/2023.
- b) The vehicular crossings of the footpath at the new Road 3 to be designed with heavy duty laybacks and pavements for the driveways.
  - c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
  - d) Construction of granite footway along the Herring Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM) Chapter 6 – Macquarie Park Corridor.
  - e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
  - f) Signage and line-marking details.
  - g) Installation of Council parking meters along the new Road 3 as advised by the Council's Rangers and Parking Services.
  - h) Staging of the public civil works, if any, and transitions between the stages.
  - i) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

**Notes:**

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

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

- 78. 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 \$120,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Reason: Ensure compliance with specifications.

- 79. 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.

- 80. 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.

- 81. Changes to the Waste Management Plan.** Any changes to the Waste Management Plan dated April 2023 or Rev Z plans dated 17/5/23 which were utilised to evaluate the waste collection by Council, must be approved by Council's Resources Recovery Officer before the issue of a Construction Certificate to ensure the waste collection is not affected.

Reason: To ensure the continued collection of waste is maintained.

- 82. Waste Management and Storage.** All waste storage areas which have a doorway must be wide enough to allow the following bins allocated to the property to fit through opening including the door.

- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m.
- 660L Bins – width 1.3m, depth 0.8m, height 1.3m.
- 240L Bins – width 600mm, depth 800mm, height 1100mm.

Two separate receptacles must be provided inside each dwelling to store up to two days worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.

All garbage and recycling rooms must be constructed in accordance with the following requirements:

- a) The room must be of adequate dimensions to accommodate all waste containers, and allow easy access to the containers 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 with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Truck dimensions for the below are required to ensure that the Council Waste Trucks can enter and service the bins in the basement:

- 4.5m height clearance, 10.8m length & 2.9m width.

Reason: To ensure an appropriate provision of on-site waste storage and accessibility.

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

Reason: To ensure that the landscaped areas are continually maintained.

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

This engineer is to prepare the following documentation;

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

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

Reason: Protection of neighbouring property.

- 85. Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely the neighbouring residential properties immediately adjacent to the site at 1 Saunders Close and at 120 Herring Road. A copy of the dilapidation survey is to be submitted to the Principal Certifier and Council prior to the release of the Construction Certificate.

Reason: Protection of neighbouring property.

- 86. Lighting of the Common Area.** A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers lighting for:

- internal driveways,
- visitor and car share parking areas;
- around the building entrances and communal areas;

- all open space areas within the site.

The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents. All lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Sensor lighting should be installed into areas that may be areas of concealment.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

Details of compliance are to be submitted with the plans for Construction Certificate.

Reason: To ensure that lighting is provided and managed to avoid adverse impact on neighbouring private and public land.

- 87. Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the ADG and adequate provision of residential storage.

- 88. BASIX Details.** BASIX Details are to be included on the Construction Certificate. The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.

Reason: To ensure compliance with BASIX.

- 89. Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

Reason: To ensure compliance with the ADG and to support adequate soil depth for plantings.

- 90. Ventilation of Car Park.** The basement car park must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Health and to ensure architectural consistency.

- 91. Mechanical ventilation.** Where internal noise levels exceed the internal noise criteria by more than 10 dB(A) with windows/doors open to meet the minimum requirements of the Building Code of Australia for a naturally ventilated space, an approved system of mechanical ventilation complying with the AS1668.2 must be provided.

Reason: Protection of acoustic amenity.

- 92. 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 Principal Certifier before the issue of any Construction Certificate. 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: Protection of acoustic amenity.

- 93. Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;

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

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

## **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.

### **94. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Statutory requirement.

**95. Excavation adjacent to adjoining land**

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

Reason: Statutory requirement.

**96. 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.

**97. Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council's Spatial Data Services section, prior to the commencement of construction.

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

**98. 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 Assessment Report prepared by Elke Haeghe Thorvaldson dated 13 November 2022. 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.

- 99. 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.

- 100. 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.

- 101. Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: Specific activities on public roads where Council is the consent authority require Council approval prior to such activities being undertaken.

- 102. Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g., lane closures, etc.) and/or within 100m of a signalised intersection.

Reason: Transport for NSW requirement.

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

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

Reason: Ensure compliance and record of works.

- 104. 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.

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

Reason: Ensure compliance and communicate Council's requirements.

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

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

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

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

Reason: Protection of Council's infrastructure.

- 107. 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.

- 108. 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: To ensure public amenity and safety.

- 109. 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: To ensure compliance.

- 110. Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken, either by means of constructing approved retaining structures or batters

entirely on the subject property, to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.

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

## 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.

- 111. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal 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.

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

Reason: To protect the amenity of the neighbourhood.

- 113. Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

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

- 114. 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.

- 115. 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.

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

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

**117. 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.

**118. 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.

**119. 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.

**120. Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Reason: To ensure no fill is provided in the vicinity of the slab unless prior consent has been given for the fill.

**121. 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.

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

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

**123. Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plans 22260-RBG-XX-XX-DR-CV-87001 (Rev 03) *Stormwater Management Plan (Sheet 1 of 2)*; 22260-RBG-XX-XX-DR-CV-87002 (Rev 03) *Stormwater Management Plan (Sheet 2 of 2)*; 22260-RBG-XX-XX-DR-CV-87151 (Rev 04) *OSD Tank 1 Details*; and 22260-RBG-XX-XX-DR-CV-87152 (Rev 04) *OSD Tank 2 Details* dated 19 May 2023 as prepared by the Robert Bird Group, 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.

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

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

- 125. Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan,” the requirements of Council in 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.

- 126. 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.

- 127. Excavation within Tree Protection Zones (TPZs) – 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.

- 128. 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.

- 129. 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.

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

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

- a) Upon excavation of trenches shown on the approved drainage drawings.
- b) Upon installation of pit reinforcement but prior to concrete pour for cast in-situ pits.
- c) Upon installation of pipes and other drainage structures prior to backfilling.
- d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- e) Upon connection to Council's proposed kerb inlet pit.
- f) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

Reason: to ensure construction works satisfy Council's DCP and Australian Standards requirements.

- 131. Implementation of the Construction Traffic and Pedestrian Management Plan.** All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CTPMP be impacted by surrounding major development not encompassed in the approved CTPMP, the CTPMP measures and controls are to be revised accordingly and submitted to Council.

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

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

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.

- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Reason: Ensure compliance with relevant standards.

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

Reason: Record keeping and compliance with the Site Waste Minimisation & Management Plan.

- 134. Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

Reason: Statutory requirement.

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

Reason: Statutory requirement.

- 136. Noise control measures.** All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.

Reason: Protection of the environment.

- 137. Continued Access to 120 Herring Road (Waste).** Access for the waste truck to service the bins at 120 Herring Road must be provided, ensuring the truck can enter and exit in a forward direction.

Reason: To ensure continued waste collection service.

- 138. Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

Reason: Protection of the environment.

- 139. Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of

works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

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

## PRIOR TO OCCUPATION CERTIFICATE

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal 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 Principal Certifier.

- 140. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1324429M dated 7 December 2022.

Reason: Statutory requirement.

- 141. Landscaping.** All landscaping works approved by Condition 1 of Part B are to be completed prior to the issue of any Occupation Certificate.

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

- 142. Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of the residential apartments, the Principal Certifier is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential apartments achieve the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

Reason: To ensure design consistency.

- 143. Wind Impact.** A report from a qualified wind consultant demonstrating compliance with the Acceptable Criteria for Environmental Wind Conditions including compliance with the recommendations contained in the Pedestrian Wind Environment Statement prepared by Windtech dated 25 November 2022, must be submitted to the satisfaction of the Principal Certifier before the issue of any Occupation Certificate.

Reason: To ensure compliance with recommendations.

- 144. Car Share Provider.** Documentary evidence is to be submitted to Council confirming that an agreement with a car-share provider has been entered into for the approved car share spaces on site, prior to the issue of any Occupation Certificate.

Reason: To ensure the car share arrangement is operated by a dedicated provider.

- 145. Public Art Plan.** Prior to the issue of the final Occupation Certificate, the approved works contained in the Public Art Plan approved by this consent shall be implemented.

Reason: To ensure the delivery of public art.

- 146. Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Stage 1 – DA Noise Impact Assessment (r3) prepared by Renzo Tonin & Associates dated 21 November 2022 must be submitted to the satisfaction of the Principal Certifier before the issue of an Occupation Certificate.

Reason: To ensure compliance with recommendations.

- 147. CCTV Cameras.** CCTV cameras must be required to be installed in the following locations:

- The carpark;
- The ground floor lobby and lifts; and
- The car park entry/exit points.

The cameras are to include Pedestrian entries into the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

If requested by police, the applicant is to archive any recording until such time as they are no longer required. Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 148. Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park. Details demonstrating

compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 149. Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure graffiti can be satisfactorily removed.

- 150. Security (Doors).** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorised access to the unit.

An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 151. Intercom System.** Intercom facilities must be incorporated into the entry/exit points to enable residents to identify and communicate with people prior to admitting them to the development.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 152. Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 153. Lift access and security.** Electronic access controls are to be installed on the lifts. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: Safety and security.

- 154. Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney

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

Go to [www.sydneywater.com.au/section73](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.

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

Reason: To maximise on-street parking capacity and avoid confusion relating to the enforcement of parking restrictions.

- 156. Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

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

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

Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).

- 158. 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 (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

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

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

**159. Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that 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) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.

- g) 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.

- 160. 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.

- 161. Parking Area Line-marking and Signage.** Traffic measures such as directional signage, traffic control line-marking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

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

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

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

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

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

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing

drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

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

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

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

Reason: To verify the post-construction condition of Council's drainage assets.

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

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

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

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

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

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

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

- 166. Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in

accordance with the Council's standards and specifications, and DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

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

- 167. Signage and Line-marking – External.** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and line-marking plan prepared by a suitably qualified traffic engineering consultant to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

Note: The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

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

Reason: This condition is 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.

- 168. Signage and Line-marking (External) – Implementation.** The applicant is to install all signage and line-marking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

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

- 169. Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Traffic Services Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m in length.

The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted.

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

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

- 170. Framework Travel Plan.** A finalised Framework Travel Plan (FTP) is to be submitted to Council for review and approval prior to the issue of any Occupation Certificate. The FTP must:

- i. Adopt strategies and procedures to meet mode share target in Macquarie Park as stated in Ryde Integrated Transport Strategy for journey-to-work trips, to minimise

- drive-alone vehicle trips and to encourage transport choice to and within the Macquarie Park Corridor.
- ii. Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the mode share target for the development for the journey-to-work.
- iii. Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-site-links where required.
- iv. Provide, to Council satisfaction, supportive infrastructure for:
  - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development.
  - Taxi drop-off areas or parking (as appropriate) and carpooling and car share dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development.
- v. Walking and cycling (lockers and end-of-trip facilities).

Reason: To assist in reducing future traffic congestion and promote alternative transport options in Macquarie Park.

- 171. Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the first part of Road 3 in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of any Occupation Certificate for Stage 1 works.

The terms of the Right of Way must ensure that:

- a) The Pedestrian and Vehicular areas are accessible at all times to the Public;
- b) The Pedestrian areas will be adequately maintained by the occupier / owner of the site at all times;
- c) The Road surface on the first part of Road 3 is adequately maintained by the occupier / owner of the site at all times;
- d) The Council is the only authority empowered to release, vary or modify the terms of the Right of Way.

Reason: Public safety and amenity.

- 172. Public Right of Access (Open Space).** Prior to the issue of any Occupation Certificate, a Right of Access shall be created over the open space area which extends from Saunders Close to Road 3 (between the development, the Morling College MALC building and the Morling College Residential College Building) and nominated in the approved plans as 'Public Domain' in favour of Council for public access.

Terms regarding the creation of the Right of Access are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the Right of Access shall be submitted to Council and the PCA prior to the issue of any Occupation Certificate for Stage 1 works.

The terms of the Right of Access must ensure that:

- a) The Pedestrian areas are accessible at all times to the Public;

- b) The Pedestrian areas will be adequately maintained by the occupier / owner of the site at all times;
- c) The Council is the only authority empowered to release, vary or modify the terms of the Right of Way.

Reason: Public safety and amenity.

**173. Public Positive Covenant.** Prior to the issue of any Occupation Certificate for the Stage 1 of the development, a public positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:

- i. maintains and repairs at all times that area of the subject land that has been designated as the privately owned, publicly accessible pedestrian area, to a standard commensurate with Council's standards for the maintenance of such facility;
- ii. maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

The Instrument that is to create the public positive covenant referred to in this condition is to be submitted to and approved by Council prior to lodgement for registration at NSW Land Registry Services.

Prior to the issue of any Occupation Certificate for Stage 1 the applicant is to submit to Council a certificate of currency for the above-mentioned public liability insurance.

Reason: Specify responsibility for maintenance requirement.

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

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

Reason: Improved access and public amenity.

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

Reason: Ensure Compliance.

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

Reason: Ensure Compliance.

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

Reason: Ensure public safety and protection of infrastructure.

- 178. Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council’s Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

Reason: Public amenity and safety.

- 179. Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Certificate of Compliance - Electrical Work (CCEW) from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance.

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

Reason: Ensure compliance with approved drawings and City of Ryde standards and specifications.

- 181. Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

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

Reason: Record of Completed Works.

- 182. Registered Surveyor Final Certificate.** Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

Reason: Ensure Compliance and no encroachments.

- 183. Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance.

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

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

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

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

Reason: Protection of public assets.

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

Reason: Ensure compliance for protection of public assets.

- 186. Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with

Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

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

Reason: Ensure Compliance.

**187. Compliance Certificate – External Works and Public Infrastructure Restoration.**

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

Reason: Ensure Compliance.

**188. 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.

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

Reason: To ensure that the waste management of the site is in accordance with the consent.

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

Once the registered Occupation Certificate has been provided to Council, waste services will be provided

Reason: To ensure the provision of garbage collection services.

**191. Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919),

ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review and the covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

Reason: To ensure the continued provision and maintenance of the access driveway and loading bay accommodating waste collection services undertaken by Council.

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

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

Reason: To ensure ongoing Council access to waste collection areas.

- 193. Apartment Noise Attenuation Construction.** An AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the internal party walls ensures that all sound between apartments (being the internal party walls between the bedroom and the living room of adjoining separate units), sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Occupation Certificate.

Reason: To comply with best practice standards for residential acoustic amenity.

- 194. Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Spatial Data Services. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

Reason: To assist in way finding.

## **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.

- 195. Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

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

- 196. Parking Allocation.** Parking is to be allocated and maintained as follows (noting the deletion of 24 tandem parking spaces under Condition 1(a) of this consent):

|                      |                      |
|----------------------|----------------------|
| Residential          | 232 spaces (Maximum) |
| Residential Visitors | 27 spaces (Maximum)  |
| Car Share            | 7 spaces             |
| Retail               | 47 spaces            |
| Commercial           | 35 spaces (Maximum)  |
| Morling College      | 24 spaces (Maximum)  |

The allocated spaces are to be clearly indicated per designated use and line-marked.

Reason: To ensure the provision and allocation of parking is compliant with the Ryde Development Control Plan 2014.

- 197. Car Share Parking.** To maintain, facilitate and encourage the use of the car share scheme implemented in the development, the following requirements are to be maintained for the ongoing serviceable life of the development:

- All car share vehicles must be publicly accessible 7 days of the week, 24 hours of the day.
- The car share vehicles are to be managed by the site manager.
- Car share parking spaces must be clearly designated and line-marked in the development so as to prevent inadvertent use of the space by other drivers when the car share vehicle is in use.
- The development must install signage to direct and guide car share customers to the car share vehicle location. Where access to the location is restricted, details of the access procedure must be available to members of the car share scheme.
- Car share vehicles must be parked on site when not in use.
- Must be retained as Common Property by any future strata subdivision of the development lot.

Reason: To ensure the implementation of Car Share vehicles is maintained as approved and these are retained for the serviceable life of the development.

- 198. Balconies (Clothes Drying).** No clothes drying on balconies in the public view are permitted. Any future Strata Management Plan is to include the requirement that clothes drying on balconies visible from any public domain is not permitted.

Reason: To minimise adverse visual impact.

- 199. Residential Amenity - Noise Limits.** Noise from any communal area/facility shall not be audible in any habitable room in any residential premises between the hours of 10pm

and 7.00am. Any amplified music used within a communal room (including the gymnasium) shall be limited in volume so as not to cause a disturbance to the amenity of the adjoining residences. Noise insulating materials or construction (such as acoustic rubber matting or panelling) should be installed wherever it is anticipated that activities or the use of plant and equipment may generate a noise disturbance to surrounding premises.

Within the communal open space area, the playing of amplified music or messages, any spruiking and the likes are not to disturb the amenity of other private places.

Reason: To protect residential amenity.

**200. Wayfinding Signs.** Good way finding signage are to be provided as follows:

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

Reason: To assist in way finding.

**201. 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: Protection of the environment and amenity.

**202. Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.

c) The transmission of vibration to any place of different occupancy.

Reason: Protection of the environment and amenity.

- 203. Access for maintenance purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Operation and maintenance.

Reason: Statutory requirement.

- 204. Registration of water-cooling systems.** Any water-cooling regulated under the Public Health Act 2010 must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

Reason: Statutory requirement.

- 205. Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

Reason: Statutory requirement.

- 206. Restriction of Private Waste Contractors.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor.

Reason: To ensure that residential waste is collected by Council.

- 207. Recycling Signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.

Reason: To clearly mark the appropriate bins for recycling.

- 208. Transfer of Bins.** Staff or contractors must be employed to take the waste, recycling and food organics bins from each of the garbage and recycling chute rooms to the bin collection room for servicing and to return the containers to the garbage room after servicing.

Reason: To ensure that the bins are transferred.

- 209. Storage and Disposal of Waste.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. Building managers are to ensure that no hazardous material is in the bins and contamination is managed.

Reason: To ensure that waste is disposed of appropriately and safely.

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

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

**End of Conditions**