



Land and Environment Court New South Wales

Case Name: **Sasco Developments Pty Limited v City of Ryde Council**

Medium Neutral Citation: [2022] NSWLEC 1389

Hearing Date(s): Conciliation conference 18 July 2022

Date of Orders: 18 July 2022

Date of Decision: 18 July 2022

Jurisdiction: Class 1

Before: Gray C

Decision: The Court orders that:
(1) The Applicant's written request under clause 4.6 of the Ryde Local Environmental Plan 2014 (LEP), seeking variation of the development standard for height under clause 4.3 of the LEP is upheld.
(2) The appeal is upheld.
(3) Development Consent is granted to LDA2020/0199 for the demolition of existing structures and construction of a mixed use development comprising four x 6 to 7 storey buildings containing 133 apartments, 162 boarding rooms and commercial floor space with basement parking at 1-20 Railway Road and 50 Constitution Road, Meadowbank, subject to conditions contained in Annexure 'A'.

Catchwords: APPEAL – mixed use development – boarding house – residential apartments – commercial uses – conciliation conference – agreement reached – orders made

Legislation Cited: Environmental Planning and Assessment Act 1979, ss 4.15, 4.16, 4.17, 7.4, 7.5, 7.7, 8.7
Environmental Planning and Assessment Regulation 2000, cll 25D, 50, 55, Sch 1
Land and Environment Court Act 1979, s 34
Ryde Local Environmental Plan 2014 cll 4.3, 4.4, 4.6, 5.10, 6.1, 6.2, 6.4, 6.6

State Environmental Planning Policy (Affordable Rental Housing) 2009, cl 29, 30, 30A
 State Environmental Planning Policy (Housing) 2021
 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, cl 30
 State Environmental Planning Policy (Resilience and Hazards) 2021, cl 4.6
 State Environmental Planning Policy (Transport and Infrastructure) 2021, cl 2.99, 2.100, 2.122

Cases Cited: Fusion Development Pty Ltd v Randwick City Council [2022] NSWLEC 1255
 Omayya Investments Pty Limited v Dean Street Holdings Pty Limited (No 5) [2020] NSWLEC 9
 Sanctuary Investments Pty Ltd v Baulkham Hills Shire Council (2006) 153 LGERA 355; [2006] NSWLEC 733

Texts Cited: NSW Department of Planning and Environment, Apartment Design Guide (July 2015)

Category: Principal judgment

Parties: Sasco Developments Pty Limited (Applicant)
 City of Ryde Council (Respondent)

Representation: Counsel:
 M Staunton (Applicant)
 P Kapetas (Solicitor) (Respondent)

Solicitors:
 Mills Oakley (Applicant)
 City of Ryde Council (Respondent)

File Number(s): 2021/216311

Publication Restriction: No

JUDGMENT

- 1 **COMMISSIONER:** This is an appeal concerning a development application for the demolition of existing structures and the construction of a mixed-use development comprising four buildings of 6 or 7 storeys containing 133 residential apartments, 162 boarding rooms, ground floor commercial floor space and basement car parking at 1-20 Railway Road and 50 Constitution Road, Meadowbank. Following the expiry of the period after which a development application is deemed to be refused, the applicant lodged an appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Subsequent to the commencement of the appeal, the development application was refused by the Sydney North Planning Panel. In exercising the functions of the consent authority on the appeal, the Court has the power to determine the development application pursuant to ss 4.15 and 4.16 of the EPA Act. The final orders in this appeal, outlined in [17] below, are made as a result of an agreement between the parties that was reached at a conciliation conference.
- 2 The hearing of the appeal commenced onsite today, on 18 July 2022. Following the adjournment of the hearing, the Court arranged a conciliation conference under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act) between the parties, which was also held today. I presided over the conciliation conference.
- 3 At the conciliation conference, an agreement under s 34(3) of the LEC Act was reached between the parties as to the terms of a decision in the proceedings that was acceptable to the parties. The agreement was filed on 18 July 2022, following the lodging of an amended development application on the NSW Planning Portal with the agreement of the Council, as required by cl 55(1) of the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation 2000). The amendments to the development application include amended civil plans reflecting the public works to be carried out, and a BASIX compliance letter. The amended development application also incorporates an offer to enter into a Voluntary Planning Agreement (VPA) for:

- (a) The dedication of land to widen Faraday Lane and allow for two-way full carriageway access, the dedication of land to widen the road reserve and carriageway on Underdale Lane, and the dedication of an area in stratum title for the public footpath on Faraday Lane.
 - (b) The carrying out of works within the road reserve and on the areas of land proposed to be dedicated.
 - (c) The carrying out of works to create a connection from Faraday Lane to Constitution Avenue and associated civil works.
- 4 The decision agreed upon is for the grant of a deferred commencement consent subject to conditions of consent pursuant to s 4.16(1) of the EPA Act. The signed agreement is supported by a Jurisdictional Note that sets out the nature of the development application, the amendments made in the course of the appeal proceedings, and the jurisdictional matters about which the consent authority must be satisfied prior to the grant of development consent. I have considered the Jurisdictional Note, together with the documents referred to therein.
- 5 As the presiding Commissioner, I am satisfied that the decision to grant development consent to the amended application subject to conditions of consent is a decision that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). I formed this state of satisfaction as each of the jurisdictional preconditions identified by the parties is met, for the reasons set out below.
- 6 Firstly, the development is for the purpose of a boarding house, commercial premises, and shop top housing, which are permissible in the B4 Mixed Use zone in which the site is located, pursuant to the Ryde Local Environmental Plan 2014 (RLEP).
- 7 Secondly, the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) apply to the development. The State

Environmental Planning Policy (Housing) 2021 (SEPP (Housing)) commenced on 26 November 2021. Schedule 7 includes a savings provision, the effect of which is that the provisions of the SEPP ARH continue to apply to the development application. At cl 30 of the SEPP ARH, consent cannot be granted unless certain requirements are met. Based on the Jurisdictional Note and the architectural plans, I am satisfied that each of the matters in cl 30(1) of the SEPP ARH are met by the proposed development. Clause 30A of the SEPP ARH requires consideration of “whether the design of the development is compatible with the character of the local area”. I am satisfied that the stepped form of the development between 6 and 7 storeys and its design is compatible with the surrounding developments and the high-density character of the local area.

8 I note also that cl 29 of the SEPP ARH sets out a number of grounds on which consent cannot be refused if certain criteria are met. The proposed development meets the criteria for density and scale, private open space, parking and accommodation size.

9 Thirdly, with respect to the development standards that apply to the proposed development:

- Clause 4.4 of the RLEP imposes a floor space ratio (FSR) development standard of 2.7:1. The proposed development does not comply with this development standard, but the operation of cl 29(1)(c)(ii) of the SEPP ARH precludes a consent authority from refusing consent on the grounds of density or scale if the FSR is not greater than the standard plus an additional 20%. As such, the total FSR permitted on the site for the proposed development is 3.24:1, with which the development complies. I consider that cl 29(1)(c)(ii) applies to the whole of the development site notwithstanding that it is a mixed-use development containing a boarding house, which is consistent with the approach regularly taken by the Court (see, for example, *Fusion Development Pty Ltd v Randwick City Council* [2022] NSWLEC 1255). As a result, the precautionary request prepared by the applicant pursuant to cl 4.6 of the RLEP concerning the FSR development standard is not required.

- I am satisfied that consent should be granted notwithstanding the contravention of the height development standard. The development standard establishes a maximum height of 18.5m on part of the site and 21.5m on that part of the site at the corner of Railway Road and Constitution Road, pursuant to cl 4.3 of the RLEP. The proposed maximum height of the development varies from 24.56m for building C, to 25.87m for building D. This represents a contravention of up to 7.3m above the height development standard. I am satisfied that the written request, lodged pursuant to cl 4.6 of the RLEP and annexed to the Statement of Environmental Effects lodged with the Class 1 Application, adequately establishes sufficient environmental planning grounds that justify the breach in the height development standard. It does so by demonstrating that the breach allows for building mass to be centred above the buildings to enable significant setbacks at the intersection of Railway Road and Constitution Road to provide a plaza area and for the built form of the development to be broken up as four distinct residential towers. The approximate volume of the plaza area and the setbacks is equivalent to one storey across buildings A and B. I am also satisfied that the written request demonstrates that compliance with the standard is unreasonable and unnecessary given that the proposal is consistent with the objectives of the standard notwithstanding the non-compliance, and as there is no impact caused by the breach of the standard. Further, I am satisfied, based on the content of the written request, that the proposal is in the public interest because it is consistent with the objectives of the zone and of the standard.

10 Fourthly, in relation to the other relevant provisions of the RLEP:

- The development is located in the vicinity of two local heritage items and the effect of the development on the heritage significance of the heritage items has been considered, as required by cl 5.10(4) of the RLEP. A Statement of Heritage Impact dated 25 May 2020 accompanied the Class 1 Application and I am satisfied that the proposed development

does not unacceptably impact the heritage significance of the heritage items.

- Pursuant to cl 6.1 of the RLEP, the subject site is mapped as being Class 5 acid sulphate soils and is within 500m of land mapped as Class 2. An Acid Sulphate Assessment dated 13 October 2020 concludes that the elevation of the site and the proposed excavation depth means that there is no excavation below RL 1m AHD and an acid sulphate soils management plan is not required.
- The development application includes earthworks for the provision of the basement level for car parking. Based on the amended geotechnical report dated October 2020, I have considered the matters set out in cl 6.2(3) of the RLEP.
- Based on the stormwater plans, the BASIX report, the Waste Management Plan and the Statement of Environmental Effects, I am satisfied that the development will comply with the relevant stormwater management and environmental sustainability requirements under cll 6.4 and 6.6 of the RLEP.

11 Fifthly, in relation to the remaining state environmental planning policies that apply to the site:

- Consideration has been given as to whether the subject site is contaminated as required by cl 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, and, consistent with the requirements of cl 4.6(2), I have considered a report specifying the findings of a preliminary investigation of the land concerned and a Detailed Site Assessment prepared by Benviron Group dated February 2020. The report confirms that the site is able to be remediated in accordance with a Remedial Action Plan dated February 2020 and, therefore, will be made suitable for the proposed development.

- As required by cl 30(2) of State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development and based on the Urban Design Report dated 27 May 2020 and the Design Verification Statement dated 11 May 2020, I am satisfied that adequate regard has been given to the design quality principles and to the objectives specified in the Apartment Design Guide for the relevant design criteria.
- The proposed development is adjacent to a rail corridor, and cl 2.99 and 2.100 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI) therefore apply. A Structural Engineering Report and Construction Methodology dated 11 March 2020 confirms that the proposed excavation will be located at least 33m from the rail corridor, such that the provisions of cl 2.99 do not apply. Further, consistent with cl 2.100 and based on the acoustic report dated 7 May 2020, I have taken into consideration the matters in cl 2.100(2) and I am satisfied that appropriate measures will be taken to ensure that the LAeq levels in cl 2.100(3) are not exceeded.
- Clause 2.122 of the SEPP TI also applies, as the proposed development is traffic generating development. Transport for NSW has been notified of the development application and provided its comments. In response to those comments, a Traffic and Parking Impact Assessment was prepared dated 23 November 2021. A traffic review dated 1 December 2021 was also prepared. Based on these documents, I have taken into consideration the matters in cl 2.122(4) of the SEPP TI.

12 In addition, the following prerequisites to the grant of development consent are satisfied:

- The amended development application is accompanied by a BASIX Certificate in accordance with the requirements of Sch 1 of the EPA Regulation 2000.

- The amended development application is accompanied by a statement of a qualified designer dated 11 May 2020 that verifies the design of the development, as required by cl 50(1A) and (1AB) of the EPA Regulation 2000.

13 Further, the VPA provides a lawful manner in which interests in land can be dedicated to Council (see *Sanctuary Investments Pty Ltd v Baulkham Hills Shire Council* (2006) 153 LGERA 355; [2006] NSWLEC 733 at [42]-[46]) and I am satisfied that the proposed VPA meets the requirements of s 7.4 of the EPA Act, including that it provides for the dedication of land and the carrying out of works, and the provision of a material public benefit, to be used for a public purpose. In exercising the functions of the consent authority, the Court has the power to impose the conditions of consent, pursuant to ss 4.16(1) and 4.17 of the EPA Act. Pursuant to s 7.7(3), this power extends to the imposition of the condition of consent that requires the developer to enter into the VPA in the terms of the offer made by the developer. The requirement, pursuant to s 7.5 of the EPA Act and cl 25D of the EPA Regulation 2000, to notify the proposed VPA can be met following the grant of consent and prior to entry into the VPA (see *Omayya Investments Pty Limited v Dean Street Holdings Pty Limited* (No 5) [2020] NSWLEC 9 at [270]-[272]).

14 For the above reasons, I have reached the state of satisfaction that the decision is one that the Court could make in the exercise of its functions. Accordingly, s 34(3)(a) of the LEC Act requires me to “dispose of the proceedings in accordance with the decision”. The LEC Act also requires me to “set out in writing the terms of the decision” (s 34(3)(b)).

15 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any assessment of the merits of the development application against the discretionary matters that arise pursuant to an assessment under s 4.15 of the EPA Act.

16 The Court notes that:

- (1) City of Ryde Council, as the relevant consent authority, has agreed under clause 55(1) of the Environmental Planning and Assessment Regulation 2000, to the Applicant amending Development Application LDA2020/0199 in accordance with the documents listed below:

Plan name	Drawing Number	Revision	Date	Prepared by
Amended Civil Plans				
Cover	-	H	04/05/2022	Alpha Engineering & Development
General Arrangement Plan	CIV01	H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 1 Of 2)	CIV02	H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 2 Of 2)	CIV03	H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 1 Of 2)	CIV04	H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 2 Of 2)	CIV05	H	04/05/2022	Alpha Engineering & Development
Swept Path Analysis	CIV06	H	04/05/2022	Alpha Engineering & Development
Public Domain Alignment Chainage and Spot Elevation	CIV07	H	04/05/2022	Alpha Engineering & Development
Cut and Fill Details	CIV08	H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane Road - Centreline Long Section	CIV09	H	04/05/2022	Alpha Engineering & Development
Faraday Lane Lip of Gutter (Left) - Longitudinal Section	CIV10	H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane - Boundary Long Section	CIV11	H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 1 of 5)	CIV12	H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 2 of 5)	CIV13	H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 3 of 5)	CIV14	H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 4 of 5)	CIV15	H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 5 of 5)	CIV16	H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Kerb Ramp and Pavement Type Granite	CIV17	H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Tree Pit Detail and Typical Pavement Structure Local Road	CIV18	H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Heavy Duty Layback And Driveway	CIV19	H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Raised Pedestrian Crossings Typical Section	CIV20	H	04/05/2022	Alpha Engineering & Development
Typical Drawing for Service Conduit Under Footpath	CIV21	H	04/05/2022	Alpha Engineering & Development
Supporting Documentation				
Document			Date	

Plan name	Drawing Number	Revision	Date	Prepared by
Voluntary Planning Agreement				July 2022
BASIX Compliance Letter prepared by GEC Design				15 June 2022

- (2) The amended development application documents listed above were lodged on the NSW planning portal on 15 July 2022.
- (3) The amended development application was filed with the Court on 15 July 2022.

17 The Court orders that:

- (1) The Applicant's written request under clause 4.6 of the Ryde Local Environmental Plan 2014 (LEP), seeking variation of the development standard for height under clause 4.3 of the LEP is upheld.
- (2) The appeal is upheld.
- (3) Development Consent is granted to LDA2020/0199 for the demolition of existing structures and construction of a mixed use development comprising four x 6 to 7 storey buildings containing 133 apartments, 162 boarding rooms and commercial floor space with basement parking at 1-20 Railway Road and 50 Constitution Road, Meadowbank, subject to conditions contained in Annexure 'A'.

I certify that this and the preceding 8 pages are a true copy of my reasons for judgment.

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Joanne Gray

Commissioner of the Court

Annexure A**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF
CONSENT****Development Application No:** LDA2020/0199

Development: Demolition of existing structures and construction of a mixed use development comprising four x 6 to 7 storey buildings containing 133 apartments, 162 boarding rooms and commercial floor space with basement parking.

Site: 1-20 Railway Road and 50 Constitution Road,
Meadowbank NSW 2114

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

Date of determination: 18 July 2022

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation, Subdivision or Subdivision Works Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 1-20 Railway Road and 50 Constitution Road, Meadowbank NSW 2114, legally identified as Lots 1 to 8 DP 13637, Lots 4-5 and 9-11 DP 7533, Lots 1-2 DP 384872 and SP35053, including Lots 1-3 and the common property SP 35053.

The conditions of consent are as follows:

DEFERRED COMMENCEMENT

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

- (A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted as to the demolition of existing structures and construction of a mixed use development comprising four buildings ranging in height between 6 and 7 storeys, containing a total of 133 residential apartments, a boarding house with 162 rooms and 4243m² of commercial floor space with 3 basement levels for 419 car parking spaces. In this regard, the following deferred commencement conditions are required to be satisfied:

1. Sydney Trains

The Applicant shall prepare and provide to Sydney Trains for review, comment and written endorsement the following final version items in compliance with relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-standards-authority>):

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.
 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
 6. If required by Sydney Trains, a Monitoring Plan.
2. **Voluntary Planning Agreement.** The Applicant is to enter into a Planning Agreement (as defined pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979) with the Council of the City of Ryde

for the delivery of public benefits as identified within the letter of offer from Sasco Developments Pty Ltd and Shepherds Bay Holdings Pty Ltd dated 15 July 2022 and in accordance with the terms identified by the Council of the City of Ryde.

3. **Registration of Voluntary Planning Agreement.** The Planning Agreement referred to in deferred commencement condition (A) (2) above is to be registered on the title of the land, the subject of this development consent.
- (B) Written evidence that the matter identified in deferred commencement conditions (A) (1), (2) & (3) above has been satisfied, must be submitted to Council within thirty (30) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent conditions (A) (1), (2) & (3) above have been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1), (2) and (3) above have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

PART 2

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

GENERAL

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

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

Document Description	Drawing No / Revision	Date	Prepared by
Architectural Plans			
Cover	Revision E	January 2022	Curzon + Partners
Drawing Register	D001 Rev D	11/01/2022	Curzon + Partners
Site Survey	D002 Rev C	26/11/2021	Curzon + Partners
Demolition Plan	D003 Rev C	26/11/2021	Curzon + Partners
Site Analysis	D004 Rev C	26/11/2021	Curzon + Partners
Site Plan	D008 Rev C	26/11/2021	Curzon + Partners

Yield & Schedules	D009 Rev C	26/11/2021	Curzon + Partners
BASIX Commitments – Building A B & C	D010 Rev C	26/11/2021	Curzon + Partners
BASIX Commitments – Building D	D011 Rev C	26/11/2021	Curzon + Partners
Basement 03 Floor Plan	D097 Rev C	26/11/2021	Curzon + Partners
Basement 02 Floor Plan	D098 Rev C	26/11/2021	Curzon + Partners
Basement 01 Floor Plan	D099 Rev C	26/11/2021	Curzon + Partners
Ground Floor Plan	D100 Rev D	26/11/2021	Curzon + Partners
Level 1 Plan	D101 Rev E	11/01/2022	Curzon + Partners
Level 2 Plan	D102 Rev D	26/11/2021	Curzon + Partners
Level 3 Plan	D103 Rev D	26/11/2021	Curzon + Partners
Level 4 Plan	D104 Rev D	26/11/2021	Curzon + Partners
Level 5 Plan	D105 Rev E	11/01/2022	Curzon + Partners
Level 6 Plan	D106 Rev E	11/01/2022	Curzon + Partners
Level 7 Plan	D107 Rev C	26/11/2021	Curzon + Partners
Level 8 Plan	D108 Rev C	26/11/2021	Curzon + Partners
North-west Elevation Railway Rd	D200 Rev C	26/11/2021	Curzon + Partners
North-east Elevation Constitution Rd	D201 Rev D	11/01/2022	Curzon + Partners
South-east Elevation Faraday Ln	D202 Rev D	11/01/2022	Curzon + Partners
South-west Elevation Underdale Ln	D203 Rev C	26/11/2021	Curzon + Partners
North-west internal elevation – Building C & D	D204 Rev C	26/11/2021	Curzon + Partners
South east internal elevation – Building A & B	D205 Rev D	11/01/2022	Curzon + Partners
Internal Elevations	D206 Rev C	26/11/2021	Curzon + Partners
Sections	D250 Rev C	26/11/2021	Curzon + Partners
Sections	D251 Rev C	26/11/2021	Curzon + Partners
Sections	D252 Rev C	26/11/2021	Curzon + Partners
Material Board	D300 Rev C	26/11/2021	Curzon + Partners
Material Board	D301 Rev D	11/01/2022	Curzon + Partners
Perspectives	D302 to D310 Rev C	26/11/2021	Curzon + Partners
FSR Calculation	D500 & D501 Rev C	26/11/2021	Curzon + Partners
Building Height Analysis	D502 Rev C	26/11/2021	Curzon + Partners
Solar & Ventilation Analysis	D503 & D504 Rev C	26/11/2021	Curzon + Partners
Communal Open Spaces & Communal Rooms	D505 Rev C	26/11/2021	Curzon + Partners
Car Parking Calculations	D507 Rev C	26/11/2021	Curzon + Partners
GFA Bonus Calculations	D508 Rev C	26/11/2021	Curzon + Partners
Storage volumes – Building A	D509 Rev C	26/11/2021	Curzon + Partners
Storage volumes – Building B	D510 Rev C	26/11/2021	Curzon + Partners
Storage volumes – Building C	D511 Rev C	26/11/2021	Curzon + Partners
Storage volumes – Basement	D512 Rev C	26/11/2021	Curzon + Partners
Plaza Detail Plan	D600 Rev B	26/11/2021	Curzon + Partners
Privacy Screen Details	D601 Rev A	26/11/2021	Curzon + Partners
Permeability Plan	D602 Rev B	26/11/2021	Curzon + Partners
Land Dedication Plan	D603 Rev D	11/01/2022	Curzon + Partners
Land Dedication Plan	D603_1 Rev C	26/11/2021	Curzon + Partners
Faraday Lane Planter Details	D604 Rev C	26/11/2021	Curzon + Partners
Survey Road Widening	D606 Rev C	26/11/2021	Curzon + Partners
Building A Cover Page	DA000 Rev C	26/11/2021	Curzon + Partners
Level 1	DA101 Rev C	26/11/2021	Curzon + Partners
Level 2	DA102 Rev C	26/11/2021	Curzon + Partners
Level 3	DA103 Rev C	26/11/2021	Curzon + Partners
Level 4	DA104 Rev C	26/11/2021	Curzon + Partners

Level 5	DA105 Rev C	26/11/2021	Curzon + Partners
Level 6	DA106 Rev C	26/11/2021	Curzon + Partners
Level 7	DA107 Rev C	26/11/2021	Curzon + Partners
Level 8	DA108 Rev C	26/11/2021	Curzon + Partners
Yield Analysis – Building A	DA501 Rev C	26/11/2021	Curzon + Partners
Adaptable & Livable Apartments – Building A	DA502 & DA503 Rev C	26/11/2021	Curzon + Partners
Building B Cover Page	DB000 Rev C	26/11/2021	Curzon + Partners
Level 1	DB101 Rev C	26/11/2021	Curzon + Partners
Level 2	DB102 Rev C	26/11/2021	Curzon + Partners
Level 3	DB103 Rev C	26/11/2021	Curzon + Partners
Level 4	DB104 Rev C	26/11/2021	Curzon + Partners
Level 5	DB105 Rev D	11/01/2022	Curzon + Partners
Level 6	DB106 Rev D	11/01/2022	Curzon + Partners
Level 7	DB107 Rev C	26/11/2021	Curzon + Partners
Level 8	DB108 Rev C	26/11/2021	Curzon + Partners
Yield Analysis – Building B	DB501 Rev C	26/11/2021	Curzon + Partners
Adaptable & Livable Apartments – Building B	DB502 Rev C	26/11/2021	Curzon + Partners
Building C Cover Page	DC000 Rev C	26/11/2021	Curzon + Partners
Level 1	DC101 Rev D	11/01/2022	Curzon + Partners
Level 2	DC102 Rev C	26/11/2021	Curzon + Partners
Level 3	DC103 Rev C	26/11/2021	Curzon + Partners
Level 4	DC104 Rev C	26/11/2021	Curzon + Partners
Level 5	DC105 Rev C	26/11/2021	Curzon + Partners
Level 6	DC106 Rev C	26/11/2021	Curzon + Partners
Level 7	DC107 Rev C	26/11/2021	Curzon + Partners
Level 8	DC108 Rev C	26/11/2021	Curzon + Partners
Yield Analysis – Building C	DC501 Rev C	26/11/2021	Curzon + Partners
Adaptable & Livable Apartments – Building C	DC502 Rev C	26/11/2021	Curzon + Partners
Building D Cover Page	DD000 Rev C	26/11/2021	Curzon + Partners
Level 1	DD101 Rev C	26/11/2021	Curzon + Partners
Level 2	DD102 Rev C	26/11/2021	Curzon + Partners
Level 3	DD103 Rev C	26/11/2021	Curzon + Partners
Level 4	DD104 Rev C	26/11/2021	Curzon + Partners
Level 5	DD105 Rev C	26/11/2021	Curzon + Partners
Level 6	DD106 Rev C	26/11/2021	Curzon + Partners
Level 7	DD107 Rev C	26/11/2021	Curzon + Partners
Level 8	DD108 Rev C	26/11/2021	Curzon + Partners
Yield Analysis – Building D	DD501 Rev C	26/11/2021	Curzon + Partners
Co-Living Rooms	DD502 Rev C	26/11/2021	Curzon + Partners
Civil Plans			
Cover	-	04/05/2022	Alpha Engineering & Development
General Arrangement Plan	CIV01 Rev H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 1 Of 2)	CIV02 Rev H	04/05/2022	Alpha Engineering & Development
Service and Utility Plan (Sheet 2 Of 2)	CIV03 Rev H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 1 Of 2)	CIV04 Rev H	04/05/2022	Alpha Engineering & Development
Public Domain Plan (Sheet 2 Of 2)	CIV05 Rev H	04/05/2022	Alpha Engineering & Development
Swept Path Analysis	CIV06 Rev H	04/05/2022	Alpha Engineering & Development

Public Domain Alignment Chainage and Spot Elevation	CIV07 Rev H	04/05/2022	Alpha Engineering & Development
Cut and Fill Details	CIV08 Rev H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane Road - Centreline Long Section	CIV09 Rev H	04/05/2022	Alpha Engineering & Development
Faraday Lane Lip of Gutter (Left) - Longitudinal Section	CIV10 Rev H	04/05/2022	Alpha Engineering & Development
Underdale and Faraday Lane – Boundary Long Section	CIV11 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 1 of 5)	CIV12 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 2 of 5)	CIV13 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 3 of 5)	CIV14 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 4 of 5)	CIV15 Rev H	04/05/2022	Alpha Engineering & Development
Cross Sections (Sheet 5 of 5)	CIV16 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings – Kerb Ramp and Pavement Type Granite	CIV17 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Tree Pit Detail and Typical Pavement Structure Local Road	CIV18 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings - Heavy Duty Layback And Driveway	CIV19 Rev H	04/05/2022	Alpha Engineering & Development
Council Standard Drawings – Raised Pedestrian Crossings Typical Section	CIV20 Rev H	04/05/2022	Alpha Engineering & Development
Typical Drawing for Service Conduit Under Footpath	CIV21 Rev H	04/05/2022	Alpha Engineering & Development
Landscape Design Drawings			
Landscape Plan: Ground Floor	LP01 Issue G	28/01/2022	Landscape Architecture
Landscape Plan: Level 1(North)	LP02 Issue G	12/01/2022	Landscape Architecture
Landscape Plan: Level 1(South)	LP03 Issue G	12/01/2022	Landscape Architecture
Landscape Plan: Level 2 & 3	LP04 Issue F	02/12/2021	Landscape Architecture
Landscape Plan: Level 4 & 5	LP05 Issue F	02/12/2021	Landscape Architecture
Landscape Plan: Level 6	LP06 Issue F	02/12/2021	Landscape Architecture
Landscape Plan: Level 7 (North)	LP07 Issue F	02/12/2021	Landscape Architecture
Landscape Plan: Level 7 (South)	LP08 Issue F	02/12/2021	Landscape Architecture
Schedule	LP08 Issue F	02/12/2021	Landscape Architecture
Paradigm Imagery	LP10 Issue F	02/12/2021	Landscape Architecture
Levels Plan: Level 1 (North)	LP11 Issue C	12/01/2022	Landscape Architecture
Levels Plan: Level 1 (South)	LP12 Issue B	12/01/2022	Landscape Architecture
Landscape Sections 01	LP13 Issue B	23/11/2021	Landscape Architecture
Landscape Sections 02	LP14 Issue A	02/11/2021	Landscape Architecture
Reports/Supporting Documentation			
Document Name	Date	Prepared by	
Arborist Report	1/11/2021	Tree and Landscape Consultants	
Preliminary Site Investigation	20/06/2019	Benviron Group	
Detailed Site Investigation	03/02/2020	Benviron Group	
Remediation Action Plan	07/02/2020	Benviron Group	
Geotechnical Investigation Report	13/10/2020	Benviron Group	
Acid Sulphate Assessment	13/10/2020	Foundation Earth Sciences	
Demolition Report and Activity Method Statement	2020	Elite Civil Engineering	

Waste Management Plan	1/10/2020	Dickens Solutions
BASIX Certificate – Building A, B and C	14/10/2020	GEC Consulting Pty Ltd
BASIX Certificate – Building D	12/11/2020	
Acoustic Assessment	07/05/2020	Acoustic, Vibration & Noise Pty Ltd
Preliminary Fire Safety Engineering Report	07/05/2020	Design Confidence
Proposed Consolidation Boundary	18/11/2020	Daw & Walton Consulting Surveyors
Boarding House Plan of Management	1/11/2020	Sasco Development Pty Ltd

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

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

1A. Amendments to approved plans The approved plans are to be amended prior to the issue of any construction certificate to reflect a depth of 1.2m (except as specified in condition 183) for the stratum of land to be dedicated to Council along Faraday Lane.

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

(Reason: Statutory requirement).

3. BASIX. Compliance with all commitments listed in BASIX Certificate(s):

- Buildings A, B & C: BASIX Certificate 1080973M_02 dated 14 October 2020; and
- Building D: 1082544M_03 dated 12 November 2020.

(Reason: Statutory requirement).

4. Transport for NSW (TfNSW). Any public domain works within the vicinity of the signalised pedestrian crossing on Railway Road and modification to the existing Traffic Control Signal plan will need to be reviewed and approved by TfNSW.

(Reason: Statutory requirement).

5. Ausgrid -Proximity to Existing Network Assets (Underground Cables). There are existing underground electricity network assets in RAILWAY ROAD MEADOWBANK. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after

the cables were installed. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(Reason: Statutory requirement).

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. **Sydney Trains.** During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

(Reason: Statutory requirement).

8. **Sydney Trains.** The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.

(Reason: Statutory requirement).

9. **Sydney Trains.** The Applicant/Developer shall not at any stage block rail corridor access gate(s) and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

(Reason: Statutory requirement).

10. **Sydney Trains.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

(Reason: Statutory requirement).

11. **Sydney Trains.** The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

(Reason: Statutory requirement).

12. **Sydney Trains.** Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

(Reason: Statutory requirement).

13. **Sydney Trains.** Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is North Interface and they can be contacted via email on North.Interface@transport.nsw.gov.au.

(Reason: Statutory requirement).

14. **Maximum number of lodgers allowed in the Boarding House.** A sign must be displayed in a prominent position in Building D stating the maximum number of lodgers that are permitted in the building as specified in the development consent

The maximum number of persons permitted in the building is 308 lodgers. The maximum number of persons permitted in each room as shown in the architectural plans included in Part 2, Condition 1.

(Reason: To ensure that the number of residents in the Boarding House is not exceeded).

15. **Strata Subdivision (Boarding House).** No strata subdivision of the Boarding House is permitted in any circumstances.

(Reason: Statutory requirement).

16. **Signage – Boarding House (Management).** A clearly visible sign with the name and telephone number (contactable 24 hours a day, 7 days a week) of the contact

person responsible for the management of the Boarding House must be displayed externally at the front entrance of the building.

(Reason: To assist in providing contact details).

17. **Remediation Action (RAP).** Remediation works shall be carried out in accordance with the Remediation Action Plan numbered E-2091-3 prepared by Benviron Group dated 7 February 2020. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

(Reason: To demonstrate compliance with submitted reports).

18. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

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

(Reason: Statutory requirement).

19. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of State Environmental Planning Policy No. 55 - Remediation of Land.

(Reason: Statutory requirement).

20. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:

- a) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land
- b) any relevant guidelines published by the NSW Environment Protection Authority; and
- c) any council policy or development control plan relating to the remediation of land.

(Reason: Statutory requirement).

21. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.

(Reason: To ensure security grilles or barriers are not erected without prior development consent).

22. **Signage.** No signage is approved as part of this development. Separate application is required to be submitted and approved by Council for signage on site (other than for signs falling within the Exempt & Complying SEPP).

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

23. **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).

24. **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).

25. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

(Reason: To ensure public safety).

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

(Reason: To ensure public safety).

27. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises other than approved public domain works. 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).

28. **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).

29. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

(Reason: This condition is intended 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).

30. **Road Upgrades.** The applicant must deliver the following works to mitigate the traffic impacts associated with the development:

- (a) The extension of Faraday Lane to connect with Constitution Road at its northern extremity. Faraday Lane is to be widened to provide a minimum carriageway width between kerbs of 9m. The south-western corner of the future intersection of Constitution Road and Faraday Lane is to be splayed to allow (at minimum) two 12.5m long Heavy Rigid Vehicles to safely pass each other.
- (b) Underdale Lane is to be widened to provide a minimum carriageway width between kerbs of 9m. The north-western corner of the intersection of Underdale Lane and Faraday Lane is to be splayed to allow (at minimum) a 12.5m long Heavy Rigid Vehicle to safely pass an 8.8m long Medium Rigid Vehicle.
- (c) A new pedestrian crossing (including kerb ramps) on Faraday Lane approximately 50m south of Constitution Road.

(Reason: This condition is intended to ensure that the surrounding road network is appropriately upgraded to reduce the traffic impacts generated by the approved development).

31. **Loading Dock Movement Restrictions (on Constitution Road).** All vehicle movements to and from the loading dock area via Constitution Road are to be restricted to left in /right out only. Direct access to and from See Street is prohibited.

(Reason: This condition is intended to assist with the safety of traffic movements to and from the loading dock, as well as minimise the impact to the traffic flow on Constitution Road).

32. **Road Safety Audit.** Road safety audits of all new traffic & pedestrian facilities including road upgrades, pedestrian crossings/refuges, vehicular access arrangements and other traffic devices shall be undertaken by qualified road safety auditors at no cost to City of Ryde Council.

A Stage 3 (detailed design) road safety audit report of the civil design of these traffic & pedestrian facilities must be undertaken, prior to the issue of any Construction Certificate. Any deficiencies identified within the report representing a safety risk to the public is to be appropriately addressed by the applicant to Council's satisfaction.

A Stage 4 (pre-opening) road safety audit report of the newly constructed traffic & pedestrian facilities must be undertaken, prior to the issue of any Occupation Certificate. Any deficiencies identified within the report representing a safety risk to the public is to be appropriately addressed by the applicant to Council's satisfaction.

(Reason: This condition is intended to ensure defects that pose a safety risk to future road users are identified and addressed in the design of the new traffic & pedestrian facilities).

33. **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)

34. **Works on Public Roads** – Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993. In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

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

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

Works, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

(Reason: Ensure public safety and protection of infrastructure)

36. **Land Boundary / Cadastral Survey** – As the design work relies on critical setbacks from land boundaries and subdivision of the land is proposed, a land boundary / cadastral survey is to be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

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

37. **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.)

38. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.

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

39. **Mechanical ventilation of loading docks** – All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and air-conditioning in buildings – Mechanical ventilation in buildings*.

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

40. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

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

41. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

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

42. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:

- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
- (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

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

43. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:

- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
- (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
- (c) at least 8 metres from any cooling tower.

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

44. **Tree Retention.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Tree and Landscape Consultants dated 1 November 2021, must be retained and protected: Trees 21, 22, 23 & 24.

(Reason: To ensure all trees capable of retention are appropriately retained and protected).

45. **Tree Removal.** The following trees, as referenced within the Arboricultural Impact Assessment prepared by Tree and Landscape Consultants dated 1 November 2021, are approved for removal: Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20.

(Reason: To facilitate the proposed construction works).

46. **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).

47. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.

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

48. **Fill Requirements.** Any fill to be placed within the Tree Protection Zones of existing trees is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

Reason: To ensure any fill to be placed within root zones is of a suitable type to minimise impacts to existing trees.

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

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

50. **Public Domain Embellishment.** All planting and paving works within public domain areas surrounding the development are to align with the specific requirements outlined within Chapter 5 (Meadowbank) of the City of Ryde Public Domain Technical Manual.

(Reason: To ensure public domain areas are appropriately enhanced).

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.

51. **Demolition 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 demolition occurring on the site.

(Reason: Statutory requirement)

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

- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

(Reason: To ensure adequate details are provided to Council and properties in the immediate area of the proposed works).

53. **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).

54. **Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

(Reason: to ensure work is completed in an appropriate manner).

55. **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: Safety).

56. **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.

(Reason: Safety).

57. **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: Safety).

58. **Waste Management Plan.** Demolition material must be managed in accordance with the approved waste management plan.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

59. **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: To ensure demolition materials are disposed in an appropriate manner).

60. **Disposal, 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 and must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

61. **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 the appropriate disposal of waste.)

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

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

63. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

(Reason: To ensure appropriate disposal of contaminated soil.)

64. **Removal of underground storage tanks** - The removal of the underground storage tanks must be carried out in accordance with:

- (a) Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
- (b) the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

(Reason: To ensure the safe removal of underground storage tanks.)

65. **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 Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

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

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

Due to heavy traffic congestion within the Meadowbank Education and Employment Precinct, truck movements will be restricted during the major commuter peak times being 7.00-9.00am and 4.00-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

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

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

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

- Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

(Reason: This condition is to ensure that a plan is prepared to address traffic impacts during demolition works to minimise any inconvenience and safety risks to the general public).

67. Implementation of Demolition Pedestrian and Traffic Management Plan.

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

(Reason: This condition is to ensure that the measures/protocols stated in the approved DPTMP are carried out by the builder when demolition works are being undertaken).

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

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

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

69. 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:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,400,925.53
Open Space & Recreation Facilities	\$2,412,329.03
Roads & Traffic Management Facilities	\$740,575.79
Plan Administration	\$68,307.32
<i>The contribution in accordance with the Contributions Plan is</i>	<hr/> \$4,622,137.67
Less amount excluded in accordance with a Planning Agreement under section 7.4(5) of the Act	-\$1,872,048.00
The total contribution is	<hr/> \$2,750,089.67

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, subject to the exclusion of an amount specified under the Planning Agreement to be entered into in accordance with deferred commencement condition (A) (2) of this consent.

The total contribution set out in the table above is current at the date of this consent and is 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**. 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 Street, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

(Reason: Statutory requirement).

70. **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).

71. **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).

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

(Reason: Statutory requirement).

73. **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).

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

(Reason: Statutory requirement).

75. **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).

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

(Reason: Statutory requirement).

77. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation*

times for building interiors. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

(Reason: To protect the amenity of the occupants of the building and ensure compliance with relevant noise amenity criteria in Infrastructure SEPP)

78. **Residential Apartment Noise attenuation.** A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building 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 Construction Certificate.

(Reason: Statutory requirement).

79. **Slope instability – geotechnical report required.** The subject site is located within an area of slope instability and therefore you are required to obtain a satisfactory Geotechnical Report from a qualified Geotechnical Engineer, which is to be submitted prior to the issue of a **Construction Certificate**.

(Reason: To ensure the construction of the development has taken into consideration slope instability).

80. **CCTV.** Details of the location and installation of CCTV are to be shown on relevant plans prior to the issue of the relevant Construction Certificate. Installation of CCTV is to be completed in accordance with the recommendations in the Crime Risk Assessment Report prepared by Planning Ingenuity (Ref: M180330). The operation and maintenance of the CCTV system is to be in accordance with Condition 222.

81. **Sydney Trains.** Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.

(Reason: Statutory requirement).

82. **Sydney Trains.** The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(Reason: Statutory requirement).

83. **Sydney Trains.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

(Reason: Statutory requirement).

84. **Sydney Trains.** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Statutory requirement).

85. **Sydney Trains.** Prior to the issue of a Construction Certificate a Risk Assessment! Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Statutory requirement).

86. **Sydney Trains** Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

(Reason: Statutory requirement).

87. **Sydney Trains.** No work is permitted within the rail corridor, or any easements which benefit Sydney Trains /TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Statutory requirement).

88. **Sydney Trains.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

(Reason: Statutory requirement).

89. **Sydney Trains.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(Reason: Statutory requirement).

90. **Sydney Trains.** Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

(Reason: Statutory requirement).

91. **Sydney Trains.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

(Reason: Statutory requirement).

92. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably

qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Due to heavy traffic congestion within the Meadowbank Education and Employment Precinct, truck movements will be restricted during the major commuter peak times being 7.00-9.00am and 4.00-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

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

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

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with 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 that a plan is prepared to address traffic impacts during construction to minimise any inconvenience and safety risks to the general public).

93. **Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of a 12.5m long Heavy Rigid Vehicle (HRV), as a minimum requirement. The minimum height clearance required is 4.5m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of a 12.5m long HRV 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).

94. **Construction Environmental Management Plan** - Prior to the issue of a Construction Certificate and commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council (Environmental Health). The CEMP must include, but not be limited to, the following:

- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;

- (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan;
- (c) Construction Waste Management Sub-Plan;
- (d) Construction Soil and Water Management Sub-Plan;
- (e) Flood Emergency Response;
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

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

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

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

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

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

(Reason: To ensure design of the premises meets relevant public health standards)

96. **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).

97. **Design Verification.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a registered architect that has overseen the design. This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

(Reason: Statutory requirement).

98. **Crime Prevention Through Environmental Design.** The recommendations made in the Crime Risk Assessment Report prepared by Planning Ingenuity (Ref: M180330), are to be incorporated into the development. Details of compliance are to be submitted with the plans for the relevant **Construction Certificate**.

(Reason: Assist in safety).

99. **Disabled Access.** Prior to the issue of the relevant **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).

(Reason: Ensure compliance with BCA).

100. **Acoustic Requirements.** The recommendations/treatments contained in the Acoustic Reports prepared by *Acoustic, Vibration & Noise Pty Ltd* dated *March 2 2020 and 7 May 2020* are to be demonstrated on the relevant Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant **Construction Certificate** being issued.

(Reason: To protect the amenity of the occupants of the building).

101. **Public Arts Plan.** A Public Art Plan is to be provided as part of the proposed development in accordance with Council's Public Art Policy. A Public Arts Plan is to incorporate both internal and external public spaces and is to be submitted

for approval by Council prior to the issue of the relevant **Construction Certificate**.

The public art is to be prepared by an arts and cultural planner and will be required to address relevant themes:

- i. the harbour location;
- ii. industrial history and heritage;
- iii. Aboriginal heritage; and
- iv. urban revitalisation.

(Reason: DCP compliance).

102. **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 relevant **Construction Certificate**.

(Reason: Statutory requirement).

103. **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 relevant **Construction Certificate** plans.

(Reason: Statutory requirement).

104. **Ventilation of Basement.** The basement storage areas 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 PCA prior to the issue of the relevant **Construction Certificate**.

(Reason: Ensure compliance with BCA).

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

- internal driveways,
- visitor parking areas
- around the buildings entrances and communal areas
- the plaza and streets interface.

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 the relevant **Construction Certificate**.

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

106. **Adaptable Units.** Buildings A, B & C are to have 5 adaptable/Livable apartments each (total of 15), each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the relevant **Construction Certificate** plans. Prior to the issue of the Construction, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.

(Reason: Statutory requirement).

107. **Structural engineering assessment.** Prior to the issue of any Construction Certificate, a Structural Engineering assessment report accompanied by working drawings and specifications, must be submitted to the satisfaction of Council's Heritage Officer and must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item.

The Structural Engineering assessment report, working drawings and specifications, must:

- a) Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and
- b) Demonstrate that the heritage item can be retained in a safe manner that will not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; and
- c) Demonstrate and certify that the excavation works will not cause damage to the adjoining heritage items.

(Reason: Statutory requirement).

108. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

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

- a) To minimise the potential for traffic congestion after the entry, all staff and long term parking is to be allocated in the western most traffic aisle commencing from the entry point onwards.
- b) Centreline linemarking must be implemented on approach and departure at the entry to all internal ramps so as to ensure there is a clear separation of conflicting vehicle flow between vehicles accessing / egressing the ramps.
- c) Centreline linemarking and RPM's must be implemented on approach to the corner located at the northern end of the western parking aisle on Basement Level 01, so as to ensure the separation of conflicting vehicle flow.
- d) 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.
- e) 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 in the developments structural details. 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.

These amendment(s) must be clearly marked on the plans submitted to the Accredited 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.)

109. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing kerb inlet pit fronting the site in Railway Road, generally in accordance with the plans by Alpha Engineering and Development (Refer to Project No. A20022 Dwgs SW02 to SW14 Rev D dated 9

December 2020) subject to any variations marked in red on the approved plans or noted following;

- The volume of the sump tank for the pump system must be enlarged as per the Council DCP and required by condition "*Stormwater Management – Pump System*".
- The proposed location and configuration of rainwater tank 1 presents potential for inundation of the internal retail floor area at ground level, despite the measures implemented (sealed access manholes). Such measures may potentially fail over time (inadequate seal) or may not be reinstalled correctly following any access to the tank. To circumvent this, the tank is to be relocated so as to adjoin the lift shaft and stairwell to the north, swapping the location with the bike parking on Basement Level 01. A short access shaft is to be provided at the northern end, elevated sufficiently so as to provide an exposed surcharge grate opening to the footpath along Railway Road.
- Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

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

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

110. 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 developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

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

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

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

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

(Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

112. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Railway Road will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

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

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

This engineer is to prepare the following documentation;

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

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

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

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

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

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

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

115. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
 - The location of all earthworks, including roads, areas of cut and fill
 - Location of all impervious areas

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

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

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

116. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:

- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
- b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

(Reason: To minimise the imposition of soil / rock anchors on the public domain.)

117. **Public domain improvements** - The public domain is to be upgraded in all four frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM) Chapter 5 – Meadowbank: namely Constitution Road, Railway Road, Underdale Lane and Faraday Lane frontages. 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 Meadowbank Street Tree Master Plan. The Public Domain Technical Manual identifies "Angophora costata" (Sydney Red Gum) as the designated street tree for the Constitution Road frontage, "Tristanopsis laurina" 'Luscious' (Water gum) for the Faraday Lane frontage, "Magnolia grandiflora" ('Little Gem') for the Underdale Lane frontage and "Fraxinus griffithii" (Evergreen Ash) for the Railway Road frontage of the development site.

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

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

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 AS1158.3.1:2020 *Lighting for Roads and Public Spaces*.

Subject to design, it is expected that two new street lights on multifunction poles (MFP's) will be required along each of the Constitution Road and Underdale Lane frontages and four new street lights on MFP's will be required along the Railway Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public

Domain Technical Manual (PDTM) Chapter 5 – Meadowbank. 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).

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

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the Construction Certificate. 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 linemarking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed road pavement widening and other road works into the remaining street scape.

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

- (a) The reconstruction of the road pavement width for the widened of Underdale Lane and Faraday Lane frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works and the agreed Quantity Survey final report items between Council and the Applicant
- (b) The reconstruction of the road pavement width along Constitution Road and Railway Road of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works the agreed

- Quantity Survey final report items/scop between Council and the Applicant.
- (c) Provide details of all design civil works associated with the provision of the new design layout and constructions at the new proposed intersection of Faraday Lane and Constitution Road.
 - (d) The construction of any new traffic facilities including road widening, pedestrian crossings and paths as per Council's Transport department recommendation and approval.
 - (e) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
 - (f) The construction of new kerb and gutter along the Constitution Road, Railway Road, Underdale Lane and Faraday Lane frontages of the development site. The new kerb and gutter along Underdale Lane shall be constructed to provide a 2.60m wide pedestrian footpath from the boundary line to the new face of the kerb and a 1.85m along Faraday Lane footpath strip will be under stratum requirements/conditions. Proposed kerb profiles are to be provided to ensure proper connections to existing road works is achieved.
 - (g) Construction of full width granite footway along all four frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 5 – Meadowbank.
 - (h) The civil design plans must be submitted to Council shown the existing MFPs locations/foundation, trees pit on the eastern side of Faraday Lane and the possible impact from the new proposed retaining wall along Faraday Lane.
 - (i) The Applicant must indicate the proposed new boundary alignment for number 1 Angas Street with new proposed footpath width and the new proposed retaining wall as part of number 1 Angas Street development site.
 - (j) The new retaining wall exact location and the retaining wall height, type and dimensions must be shown on the revised civil plan. The new retaining wall location in relation to the existing/proposed kerb & gutter on the eastern side of Faraday Lane shall be shown on the civil design plans.
 - (k) A detail design plans showing the numbers/types/depth of the proposed utility services within the proposed western footpath, the detail design plans must include a cross sections every 5m on the western/eastern side of Faraday Lane. The developer is responsible to ensure full compliance with the requirements of all utility service authorities including any required minimum clearances/relocation as per their requirements and specifications on the western side of Faraday Lane.
 - (l) The proposed 2 pram ramps on Constitution Road reserves must be removed from the design civil plans due to the existing rock face underneath Angas Street bridge which will block public using the footpath at this stage.
 - (m) Reconstruct the existing roundabout in Railway Road.
 - (n) Reconstruct pedestrian ramps at all pedestrian crossings of the upgraded roads.

- (o) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (p) Signage and line-marking details.
- (q) Staging of the public civil works, if any, and transitions between the stages.
- (r) 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 will take approximately 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)

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

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

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

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

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

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

(Reason: Improved access and public amenity).

120. **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 **\$100,000** 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)

121. **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)

122. **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 Assets 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)

123. **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).

124. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

(Reason: Statutory requirement).

125. **Landscape Maintenance Plan.** A plan relating to the establishment and ongoing management of proposed landscape areas is to be prepared as part of the plans and information for Construction Certificate. The plan is to provide detailed information as to how landscape areas are to be successfully established, stipulate an ongoing maintenance schedule for a specified time period of no less than twenty-four (24) months, provide details on the minimum standards to which these areas are to be maintained and describe actions to be undertaken if the landscape areas do not function as intended, including provisions for replacement planting should plant specimens fail within the identified maintenance period.

(Reason: To ensure the establishment and ongoing quality of the overall landscape scheme).

126. **Waste Management Plan.** Any changes to the Waste Management Plan dated October 2020 and response to Council further information dated 14 December 2020 or DA plans Revision B which were utilized to evaluate the waste collection by Council, have to be approved by the Waste Department at the City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected.

(Reason: To ensure provision of adequate waste facilities consistent with the submitted documents).

127. **Storage of commercial wastes** - A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes and all commercial waste must be collected from the loading dock located inside the building.

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

128. **Waste Storage Areas.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.

- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m
- 660L Bins – width 1.3m, depth 0.8m, height 1.3m

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

129. **Waste Receptacles.** 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.

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

130. **Waste rooms.** 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 any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;

- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning

Details of the proposed garbage room or storage area must be submitted for approval with the application for the Construction Certificate. Such details must include:

- the specifications and layout of all proposed waste storage and handling equipment; and
- the access to the collection point.

(Reason: Ensure Waste facilities are adequately provided).

131. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored, or food contact equipment or packaging materials are handled or stored is not permitted. Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate

(Reason: To ensure the provisions of safe food handling and public health are maintained)

132. **Construction of the Communal Laundry (Boarding House)** - The floors of all laundry areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned. The laundry areas shall be adequately ventilated in compliance with AS 1668.

(Reason: To ensure provision of safe facilities and protect the amenity of the occupants).

133. **Laundry facilities (Boarding House)** - Washing machines and sinks shall be provided at a rate of one tub per ten rooms or one tub per twelve occupants (whichever is the greater) with a minimum WELS rating of 4 stars on the

washing machines. Hot and Cold water shall be supplied to all washing machines and sinks.

The internal clothes drying facilities shall be provided at a rate of one dryer per 10 rooms with a minimum energy star rating of 4 stars and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.

(Reason: To ensure provision of adequate and safe facilities).

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

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

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.

135. **Site Sign**

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

(Reason: Statutory requirement).

136. **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).

137. **Sydney Trains.** If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

(Reason: Statutory requirement).

138. **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: Statutory requirement).

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

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

(Reason: Ensure compliance and record of works)

140. **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 four weeks prior to commencement of construction and a special consideration must be taken to number 1 and 3 - 13 Angas Street, Meadowbank. 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)

141. **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)

142. **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)

143. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.

- a) **Road Use Permit** - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) **Work Zone Permit** - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is

required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**

- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

(Reason: Legal requirement)

144. **Temporary Footpath Crossing** - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

(Reason: Ensure public amenity and safety)

145. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and line-marking.

(Reason: Ensure compliance)

146. **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.)

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

(Reason: To assist in way finding).

148. **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).

149. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Tree and Landscape Consultants dated 1 November 2021. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

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

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.

150. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

(Reason: Statutory requirement).

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

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

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

152. **Archaeology.** As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from Heritage NSW.

Note: The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

(Reason: Statutory requirement).

153. **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).

154. **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).

155. **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).

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

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

157. **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).

158. **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).

159. **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: To ensure construction materials are disposed in an appropriate manner).

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

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

161. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

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

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

(Reason: To ensure Pedestrian and Traffic management are in place).

163. **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)

164. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

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

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

166. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Alpha Engineering and Development (Refer to Project No. A20022 Dwgs SW02 to SW14 Rev D dated 9 December 2020) 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)

167. **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.)

168. **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.)

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

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

170. **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).

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

171. **Voluntary Planning Agreement (VPA).** Any person having the benefit of this consent is to comply with all of the obligations of the voluntary planning agreement that has been entered into between Council of the City Ryde, the Applicant and the registered owner of the subject land in accordance with the letter of offer to Council from Sasco Developments Pty Ltd and Shepherds Bay Holdings Pty Ltd, dated 15 July 2022.

(Reason: Statutory requirement).

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

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

173. **172. Sydney Trains.** If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(Reason: Statutory requirement).

174. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) below:

- Buildings A, B & C: BASIX Certificate 1080973M_02 dated 14 October 2020; and
- Building D: 1082544M_03 dated 12 November 2020.

(Reason: Statutory requirement).

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

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

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

(Reason: Statutory requirement).

176. **Residential Apartment Noise Attenuation.** A 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 building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration

systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of any **Occupation Certificate**.

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

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

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

(Reason: Statutory requirement).

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

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).

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

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

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

(Reason: 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).

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

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

181. **Road Widening – Faraday Lane** - The dedication of a strip of land to Council for public road in order to widen Faraday Lane will be required. The road carriageway shall be a minimum of 9.0 meters wide between the existing kerb face and the new kerb face, as well as 150mm kerb wide will be required. The new public footpath shall be 1.85 metres wide from the back of the new kerb line to the new proposed boundary line, the 1.85meters footpath shall be dedicated under stratum with minimum 1.2metre in depth from the finished footpath level. The dedication shall only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of **any Occupation Certificate**. The Plan of dedication is to be lodged and registered with the NSW Land Registry Services prior to issue of the Occupation Certificate.

(Reason: Provide upgraded infrastructure to improve traffic flow)

182. **Road Widening – Underdale Lane** - The dedication of a strip of land to Council for public road in order to widen Underdale Lane will be required. The road carriageway shall be a minimum of 9.0 meters wide between the existing kerb face and the new kerb face. The public footpath shall be between 2.48 and 2.66 meters wide between the new face of the kerb and the proposed new boundary line. The dedication shall only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of any Occupation Certificate. The Plan of dedication is to be

lodged and registered with the NSW Land Registry Services prior to issue of the Occupation Certificate.

(Reason: Provide upgraded infrastructure to improve traffic flow)

183. Land dedication –corner at Underdale Lane and Faraday Lane

intersection. - The dedication of a stratum of land 1m in depth to Council for public road for the accommodation of the kerb return at the intersection of Underdale Lane with Faraday Lane will be required. The extent of the dedication will be from the edge of the Kerb to the curved outer face of the approved building fronting the corner to ensure that council has control of the full width of footpath. The dedication shall only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of **any Occupation Certificate**. The Plan of dedication is to be lodged and registered with the NSW Land Registry Services prior to issue of the Occupation Certificate.

(Reason: Provide upgraded infrastructure to improve traffic flow)

184. 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)

185. 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)

186. **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)

187. **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)

188. **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)

189. **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)

190. **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)

191. **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)

192. **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)

193. **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)

194. **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)

195. **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)

196. **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)

197. **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)

198. **Engineering Conditions-Public Domain Works**- All outstanding civil works associated with laneways road widening and all other road works, kerb and gutter, footpath, vehicular crossings and stormwater drainage works for this development site shall be completed in accordance with Council's

specifications and to the satisfaction of Council prior to the issue of the Stratum plans/ strata plans/subdivision certificate.

(Reason: Ensure compliance)

199. **Public Domain Design and Construction Staging** – The Applicant shall be responsible for the design and construction of all public domain improvement and infrastructure works for each stage. All engineering civil works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works*, relevant Development Control Plans and in accordance with Council's specifications and to the satisfaction of Council. Council has full control to implement and impose any necessary condition to coordinate staging of the public domain work thought out the assessment phase of the development applications. All design and construction to public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Public amenity and safety)

200. **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.)

201. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump and WSUD components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any 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).)

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

The DSMP must contain the following;

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

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

203. **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 sufficient 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 that Council's Waste Service can safely access the site for the purpose of waste collection.)

204. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of 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 the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any

temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.

- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

(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.)

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

(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.)

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

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

207. **Waste Inspection.** An authorised Council waste officer is to conduct an onsite inspection 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: Ensure Compliance)

208. **Bins orders.** An order for the required bins for the residential component must be submitted prior to the issue of the Occupation Certificate.

(Reason: Ensure Compliance)

209. **Universal Council Key/Access.** Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be

installed so the contractor can access the room for servicing bins or collect the household cleanup items.

Where there will be secure access in place to the loading dock area, Council's waste team will be provided with three (3) access fobs or the relevant access code for use by the contractor to enable service, if the universal council key is not able to be utilized.

(Reason: Ensure access to the waste collection area).

210. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

(Reason: To ensure construction and fit-out of the premises meets relevant public health standards.)

211. **Allworks/methods/procedures/control measures.** Prior to the issue of an occupation certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

(a) Acoustic Report No. 2020-13 Rev 1, dated *March 2 2020 (Amended May 7, 2020)*, prepared by *Acoustic, Vibration & Noise Pty Ltd*.

(Reason: To protect the amenity of the occupants of the building and ensure compliance with submitted reports).

212. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. A maintenance policy should be established for graffiti to be painted over within two a week of the graffiti.

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

(Reason: To ensure that the area is well maintain).

213. **Security.** 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 unauthorized access to the unit.

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

(Reason: Ensure security and safety on site).

214. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. 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 Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: Ensure security and safety on site).

215. **Balcony doors.** Balcony doors 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 Certifying Authority prior to the issue of an Occupation Certificate.

(Reason: Ensure security and safety on site).

216. **Registration of retail food business – Council** - Prior to an Occupation Certificate being issued, the retail food business must submit a food business registration with Council.

(Reason: Compliance with the requirements of the Food Act)

217. **Licensing of retail meat premises** - The operator must contact the NSW Food Authority regarding the issue of a licence before trading commences.

(Reason: To ensure food business activities comply with legislative requirements)

218. **Registration of boarding house** – The perator must register the boarding house with NSW Fair Trading prior to occupation.

(Reason: To comply with NSW legislative requirements relating to Boarding houses)

219. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily

visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

(Reason: 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.

220. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the required parking allocation as follows;

Basement Level 1

- A minimum 144 retail parking spaces.
- Any staff and long term parking spaces must be located in the western most parking aisle, commencing from the boom gate entry onwards.
- Minimum 8 bicycle parking spaces

Basement Level 2 & 3

- 28 visitor spaces
- 165 residential spaces
- 82 spaces for the boarding house (including 1 staff / management space)
- 13 bicycle spaces (residential)
- 33 bicycle and 33 motorcycle spaces (boarding house)

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

221. **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.)

222. **CCTV Cameras.** Installation and maintenance of surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should also monitor at least the 50 metre vicinity outside of the building including, but not limited to, the footpath area in front and rear 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, recordings are to be archived until such time as they are no longer required.
- Recordings are to be made in a common media format such as Windows Media Player or similar or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- If the CCTV system is not operational, immediate steps are to be taken to ensure that it is returned to a fully operational condition as soon as possible. The quality of the CCTV is crucial and should be such that it can identify a person or vehicle. The positioning of CCTV is also crucial, and it is recommended that applicants of new developments seek the services of a professional security consultant when determining the layout of cameras.

(Reason: For security and safety).

223. **Balconies:**

(a) **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: Protect views from public domain area).

224. **Noise Impact.** The Public Plaza and retail premises areas must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.

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

225. **Collection of Waste.** 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: DCP compliance)

226. **Waste Signs.** 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: DCP compliance).

227. **Bulky Goods.** Residential access to the Bulky Waste Storage Room is through a booking with the Building Caretaker and residents should not have direct key access to the room. The Boarding House rooms will not have access to the Bulky Waste Cleanup Service if it is a Commercial Rated property.

Household Cleanup Bookings will be made by the Building Caretaker.

(Reason: DCP compliance).

228. **Transfer of Waste.** Staff or contractors must be employed to take the waste containers from garbage and recycling chute rooms on Basement 2 to the container bin storage room on the ground floor for servicing and to return the containers to the garbage room after servicing.

(Reason: Ensure the waste collection is maintained).

229. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.

(Reason: To ensure the proper disposal of wastewater.)

230. **Remove putrescible waste at sufficient frequency.** All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

(Reason: To prevent any nuisance or danger to health, safety or the environment)

231. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

(Reason: To prevent any nuisance or danger to health, safety or the environment)

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

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

233. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.

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

234. **Waste storage/disposal.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner and an adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. All waste storage areas must be maintained in a clean and tidy condition at all times.

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

235. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.

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

236. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.

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

237. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

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

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

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *Noise Policy for Industry (EPA, 2017)*.
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

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

Boarding House:

239. Compliance with the approved Plan of Management (Boarding House).

The operation of the boarding house shall be in accordance with the approved Plan of Management dated November 2020 and listed at Condition 1 is not to be altered without the prior approval of Council. Where there are any inconsistencies between the Plan of Management and the conditions of the consent, the conditions prevail.

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

240. Occupancy of Rooms. Each boarding room must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each boarding room the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.

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

241. Standards for places of shared accommodation. The premises must comply with the Boarding House Act 2012, Boarding House Regulation 2013 and the standards for places of shared accommodation under the Local Government (General) Regulation 2005. The maximum number of lodgers shall not exceed the requirements of Local Government (General) Regulation 2005.

(Reason: Statutory requirement).

242. Use of Communal Living Area. The internal communal living areas are not to be use between the hours of 10pm and 6am on any day.

(Reason: Ensure the development do not impact on the amenity to the residents).

243. Use of Communal Open Space. The external communal open space areas may only be used between the hours of 7.30am and 9pm.

(Reason: Ensure the development do not impact on the amenity to the locality).

244. Furniture and fittings. Furniture and fittings provided must be maintained in good repair.

(Reason: Ensure the development provide well maintained accommodation).

245. Cleaning and maintenance. The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.

(Reason: Ensure the development provide well maintained accommodation).

246. **Accessible Rooms.** The nominated accessible rooms are to be accessible rooms and designed to accommodate persons with disabilities. They are to be provided with kitchen, toilet and bath/shower room facilities in accordance with parts D, E and F of the Building Code of Australia and Australian Standards; AS 2890 and AS 1428. Priority shall be given to persons with disabilities for use of accessible rooms. Accessible rooms shall not be charged at a higher rate than other boarding rooms. An accessible parking space is to be allocate to the rooms.

(Reason: Statutory requirement).

247. **Boarding Room Fitout.** Each boarding room of the boarding house is to be provided with sufficient storage and furnishing that include the following:-

- a. Bed/s (including base and mattress);
- b. Wardrobe;
- c. Mirror;
- d. Table & chair (two chairs for double rooms);
- e. A night light or other approved illumination device for each bed;
- f. Bedside table/shelf for each bed
- g. Waste container;
- h. An approved latching device on the door; and
- i. Curtains, blinds, or similar privacy device.

(Reason: To ensure the development provide good amenity to the residents).

248. **Kitchen Fitout.** Each of the boarding house room kitchens is to be provided with a refrigerator which is also to include a freezer storage space, a sink, a cooktop with a minimum of two elements and a microwave, along with storage cupboards and 0.5m² of bench space.

(Reason: To ensure the development provide good amenity to the residents).

249. **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