



Land and Environment Court New South Wales

Case Name: **Freecity Macpark Development Pty Ltd v Council of the City of Ryde**

Medium Neutral Citation: [2025] NSWLEC 1025

Hearing Date(s): Conciliation conference on 27 August, 12 September and 15 November 2024

Date of Orders: 22 January 2025

Date of Decision: 22 January 2025

Jurisdiction: Class 1

Before: Miller AC

Decision: The Court orders that:

- (1) The appeal is upheld.
- (2) The Applicant's written request pursuant to clause 4.6 of the Ryde Local Environmental Plan 2014 seeking a contravention of the height of building development standard set out in clause 4.3 is upheld.
- (3) The Applicant's written request under clause 4.6 of the Ryde Local Environmental Plan 2014 seeking a contravention of the non-discretionary car parking development standard set out in clause 68(2)(e) of State Environmental Planning Policy (Housing) 2021 is upheld.
- (4) Development consent is granted to development application LDA2023/0320, as amended, for demolition of existing buildings and construction of a 19-storey co-living and student accommodation development, comprising 507 rooms with 2 basement levels and associated landscaping and works at 169-171 Herring Road, Macquarie Park, subject to the conditions in the annexure marked A.
- (5) The Applicant is to pay the Respondent's costs thrown away by the amendment of the Development Application, pursuant to s 8.15(3) of the *Environmental Planning and*

Assessment Act 1979, as assessed or agreed within 28 days of the date of these orders.

Catchwords: APPEAL – co-living and student accommodation – conciliation conference – agreement reached – orders made

Legislation Cited: *Environmental Planning and Assessment Act 1979*, 4.15, 4.16, 8.7, 8.15
Land and Environment Court Act 1979, s 34

Environmental Planning and Assessment Regulation 2021, ss 37, 38, Sch 7
 Ryde Local Environmental Plan 2014, cll 2.7, 4.3, 4.4, 4.6, 6.2, 6.4, 6.6
 State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chs 2, 6, ss 2.6, 6.6, 6.7, 6.9
 State Environmental Planning Policy (Housing) 2021, Ch 3, Pt 3, ss 68, 69
 State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6
 State Environmental Planning Policy (Transport and Infrastructure) 2021, ss 2.119, 2.122

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

Category: Principal judgment

Parties: Freecity Macpark Development Pty Ltd (Applicant)
 Council of the City of Ryde (Respondent)

Representation: Counsel:
 A Whealy (Solicitor) (Applicant)
 M Challari (Solicitor) (Respondent)

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

File Number(s): 2024/54712

Publication Restriction: Nil

JUDGMENT

- 1 **COMMISSIONER:** This appeal concerns a development application for the demolition of existing buildings and construction of a 19-storey co-living and student accommodation development, comprising 507 rooms with 2 basement levels and associated landscaping and works at 169-171 Herring Road, Macquarie Park. The Applicant lodged an appeal on 12 February 2024 pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the deemed refusal of the subject development application. In exercising the functions of the consent authority on 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 [100] below, are made as a result of an agreement between the parties that was reached at a conciliation conference.
- 2 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 held on 27 August, 12 September and 15 November 2024, and which I presided over.
- 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 recorded in a signed agreement filed on 22 November 2024.
- 4 The agreement follows the Council's approval of an application for an amendment to the development application pursuant to ss 37 and 38 of the *Environmental Planning and Assessment Regulation 2021* (EPA Regulation). Amendments to the plans were made to address the contentions identified by the Respondent.
- 5 The decision agreed upon is for the grant of development consent subject to conditions of consent pursuant to s 4.16(1) of the EPA Act. The signed agreement is supported by an Agreed Statement of Jurisdictional Prerequisites (Agreed Statement), which sets out the jurisdictional requirements for the

making of orders in accordance with the agreement. I have considered the contents of the Agreed Statement, together with the documents referred to therein, the Class 1 application and its attachments, and the documents that are referred to in condition 1. Based on those documents, I have considered the matters required to be considered pursuant to s 4.15(1) of the EPA Act.

- 6 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 could have made 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 following reasons:

(1) I am satisfied that consent should be granted notwithstanding the contravention of the height development standard. The development standard establishes a maximum height of building of 65m pursuant to cl 4.3 of the Ryde Local Environmental Plan 2014 (RLEP). The proposed maximum height of 67.9m represents a contravention of 2.9m above the numerical standard (11.5% exceedance). This contravention arises primarily from a change in ground levels across the site and the inclusion of additional plant areas and does not give rise to any adverse impacts. The height non-compliance is generally limited to a small area of plant and lift overrun centrally located on the top of the building. Having regard to these and the other circumstances of the case I am satisfied that:

- (a) The written request dated 14 August 2024, lodged pursuant to cl 4.6 of the RLEP, adequately establishes sufficient environmental planning grounds that justify the breach in the height of building development standard.
- (b) The written request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances of the case given that the proposal achieves the objectives of the

standard notwithstanding the non-compliance and that it will not result in any adverse impacts.

- (c) Based on the content of the written request and the parties' agreement, the proposal is in the public interest because it is consistent with the objectives of the zone and of the development standard.

- (2) I am also satisfied that consent should be granted notwithstanding the contravention of the non-discretionary development standard in respect of car parking. The non-discretionary development standard establishes a minimum car parking provision for the proposed development of 101 spaces pursuant to s 68(2)(e) of State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The proposal provides for a total of 44 car parking spaces therefore resulting in a shortfall of 57 spaces thereby being a contravention of 56.44%. This contravention is argued to be acceptable given the proposed student accommodation use, proximity to Macquarie University (which is within walking distance) and the proximity to the metro station (within 800m walking distance). Having regard to these and the other circumstances of the case I am satisfied that:

- (a) The written request dated 13 August 2024, lodged pursuant to cl 4.6 of the RLEP, adequately establishes sufficient environmental planning grounds that justify the breach in the car parking non-discretionary development standard.
- (b) The written request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances of the case given that the proposal achieves the objectives of the standard notwithstanding the non-compliance and that it will not result in any adverse impacts.

- (c) Based on the content of the written request and the parties' agreement, the proposal is in the public interest because it is consistent with the objectives of the zone and of the development standard.
- (3) The site is zoned MU1 Mixed Use under RLEP. Development for the purposes of co-living housing is permissible with consent in the MU1 zone under the RLEP. Further, regard has been had to the zone objectives and the proposal is considered to be consistent with those objectives.
- (4) In accordance with cl 2.7 of RLEP consent is sought for the demolition of an existing building on site.
- (5) The proposed development complies with the maximum floor space ratio (FSR) development standard (maximum proposed FSR of 4.93:1 where a maximum of 4.95:1 applies) in accordance with cl 4.4 of RLEP and s 68(2)(a) of the Housing SEPP (a 10% bonus is allowable).
- (6) The proposed development includes earthworks for the construction of the proposed basement levels, lower ground level and services such that cl 6.2 of the RLEP applies. Based on the Preliminary Geotechnical and Hydrogeological Assessment Report (prepared by Martens dated 26 October 2023), the Stormwater Management Report and Plans (prepared by Martens, 20 October 2023) and the recommended conditions of consent, I have considered the matters set out in cl 6.2 of the RLEP.
- (7) I am satisfied that the proposal complies with cl 6.4 of RLEP in respect of stormwater management having regard to the proposed plans (which include an onsite detention (OSD) tank), the Stormwater Management Report and Plans (prepared by Martens, 20 October 2023) and recommended conditions of consent.

- (8) Clause 6.6 of the RLEP relates to environmental sustainability and requires satisfaction that a development has had regard to the environmentally sensitive matters as specified. Having regard to the Environmentally Sustainable Design report (prepared by Steensen Varming dated October 2023) I am satisfied that the proposal incorporates sustainable practices in the building design. I note conditions are also included in this respect.
- (9) Consideration has been given as to whether the subject site is contaminated as required by s 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). A Detailed Site Investigation (prepared by Martens dated 12 August 2024) and Remediation Action Plan (prepared by Martens dated 2 September 2024) have been prepared which confirm, as required by the SEPP, that the site can and will be made suitable for the proposed development having regard to the recommended conditions of consent.
- (10) The provisions of Pt 3 Ch 3 of the Housing SEPP apply to the development. At s 69, consent cannot be granted unless certain requirements are met concerning room sizes, lot size, a manager's workspace, adequate bathroom/laundry/kitchen facilities, and bicycle and motorcycle spaces. Based on the Agreed Statement and on the architectural plans and conditions of consent, I am satisfied that each of the matters in s 69(1) of the Housing SEPP are met by the proposed development.
- (11) Further, consistent with s 69(2) of the Housing SEPP, and based on the Agreed Statement and the architectural plans, I have considered whether the building will comply with the minimum separation distances outlined in the Apartment Design Guide, whether the communal living area receives 3 hours of direct solar access, and whether the design of the building will be compatible with the desired elements of the character of the local area or the desired future character of the area.

- (12) I note also that s 68 of the Housing SEPP sets out a number of grounds on which consent cannot be refused if certain criteria is met. The proposed development meets the criteria for FSR, the size and dimensions of the communal living area, the size and dimensions of the communal open spaces, and landscaping requirements. Accordingly, consent cannot be refused on any of those grounds. The application does not comply with the minimum requirement for car parking and in this respect a cl 4.6 variation request has been submitted which I consider is justified in the circumstances as outlined at [6(2)] above. In respect of the other matters on the basis of the parties' agreement I am satisfied that the proposal complies.
- (13) The proposed development has frontage to a classified road (Herring Road) and accordingly s 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) applies. In satisfaction of the requirement the Transport Assessment Report submitted confirms that the proposal will have minimal impact to safety, efficiency and the ongoing operation of the classified road. Further s 2.122 of the TI SEPP requires that Transport for NSW (TfNSW) be provided written notice of the application given the size of the development and the access to the classified road. TfNSW was notified of the application and provided comments by letter dated 29 January 2024 which have been included in the conditions of consent. I am therefore satisfied in respect of the relevant matters.
- (14) The proposal includes the removal of 16 trees from the site therefore Ch 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) applies. The proposal is consistent with s 2.6 as consent is sought for tree removal and the impact has been found to be acceptable having regard to the Arboricultural Impact Assessment (prepared by Bluegum Tree Care and Consultancy dated May 2024) and proposed replacement planting as required by the plans and the agreed conditions of consent.

(15) The site is in the Sydney Harbour Catchment, and therefore Ch 6 of the BC SEPP applies. Based on the submitted Hydrogeology Assessment (prepared by Martens dated 26 October 2023), Stormwater Management Plan and Civil and Stormwater Plans (prepared by Martens dated 20 October 2023), I am satisfied of the matters in ss 6.6(2) and 6.7(2). Further, the development will not change any public access to recreational areas or waterbodies, and I am therefore satisfied of the matters in s 6.9(2).

(16) The parties agree that the development is not a BASIX Building within the meaning of Sch 7 of the EPA Regulation and therefore a BASIX certificate is not required.

(17) The development application was notified between 10 and 24 January 2024 and no submissions were received. Further Council has advised that the amendments to the plans do not give rise to any additional impacts that would warrant renotification.

7 Having reached the state of satisfaction that the decision is one that the Court could have made in the exercise of its functions, 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)).

8 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any evaluative judgment on the matters that were originally in dispute between the parties, or 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.

9 The Court notes:

(1) The Respondent, as the relevant consent authority, has approved under section 38(1) of the Environmental Planning and Assessment Regulation

2021, the Applicant amending Development Application No LDA2023/0320 in accordance with the following amended plans (Amended Development Application) which have been filed with the Court on 11 November 2024:

TAB	DOCUMENT	DATE
1.	Amended Architectural Plans (Rev C) prepared by Cox Architects <ul style="list-style-type: none"> - A-DA-0100 – Cover Sheet – Drawings Index - A-DA-0101 – Development summary - A-DA-1100 – Existing Site Plan - A-DA-1101 – Site Analysis Plan - A-DA-1103 – Demolition Plan - A-DA-2100 – Basement 2 Plan - A-DA-2101 – Basement 1 Plan - A-DA-2102 – Lower Ground Floor Plan - A-DA-2103 – Ground Floor Plan - A-DA-2104 – Level 1 Plan - A-DA-2105 – Level 2-14 Plan - A-DA-2106 – Level 15 Plan - A-DA-2107 – Level 16-18 Plan - A-DA-2108 – Roof Plan - A-DA-3000 – Elevations – East & North - A-DA-3001 – Elevations – South & West - A-DA-4000 – Section A - A-DA-4001 – Section B - A-DA-4002 - Car Park Ramp Sections - A-DA-5000 – Plans – Unit Layouts - A-DA-8000 – Shadow Diagrams - A-DA-8001 – Deep Soil - A-DA-9000 – Development Calculation Plan 	24 September 2024
2.	Clause 4.6 variation request – Car Parking, prepared by Ethos Urban	13 August 2024
3.	Clause 4.6 variation request – Height of Buildings, prepared by Ethos Urban	13 August 2024
4.	Statutory Compliance Assessment, prepared by Ethos Urban	13 August 2024
5.	Plan of Management, prepared by Unilodge	September 2023
6.	Statement of Changes, prepared by Unilodge	19 July 2024
7.	Sample Resident Pack, prepared by Unilodge	-
8.	Detailed Site Investigation Report, prepared by Martens	August 2024
9.	Hazardous Materials Management Pre-Demolition Survey and Register, prepared by EHO Consulting	17 May 2024
10.	Construction Traffic Management Plan, prepared by SBMG Planning	15 May 2024
11.	Waste Management Report, prepared by Elephant's Foot Consulting	25 September 2024

TAB	DOCUMENT	DATE
12.	Remedial Action Plan, prepared by Martens	2 September 2024
13.	Civil and stormwater material: <ul style="list-style-type: none"> - Existing stormwater structural inspection report prepared by 1 CCTV – 13 May 2024 <ul style="list-style-type: none"> o Existing stormwater videos x 3 (Provided on USB) - Stormwater Works Within Easement Statement, prepared by TTW – 1 August 2024 - Stormwater Investigation (Rev A), prepared by ISA Surveyors – 14 May 2024 <ul style="list-style-type: none"> o Sheet 1 of 2 o Sheet 2 of 2 	-
14.	Acoustic Assessment Report, prepared by PWNA	25 July 2024
15.	Revised Landscape Plan (Up to Rev 4), prepared by NBRS <ul style="list-style-type: none"> - LDA-0001 Cover Page (Rev 4) - LDA-0010 Landscape Principles (Rev 3) - LDA-0020 Spatial Zoning - Lower Ground & Ground (Rev 3) - LDA-0021 Spatial Zoning - Level 15 (Rev 3) - LDA-0030 Tree Management Plan (Rev 4) - LDA-0040 Deep Soil Plan (Rev 3) - LDA-1000 Landscape Masterplan (Rev 3) - LDA-2000 Detail Plan - Public Domain (Rev 3) - LDA-2100 Detail Plan - Lower Ground (Rev 3) - LDA-2200 Detail Plan - Ground (Rev 3) - LDA-2300 Detail Plan - Level 1 (Rev 3) - LDA-2400 Detail Plan - Level 15 (Rev 3) - LDA-3000 Plant Schedules & Palette (Rev 3) - LDA-3100 Planting Plan - Ground Floor Proposed Trees (Rev 3) - LDA-3110 Planting Plan - Ground Floor (Rev 3) - LDA-3200 Planting Plan - Level 1 (Rev 3) - LDA-3300 Planting Plan - Level 15 (Rev 3) - LDA-4000 Landscape Sections (Rev 3) - LDA-5000 Typ. Details 01 – Hardworks (Rev 3) - LDA-5010 Typ. Details 02 - Softworks (Rev 3) - LDA-6000 Material Palette (Rev 3) 	23 September 2024
16.	Elephants Foot Responses to Contentions	-
17.	Traffic Assessment Report prepared by JMT Consulting	24 September 2024
18.	Arboricultural Impact Assessment, prepared by Blue Gum Arborist	May 2024
19.	Correspondence from Transport for NSW to City of Ryde Council	29 January 2024

10 The Court orders that:

(1) The appeal is upheld.

- (2) The Applicant's written request pursuant to clause 4.6 of the Ryde Local Environmental Plan 2014 seeking a contravention of the height of building development standard set out in clause 4.3 is upheld.
- (3) The Applicant's written request under clause 4.6 of the Ryde Local Environmental Plan 2014 seeking a contravention of the non-discretionary car parking development standard set out in clause 68(2)(e) of State Environmental Planning Policy (Housing) 2021 is upheld.
- (4) Development consent is granted to development application LDA2023/0320, as amended, for demolition of existing buildings and construction of a 19-storey co-living and student accommodation development, comprising 507 rooms with 2 basement levels and associated landscaping and works at 169-171 Herring Road, Macquarie Park, subject to the conditions in the annexure marked A.
- (5) The Applicant is to pay the Respondent's costs thrown away by the amendment of the Development Application, pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979*, as assessed or agreed within 28 days of the date of these orders.

I certify that this and the preceding 9 pages, are a true copy of my reasons for judgment.



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H Miller

Commissioner of the Court

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: LDA 2023/0320

Development: Demolition of existing structures and construction of a 19-storey co-living and student accommodation development, comprising 507 rooms, with two basement levels, and associated landscaping and works

Site: 169 – 171 Herring Road, Macquarie Park (SP11415 and SP7929)

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

Date of determination: 22 January 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 169 – 171 Herring Road, Macquarie Park (SP11415 and SP7929).

The conditions of consent are as follows:

GENERAL

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

Plan No.	Dated	Prepared By
Architectural Plans		
A-DA-1100 - Existing Site Plan Revision C	24 September 2024	Cox Architect
A-DA-1101 Site Analysis Plan Revision C	24 September 2024	Cox Architect
A-DA-1103 Demolition Plan Revision C	24 September 2024	Cox Architect
A-DA-2100 Basement 2 Plan Revision C	24 September 2024	Cox Architect
A-DA-2101 Basement 1 PLAN Revision C	24 September 2024	Cox Architect
A-DA-2102 Lower Ground Floor Plan Revision C	24 September 2024	Cox Architect
A-DA-2103 Ground Floor Plan Revision C	24 September 2024	Cox Architect
A-DA-2104 Level 1 Plan Revision C	24 September 2024	Cox Architect
A-DA-2105 Level 2-14 Plan Revision C	24 September 2024	Cox Architect
A-DA-2106 Level 15 Plan Revision C	24 September 2024	Cox Architect
A-DA-2107 Level 16-18 Plan Revision C	24 September 2024	Cox Architect
A-DA-2108 Roof Plan Revision C	24 September 2024	Cox Architect
A-DA-3000 Elevations- East & North Revision C	24 September 2024	Cox Architect
A-DA-3001 Elevations- South & West Revision C	24 September 2024	Cox Architect
A-DA-4000 Section A Revision C	24 September 2024	Cox Architect
A-DA-4001 Section B Revision C	24 September 2024	Cox Architect
A-DA-4002 Car Park Ramp Sections C	24 September 2024	Cox Architect
A-DA-5000 Plans - Unit Layouts Revision C	24 September 2024	Cox Architect
A-DA-8001 Deep Soil Revision C	24 September 2024	Cox Architect
Landscape Plans		
LDA-0001 Cover Page (Rev 4)	23 September 2024	NBRS
LDA-0010 Landscape Principles (Rev 3)	23 September 2024	NBRS
LDA-0020 Spatial Zoning - Lower Ground & Ground (Rev 3)	23 September 2024	NBRS

Plan No.	Dated	Prepared By
LDA-0021 Spatial Zoning - Level 15 (Rev 3)	23 September 2024	NBRS
LDA-0030 Tree Management Plan (Rev 4)	23 September 2024	NBRS
LDA-0040 Deep Soil Plan (Rev 3)	23 September 2024	NBRS
LDA-1000 Landscape Masterplan (Rev 3)	23 September 2024	NBRS
LDA-2000 Detail Plan - Public Domain (Rev 3)	23 September 2024	NBRS
LDA-2100 Detail Plan - Lower Ground (Rev 3)	23 September 2024	NBRS
LDA-2200 Detail Plan - Ground (Rev 3)	23 September 2024	NBRS
LDA-2300 Detail Plan - Level 1 (Rev 3)	23 September 2024	NBRS
LDA-2400 Detail Plan - Level 15 (Rev 3)	23 September 2024	NBRS
LDA-3000 Plant Schedules & Palette (Rev 3)	23 September 2024	NBRS
LDA-3100 Planting Plan - Ground Floor Proposed Trees (Rev 3)	23 September 2024	NBRS
LDA-3110 Planting Plan - Ground Floor (Rev 3)	23 September 2024	NBRS
LDA-3200 Planting Plan - Level 1 (Rev 3)	23 September 2024	NBRS
LDA-3300 Planting Plan - Level 15 (Rev 3)	23 September 2024	NBRS
LDA-4000 Landscape Sections (Rev 3)	23 September 2024	NBRS
LDA-5000 Typ. Details 01 – Hardworks (Rev 3)	23 September 2024	NBRS
LDA-5010 Typ. Details 02 - Softworks (Rev 3)	23 September 2024	NBRS
LDA-6000 Material Palette (Rev 3)	23 September 2024	NBRS

Stormwater Management Report

Stormwater Works Letter	1 August 2024	TTW
PS01 A050 - Development Overview Plan	20.10.2023	Martens & Associates
PS01 B300 - Sediment & Erosion Control Plan	20.10.2023	Martens & Associates
PS01 B310 - Sediment & Erosion Control Details	20.10.2023	Martens & Associates
PS01 E100 - Proposed Site Drainage Plan	20.10.2023	Martens & Associates
P501 E200 - Drainage Details	20.10.2023	Martens & Associates
P501 E600 - OSD Catchment Plan, Model and Results and Easement Long Section Plan	20.10.2023	Martens & Associates
PS01 E700 Water Quality Catchment Plan Model and Results	20.10.2023	Martens & Associates

Document(s)	Dated	Prepared By

Document(s)	Dated	Prepared By
Operational Waste Management Plan	25.09..2024	Elephants Foot Consulting
Construction & Demolition Waste Management Plan	31.10.23	Elephants Foot Consulting
Construction Traffic Management Plan	15.05.2024	SBMG Planning
Demolition Report	23.11.2023	Antouns Construction
Access Assessment Report	26.10.2023	Steve Watson & Partners
Arboricultural Impact Assessment	May 2024	Bluegum Tree Care and Consultancy
Acoustic Assessment Report	25.07.24	Pulse White Noise Acoustics
Transport Assessment Report	24.09..24	JMT Consulting
Environmentally Sustainable Design	27.10.2023	Steensen Varming
Preliminary Geotechnical and Hydrogeological Assessment Report	26.10.2023	Martens Engineering
Preliminary Site Investigation	26.10.2023	Martens & Associates
Detailed Site Investigation Report	12.08.2024	Martens & Associates
Remediation Action Plan	02.09.2024	Martens & Associates
Hazardous Materials Management Pre-Demolition Survey and Register	17.05.2024	EHO Consulting
Plan of Management	September 2024	UniLodge
Macquarie Park Public Art Strategy	Oct 2023	UAP

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

2. **Use of Premises.** This consent approves the use of the premises only as a co-living development for the purpose of student accommodation and ancillary facilities. For the avoidance of doubt, the ground floor café can also service the general public.

The use of the premises for the accommodation of persons other than registered students, is not permitted.

All rooms are to be assigned and used for single and double occupancy only as noted on the approved floor plans.

Reason: To ensure the operation of the premises is in accordance with the consent.

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

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

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

Reason: Statutory requirement.

5. **Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989.**

- i. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- ii. In subsection (i), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- iii. This section does not apply:
 - a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

- 6. **Signage** - Despite any notation on the plans, this consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".

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

- 7. **Communal Facilities.** Communal facilities within the development are not to be used for commercial purposes.

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

- 8. **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.

- 9. **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.

- 10. **Erection of signs - This condition applies to a development consent for development involving building work, subdivision work or demolition work.**

- i. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

- ii. The sign must be:
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.

Reason: Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.

11. **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.

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

Reason: To ensure public safety.

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

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

14. **Protection of public domain.** The public domain 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.

15. **Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, must be altered at the cost of the person acting on the consent. The person acting on the consent must comply with the requirements (including financial costs) of the relevant utility provider (e.g., Energy Australia, Sydney Water, Telstra, TfNSW, 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.

16. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities).

Reason: To ensure that appropriate procedures are in place to assist with the safety of all affected road users within the public domain when works are being undertaken.

17. **Over Size / Over Mass Vehicles Permit.** An Oversize Overmass approval from the National Heavy Vehicle Regulator (NHVR) must be submitted to the principal certifier. The person acting on this consent must submit an application for an Oversize Overmass Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Ryde LGA.

Reason: To ensure maintenance of Council's assets.

18. **Remediation Action Plan.** The applicant must undertake the remedial works outlined in the Remediation Action Plan, prepared by Martens, Rev 2 dated 2 September 2024 prior to the issue of any construction certificate. Following site remediation works and additional site testing, a validation report is to be prepared by suitably qualified consultant and submitted to Council.

Reason: To ensure site is made suitable in accordance with the recommendations of approved Detailed Site Investigation Report and Remediation Action Plan as referenced in this notice of determination.

19. **Asbestos (signage).** On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website www.workcover.nsw.gov.au.

Reason: To comply with the requirements of the NSW WorkCover Authority.

20. **Hazardous Materials Survey Required -** Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the Registered Certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

21. **Design and Construction Standards(engineering).** All engineering plans and work inside the property must be carried out in accordance with the requirements of relevant Australian Standards. 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.

22. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas, including repairs of damaged infrastructure as a result of the construction works associated with the development, must be undertaken by the person acting on this consent in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

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

23. **Road Activity Permits.** Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website: <https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf>) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required include Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb & Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.

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

24. **Transport for NSW Requirements.**

1) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

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

25. **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.

26. **Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

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

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

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

Reason: To ensure responsible and sustainable disposal of materials generated during demolition works.

28. **Onsite litter management.** All bins onsite must remain covered when not in use to reduce the potential for litter to escape.

Reason: To ensure responsible management of litter onsite.

29. **Protection of Trees in Eloura Reserve.** Public trees within Eloura Reserve at the rear of 171-175 Herring Road Macquarie Park have not been factored in as part of the proposal to connect to and upgrade existing Stormwater infrastructure.

These works are able to proceed under the following conditions:

- i. No open cut trenching machine excavation is to be carried out under the canopy or Tree Protection Zone (TPZ) of any tree within the reserve above 2m in height. Trenching methods such as hand excavation or under boring at a minimum depth of 500-600mm below natural ground level may be used in these circumstances. Any tree roots uncovered greater than 30mm in diameter that require pruning to facilitate the works should not be severed until inspected and approved by Council's Tree Management Officers.
- ii. Protection fencing, construction type 1.8m high chain wire fencing, in accordance with AS4970-2009 Protection of trees on Construction Sites, to be installed around trees within the reserve to be retained, prior to the issue of the construction certificate.
- iii. Fencing to display a minimum of two signs that include the words "Tree Protection Zone – Keep Out". Each sign shall be a minimum size of 600mm x 500mm and the name and contact details of the Project Arborist. Signs shall be attached facing outwards in prominent positions at 10 metre intervals or closer where the fence changes direction. The signs shall be visible within the site.

Reason: To ensure protection of public trees.

30. **Tree Protection Zone.** Where the Project Arborist determines that tree protection fencing cannot be installed, the tree protection fencing needs to be removed temporarily, access within or through the Tree Protection Zone is necessary or where work will be carried out within the Tree Protection Zone (as approved and supervised by the Project Arborist):

- i. The stem and branches of trees to be retained shall be protected, as follows:
 - two layers of carpet underlay (or other padding approved by the Project Arborist) shall be installed around the stem and branches. Stem protection shall cover the stem from ground level; and
 - hardwood or treated pine timbers (100mm x 50mm) the same length as the stem or branch shall be positioned over the padding and next to each other around the stem or branch, secured together with galvanised wire or strapping. Boards shall not be nailed or screwed into the stem or branch. No part of the protection shall be secured to the tree.
- ii. The ground surface within the Tree Protection Zone shall be protected by placing geotextile fabric on the ground surface, covering this with a layer of mulch to a depth of 75mm and then placing boarding (scaffolding board, plywood sheeting or similar material) on top. The geotextile fabric and mulch shall be kept clear of tree stems by at least 50mm.
- iii. The following activities shall not be carried out within any Tree Protection Zone:

- disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel or oil);
 - stockpiling, storage or mixing of materials;
 - refuelling, parking, storing, washing and repairing tools, equipment, machinery and vehicles;
 - disposal of building materials and waste;
- iv. The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist:
- increasing or decreasing soil levels (including cut and fill);
 - soil cultivation, excavation or trenching;
 - placing offices or sheds;
 - erection of scaffolding or hoardings; and/or
 - any other act that may adversely affect the vitality or structural condition of the tree.
- v. All work undertaken within or above a Tree Protection Zone shall be supervised by the Project Arborist.
- vi. Excavation within the Tree Protection Zone of any tree to be retained shall:
- be undertaken using non-destructive methods (eg. an Airspade or by hand) to ensure no roots greater than 40mm in diameter are damaged, pruned or removed. All care shall be taken to preserve and avoid damaging roots;
 - not occur within the Structural Root Zone.

Reason: To ensure protection of public trees.

31. **Pruning Works.** The City of Ryde shall only give approval for minor pruning works. All pruning works shall be specified by the Project Arborist. All pruning shall be carried out in accordance with section 5 and by an arborist qualified in accordance with section 4.

Reason: To ensure protection of public trees.

32. **Bonds on Public Trees.** That a bond of \$20,000 for trees potentially affected by the proposed Stormwater Works within Eloura Reserve as under:

- i. That the bond be paid to Council prior to the issue of the construction certificate.
- ii. That Councils Tree Management Officer inspects the trees prior to the bond being released
- iii. That the trees shall be in good health and vigour upon inspection
- iv. That if the trees are found to be in poor condition or vigour the bond shall not be released.
- v. That the bond be released no sooner than 12 months after issuing of the final Occupation Certificate

Reason: To ensure protection of public trees.

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.

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

Council must be notified of the following particulars:

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

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

Reason: To inform the commencement of work.

34. **General Site Requirements during Demolition and Construction.** All the following are to be satisfied/complied with during demolition, construction and any other site works:

- a. All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b. Demolition must be carried out by a registered demolition contractor.
- c. A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d. No blasting is to be carried out at any time during construction of the building.
- e. Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g. Any demolition and excess construction materials are to be recycled wherever practicable.
- h. The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i. All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j. Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k. All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

- l. Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m. Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- n. Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- o. Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- p. All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

Reason: To ensure minimal disruption to the local area and to ensure demolition, building and any other site works are undertaken in accordance with relevant legislation and policy.

35. **Asbestos (records of disposal & licensed waste facility).** Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

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

Reason: To ensure appropriate disposal of asbestos materials.

37. **Contaminated soil disposal.** All potentially contaminated soil excavated during demolition 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.

38. **Contaminated waste to licensed EPA landfill.** Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

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

39. **Waste data maintained.** A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

40. **Storage and removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

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

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

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

42. **Classification of Waste.** Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA's Waste Classification Guidelines, Part1: Classifying Waste (2014). The materials must also be transported and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the requirements of their relevant classification.

Reason: Environmental protection.

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

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

44. **Sediment and Erosion Control measures.** Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

45. **Erosion & sediment control measures.** Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

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

46. **Compliance with Hazardous Materials Survey Report.** All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

Reason: To ensure controls are in place for contamination management in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021.

47. **Discontinue waste bins onsite.** Prior to demolition works the property owner must complete a discontinue waste services form and submit it to Council so bins can be removed from site. Forms are available on the Council website.

Reason: To ensure bins are removed from site to reduce potential misuse, contamination, and damage

48. **Waste resource management.** While demolition work is being carried out, the waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Development Control Plan for Waste Minimisation and Management must be implemented.

Reason: To ensure responsible and sustainable disposal and/or recovery of materials generated during 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.

49. **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 Facilities	\$1,813,384.20
Open Space & Recreation	\$3,496,109.10
Transport & Traffic Facilities	\$247,815.30
Plan Preparation & Administration	\$83,359.20
Total Contribution	\$5,640,667.80

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

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

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

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

Reason: Statutory requirement.

50. **Construction Management Plan.** Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Council or Registered Certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

Reason: Safety, amenity and protection of public infrastructure and the environment.

51. **Compliance with Acoustic Report.** Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified Acoustic Consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Pulse White Noise Acoustics, no. 230558, R3, dated 25 July 2024.

Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustics Society.

Reason: To ensure appropriate noise attenuation measures are used.

52. **Mechanical Ventilation - Certification of Compliance.** Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Council or Registered Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings and relevant Australian Standards.

Reason: To ensure adequate mechanical ventilation is provided.

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

Reason: Statutory requirement.

54. **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.

55. **Long Service Levy.** Before the issue of the relevant construction certificate, the long service levy of 0.25% of the cost of works must be paid to the Long Service Corporation

of Council under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to principal certifier.

Reason: Statutory requirement.

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

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

- Identify opportunities for the integration of public art in the proposed development.
- Identify themes for public art consistent with Part 4.5, Section 5.10 of DCP 2014 & options considered.
- Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area.
- The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate.
- The proposal should provide engineer's drawings and demonstrate:
 - Australian building standards requirements and codes for the structural design.
 - Sound practices for fabrication and construction, and materials appropriate for application.
 - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.

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

57. **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.

58. **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.

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

This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates.

Reason: To maintain consistent architectural oversight.

60. **Lighting of Common Areas.** 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 building entrances and communal areas,
- all open space areas within the site.

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

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

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

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

61. **Ventilation of Car Park.** The basement car park must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia.

Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the Construction Certificate.

Reason: Health and to ensure architectural consistency.

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

Reason: Protection of acoustic amenity.

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

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

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

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

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

65. **Stormwater - Drainage Design Submission.** Before the issue of a construction certificate, drainage design plans are to be prepared and certified by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) and provided to Council's City Infrastructure Department for approval. The plans must include the following:

- a) Location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e., utility services).
- b) A drainage system longitudinal section showing the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e., utility services).
- c) Special details including non-standard pits, pit benching and transitions must be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- d) The grate of pit S0750600 to be upgraded to Cycle friendly Galvanised Iron Grate.

All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment).

Reason: To ensure the stormwater civil design complies with the Australian Standards and Council's requirements and has sufficient details to obtain a construction certificate.

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

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

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

The CPTMP must include but not limited to the following:

- i. 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 Council's Traffic Services Department.
- v. Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard Manual of Uniform Traffic Control Devices (AS1742.3-2019),
 - TfNSW' Traffic Control at Work Sites technical manual; and
 - Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

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

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

- a) Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.

- b) The payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c) The provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

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

68. **Public Domain Improvements – Design for Construction Certificate.** The public domain is to be upgraded along the Herring Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park. 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 Infrastructure Directorate, prior to the issue of the relevant Construction Certificate.

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

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

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

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

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

Subject to design, it is expected that one new street light on multi-function pole (MFP) will be required along the Herring Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park. The consultant shall liaise with Council's City Infrastructure 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 Infrastructure 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 Infrastructure Directorate.

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

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

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

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and line-marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed road pavement 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 and upgrade of one road lane for the Herring Road frontage of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works.
- b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- c) The construction of new kerb and gutter along the Herring Road frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Herring Road.
- d) Construction of full width granite footway along the Herring Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park.
- e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.

- f) Signage and line-marking details.
- g) Staging of the public civil works, if any, and transitions between the stages.
- h) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

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

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

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

Prior to the issue of the relevant Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath 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 Off-street Parking and Council's specifications. The new crossing shall be 6.5m wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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 relevant Construction Certificate.

Reason: Improved access and public amenity.

71. **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 \$78,000 shall be lodged with the City of Ryde prior to the issue of a the relevant 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 and identification of defects not visible at final inspection.

72. **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.

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

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

Reason: Record of civil works.

74. **Vehicle Access & Parking.** All internal driveways, vehicle access ramp, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards) for all types of vehicles accessing the parking area.

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

75. **Stormwater Management.** To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and discharged to the approved point of discharge in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management), associated annexures, and generally in accordance with the approved Stormwater Management. Accordingly, detailed engineering plans and certification demonstrating compliance with this condition 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.

76. **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 Construction Certificate.

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

77. **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 (Stormwater drainage).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (Stormwater drainage), 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.

The subsurface drainage system must be designed such to prevent constant, ongoing discharge to the public drainage network. In the presence of constant subsurface seepage which would result in the tank having to discharge frequently (every 2 or 3 days in dry periods) the stormwater system must either discharge directly to the inground public drainage infrastructure or the sump volume increased to accommodate at least 7 days of such seepage.

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.

78. **Geotechnical Design, Certification and Monitoring Program.** Before the issue of a Construction Certificate, a suitably qualified and practicing engineer having experience in the geotechnical and hydrogeological fields 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 properties;
 - 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;
 - 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.

Details are to be provided to the principle certifier for approval.

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

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

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

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

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

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

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

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

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

81. **Service Vehicle Access.** Before the issue of a Construction Certificate, a suitably qualified Traffic Engineer must submit swept path and vehicle clearance plans demonstrating that the largest/longest vehicle required to access the site can enter, turnaround within the internal loading/manoeuvring areas and exit the site in a safe and efficient manner.

These plans are to be submitted to the satisfaction of Council and the principal certifier and include the following information:

- a) Ramp grades;
- b) Transitions and height clearance for the safe forward in and forward out access of a 8.8m long garbage truck;
- c) The minimum height clearance required is 4m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes; and
- d) Swept paths diagrams including details of the road, kerb line, line marking, signs, traffic devices, power poles, other structures, and neighbouring driveway.

Reason: To ensure service vehicles are provided with the necessary access and clearance.

82. **Design amendments.** Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

Amended Landscape Plan. The following details must be shown on an amended Landscape Plan:

- a)
- b) Provide an access path around the building for maintenance and for residents to walk. This will be most relevant where outdoor common areas are separated from boundary planting by retaining walls.

Amended Arboricultural Impact Assessment (AIA): The following additional information must be included to an addendum to the AIA:

- a) assessed the impact of the proposed stormwater pipe in the existing easement on the existing trees in 173 and 175 Herring Road and Elouera Reserve
- b) Assessed the impact of the upgrading of the Public Domain footpath to Granite Paving on the existing trees particularly tree 26.

The amended Landscape Plans and AIA are to be submitted to and approved by Council's Development Landscape Architect and the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

83. **Soil Depth over Structures.** Before the issue of a Construction Certificate, where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting. Information verifying that the development complies with these requirements are required to be submitted and approved by the principal certifier.

Reason: To ensure the sufficient depth of soil for the proposed plants.

84. **Irrigation.** Before the issue of a Construction Certificate, an automatic irrigation system shall be notated on the landscape plane. The automatic irrigation system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. The systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted and approved by the principal certifier.

Reason: To provide sufficient water for approved lawns and vegetation.

85. **Waste vehicle access.** Before the issue of a construction certificate, amended plans demonstrating suitable vehicle clearance plans for the proposed private waste collection vehicle being a Medium Rigid Vehicle (8.8 metres long and 4 metre height clearance which should be measured from the floor to the lowest point of any overhead structures including roller shutter doors). These must demonstrate that the vehicle can enter, turnaround within the internal loading/manoeuvring areas and exit the site in a safe and efficient manner. These plans are to be submitted to the satisfaction of Council's Waste Department and the principal certifier.

Reason: To ensure Waste collection vehicles are provided with the necessary access and clearance.

86. **Waste storage areas.** Before the issue of a construction certificate, the principal certifier must be satisfied the construction certificate plans ensure that all waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through the opening including the door as follows:

- 1,100L bins - width 1.4m, depth 1.1m, height 1.4m;
- 660L bins - width 1.3m, depth 0.8m, height 1.3m; and
- 240L bins - width 0.6m, depth 0.8m, height 1.1m.

Reason: To ensure all bins fit through the required storage doorway.

87. **Waste storage within apartments.** Before the issue of a construction certificate, the principal certifier must be satisfied the Construction Certificate plans ensure 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 residents are provided with dedicated spaces for waste and recycling bins for source separation.

88. **Waste storage (design).** Before the issue of a construction certificate, the principal certifier must be satisfied the Construction Certificate plans ensure that all general, recycling, and bulky item waste rooms are in accordance with the following requirements:

- Commercial/retail waste rooms are separated from residential waste rooms;
- The rooms must be of adequate dimensions to accommodate all waste containers, and allow easy access to the containers for users and servicing purposes;
- The floor must be of concrete construction with a smooth and 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 sewer system;
- The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water;
- The walls must be constructed of brick, concrete blocks, or similar solid material, and cement rendered to a smooth even surface and painted with a light-coloured washable paint;
- The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light-coloured washable paint;
- 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;
- 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;
- The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- The room must be provided with adequate artificial lighting; and
- A hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Reason: To ensure waste collection areas are appropriately designed during building operations.

89. **Waste management plan (changes).** Before the issue of a construction certificate, any changes to the Waste Management Plan (Elephants Foot, 25/09/2024, Revision I) and approved Architectural Plans (COX, 24/09/2024, Revision C) which were utilised to evaluate waste collection by Council, must be approved by Council's Waste Department.

Reason: To ensure appropriate waste management.

90. **Bulky waste storage (residential).** Before the issue of a construction certificate, bulky waste storage room details are to be provided on amended plans demonstrating the details below to Council's Waste Department's approval:

- on-site storage for bulky waste items must be provided at a rate of 5m² per 30 units.
- larger developments with 100 or more units must use Council's sliding scale.
- bulky waste storage room opens directly onto the loading bay with a 1.5m wide doorway.

Reason: To ensure dedicated space is provided for large and heavy items near the loading area to reduce manual handling and potential illegal dumping at the kerbside. Sightlines for waste collection vehicles.

91. **Sightlines for waste collection vehicles.** Before the issue of a construction certificate, construction certificate plans are to notate traffic signal or mirrors to ensure the waste collection vehicles can safely access the site as there are insufficient sightlines available, to the satisfaction of the principal certifier.

Reason: To ensure waste collection vehicles can safely access the site for servicing.

92. **Food Organics Garden Organics.** Before the issue of a construction certificate, a Waste Management Plan is to be submitted to Council for approval illustrating how all tenancies will provide a Food Organics and Garden Organics (FOGO) service with the following details:

- a 80% diversion rate from landfill in accordance with the 'NSW Waste and Sustainable Materials Strategy 2041' and Council's Waste DCP provisions.
- operational details of the FOGO service that is to be provided for all tenancies within the development site including (but not limited to):
 - storage requirements
 - required waste infrastructure and equipment (within individual tenancies and communal waste storage areas)
 - collection infrastructure.

Confirmation of Council approval is to be provided to the principal certifier.

Reason: To ensure future residents have access to organics disposal and recycling services.

93. **Waste collection on private driveways and roads.** Prior to issue of a construction certificate, details of the private roads and driveways used for waste collection are to be submitted to Council's Waste Department to confirmed that they are rated for 24 tonne trucks. Confirmation of Council approval is to be provided to the principal certifier.

Reason: To ensure driveways are designed for continues impact from heavy waste collection vehicles.

94. **Waste generation (residential).** Before the issue of a construction certificate, the principal certifier must be satisfied the waste management plan and construction certificate plans reflect the required number of bins for this site using Council's standard service structure being waste collected thrice weekly in 1100 litre bins and recycling collected twice weekly in 660 litre bins. This site will require:

- 7 x 1100 litre waste bins collected 3 times a week
- 14 x 660 litre recycling bins collected 2 times a week.

Condition reason: To ensure consistency with Council's standard waste collection services.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

95. 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.

96. Excavation adjacent to adjoining land

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

Reason: Statutory requirement.

- 97. **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.

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

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

- 99. **Stormwater - Pre-Construction CCTV Report.** Before any site work commences, an electronic closed circuit television report (track mounted CCTV camera footage) must be prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site, to the satisfaction of Council.

Note: The person acting on the consent must contact Council's City Infrastructure Department to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report must be in accordance with Council's fees and charges and must be paid at the time that the report is submitted.

The downstream line from (S0750600-S075050) must be CCTV investigated.

Reason: To verify the structural integrity of the stormwater network.

100. **Notice of Intention to Commence Council Drainage Works.** Prior to commencement of the {Council drainage works}, Council's City Works Directorate shall be notified for written acceptance.

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.

Reason: To ensure Council's City Works Directorate is notified about the intention of commencing drainage works.

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

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

Reason: Ensure compliance and record of works.

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

Reason: Ensure compliance and record of works.

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

Reason: Ensure compliance and communicate Council's requirements.

104. **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.

105. **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 from 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.

106. **Road Occupancy Licence.** Before work commences, a Road Occupancy Licence (ROL) obtained from NSW Transport Management Centre must be submitted to Council's Traffic Services Department and the principal certifier 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.

107. **Recommendations from expert report.** The recommendations provided in the Arboricultural Impact Assessment prepared by Bluegum dated 05/2024 outlined in: "Section 6 Recommendations", are to be implemented.

Reason: To ensure the recommendations of the expert report are implemented.

108. **Tree Retention.** Before any site work commences, the following trees as identified in the Arboricultural Impact Assessment (AIA) prepared by Bluegum dated 05/2024 shall be retained and protected:

Tree No.	Species "Common name"	Notes
1	<i>Eucalyptus botryoides</i> (Bangalay)	In adjoining property.
2	<i>Eucalyptus botryoides</i> (Bangalay)	In adjoining property.
3	<i>Eucalyptus botryoides</i>	In adjoining property.

	(Bangalay)	
5	<i>Syncarpia glomulifera</i> (Turpentine)	In adjoining property. Horizontal boring of Stormwater pipe
6	<i>Syncarpia glomulifera</i> (Turpentine)	In adjoining property. Horizontal boring of Stormwater pipe
7	<i>Syncarpia glomulifera</i> (Turpentine)	In adjoining property. Horizontal boring of Stormwater pipe
8	<i>Syncarpia glomulifera</i> (Turpentine)	In adjoining property. Horizontal boring of Stormwater pipe
11	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	In adjoining property.
18	<i>Eucalyptus microcorys</i> (Tallowwood)	In adjoining property.
19	<i>Eucalyptus microcorys</i> (Tallowwood)	In adjoining property.
20	<i>Eucalyptus microcorys</i> (Tallowwood)	In adjoining property.
21	<i>Eucalyptus microcorys</i> (Tallowwood)	In adjoining property
22	<i>Pittosporum undulatum</i> (Native Daphne)	In adjoining property.

Reason: To ensure the health of existing trees to be retained.

109. **Tree Protection.** Before any site work commences, all tree protection works including installation of any fencing is to be undertaken which include the following as indicated in the Arboricultural Impact Assessment Attachment C – Tree Protection Plan prepared by Bluegum dated 05/2024.

Reason: To protect existing trees to be retained before any works on site commences.

110. **Project Arborist.** Before any site work commences, 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 in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. All work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

Reason: To ensure tree protection measures and the nature of works are appropriate and not detrimental to the health of the trees on site.

111. **Project Arborist – Contact Details.** Before any site work commences, City of Ryde is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, City of Ryde is to be notified, in writing, within 7 working days.

Reason: To ensure the Project Arborist can be readily contacted in regard to the required tree protection measures.

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.

112. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Reason: Statutory requirement.

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

Reason: To protect the amenity of the neighbourhood.

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

Reason: To protect the amenity of the area.

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

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

116. **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.

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

Reason: To ensure Council Officers can access the consent during any site inspection.

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

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

119. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point(s). 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.

120. **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 and any requirements of Council in relation to the connection to the public drainage system.

Reason: To ensure the stormwater system is constructed as approved.

121. **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.

122. **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.

123. **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.

124. **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 building layout is per approved plans.

125. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- Fill is allowed under this consent.
- The material constitutes Virgin Excavated Natural Material as defined in the Protection of the Environment Operations Act 1997.
- the material is reused only to the extent that fill is allowed by the consent.

Reason: Statutory requirement.

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

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

- a) Upon connection to Council's existing kerb inlet pit.
- b) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths, and driveways) with all disturbed areas satisfactorily restored.

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

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

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

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

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

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

Reason: Ensure compliance with relevant standards.

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

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

130. **Tree Removal.** While site work is being carried out, as identified in the Arboricultural Impact Assessment prepared by Bluegum dated 05/2024. The following trees on site are to be removed:

Tree No.	Species "Common name"
4	<i>Olea europaea subsp. africana</i> (African Olive)
9	<i>Fraxinus griffithii</i> (Evergreen Ash)
10	<i>Fraxinus griffithii</i> (Evergreen Ash)
12	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)
13	<i>Eucalyptus botryoides</i> (Bangalay)
14	<i>Lophostemon confertus</i> (Brush Box)
14a	<i>Cinnamomum camphora</i> (Camphor Laurel)
15	<i>Cinnamomum camphora</i> (Camphor Laurel)
16	<i>Cinnamomum camphora</i> (Camphor Laurel)
17	<i>Lophostemon confertus</i> (Brush Box)
17a	<i>Cinnamomum camphora</i> (Camphor Laurel)
22a	<i>Olea europaea subsp. africana</i>

	(African Olive)
23	<i>Melia azedarach</i> (White Cedar)
24	<i>Olea europaea subsp. africana</i> (African Olive)
25	<i>Agonis flexuosa</i> (Willow Myrtle)
26	<i>Cupressus sp</i> (Cypress Pine)

trees approved for removal are removed.

Reason: To ensure only the specified

131. **Project Arborist Inspections.** While site work is being carried out, the Project Arborist is to issue Certificates of Compliance to the principal certifier verifying that inspections have been undertaken at each relevant project phase as required by Section 5 Monitoring and Certification of AS4970-2009 as follows.

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage. Issue a Certificate of Compliance of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance, and any deviation from approved plan	Maintain or amend protective measures. Supervision and monitoring formal notification of any deviation from approved tree protection plan
Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works. Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures. Certification of tree protection and soil rehabilitation for Protected Trees
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works. Certification of tree protection if necessary

Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained.

132. **Tree works (Australian Standards).** While site work is being carried out, all tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

Reason: To ensure that any tree work is carried out by a qualified Arborist.

133. **Tipping Dockets (construction).** While site work is being carried out, Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation and Management Plan for spot inspections.

Reason: To ensure responsible and sustainable disposal of materials generated during demolition works.

134. **Site maintenance (waste).** While site work is being carried out, the area surrounding the construction site must be secured and maintained, including the nature strip, to reduce incidences of illegal dumping and litter.

Reason: To ensure the waste is contained onsite for responsible disposal and impact to street amenity is reduced.

135. **Waste vehicle access to neighbouring lots.** While site work is being carried out, the roadway must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Unobstructed access to neighbouring lots must be maintained to ensure waste collection can be provided during 5AM to 11 AM on waste collection days.

Reason: To ensure waste collection services can be provided to neighbouring lots of construction sites.

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.

136. **Landscaping.** All landscaping works approved by Condition 1 are to be completed prior to the issue of Occupation Certificate.

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

137. **Design Verification.** Prior to Occupation Certificate being issued to authorise a person to commence occupation or use of a building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued.

Reason: To ensure design consistency.

138. **Plan of Management.** Prior to the issue of Occupation Certificate, an amended Plan of Management, reflecting any changes as introduced through this consent must be submitted to the Council or Private Certifier.

Reason: To ensure the appropriate use of the site.

139. **All works/methods/procedures/control measures.** Prior to the issue of 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 prepared by Pulse White Noise Acoustics, no. 230558, R3, dated 25 July 2024.

Reason: To demonstrate compliance with submitted reports.

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

Reason: To ensure the delivery of public art.

141. **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.

142. **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 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.

143. **Stormwater - Works-as-Executed Plans.** 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.

144. **Stormwater - Post-Construction CCTV Report.** Before the issue of occupation certificate, a post-construction electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator, is to be submitted to the satisfaction of Council's City Infrastructure Department. The report must detail:

- Date and time of inspection
- Condition of the existing drainage line adjacent to the site
- Comparison of the pre-commencement condition of the existing drainage line to the current condition
- If required rectification works required to Council's drainage network.
- The downstream line from (S0750600-S075050) must be CCTV investigated.

Note: The person acting on the consent must contact Council's City Infrastructure Department to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

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

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

145. **Loading Dock Management Plan.** Before the issue of the occupation certificate, a Loading Dock Management Plan must be prepared to the satisfaction of Council, providing the following information at a minimum:

- a) Vehicle types permitted to access the loading dock.
- b) Management of the loading dock 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 the verge);
- c) Delivery requirements and service schedules;
- d) Operational aspects on how to use facilities; and
- e) Management duties and responsibilities.

All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment).

Reason: To assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.

146. **Framework Travel Plan.** Before the issue of the occupation certificate, a final Framework Travel Plan (FTP) must be prepared to the satisfaction of Council's Traffic Services Department detailing:

- i. Adopt targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode.
- ii. Develop measures to achieve the targets including a list of specific tools or actions.
- iii. Develop monitoring scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.
- iv. Adopt strategies and procedures to meet mode share target in Macquarie Park as stated in Ryde Integrated Transport Strategy for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to and within the Macquarie Park Corridor.
- v. Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the mode share target for the development for the journey-to-work.
- vi. Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-sitelinks where required.
- vii. Provide, to Council satisfaction, supportive infrastructure for:
 - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is required to service the additional demand from the development or meet relevant mode share targets for the development.
 - Taxi drop-off areas and car share dedicated parking within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development.
 - Walking and cycling (lockers and end-of-trip facilities).

It is recommended that the plan consider an Opal Card with credit and information pack on public transport to be provided to the new residents to encourage use of public transport.

The FTP must be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment)..

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

147. **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.

148. **Compliance Certificates – Vehicle Footpath Crossing and Gutter Crossover.** A Compliance Certificate shall be obtained from Council's City Infrastructure 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.

149. **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 Occupation Certificate.

Reason: Ensure Compliance.

150. **Restoration – Supervising Engineer's Certificate.** Prior to the issue 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.

151. **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.

152. **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.

153. **Compliance Certificate – External Landscaping Works.** Prior to the issue of the relevant 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.

154. **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.

155. **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.

156. **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.

157. **Post-Construction Dilapidation Report - Public Domain.** 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 any 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.

158. **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.

159. **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.

160. **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 Infrastructure Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the

issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

Reason: Ensure Compliance.

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

Reason: Public amenity and safety.

162. **Council Road Pavement Dilapidation Fee.** A Road Pavement Dilapidation Fee is payable, prior to issue of any Occupation Certificate, to offset the significant acceleration of the serviceable lifespan of Council road pavement resulting from dilapidation during demolition and construction phases of the development works. The following documentation is to be provided to Council to enable calculation of the fee in accordance with Council's current Schedule of Fees and Charges:

- Approved Construction Traffic Management Plan (CTMP) detailing approved routes of heavy vehicles to and from the site during the demolition and construction phases.
- Documentation detailing the Gross Floor Area (GFA) of any structures to be demolished as part of the development works.
- Documentation detailing the Gross Floor Area (GFA) of the proposed or completed structures, constructed on the development site, in accordance with the approved development plans.

The applicant is to pay the fee based on the above documentation and Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to issue of any Occupation Certificate.

Reason: Protection and maintenance of Council Road pavement assets.

163. **Engineering Condition – Public Domain Works.** All outstanding civil works associated with the public domain 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 any Occupation Certificate.

- Pedestrian Management.
- Traffic Control.
- Construction Traffic Management.
- Environmental Management.
- Validity of Road Activity Permits.

Any aspects of non-compliance will be communicated to the developer and the site foreman for immediate rectification. Depending on the seriousness of the aspect of non-compliance, Council's Rangers and/or Building Compliance Team may be notified to take further action.

Reason: Compliance with Council's Construction practices.

164. **Security (Mail Room, Storage Areas and Bike Storage).** The mail room must be lockable and capable of being accessed by student swipe cards. CCTV cameras inside this area must be operational to mitigate the risk of parcel theft. An Australia Post Locker must be provided for deliveries.

Storage areas are to be concealed so that public cannot see private belongings in storage.

Bike storage areas are to be installed with internal and external CCTV cameras to prevent bicycle theft. Swipe card access to these areas is to be provided via an alarmed door.

Reason: Security.

165. **Stormwater Management (Covenants).** Positive covenant(s) must be registered on the title of the subject property pursuant to the relevant section 88 of the Conveyancing Act (1919) in relation to the following stormwater components, wherever these are present in the constructed Stormwater Management system:

- a) onsite detention system,
- b) pump/ sump,
- c) charged/ siphonic configuration (where the system discharges against the fall of the land), and,
- d) onsite disposal/ absorption system.

Engineering certification must be submitted with the "Application Form for Endorsement of Title Encumbrances" (available from Council's website), with the drafted version of the terms so as to ensure the components are completed as per the approved plans. The terms of the covenant(s) are to be in accordance with the Council's standard terms. Any variation to the terms is at the discretion of Council.

The positive covenant(s) must be registered on the title prior to the release of any Occupation Certificate for areas of the development reliant upon these component(s).

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).

166. **Drainage System Maintenance Plan.** A drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development. The DSMP must contain the following:

- a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD

- components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (e.g., OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
 - e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
 - f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

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

167. **Positive Covenant (Onsite Waste Collection).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review and the covenant must be registered on the title prior to the release of 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.

168. **Engineering Compliance Certificates.** Before the issue of Occupation Certificate, a compliance certificate prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing:

- 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 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).
- d) Compliance certificate from Council confirming that all external works in the public road reserve and any alteration to Council assets located in the property (if applicable) have been completed to Council's satisfaction.
- e) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- g) 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.
- h) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (Stormwater drainage), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- j) 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.

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.

169. **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.

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

Reason: To ensure the effective operation of the car share arrangement.

171. **Lot consolidation.** Lots SP11415 and SP7929 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by Council's Spatial Data Services section is to be submitted to the Principal Certifying Authority prior to the issue of final Occupation Certificate.

Reason: To ensure the orderly development of land.

172. **Final Assessment of Trees.** At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of Occupation Certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.

Reason: To ensure the existing trees have been maintained in a viable condition.

173. **Completion of landscape and tree works.** Before the issue of Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

174. **Waste travel paths.** Before the issue of an occupation certificate, the paving from the waste storage areas to the collection point must be moderately graded in accordance with Council's Development Control Plan Waste Minimisation and Management with no steps or uneven surfaces so that bins can be safely and easily be transported.

Reason: To ensure waste bins can be efficiently and practically transported with reduced manual handling.

175. **Surveillance** - It is recommended that the premises install CCTV cameras as outlined below:

- i. The person acting on this consent must install and maintain CCTV to monitor and record all entrance and exit points to the buildings within the development, including both retail/commercial and residential areas. CCTV should include the foyer area to the buildings. The cameras should also monitor the 50-meter vicinity outside the buildings, including but not limited to, the footpath area in-front of the premises. CCTV should also cover any communal areas, retail and public spaces, car parks and the loading bay. Recordings should be made twenty-four (24) hours a day, seven (7) days a week.
- ii. As a minimum, CCTV at entry and exit points **MUST** record footage of a nature and quality in which it can be used to identify a person recorded by the camera. Police strongly recommend that CCTV be a minimum of 30 frames per second. 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.
- iii. The time and date must automatically be accurately recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before it can be reused and destroyed.

- iv. If requested by police, the applicant or body corporate is to archive any recording until such time it is no longer required.
- v. Recordings made are to be in 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.
- vi. The CCTV control system should be located within a secure area of the premise and only accessible by authorised personnel.
- vii. If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- viii. CCTV should be installed throughout the carpark area and loading dock, and should include the entry and exit points to the carpark and loading dock.

Reason: To ensure public Safety – as recommended by NSW Police Force.

176. Lighting - Lighting shall be installed as outlined below:

- i. The areas around entrances and communal areas should be well lit and that all lighting should be designed to Australian and New Zealand lighting standards.
- ii. Sensor lighting should be installed into areas of concealment.
- iii. The walls and ceilings of the carpark area and loading dock should be painted a light colour. This can assist in reducing power consumption in order to comply with the Australian and New Zealand lighting standards. It also ensures that the lighting within the carpark and loading dock is consistent without creating dark areas which can often be a target for criminal activity.
- iv. Particular attention should be paid to the lighting placed along pedestrian pathways, as well as communal open spaces, the carpark and loading bay.

Reason: To ensure public Safety – as recommended by NSW Police Force.

177. Access Control – Access in the building shall be controlled by:

- i. All areas should be fitted with doors that comply with Australian and New Zealand Standards.
- ii. All locks fitted to the doors should be of a high quality to meet Australian and New Zealand Standards.
- iii. Any glass within these doors should be laminated to enhance the physical security of the doors.
- iv. Fire doors to the development should meet Australian and New Zealand Standard, to restrict unauthorised access throughout the development.

Reason: To ensure public Safety – as recommended by NSW Police Force.

178. Territorial Re-enforcement - Clear delineation of public and private land and way finding shall be provided by:

- i. Signage needs to be provided at entry/exit points and throughout the development to assist users. Signs should be clear, legible and useful. Location maps should be used throughout the development to indicate to visitors where they are permitted. Good signage with clear instructions in relation to wayfinding should be erected at the main entrance and in carpark areas.
- ii. To assist with wayfinding for emergency services, street signs, buildings/street numbers, etc should be clearly displayed.
- iii. Signage should be erected in carparks and near entry and exit points, which detail security measures and remind people to lock their vehicles and remove valuables.
- iv. Clear signage should be used to indicate 'restricted' areas.
- v. Clear signage indicating the use of CCTV recording and monitoring throughout the development.

Reason: To ensure public Safety – as recommended by NSW Police Force.

179. Environmental Maintenance – The premises shall be maintained by:

- i. With the proposed higher volume of both bicycle and pedestrian traffic, police recommend consideration be given to future council planning, that safeguards are implemented where necessary as the exposure/mix of pedestrian, cycling and vehicular traffic is likely to increase. This includes any footpaths with driveways crossing the footpath leading into the location. Police highly recommend a barrier be erected preventing pedestrians from crossing Herring Road directly from the accommodation. Police deem this necessary to prevent international students, who are not fully educated on New South Wales road rules, from taking potentially fatal short cuts.
- ii. The proposal includes an allocation of 252 bicycle parking spaces within the basement 1 residential carpark. Police recommend a designated storage area for resident's bicycles, requiring swipe card, or pin code, accessed through an alarmed door. Storage areas should be concealed so that the public cannot see private belongings in storage.
- iii. The development application states construction of 19 levels of student accommodation housing 507 beds. Police raise the issue of mail and parcel storage. Mail and parcel theft could be avoided by the use of a designated mail area, accessed by pin code or swipe cards. CCTV cameras inside this area will further mitigate the risk of parcel theft. An alternative is the recommendation to residents to utilise Australia Post lockers for mail and parcel deliveries.
- iv. Finally, the inclusion of sufficient and highlighted 'Emergency Vehicle' parking aligned to the building.

Reason: To ensure public Safety – as recommended by NSW Police Force.

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.

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

User	Number
Residential spaces (Premium units)	10
Visitor spaces	18
Staff spaces	2
Resident spaces (Student units)	3
Car Share spaces (available to both Student and Premium units)	11
Motorbike parking spaces and,	14
Bicycle parking spaces.	252

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

181. **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.

182. **Residential Amenity - Noise Limits.** Noise from any communal area/facility shall not be audible in any private room between the hours of 10pm and 7.00am. Any amplified music used within a communal room (including the gymnasium) shall be limited in volume so as not to cause a disturbance to the amenity of the nearby rooms. Noise insulating materials or construction (such as acoustic rubber matting or panelling) should be installed wherever it is anticipated that activities or the use of the area may generate a noise disturbance to surrounding premises.

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

Reason: To protect residential amenity.

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

- Signs should be clear, legible and useful.
- Signage is to be provided at entry/exit points and throughout the development to assist users.
- The front of the building should have clear signage in regard to street numbers so that emergency services are able to clearly read the numbers. To assist with way finding for emergency services, numbering of street numbers, levels of the building and unit numbers should be clearly displayed.
- Signage is to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.
- Signs should be erected in the car park areas and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.

Reason: To assist in way finding.

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

Reason: Protection of the environment and amenity.

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

Reason: Statutory requirement.

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

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

Reason: Statutory requirement.

187. **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: To ensure that the measures outlined in the approved loading dock management plan is implemented.

188. **Review Report of Framework Travel Plan.** One year from the issue of the occupation certificate, and every year for 5 years thereafter, the person acting on this consent must submit to the satisfaction of Council's Traffic Services Department a Review Report on the effectiveness of the Framework Travel Plan (FTP). The reviews must include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review must also include any recommendations for improving the effectiveness of the FTP. Any recommendations made to improve the effectiveness of the plan must be incorporated into an updated FTP.

All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment).

Reason: To ensure the effective management of the Framework Travel Plan.

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

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

190. **Food Premises - Waste Storage Area.** To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 - Food Premises and Equipment and must be:

- i. Suitably sized to contain all waste and recyclable material.
- ii. Provided with a hose tap connected to the water supply.
- iii. Paved with impervious floor materials.
- iv. Coved at the intersection of the floor and walls.
- v. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- vi. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
- vii. Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code 2019.
- viii. Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- ix. Appropriately managed so that it does not attract pests or create litter.

Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by Council or Registered Certifier prior to the issue of the Construction Certificate. The proposed must be constructed in accordance with such plans and specifications prior to the issue of an Occupation Certificate.

Reason: To ensure waste generated by the business is appropriately contained.

191. **Installation of grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

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

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

Reason: To ensure the proper disposal of wastewater.

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

Reason: To prevent loss of amenity to the area.

194. **Compliance with Acoustic Report.** All control measures nominated in the Acoustic Report prepared by Pulse White Noise Acoustics, no. 230558, R3, dated 25 July 2024 must be implemented.
- Reason: To demonstrate compliance with submitted reports.
195. **Compliance with Plan of Management.** All control measures and procedures nominated in the Plan of Management Report must be implemented.
- Reason: To ensure the appropriate use of the site.
196. **Noise Limits.** Noise generated at the premises must not exceed the noise limits specified in the Acoustic Report prepared by Pulse White Noise Acoustics, no. 230558, R3, dated 25 July 2024, submitted with the development application.
- Reason: To demonstrate compliance with the submitted report.
197. **Council may require acoustical consultant's report.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
- Reason: To demonstrate compliance with relevant legislation.
198. **No live music.** No live music or entertainment shall be provided at the premises.
- Reason: To prevent loss of amenity to the area.
199. **No 'offensive noise'.** Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.
- Reason: To ensure compliance with the Protection of the Environmental Operations Act 1997.
200. **Compliance with the Approved Plan of Management.** All control measures and procedures nominated in the Plan of Management must be implemented and strictly adhered to.
- Reason: To ensure the appropriate use of the site.
201. **No speakers or Amplified Sound Equipment.** Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain.
- Reason: To protect residential amenity
202. **Waste education.** Signage must be maintained within the bin area to encourage correct recycling and reduce contamination.
- Reason: To ensure occupants are aware of the correct procedures for recycling and source separation.
203. **Waste servicing.** Staff must be employed to take and return bins from the storage room to the nominated emptying/collection point.

Reason: To ensure the appropriate management of bins.

204. **Waste storage (returning bins).** All bins must always be stored onsite between collections.

Reason: To ensure local amenity is protected from impacts of waste management, including odour, litter, and obstruction.

205. **Waste storage (maintenance).** All waste storage and collection areas must be maintained in a clean and tidy condition.

Reason: To ensure contractors can safely and efficiently conduct waste collection.
Waste disposal (all developments).

206. **Waste disposal (all developments).** All waste generated on the premises must be stored and disposed of in an environmentally acceptable manner.

Reason: To ensure waste is appropriately managed onsite.

End of Conditions