



Land and Environment Court New South Wales

Medium Neutral Citation:

Ryde-Eastwood Leagues Club Ltd v Council of the City of Ryde [2024] NSWLEC 1256

Hearing dates:

Conciliation conference 2 August 2023, and 8 April 2024

Date of orders:

16 May 2024

Decision date:

16 May 2024

Jurisdiction:

Class 1

Before:

Dickson C

Decision:

The Court orders that:

- (1) The appeal is upheld.
- (2) Development Application LDA2022/0320 for the demolition of an existing building and construction of a seniors housing development under State Environmental Planning Policy (Housing) 2021 comprising of 12 independent living units in Building A and 32 independent living units in Building B, with associated landscaping and stormwater drainage works at 133 Ryedale Road and 4-14 Terry Road Denistone, NSW 2114 is determined by the grant of consent, subject to the conditions set out in Annexure A.
- (3) The applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application for development consent pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* as agreed or assessed.

Catchwords:

DEVELOPMENT APPLICATION – seniors housing development – amended development application and additional information – agreement between the parties – orders made

Legislation Cited:

Conveyancing Act 1919, s 88E

Environmental Planning and Assessment Act 1979, ss 4.15, 8.7, 8.15,

Land and Environment Court Act 1979, s 34

Environmental Planning and Assessment Regulation 2021,
ss 23, 38, 288A
Ryde Local Environmental Plan 2014, cll 4.3, 4.4, 4.6, 6.4
State Environmental Planning Policy (Biodiversity and
Conservation) 2021, ss 6.6,6.7,6.9
State Environmental Planning (Housing) 2021, Divs 3,4,5,6
ss 84, 89, 91, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105,
145, 147, 148, Sch 7A, s 8
State Environmental Planning Policy No. 65 Design Quality
of Residential Apartment Development
State Environmental Planning Policy (Resilience and
Hazards), s 4.6
State Environmental Planning Policy (Transport and
Infrastructure) 2021, s 2.48

Cases Cited:

Abret v Wingecarribee Shire Council (2011) 180 LGERA
343; [2011] NSWCA 107
Initial Action Pty Ltd v Woollahra Municipal Council (2018)
236 LGERA 256; [2018] NSWLEC 118
RebelMH Neutral Bay Pty Ltd v North Sydney Council
[2019] NSWCA 130

Texts Cited:

NSW Department of Planning and Environment Apartment
Design Guide 2015
Planning Circular PS 20-002, 5 May 2020
Roads and Maritime Services Guide to Traffic Generating
Developments 2002
Ryde Development Control Plan 2014

Category:

Principal judgment

Parties:

Ryde- Eastwood Leagues Club Ltd (Applicant)
Council of the City of Ryde (Respondent)

Representation:

Counsel:
A Gadiel (Solicitor) (Applicant)
M Chillari, (Solicitor) (Respondent)

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

File Number(s):

2023/45628

Publication restriction:

No

JUDGMENT

- 1 **COMMISSIONER:** This is an appeal pursuant to the provisions of s 8.7(1) of the *Environmental Planning and Assessment Act 1979* (EPA Act) against the deemed refusal of development LDA2022/0320. The development application seeks consent for the demolition of all existing structures, removal of trees, siteworks and construction of a seniors housing development , and over basement car parking. The development is proposed at 4-14 Terry Road and 133 Ryedale Road, Denistone (Lot 25 s 7 in DP 9350, Lot X in DP 393480, Lot Y in DP 383480, Lot 23 s 7 in DP 9350, Lot 22 s 7 in DP 9350, Lot 21 s 7 in DP 9350, and Lot C in DP 367067).
- 2 The Court arranged a conciliation conference under s 34 of the *Land and Environment Court Act 1979* (LEC Act) which was held on 2 August 2023. The conciliation conference was adjourned to allow the parties to continue discussions. That conciliation conference was ultimately terminated on 5 September 2023.
- 3 The parties have continued without prejudice discussions and have reached an agreement as to the resolution of the contentions in the proceedings. The parties' agreement is for the grant of consent to the application, as amended, subject to conditions. The parties advised the Court of their agreement, and the proceedings were listed for a further conciliation conference on 8 April 2024. I presided over the further conciliation conference.
- 4 As the presiding Commissioner, I am satisfied that the decision is one that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). I form this state of satisfaction on the basis that:
 - (1) Owner's consent has been obtained from each of the owner's of the site as required by s 23(1) of the Environmental Planning and Assessment Regulation 2021 (EPA Regulation).
 - (2) The development application was notified by the Respondent between 25 October to 25 November 2022. Three submissions were received objecting to the proposal. The plans proposed for approval in this judgment have been amended and additional information provided, in part in response to the concerns raised by submissions. I am satisfied that the submissions have been

considered in the determination of the development application by either amendment to the application or in the imposition of conditions of consent: s 4.15(1)(d) of the EPA Act.

- (3) State Environmental Planning (Housing) 2021 (SEPP Housing) , applies to the land as it stood immediately prior to 14 December 2023 as per the savings and transition provision in s 8 of sch 7A of SEPP Housing. Therefore, the following provisions apply:

(a) Division 3 of Part 5 of SEPP Housing:

- (i) I am satisfied that the proposed development complies with the relevant general development standards under s 84(2) of the SEPP Housing as follows:
 - (A) Section 84(2)(a): the site area of the development is at least 1,000m², being 5,925m².
 - (B) Section 84(2)(b): the frontage of the site area of the development is at least 20m measured at the building line, being a frontage of approximately 100m to Terry Road.
 - (C) Section 84(2)(c): this subsection does not apply to the proposed development as the site is within a zone where a type of residential flat building (seniors housing) is permitted. A development that falls within the definition of 'seniors housing' can also be characterised as a 'residential flat building' (*Abret v Wingecarribee Shire Council* (2011) 180 LGERA 343; [2011] NSWCA 107 (at [67] – [68])).
- (ii) Pursuant to s 85 'Development standards for hotels and independent living units' of SEPP Housing, consent cannot be granted for development for the purposes of an independent living unit unless it complies with the standards specified in Sch 4. The Statement of Environmental Effects (SEE) documents the compliance of the amended development application against the standards in Sch 4. The parties agree, and I accept after reviewing the SEE that I can be satisfied that the development complies with the relevant standards specified in Sche 4.
- (iii) Pursuant to s 88 'Restrictions on occupation of seniors housing' of SEPP Housing, development consent must not be granted unless the consent authority is satisfied that the development will only be occupied by people specified at s 88 (1). A restriction as to user will be registered against the title of the property on which development is to be carried out in accordance with s 88E of the

Conveyancing Act 1919, limiting the use of any occupation to people specified at s 88 (1) of SEPP Housing. This is reflected at condition 20 of the annexed conditions of consent.

- (iv) Pursuant to s 91 'Fire sprinkler systems in residential care facilities', a consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. The development application includes a Design Capability Statement which confirms that the development application includes the installation a system of sprinklers to provide fire suppression to the development. Compliance with the Design Capability Statement is required by the Condition 1 of the annexed conditions of consent. On this basis I find I can be satisfied that the development will include a fire sprinkler system as required by s 91 of SEPP Housing.

(b) Division 4 of SEPP Housing site related requirements.

- (i) Pursuant to s 93 'Location and access to facilities and services— independent living units' of SEPP Housing, consent cannot be granted unless the proposed development will have adequate access to facilities and services either on the site or via a complying transport service. The development application includes a report and a Disability Access Statement prepared by Morris Goding Access Consultant. The report addresses each of the provisions at s 93 of SEPP Housing. Relying on these documents, I am satisfied the provisions of the section are met.
- (ii) Pursuant to s 95 'Water and Sewer' of SEPP Housing, consent cannot be granted unless the consent authority is satisfied that the proposed development will be connected to reticulated water and have adequate facilities for the disposal of sewer. I am satisfied that these requirements are met on the basis of the sewer and water review report prepared by ADP Consulting which forms part of the development application.

(c) Division 5 and 6 of SEPP Housing:

- (i) Pursuant to s 98 of SEPP Housing a consent authority must not grant consent unless it is satisfied that the design of the seniors housing demonstrates that adequate regard has been given to the principles set out in Division 6. Those principles are:
- s 99 Neighbourhood amenity and streetscape
 - s 100 Visual and acoustic privacy
 - s 101 Solar access and design for climate
 - s 102 Stormwater

- s 103 Crime prevention
- s 104 Accessibility
- s 105 Waste management

The architects for the development have prepared a detailed assessment of the proposed development and its design against each of these principles. Having reviewed this assessment and the design plans of the proposed development, I accept the agreement of the parties that I can be satisfied that adequate regard to the principles in Division 6 is evident in the design of the development.

- (4) The provisions of State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65) applied at the time of the lodgement of the development application. The development application is accompanied by a design verification statement, fulfilling the requirements of s 29 of the Environmental Planning and Assessment Regulation 2021.
- (5) SEPP 65 was repealed on 13 December 2023. The provisions of s 8(2A) of Sch 7A of SEPP Housing has the effect of inserting Chapter 4 of SEPP Housing and making the provisions apply to the development application. Chapter 4 SEPP Housing:
 - (i) Section 145: Referral to design review panel for development applications.
 - (ii) The development application was referred to the Respondent's Urban Design Review Panel on 24 November 2022. However, this panel is not a 'design review panel' within the meaning of SEPP Housing as it was not constituted under s 288A of the EPA Regulation for the Ryde local government area. Therefore, section 145(2) of the Housing SEPP does not strictly apply (see section 145(3)(a)).
 - (iii) Section 147: Determination of development applications and modification applications for residential apartment development.
 - (iv) Section 147 requires the consent authority, or the Court on appeal, to have regard to the quality of the proposed development when evaluated against the design quality principles, the provisions of the NSW Department of Planning and Environment Apartment Design Guide 2015 (ADG) and any advice from the design review panel. With the assistance of the design verification

statement which demonstrates how the objectives the ADG and the design quality principles have been achieved, I have had regard to these provisions.

- (v) Section 148: Non-discretionary development standards for residential apartment development—the Act, s 4.15.

(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide

- (vi) The recommended minimum amount of car parking for objective 3J-1 of the ADG is set out in design criterion 1. As the site is within 800 metres of West Ryde Station, minimum car parking requirement for residents and visitors is set out in the Roads and Maritime Services Guide to Traffic Generating Developments 2002, or the car parking requirement prescribed by the relevant council, whichever is less. The parties agree that the proposed development, as amended, complies with the recommended minimum amount of car parking for both residents and visitor spaces specified in Part 3J of the ADG. Therefore, the proposal complies with the non-discretionary development standard set out in s 148(2)(a) of the SEPP Housing.

(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide

The Applicant has provided a table which demonstrates that the amended development application meets the minimum internal area requirements of the ADG. I am satisfied that the proposed development (as amended) complies with the non-discretionary development standard set out in s 148(2)(b) of the SEPP Housing.

(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.”

- (6) The proposed development complies with the non-discretionary development standard set out in s 148(2)(c) of the Housing SEPP. This is confirmed at page 8 ('Ceiling Heights') of the design statement at tab 5 of Exhibit JA-2 and also the section drawings showing the ceiling heights on drawing 293-DA30, 293-DA31 and 293-DA41. I am satisfied that the mandatory preconditions in SEPP Housing relevant to the development type are satisfied.
- (7) Pursuant to s 4.6 of State Environmental Planning Policy (Resilience and Hazards) (SEPP RH), the consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the site is suitable (or will be suitable after undergoing remediation) for the proposed use. As part of the development application a

Stage 1 Environmental Assessment has been prepared. That assessment confirms that the land is suitable for the proposed purpose of seniors housing. The parties agree and I accept that s 4.6 of SEPP RH is satisfied.

- (8) The proposed development is 'BASIX development' under the EPA Regulation and a BASIX certificate is required for the development application. An updated BASIX certificate has been provided as part of the amended development application satisfying these requirements.
- (9) Pursuant to State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC) the site is identified as being within the Sydney Harbour Catchment.
- (10) Pursuant to s 6.6 of SEPP BC the consent authority must consider the following matters in determining whether to grant consent.
 - (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,
 - (b) whether the development will have an adverse impact on water flow in a natural waterbody,
 - (c) whether the development will increase the amount of stormwater run-off from a site,
 - (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,
 - (e) the impact of the development on the level and quality of the water table,
 - (f) the cumulative environmental impact of the development on the regulated catchment,
 - (g) whether the development makes adequate provision to protect the quality and quantity of ground water.
- (11) Further, pursuant to s 6.6(2) of SEPP BC development consent must not be granted unless the consent authority is satisfied that:
 - (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
 - (b) the impact on water flow in a natural waterbody will be minimised.
- (12) The development application is accompanied by a Civil Design Report which includes water quality analysis. This analysis confirms that gross pollutants, total suspended solids, total phosphorus and total nitrogen levels in stormwater leaving the site will be improved by the proposed stormwater system design. Further, the report concludes that the proposed on-site stormwater detention will manage volumes of stormwater and overland flow to below the volume prior to development. On this basis I find I can be satisfied that the requirements and considerations detailed in s 6.6 are met. On the same basis, having considered the matters at s 6.7 in relation to Aquatic Ecology, I find I can be satisfied of the matters at s 6.7(2) of SEPP BC as the controls proposed on the volume and quality of water egressing the site will minimise any impacts on aquatic ecology.
- (13) Pursuant to s 6.9 'Recreation and public access' of SEPP BC, the site is not in a location or area where the development will have an impact on recreational land uses in the regulated catchment or access to natural waterbodies,

watercourses, wetlands or riparian vegetation.

- (14) Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI) applies as the proposed development involves the penetration of ground within two metres of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower. As required by s 2.48(2) of SEPP TI, the development application has been referred to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks. In determining the development application, I have taken into account their response.
- (15) The Ryde Local Environmental Plan 2014 (LEP 2014) applies to the land. The site is located within zone R2 Low Density Residential. The site is also benefited by cl 2.5 and 19(2) of Sch1 of LEP 2014 which permit additional uses on the site. The proposed development for the purposes of seniors housing is permitted with consent pursuant to cl 2.5 and 19(2) of Sch1 of LEP 2014. As required by cl 2.3(2) of LEP 2014 I have had regard to the objectives of the R2 Low Density Residential zone in determining the development application.
- (16) Pursuant to cl 4.3 'Height of Buildings' the site is mapped with a maximum building height of 52m. The proposed development does not comply with this standard and relies on cl 4.6 of LEP 2014 to vary the height standard to permit a height of 53m. The variation to the height standard is centred on an area of noncompliance containing the overrun of the car park exhaust. The Applicant relies on a written request prepared by Ethos Urban dated November 2023 in support of the variation to the standard. The written request addresses the matters set out at cl 4.6(3) of LEP 2014 including having regard to the tests set out in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118 (Initial Action).
 - (a) Pursuant to cl 4.6(4)(a) of LEP 2014, the Court, in exercising the functions of the consent authority, must be satisfied of both of the matters in cl 4.6(4)(a)(i) and (ii), being:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out ...
- (b) Only if the requirements in subcll 4.6(3) and (4) are met will the power in cl 4.6(2), to grant consent to development that contravenes the development standard, be enlivened: *RebelMH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130 per Preston CJ at [23] (Rebel MH).
- (c) I am satisfied, for the reasons outlined in the written request, that it is unreasonable and unnecessary to comply with the height control in the circumstances of this case as the objectives of the standard are met, notwithstanding the non-compliance. Further, I am satisfied that the grounds advanced in the written request are sufficient environmental planning grounds to justify contravening the development standard.
- (d) I am also satisfied that the proposed development will be in the public interest because it is consistent with the relevant objectives of the development standard and the objectives for development within the R2 Low Density Residential Zone in which the development is proposed to be carried out.
- (e) Finally, I accept, after a consideration of the matters identified in cl 4.6(5) of LEP 2014, that the concurrence of the Planning Secretary is not required having regard to Planning Circular PS 20-002 dated 5 May 2020.
- (f) Having regard to all of the above matters I am satisfied that I should uphold the cl 4.6 variation request in relation to the maximum height standard in LEP 2014.
- (17) Pursuant to cl 4.4 'Floor Space Ratio' the northern portion of the site has a maximum floor space ratio (FSR) of 1:1 and the southern portion of the site has a maximum FSR of 1.57:1 No gross floor area is proposed in the southern portion of the site in this development application, subject to the 1.57:1 development standard. The amended development application has a FSR of 0.97:1 and is compliant with the development standard.
- (18) Pursuant to cl 6.4 Stormwater Design of LEP 2014, the proposed development includes stormwater management systems including the provision of one rainwater tank and one on site detention (OSD) tank and connection to Council's stormwater system to the east of the site on Terry Road. Stormwater management plans have been prepared by Enstruct. As required by cl 6.4(3), I am satisfied that the proposed development:
- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water;
- (b) includes on-site stormwater retention for use as an alternative supply to mains water; and

(c) avoids any significant impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

(19) Ryde Development Control Plan 2014 (DCP 2014) applies to the site. The statement of environmental impacts filed with the application details the compliance of the proposed development with DCP 2014. In determining the development application, I have considered the provisions of the development control plan: s 4.15(1) of the EPA Act.

5 Having reached the state of satisfaction that the decision is one that the Court could make 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)).

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

7 The Court notes that:

(1) The Respondent as the relevant consent authority has agreed, under s 38(1) and (4) of the Environmental Planning and Assessment Regulation 2021, to the Applicant amending the development application LDA2022/0320 in accordance with the documents below:

Tab 1. Architectural plans				
Drawing Number	Plan name	Date	Revision	Prepared By
293 DA1 N	Cover Page	19/12/23	N	Turner Hughes Architect
293 DA2 F	Precinct Analysis	01/07/22	F	Turner Hughes Architect
293 DA3 F	Locality Plan	01/07/22	F	Turner Hughes Architect
293 DA4 H	Site Analysis	03/10/23	H	Turner Hughes Architect

293 DA5 L	Demolition Plan	03/10/23	L	Turner Hughes Architect
293 DA6 L	Aerial Perspective	3/10/23	L	Turner Hughes Architect
293 DA7 G	Street Perspective Terry Street Lower	3/10/23	G	Turner Hughes Architect
293 DA8 G	Street Perspective Terry Street Upper	3/10/23	G	Turner Hughes Architect
293 DA9 N	Entry Perspective	19/12/23	N	Turner Hughes Architect
293 DA10 E	Basement Plan	19/12/23	E	Turner Hughes Architect
293 DA11 P	Ground Level Plan	19/12/23	P	Turner Hughes Architect
293 DA12 P	Podium Level Plan	19/12/23	P	Turner Hughes Architect
293 DA13 P	First Level Plan	19/12/23	P	Turner Hughes Architect
293 DA14 P	Second Level Plan	19/12/23	P	Turner Hughes Architect

293 DA15 N	Roof Plan	19/12/23	N	Turner Hughes Architect
293 DA16 M	Site North East & South East Elevations	03/10/23	M	Turner Hughes Architect
293 DA17 N	Site South West & North West Elevations	19/12/2023	N	Turner Hughes Architect
293 DA18 L	Site Section AA	03/10/23	L	Turner Hughes Architect
293 DA19 M	Site Section BB	19/12/23	M	Turner Hughes Architect
293 DA20 M	Site Section CC	19/12/23	M	Turner Hughes Architect
293 DA21 L	Site Section DD	03/10/23	L	Turner Hughes Architect
293 DA22 M	Site Section EE	19/12/23	M	Turner Hughes Architect
293 DA23 O	Building A Plan – Podium	19/12/23	O	Turner Hughes Architect
293 DA24 N	Building A Plan – First	31/10/23	N	Turner Hughes Architect

293 DA25 N	Building A Plan – Second	31/10/23	N	Turner Hughes Architect
293 DA26 L	Detail Elevation – Building A – North East	03/10/23	L	Turner Hughes Architect
293 DA27 L	Detail Elevation – Building A – South East	03/10/23	L	Turner Hughes Architect
293 DA 28 M	Detail Elevation – Building A – South West	19/12/2023	M	Turner Hughes Architect
293 DA29 L	Detail Elevation – Building A – North West	03/10/23	L	Turner Hughes Architect
293 DA30 L	Building A – Detail Section 1	03/10/23	L	Turner Hughes Architect
293 DA31 L	Building A – Detail Section 2	03/10/23	L	Turner Hughes Architect
293 DA32 O	Building B Plan – Ground	19/12/23	O	Turner Hughes Architect
293 DA33 O	Building B Plan – First	19/12/23	O	Turner Hughes Architect
293 DA34 N	Building B Plan – Second	31/10/23	N	Turner Hughes Architect

293 DA35 O	Building B Plan – Third	19/12/23	O	Turner Hughes Architect
293 DA36 M	Detail Elevation – Building B – North East	19/12/23	M	Turner Hughes Architect
293 DA37 M	Detail Elevation – Building B – South East	19/12/23	M	Turner Hughes Architect
293 DA38 M	Detail Elevation – Building B – South West	19/12/23	M	Turner Hughes Architect
293 DA39 M	Detail Elevation – Building B – North West	19/12/23	M	Turner Hughes Architect
293 DA40 L	Building B – Detail Section 1	03/10/23	L	Turner Hughes Architect
293 DA41 M	Building B – Detail Section 2	19/12/23	M	Turner Hughes Architect
293 DA42 O	Development & Areas Summary	19/12/23	O	Turner Hughes Architect
293 DA43 O	GFA Diagrams	19/12/23	O	Turner Hughes Architect
293 DA44 M	Shadow Diagram – Winter 9am	19/12/23	M	Turner Hughes Architect

293 DA45 M	Shadow Diagram – Winter 10am	19/12/23	M	Turner Hughes Architect
293 DA46 M	Shadow Diagram – Winter 11am	19/12/23	M	Turner Hughes Architect
293 DA47 M	Shadow Diagram – Winter noon	19/12/23	M	Turner Hughes Architect
293 DA48 M	Shadow Diagram – Winter 1pm	19/12/23	M	Turner Hughes Architect
293 DA49 M	Shadow Diagram – Winter 2pm	19/12/23	M	Turner Hughes Architect
293 DA50 M	Shadow Diagram – Winter 3pm	19/12/23	M	Turner Hughes Architect
293 DA54 L	Materials Board	03/10/23	L	Turner Hughes Architect
293 DA55 L	Building A – Fenestration Details	03/10/23	L	Turner Hughes Architect
293 DA56 L	Building B – Fenestration Details	03/10/23	L	Turner Hughes Architect
293 DA57 B	Solar Access & Cross Ventilation Schedules	19/12/23	B	Turner Hughes Architect

293 DA58 B	Views from Sun 9 to 10:30am	19/12/23	B	Turner Hughes Architect
293 DA59 B	Views From Sun 11am to 12pm	19/12/23	B	Turner Hughes Architect
293 DA60 B	Views from Sun 12:30 to 1:30pm	19/12/23	B	Turner Hughes Architect
293 DA61 B	Views from Sun 2 to 3pm	19/12/23	B	Turner Hughes Architect
293 DA62 B	Driveway & Footpath Levels Plan	19/12/23	B	Turner Hughes Architect
293 DA63 A	Driveway Sections – Drop Off Area	03/10/23	A	Turner Hughes Architect
293 DA64 A	Driveway Sections – Basement Access	03/10/23	A	Turner Hughes Architect
293 DA65 A	Video Walks Through of COS	03/10/23	A	Turner Hughes Architect
293 DA66 B	Deep Soil Area Diagram	19/12/23	B	Turner Hughes Architect
293 DA67 B	Landscape & Communal Open Space Diagram	19/12/23	B	Turner Hughes Architect
Tab 2. Architectural Sketches				

Drawing Number	Plan name	Date	Revision	Prepared By
293 SK230912-1	Key Plan For Sections Re A103	12/9/23	-	Turner Hughes Architect
293 SK230912-2	Sections Re A103	12/9/23	-	Turner Hughes Architect
SK230912-3	Sketch – Unit A303 Reduced Balcony Layout	-	-	Turner Hughes Architect
293 SK230913-6	Section South West Boundary 1 & B103	13/9/23	-	Turner Hughes Architect
293 SK230913-7	Section South West Boundary	13/9/23	-	Turner Hughes Architect
293 SK230914-5	Section Re B106	3/10/23	-	Turner Hughes Architect

Tab 3. Landscape Plans

Drawing Number	Plan name	Date	Revision	Prepared By
Cover sheet	000	19.12.2023	K	Site Image
Existing Tree Management Plan	001	19.12.2023	K	Site Image
Soil Depth Diagram	002	19.12.2023	E	Site Image
Landscape Plan	101	19.12.2023	L	Site Image
Hardscape Plan	301	19.12.2023	E	Site Image

Landscape Planting Plan	401	19.12.2023	L	Site Image
Landscape Specification / Indicative Plant Schedule	501	19.12.2023	L	Site Image
Landscape Details	502	19.12.2023	K	Site Image
Other documents				
Description		Date		
Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy		22 December 2023		
Design Statement for amended DA submission prepared by Turner Hughes Architects		19 December 2023		
Planning response prepared by Ethos Urban		21 December 2023		
BASIX Assessment Report regarding ELC Senior housing project prepared by ADP Consulting a. Appendix A – NatHER'S Certificate dated 20 February 2024 b. Appendix B – Stamped Drawings dated 20 February 2024 c. Appendix C – BASIX Certificate dated 20 February 2024		20 February 2024		
Sewer and Water Infrastructure Review prepared by ADP Consulting		16 August 2023		

(2) The Applicant filed the amended plans and documents listed in the above with the Court on 3 April 2024.

8 The Court orders that:

- (1) The appeal is upheld.
- (2) Development Application LDA2022/0320 for the demolition of an existing building and construction of a seniors housing development under State

Environmental Planning Policy (Housing) 2021 comprising of 12 independent living units in Building A and 32 independent living units in Building B, with associated landscaping and stormwater drainage works at 133 Ryedale Road and 4-14 Terry Road Denistone, NSW 2114 is determined by the grant of consent, subject to the conditions set out in Annexure A.

- (3) The applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application for development consent pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* as agreed or assessed.

D Dickson

Commissioner of the Court

2023.45628 Annexure A

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Decision last updated: 16 May 2024

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: LDA2022/0320

Development: Demolition of all existing structures, removal of trees, earthworks and site preparation works. The construction of a Senior Housing Development including Building A (3 storeys with 12 independent living units), Building B (4 storey with 32 independent living units, office, reception area, communal recreational spaces and amenities), basement parking with 57 car parking spaces accessed via Terry Road and associated stormwater drainage works and landscaping (including communal open space and temporary landscaping works at part of 133 Ryedale Rd).

This application is lodged under SEPP (Housing) 2021.

Site: 4-14 Terry Road & 133 Ryedale Road, Denistone
Lot 25 in Section 7 in DP 9350 (4 Terry Road), Lot X in DP 393480 (6 Terry Road), Lot Y in DP 383480 (8 Terry Road), Lot 23 in Section 7 in DP 9350 (10 Terry Road), Lot 22 in Section 7 in DP 9350 (12 Terry Road), Lot 21 in Section 7 in DP 9350 (14 Terry Road), and Lot C in DP 367067 (133 Ryedale Road), Denistone

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

Date of determination: 16 May 2024

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 4-14 Terry Road & 133 Ryedale Road Denistone (Lot 25 in Section 7 in DP 9350 (4 Terry Road), Lot X in DP 393480 (6 Terry Road), Lot Y in DP 383480 (8 Terry Road), Lot 23 in Section 7 in DP 9350 (10 Terry Road), Lot 22 in Section 7 in DP 9350 (12 Terry Road), Lot 21 in Section 7 in DP 9350 (14 Terry Road), and Lot C in DP 367067 (133 Ryedale Road), Denistone).

The conditions of consent are as follows:

GENERAL

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

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans and supporting documents:

Document Description	Date	Revision / Reference	Prepared by
PLANS			
293 DA1 N Cover Page	19.12.23	N	Turner Hughes Architect
293 DA5 L Demolition Plan	03.10.23	L	Turner Hughes Architect
293 DA10 E Basement Plan	19.12.23	E	Turner Hughes Architect
293 DA11 P Ground Level Plan	19.12.23	P	Turner Hughes Architect
293 DA12 P Podium Level Plan	19.12.23	P	Turner Hughes Architect
293 DA13 P First Level Plan	19.12.23	P	Turner Hughes Architect
293 DA14 P Second Level Plan	19.12.23	P	Turner Hughes Architect
293 DA15 N Roof Plan	19.12.23	N	Turner Hughes Architect
293 DA16 M Site North East & South East Elevations	03.10.23	M	Turner Hughes Architect
293 DA17 N Site South West & North West Elevations	19.12.23	N	Turner Hughes Architect
293 DA18 L Site Section AA	03.10.23	L	Turner Hughes Architect
293 DA19 M Site Section BB	19.12.23	M	Turner Hughes Architect
293 DA20 M Site Section CC	19.12.23	M	Turner Hughes Architect
293 DA21 L Site Section DD	03.10.23	L	Turner Hughes Architect
293 DA22 M Site Section EE	19.12.23	M	Turner Hughes Architect
293 DA23 O Building A - Podium	19.12.23	O	Turner Hughes Architect
293 DA24 N Building A - First	31.10.23	N	Turner Hughes Architect
293 DA25 N Building A - Second	31.10.23	N	Turner Hughes Architect
293 DA26 L Detail Elevation - Building A - North East	03.10.23	L	Turner Hughes Architect
293 DA27 L Detail Elevation - Building A - South East	03.10.23	L	Turner Hughes Architect

293 DA28 M Detail Elevation - Building A - South West	19.12.23	M	Turner Hughes Architect
293 DA29 L Detail Elevation - Building A - North West	03.10.23	L	Turner Hughes Architect
293 DA30 L Building A – Detail Section 1	03.10.23	L	Turner Hughes Architect
293 DA31 L–Building A – Detail Section 2	03.10.23	L	Turner Hughes Architect
293 DA32 O –Building B Plan - Ground	19.12.23	O	Turner Hughes Architect
293 DA33 O Building B Plan - First	19.12.23	O	Turner Hughes Architect
293 DA34 N Building B Plan - Second	31.10.23	N	Turner Hughes Architect
293 DA35 O Building B Plan – Third	19.12.23	O	Turner Hughes Architect
293 DA36 M Detail Elevation - Building B - North East	19.12.23	M	Turner Hughes Architect
293 DA37 M Detail Elevation - Building B - South East	19.12.23	M	Turner Hughes Architect
293 DA38 M Detail Elevation - Building B - South West	19.12.23	M	Turner Hughes Architect
293 DA39 M Detail Elevation - Building B - North West	19.12.23	M	Turner Hughes Architect
293 DA40 L – Building B – Detail Section	03.10.23	L	Turner Hughes Architect
293 DA41 M – Building B – Detail Section 2	19.12.23	M	Turner Hughes Architect
293 DA42 O Development & Areas Summary	19.12.23	O	Turner Hughes Architect
293 DA43 O GFA Diagrams	19.12.23	O	Turner Hughes Architect
293 DA54 L Materials Board	03.10.23	L	Turner Hughes Architect
293 DA55 L Building A - Fenestration Details	03.10.23	L	Turner Hughes Architect
293 DA56 L Building B - Fenestration Details	03.10.23	L	Turner Hughes Architect
293 DA57 B Solar Access & Cross Ventilation Schedules	19.12.23	B	Turner Hughes Architect
293 DA62 B Driveway & Footpath Levels Plan	19.12.23	B	Turner Hughes Architect
293 DA63 A Driveway Sections - Drop Off Area	03.10.23	A	Turner Hughes Architect
293 DA64 A Driveway Sections - Basement Access	03.10.23	A	Turner Hughes Architect
293 DA66 B Deep Soil Area Diagram	19.12.23	B	Turner Hughes Architect
293 DA67 B Landscape & Communal Open Space Diagram	19.12.23	B	Turner Hughes Architect
001 Existing Tree Management Plan	19.12.23	K	Site Image
002 Soil Depth Diagram	19.12.23	E	Site Image
101 Landscape Plan	19.12.23	L	Site Image
301 Hardscape Plan	19.12.23	E	Site Image
401 Landscape Planting Plan	19.12.23	L	Site Image

501 Landscape Specification / Indicative Plant Schedule	19.12.23	L	Site Image
502 Landscape Details	19.12.23	K	Site Image
CV-0000 Cover Sheet and Drawing List	01.11.23	02	Enstruct
CV-0001 Notes and Legends	01.11.23	02	Enstruct
CV-0300 Site Works Plan Basement Level	01.11.23	08	Enstruct
CV-0302 Site Works Plan Podium Level	01.11.23	04	Enstruct
CV-0304 Catchment Plan	01.11.23	04	Enstruct
CV-0351 OSD Tank Sections and Details Sheet 1	01.11.23	02	Enstruct
CV-0352 OSD Tank Sections and Details Sheet 2	01.11.23	02	Enstruct
REPORTS			
Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy	22.12.23	Rev G	
Noise Impact Assessment prepared by ADP	01.11.23	SYD1791, Rev 05	
Stage 1 Environmental Site Assessment prepared by Consara Contaminated Sites	24.08.21	C211012	
Land Use Suitability under Amended Plans prepared by Consara	31.10.23	-	
Geotechnical Investigation Report prepared by JK Geotechnics	17.06.22	34955BT rpt 1	
Geotechnical Review of Updated Architectural Drawings prepared by JK Geotechnics	31.10.23	34955BTlet Rev1	
Traffic and Transport Report prepared by CBRK	Sept 22	11878/3	
Traffic Review – Amended Plans prepared by CBRK	1 Nov 2023	TR/12219/mc	
Civil DA Report prepared by Enstruct	01.11.23	6507, D	
Landscape Design Report prepared by Site Image Landscape Architects	31.10.23	C	
Demolition Management Plan prepared by PPC	June 22	1	
Crime Prevention Through Environmental Design Report prepared by Ethos Urban	04.10.22	2210536	

DA Capability Statement prepared by BM+G	28.09.22	-	
BCA Compliance Statement for Amended Development Application prepared by BM + G	31.10.23	-	
Access Review prepared by MGAC	01.07.22	-	
Amended Scheme – Disability Access Statement prepared by MGAC	16.10.23	-	
Garbage Storage Area – Disability Access Statement prepared by MGAC	31.10.23	-	
Basement Parking – Disability Access Statement prepared by MGAC	31.10.23	-	
BASIX Assessment Report prepared by ADP	20.02.24	SYD1791, 8	
Site Waste Minimisation and Management Plan	-	-	
Operational Waste Management Plan prepared by ARUP	18.07.2023	TERRYRD-ARP-SYD-OWMP-006	

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

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

(Reason: Statutory requirement).

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate number 1292681M_04, dated 20 February 2024.

(Reason: Statutory requirement).

4. **[Spare]**

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

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

(Reason: Statutory requirement).

6. **Structural engineering.** The structural engineering design and construction works shall be carried out in accordance with the recommendations in the Geotechnical Investigation Report prepared by JK Geotechnics (34955BTrpt1 dated 17 June 2022).

(Reason: To ensure the structural integrity of works).

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

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

8. **NSW Police requirements.** The recommendations of the NSW Police in their correspondence dated 6 January 2023 shall be implemented.

(Reason: Safety and security of the site).

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. **Hoardings.** Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

(Reason: To ensure public safety).

11. **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).

12. **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. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

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

(Reason: to ensure public safety).

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

(Reason: Access to public utilities).

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

website) and apply for the relevant permits for approval by Council. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.

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

- 16. 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.)

- 17. Design and Construction Standards.** All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions herein.

(Reason: Ensure compliance with relevant Planning Instruments and Standards)

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

(Reason: Ensure public safety and protection of infrastructure)

- 19. Land Boundary / Cadastral Survey.** If any design work relies on critical setbacks from land boundaries, it is a requirement that a land boundary / cadastral survey be undertaken to define the land (except where a registered surveyor certifies that the land is sufficiently defined already).

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

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

- 20. Restrictions on occupation of seniors housing.** The dwellings approved in this consent may only be used for the accommodation of the following:

- a) seniors or people who have a disability,
- b) people who live in the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration and provision of services to housing.

Seniors means the following people:

- a) people who are at least 60 years of age,
- b) people who are resident at a facility at which residential care, within the meaning of the Aged Care Act 1997 of the Commonwealth, is provided,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

(Reason: To ensure that the kinds of people occupying the dwellings are consistent with the requirements under section 88(2) of the *State Environmental Planning Policy (Housing) 2021*).

- 21. Standards for independent living units.** The development must comply with the standards set out in Schedule 4 of State Environmental Planning Policy (Housing) 2021. Details of which to be submitted and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure accessibility and usability is achieved).

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.

- 22. Demolition Deposit.** The Council must be provided with security for the purposes of Section 4.17(6) of the Environmental Planning and Assessment Act 1979 in relation to potential damage caused to Council's roads, footpaths or kerbing/guttering (in a sum determined by reference to the item 'Demolition – All others- per 20 metre frontage or part thereof' in the 2022-2023 Fees and Charges statement published by the Council) prior to the demolition occurring on the site.

(Reason: Statutory requirement)

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

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

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

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

(Reason: Statutory requirement).

25. Excavation

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with SafeWork NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

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

- 26. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by SafeWork NSW.

(Reason: Safety).

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

(Reason: Safety).

- 28. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

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

- 29. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To protect the environment).

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

Construction vehicle movements are to be minimised during weekday peak commuter periods being 7:00am – 9:00am and 4:00pm – 6:00pm to minimise the traffic impact on the surrounding public road network. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

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

The DPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.

- v. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- vi. Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- ix. 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.
- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

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

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

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

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Registered Certifier/Principal Certifier to carry out the erection of any building approved under this consent. All conditions in this Section of the consent must be complied with before the relevant Construction Certificate can be issued.

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

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

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

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 52,948.26
Open Space & Recreation Facilities	\$ 91,174.42
Roads & Traffic Management Facilities	\$ 27,990.46
Plan Administration	\$ 2,581.70
The total contribution is	\$ 174,694.84

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).

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

(Reason: Statutory requirement).

- 34. 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 relation to potential damage caused to Council's roads, footpaths or kerbing/guttering (in a sum determined by reference to by reference the item 'Other buildings – new commercial, new industrial and new multi-unit etc-per 20 metre frontage or part thereof' in the 2022-2023 Fees and Charges statement published by the Council) prior to the release of any Construction Certificate.

(Reason: Statutory requirement).

- 35. (Note: 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: So the Applicant is aware of Council fees).

- 36. Pedestrian Refuge – Approval.** This development consent does not approve the pedestrian refuge island near the intersection of Terry Road and Ryedale Road (including not approving the detailed engineering design plans). Detailed engineering design plans of the DDA compliance pedestrian refuge island are to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council (including consent under section 138 of the Roads Act 1993), prior to the issue of a Construction Certificate for work involving the entrance floor (within the meaning of section 19(5) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021). The detailed engineering design plans are to accompany with a road safety audit report of the civil design of the pedestrian refuge facility prepared by a Level 3 and Level 2 Road Safety Auditor listed on the Transport for NSW's register. Any deficiencies identified within the report representing a safety risk to the public is to be appropriately addressed by the applicant to the satisfaction of Council's Traffic Services Department.

Note: The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.(Note: All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.)

(Reason: To ensure maintenance of traffic flow and safety on the surrounding road network).

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

(Reason: Statutory requirement).

- 38. 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).

- 39. Construction Noise Management Plan (Demolition and Construction).** A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's Interim Construction Noise Guideline and accompany the application for a Construction Certificate. The Registered Certifier must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) hours of construction.
- (b) Identification of nearby residences and other sensitive land uses.
- (c) Assessment of expected noise impacts.
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers.
- (e) include strategies that have been developed with the community for managing high noise generating works.
- (f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- (g) include a complaints management system that would be implemented for the duration of the construction.
- (h) include a program to monitor and report on the impacts and environmental performance of the development.

(Reason: To prevent loss of amenity to the area and maintain appropriate amenity to nearby occupants).

- 40. De-watering of Excavated Sites.** Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate for any excavation works.

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

- 41. 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 Registered Certifier prior to the release of the relevant Construction Certificate.

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

- 42. Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted to the Registered Certifier for approval prior to issue of the relevant Construction Certificate. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

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

- 43. Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of the relevant Construction Certificate satisfactory evidence is to be provided to the Registered Certifier that arrangements have been made for:

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

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

(Reason: Statutory requirement).

44. Construction of garbage rooms. The relevant construction certificate documentation must demonstrate that the basement garbage room will be constructed in accordance with the following requirements:

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

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

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

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

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a

driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path(s) of travel from the crest of the ramp to the basement. The driveway profiles must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path(s) of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path(s) of travel from the vehicle entry at the boundary to the loading bay area(s) and must demonstrate that the required overhead clearance (SRV – 3.5m) is achieved along this path(s).
- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entries at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the regions are to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.
- d) A minimum of 750mm clearance from the rear edge of the accessible parking space to the edge of column shall apply. Column location shall comply with Figure 5.1 of AS2890.1.2004.
- e) The kerb/wall along adjacent to the accessible parking spaces near the basement car park entrance shall have adequate openings to allow the driver exiting from the accessible parking space to have a clear sight line.

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

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

- 46. Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Council's existing kerb inlet pit, generally in accordance with the plans by Enstruct approved under general condition 1 above (, , Project No. 6507, Rev 02),

- a) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (*Stormwater drainage*) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.

- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

- 47. 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 the relevant 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)

- 48. 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.

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 Registered Certifier, prior to the release of the relevant 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.)

- 49. Stormwater Management – Connection to Public Drainage System.** Engineering plans detailing the connection of the developments stormwater management system to the public drainage service must be forwarded to Council and an inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the relevant Construction Certificate.

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

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

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

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

Prior to the issue of a Construction Certificate for work involving the entrance floor (within the meaning of section 19(5) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021), an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 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.

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

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

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

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

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
- provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of the Geotechnical Report by JK Geotechnics, Reference Number: 34955BTp1, Dated 17 June 2022.

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

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

- 52. Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate for any excavation work.

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.

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

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

- 53. 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 the first 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.)

- 54. Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural

Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:

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

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

- 55. Public Domain Improvements – Design for Construction Certificate.** This consent does not approve any public domain works outside of the site. The public domain is to be upgraded in the Terry Road frontage of the development site in generally in accordance with approved landscape plans, to plans and specifications that are to the Council's satisfaction. The works shall include the undergrounding of powerlines shall along the Terry Road frontage of the site (in accordance with the City of Ryde Development Control Plan 2014, Part 6.6 – 127-133 Ryedale Road 4-14 Terry Road, Denistone, as per section 2.10, control (b)).

A public domain plan for the following works shall be submitted to Council as the Road Authority, and be satisfactory to Council's City Works Directorate, prior to the issue of the a Construction Certificate for work involving the entrance floor (within the meaning of section 19(5) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

(a) [Spare]

- (b) Street trees to be provided in accordance with the West Ryde 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 Terry Road frontage. The extent of works required to achieve this outcome may involve works beyond the frontage of the development site but only to the extent that is essential for the undergrounding of powerlines along the Terry Road frontage of the 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. 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 V5 and pedestrian luminance category PR2 along Terry Road.

- (e) Subject to design, it is expected that four new street lights on multi-function poles (MFPs) will be required along the Terry Road frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual **Chapter 4 – West Ryde** and also the site specific DCP – City of Ryde Development Control Plan 2014, **Part 6.6 – 127-133 Ryedale Road 4-14 Terry Road, Denistone**. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

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

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

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

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

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

- (a) The full reconstruction of half road width for the Terry Road frontage of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road* (but only if and to the extent that the existing pavement is unsatisfactory)
- (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 Terry Road frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.

- (d) Construction of 1.50m wide concrete footway along the Terry Road frontage of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*.
- (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.
- (h) The relocation/adjustment of all public utility services, as necessary, affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

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

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

- 57. Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of six (6) 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 letter of satisfaction 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 six (6) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of **\$76,400.00** shall be lodged with the City of Ryde prior to issue of any consent under section 138 of the Roads Act 1993. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months defects liability period.

(Reason: Ensure compliance with specifications).

- 58. (Note: 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.

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: So the Applicant is aware of Council fees).

- 59. 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. 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).

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

Construction vehicle movements are to be minimised during weekday peak commuter periods being 7:00am – 9:00am and 4:00pm – 6:00pm to minimise the traffic impact on the surrounding public road network. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

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

The CPTMP must include but not limited to the following:

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

PRIOR TO COMMENCEMENT OF WORKS

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.

61. Site Sign

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

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

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

(Reason: Statutory requirement).

64. 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).

65. Retaining walls to protect adjoining properties. Excavation within the zone of influence of adjoining properties shall be supported with retaining wall/s constructed prior to the commencement of any excavation and designed in accordance with the recommendations of the Geotechnical Investigation Report prepared by JK Geotechnics (34955BTpt1 dated 17 June 2022).

(Reason: To protect adjoining properties).

66. Temporary Anchors. If temporary anchors for a retention system are required to extend into adjacent properties, approval from the owners of the adjacent properties shall be obtained in writing prior to commencement of any excavation works.

(Reason: To ensure works on adjoining land are undertaken with owners consent).

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

- (a) Details of:
 - (i) hours of work;

- (ii) 24-hour contact details of site manager;
- (iii) management of dust and odour to protect the amenity of the neighbourhood;
- (iv) stormwater control and discharge;
- (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (vi) groundwater management plan including measures to prevent groundwater contamination;
- (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan;
- (c) Construction Waste Management Sub-Plan;
- (d) Construction Soil and Water Management Sub-Plan;
- (e) Flood Emergency Response;
- (f) An unexpected finds protocol for contamination and associated communications procedure;
- (g) Waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

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

- 68. Soil and Water Management (Stockpiles).** Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

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

- 69. 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).

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

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

- 71. Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken, either by means of constructing approved retaining structures or batters entirely on the subject property, to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.

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

- 72. Notice of Intention to Commence Public Domain Works.** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the

name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

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

(Reason: Ensure compliance and record of works).

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

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

- 74. 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).

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

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

- 76. 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.

(Note: 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).

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

(Reason: Ensure public amenity and safety).

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

(Reason: Ensure compliance).

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

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

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

- 80. Tree Retention.** The following trees as referenced within the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy and dated 22.12.23 must be retained and protected: Trees 1-3, 6-17, 25-28, 31-40 and 56 located within the subject site; Tree 1 located on the Ryedale Road verge; and Tree 33 located within neighbouring properties.

(Reason: To ensure all trees nominated for retention on the approved plan are appropriately retained and protected).

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

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

- 82. Tree Protection Fencing.** All protective fencing and signage around Tree Protection Zones (TPZs) must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

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

- 83. Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by a minimum AQF Level 5 consulting Arborist which provides details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to be prepared prior to the commencement of any works and is to take into consideration all trees on site, on neighbouring property allotments and within the public domain which may be affected by the proposal.

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

- 84. Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy and dated 22.12.23. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

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

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

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

(Reason: Statutory requirement).

- 86. Requirement to notify about new contamination evidence.** Any new information which comes to light during remediation, demolition, excavation or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifier immediately.

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

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

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

- 88. 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).

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

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

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

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

- 91. 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).

- 92. 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).

- 93. 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).

- 94. Hazardous/intractable waste disposal.** Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

(Reason: To ensure any contaminating material is removed in accordance with the prescribed manner).

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

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

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

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

- 97. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

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

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

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

99. 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).

100. Site Maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

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

- 101. Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads."

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

- 102. NSW Police requirements.** Machinery, tools and building materials must be locked and secured on-site overnight/when the site is not in use. Regular security checks are to be conducted. In particular, large reels of electrical cabling or copper material must be secured and hidden when not in use. CCTV with motion activated alerts are recommended to be used to monitored persons on site out of hours. Large equipment such as excavators and bob cats are to have a physical tracking system and smaller tools are to have serial numbers or identifying marks recorded. If any tools are taken or lost during construction, please call the Police on 131 444 to report the theft and record serial numbers or identifying features of the tools. The contact details of the site manager must be clearly visible at site access points.

(Reason: Safety and security of the site).

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

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

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

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

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

(Reason: Statutory requirement).

- 106. Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

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

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

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

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

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

- 109. 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.)

- 110. Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Enstruct approved under condition 1, submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

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

- 111. 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.)

- 112. 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 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.)

- 113. 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 Water Supply Work Approval issued under NSW Water Management Act 2000 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.)

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

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

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

(Reason: Ensure compliance with relevant standards).

115. Implementation of the Construction Pedestrian and Traffic Management Plan. All construction works including demolition 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 control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council.

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

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

116. BASIX. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1292681M_04, dated 20 February 2024.

(Reason: Statutory requirement).

117. Pedestrian Refuge – Implementation. The applicant is to construct the approved DDA compliance pedestrian refuge island near the intersection of Terry Road and Ryedale Road, generally in accordance with the per the approved plan, subject to any requirements of a consent under section 138 of the Roads Act 1993. These works shall be completed to Council's satisfaction, in accordance with this condition and at no cost to Council, prior to the issue of the relevant Occupation Certificate.

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

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

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

- 119. Street Tree Planting.** Street Tree planting must be undertaken in accordance with the West Ryde Street Tree Master Plan to Council's satisfaction at no cost to Council. New street trees must be positioned such that there are no conflicts with the proposed street lights, utilities, driveway accesses and sight lines for vehicles entering and exiting the driveways of these or neighbouring properties. The proposed street lights will have priority over the street trees. The pot size of the replacement trees shall be no less than 45lt at the time of planting. The trees shall be planted in accordance with Section 6 of Councils Tree Management Technical Manual. The owner(s)/person acting on this consent must water and maintain the trees for first 12 months after issue of the Occupation Certificate.

(Reason: To ensure the successful planting of street trees).

- 120. 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 Certifier 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).

- 121. All works/methods/procedures/control measures.** Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:
- Noise Impact Assessment Report SYD1791 Rev 05, dated 01 November 2023, prepared by ADP must be implemented.

(Reason: To demonstrate compliance with submitted reports).

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

(Reason: Compliance with relevant noise criteria).

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

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

(Reason: Statutory requirement).

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

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

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

(Reason: To assist in way finding).

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

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

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

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

- 128. Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

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

- 129. Drainage System Maintenance Plan.** A drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following:

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

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

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

- 130. Engineering Compliance .** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, certification must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a

qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (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.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.

(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.)

- 131. 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.)

- 132. Parking Area Linemarking and Signage.** Traffic measures such as directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in

accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

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

- 133. 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).

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

(Reason: Ensure Compliance).

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

(Reason: Ensure Compliance).

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

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

- 137. 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).

- 138. Certification – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a certification 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).

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

(Reason: Ensure Compliance).

- 140. 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).

- 141. 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).

- 142. 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).

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

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

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

- 144. 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).

- 145. 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 letter of satisfaction 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).

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

(Reason: Ensure Compliance).

- 147. Engineering Condition – Public Domain Works.** All outstanding civil works associated with other road works, kerb and gutter, footpath, vehicular crossings and

stormwater drainage works for this development site shall be completed in accordance with Council's specifications and to the satisfaction of Council prior to the issue of the strata plans/subdivision certificate.

(Reason: Ensure compliance).

- 148. 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).

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

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

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

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

- 150. Loading Dock Management Plan.** A Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 6.4m (SRV) in length.

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

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

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.

151. Use of the Event Space and Outdoor Communal Open Spaces. The use of the communal spaces, including the Lounge/Event Space and outdoor communal space, are restricted to:

- 7am to 10pm (Monday-Friday).
- 7am to 11pm (Saturday)
- 8am to 10pm (Sundays and public holidays)

This does not preclude any cleaning and indoor administrative work outside of these hours, so long as it is inaudible to any residential dwelling within the site and inaudible at any point outside of the site.

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

152. Offensive noise. The use of the premises, including 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 the development does not impact on the amenity of the locality).

153. [Spare]

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

(Reason: To demonstrate compliance with relevant legislation).

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

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

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

156. Air Conditioners in Residential Buildings. The air conditioners must not:

- (1) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (b) before 7.00am and after 10.00pm on any other day.

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

The source noise level must be measured as a LAeq 15 minute.

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

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

- Minimum 45 spaces for self-contained dwelling units;
- Minimum 2 spaces for visitor/staff; and
- Minimum 4 accessible spaces.

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

158. 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 / owner's 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.)

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

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

160. Management of waste storage facilities. All waste storage areas are to be maintained in a clean and tidy condition at all times.

(Reason: To ensure the ongoing management of waste storage areas).

161. Storage and disposal of wastes. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

(Reason: To ensure the ongoing management of waste storage areas).

162. Waste containers. An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

(Reason: To ensure waste is adequately stored within the premises).

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

(Reason: To ensure waste is adequately stored within the premises).

- 164. Waste Collection – Private.** The site must be commercially rated in terms of waste collection (not permitted to be serviced by Council's residential waste collection) and must be serviced by private waste collection services at all times.

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

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

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

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

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

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

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

End.