

ATTACHMENT 2

Conditions of Consent for LDA2019/0149 :- MOD2023/0021

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

Document Description	Date	Plan Revision/date
Architectural Plans by Cox/Kennedy Architects		
DA00	Cover Page	Revision J dated 12/12/2022
DA01	Introduction	Revision P dated 12/12/2022
DA02	Location Plan	Revision H dated 12/5/21
DA03	Site photo	Revision H dated 12/5/21
DA04	Site plan – existing	Revision H dated 12/5/21
DA05	Design Analysis	Revision H dated 12/5/21
DA06	Demolition Plan	Revision H dated 12/5/21
DA06.1	Existing site images	Revision H dated 12/5/21
DA07	Basement 05_residential	Revision K dated 12/12/2022
DA08	Basement 04_residential	Revision J dated 12/12/2022
DA09	Basement 03_commercial	Revision J dated 12/12/2022
DA10	Basement 02_commercial	Revision J dated 12/12/2022
DA11	Basement 01_supermarket	Revision P dated 12/12/2022
DA12	Lower Ground Levels	Revision Q dated 12/12/2022
DA13	Ground Level	Revision R dated 12/12/2022
DA14	Level 01	Revision R dated 12/12/2022
DA15	Level 02	Revision R dated 12/12/2022
DA16	Level 03	Revision R dated 12/12/2022
DA17	Level 04	Revision R dated 12/12/2022
DA18	Level 05	Revision S dated 12/12/2022
DA19	Level 06	Revision S dated 12/12/2022
DA20	Level 07	Revision S dated 12/12/2022
DA21	Level 08	Revision S dated 12/12/2022
DA22	Level 09	Revision R dated 12/12/2022
DA 23	Mezzanine Level	Revision R dated 12/12/2022
DA24	Roof terrace	Revision Q dated 12/12/2022
DA24.1	Roof	Revision Q dated 12/12/2022
DA25	Church Street elevation	Revision J dated 12/12/2022
DA26	Well Street Elevation	Revision J dated 12/12/2022
DA27	Parsonage Street	Revision P dated 12/12/2022
DA28	The Waterview Street Elevation	Revision P dated 12/12/2022
DA29	Section 01	Revision J dated 12/12/2022
DA30	Section 02	Revision J dated 12/12/2022
DA31	Section 03	Revision J dated 12/12/2022
DA32	Section 04	Revision J dated 12/12/2022
DA33	3D Views	Revision J dated 12/12/2022
DA34	3D Views	Revision J dated 12/12/2022
DA35	Finishes	Revision J dated 19/08/2022
DA36	Finishes	Revision B dated 19/08/2022
DA37 and 37.1	GFA Summary	Revision P & B dated 12/12/2022
DA38	Adaptable Units	Revision J dated 12/12/2022

DA39	Shadows diagrams _ 21 st June 9am	Revision H dated 12/5/21
DA40	Shadows diagrams _ 21 st June 12pm	Revision H dated 12/5/21
DA41	Shadows diagrams _ 21 st June 3pm	Revision H dated 12/5/21
DA42	Cross vent/solar access	Revision H dated 12/5/21
DA43	Views from the sun 9am – 10am	Revision H dated 12/5/21
DA44	Views from the sun 11am – 12am	Revision H dated 12/5/21
DA45	Views from the sun 1pm – 2pm	Revision H dated 12/5/21
DA46	Views from the sun 2.45pm – 3pm	Revision H dated 12/5/21
DA47	BASIX commitments	Revision J dated 12/12/2022
Landscape Plans prepared by Site Image		
000	Cover Sheet	Revision L dated 23/3/21
001 BB-LA-LP-07/04	Deep Soil Calculations	Revision 04 dated 23/3/21 01/06/2023
BB-LA-LP-001/06 & 02/06	Ground Floor West & East Landscape Plan	Revision 06 dated 23/3/21 01/06/2023
BB-LA-LP-03/06	Level 1 Landscape Plan	Revision 06 Dated 4/12/19 01/06/2023
BB-LA-LP-04/06 & 05/06	Level 7 & Roof Landscape Plan	Revision 05 & 06 dated 10/3/21 01/06/2023
501	Landscape Details	Revision H, dated 4/12/19
502	Landscape Details	Revision H, dated 4/12/19
BB-LA-LP-06/04	Legend Notes/Plant Schedule	Revision 04 , dated 4/12/19 01/06/2023
Stormwater Concept Plan prepared by Telford Civil Design & Construction Excellence		
000	Cover Sheet Plan Legend & Notes	Revision C dated 12/3/21 30/05/2022
101	Basement Level 5 Sheet 1 of 2	Revision D dated 12/3/21 25/07/2022
102	Basement Level 5 Sheet 2 of 2	Revision C dated 12/3/21 30/05/2022
103	Basement Level 4	Revision D dated 12/3/21 25/07/2022
104	Basement Level 3	Revision D dated 12/3/21 25/07/2022
105	Basement Level 2	Revision D dated 12/3/21 25/07/2022
106	Basement Level 1	Revision D dated 12/3/21 25/07/2022
107	Lower Ground Level	Revision E dated 12/3/21 25/07/2022
108	Ground Level	Revision E dated 12/3/21 25/07/2022
120, 121, 122	OSD/WDUD Detail Sheets 1 to 3	Revision E & D dated 12/3/21 25/07/2022
123	Catchment Plan	Revision C dated 12/3/21 30/05/2022
Traffic Plan prepared by McLaren Traffic Engineering		
2020-399-06C	B99 Right Turn Manoeuvre	Revision D, dated 8/4/21
DA 49	Easement Plan	C Dated 12/12/2022
702957M_10	BASIX Certificate	15 December 2022

2. Roads and Maritime Services (RMS). Works required to be carried out by this consent and as identified in the RMS conditions detailed in the accompanying concurrence dated 25 July 2019 are to be carried out in accordance with such conditions.

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

4. BASIX. Compliance with all commitments listed in BASIX Certificate(s) numbered **702957M_10 dated 15 December 2022.**

- 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:
- Protect and support the adjoining premises from possible damage from the excavation, and
 - Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
- 6. No strata subdivision.** This development consent does not authorise strata subdivision of the approved development.
- 7. 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.
- 8. Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 9. Offensive Noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
- 10. Plant and Equipment Noise** - The operation of any plant or machinery 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 the most affected noise sensitive location in the vicinity. 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.
- 11. Prohibited signs.** The proposed signage must not have or use:
- (a) Flashing lights;
 - (b) Electronically changeable messages;
 - (c) Animated display, moving parts or simulated movement;
 - (d) Complex displays that holds a drivers attention beyond 'glance appreciation'
 - (e) Displays resembling traffic signs or signals; and
 - (f) A method or level of illumination that distracts or dazzles.
- 12. Road traffic noise criteria for sensitive developments** - The building(s) must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

- 13. Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
- 14. Construction requirements** - All acoustical treatments nominated in the Noise Assessment report prepared by DK Acoustics Pty Ltd with reference number 151209 Rev F dated 31 August 2020 and **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** any related project documentation must be implemented during construction.
- 15. Construction of garbage rooms** - All garbage rooms must be constructed in accordance with approved plans and 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.
- 16. Garbage Chutes and Service Rooms Requirements** –All garbage chutes and service rooms must be constructed in accordance with *Schedule 4, Part 7.2 –Waste Minimisation and Management* -City of Ryde Development Control Plan 2014.

Future use of commercial retail premises:

- 17. Separate development** -Separate development application must be submitted to Council for any future use of the commercial retail tenancy.
- 18. Provision for the installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to any proposed future food premises.
- 19. Provision for the installation of a grease trap** - Adequate provision must be made for the installation of a grease trap to any proposed future food premises.

- 20. 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.
- 21. Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 22. Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.
- 23. Carwash bay.** A carwash bay must be provided on the premises for washing cars:
- The carwash bay must be covered by a roof to prevent the entry of rainwater.
 - The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation.
 - The sides of the carwash bay must be enclosed if necessary to prevent splash contamination of the surrounding area.
 - All uncontaminated stormwater from the roof and external paved areas of the site must be directed away from the carwash bay and discharged to Council's stormwater drainage system.
- 24. Balconies (Clothes drying).** No clothes drying on balconies in the public view are permitted. Any future Strata Management Plan is to include the requirement that clothes drying on balconies visible from any public domain is not permitted.
- 25. Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.
- 26. 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.
- 27. Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 28. Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.
- 29. Road Safety Audits.**

Prior to the issue of the relevant Construction Certificate, a detailed design road safety audit report of the civil design of these traffic & pedestrian facilities must be undertaken and provided to the PCA.. 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 Transport Department.

Prior to the issue of any Occupation Certificate, a post construction safety audit report must be undertaken and provided to the PCA. 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 Transport Department.

- 30. Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- 31. Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP 2014 Part 8.5 (*Public Domain Works*), except otherwise as amended by conditions of this consent.
- 32. Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.
- 33. Restoration.** 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 will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
- 34. Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.
- 35. Design and Construction Standards (Drainage) -** All engineering detailed design plans and associated drainage works shall be carried out in accordance with the requirements of the relevant Australian Standards and Council's DCP Part 8.2. Detailed design of all proposed Council Infrastructure works or proposed modification to Council infrastructure must be approved by Council City Works Directorate and undertaken in accordance with Council's 2014 DCP Part 8.2 and relevant Australian Standards, except otherwise as amended by conditions of this consent.
- 36. Utility Services -** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.
- 37. Works on Public Roads –** Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with

the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

- 38. Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
- 39. 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.

PRIOR TO THE RELEVANT CONSTRUCTION CERTIFICATE(S)

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

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

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

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

- 40. Section 7.12.** 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
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Section 7.12 Contribution	\$728,199.86
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These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.

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

The monetary contribution must be paid prior to the issue of the first occupation certificate in respect of any building to which this consent relates. However, if no construction certificate in respect of the erection of any building to which this consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building. 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 City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 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>.

- 41. 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 PCA prior to the issue of the relevant **Construction Certificate**.

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

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

- 44. Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

- 45. 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 PCA prior to the issuing of the any **Construction Certificate**.

- 46. Sydney Water – Building Plan Approval.** The plans approved as part of any 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.

- 47. Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and the *DECCW (2010) UPSS Technical Note: Site Validation Reporting* and demonstrate that the site is suitable for the proposed use.

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

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

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

- a) The Remedial Action Plan prepared by Environment Investigations Australia, Report No: "E2009 E06 RAP Stage A Rev 1" dated 14 November 2017.
- b) *State Environmental Planning Policy No. 55 - Remediation of Land*;
- c) any relevant guidelines published by the NSW Environment Protection Authority; and
- d) any council policy or development control plan relating to the remediation of land.

50. Council may require site audit of detailed investigation and validation reports If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation reports.

51. Mechanical Ventilation Details - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or the PCA with the application for the relevant Construction Certificate. Such details must include:

- a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
- b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
- c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the Building Code of Australia and setting out the basis on which the certificate is given and the extent to which the PCA has relied upon relevant specifications, rules, codes of practice or other publications.

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

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

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

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

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

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

56. Disabled access: Prior to the issue of the relevant Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction

Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA.

- 57. Acoustic Requirements.** The recommendations contained in the Acoustic Reports prepared by DK Acoustics dated 26 March 2021 and **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.
- 58. Energy Efficiency.** The development is to comply with all recommendations of the Environmental Sustainability and Energy Efficiency Report prepared by ntegreco Dated **December 2022**. Details are to be submitted on the relevant Construction Certificate plans
- 59. Compliance with Geotechnical Report.** All design and construction work be conducted in full compliance with all of the recommendations as contained in the Geotechnical Report prepared by Asset Geotechnical dated 23 April 2019.
- 60. Compliance with Ground Report.** All design and construction work be conducted in full compliance with all of the recommendations as contained in the Ground Water Impact Assessment Report by Asset Geotechnical 13 May 2019.
- 61. Compliance with Access Report.** The development is to comply with the requirements contained in the Access Design Assessment Report P218_427-2 (Access) JLS prepared by Design Confidence dated 8 February 2019 **and the recommendations contained in letter and markups attached from Morris Goding Access Consulting dated 22 August 2022**. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements for Access -New Building Work. Australian Standard AS 4299 – 1995. Prior to the issue of any Construction Certificate, a suitably qualified access consultant is to certify that the development complies with the requirement of this condition.
- 62. Adaptable Units.** Six (6) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
- 63. Plan of Management.** Prior to the issue of the relevant Construction Certificate, the applicant shall submit to Council and obtain approval for a plan of management. The Plan of Management is to provide details on how the Serviced Apartment development will be managed to reduce its impact upon the amenity of surrounding properties. The POM must provide all details relevant to the operation of the premises. As a minimum the following must be included:
- Reference number, date, title and Objectives;
 - Operational details;

- Hours of operation;
- Parking allocation, management and entitlement for occupants;
- Staff details;
- Premises management and servicing arrangement;
- Details of maximum period of stay for guests;
- Details of maximum occupancy rate per room;
- Guidelines for staff for using the site facilities and equipment;
- Deliveries and loading/unloading;
- Waste Management arrangement
- Managing customers or patrons;
- Emergency Management and Evacuation Plan
- Security details;
- Complaint recording and handling process;
- Noise control;
- Anti-social behaviour;
- Graffiti Management;
- Safety and security;
- Restriction on certain activities, and
- the review process to continuously improve the POM.

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

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

66. Ventilation of Basement: The basement storage areas must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the Construction Certificate.

67. Lighting of common area. A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers lighting for:

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

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

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.

- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Sensor lighting should be installed into areas that may be areas of concealment.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

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

- 68. Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted to the PCA prior to the issue of Construction Certificate.
- 69. Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
- 70. NSW Police: Crime Prevention through Environmental Design.** The recommendations made in the Crime Prevention through Environmental Design (CPTED) Assessment Report (Crime Risk Report - Revision 02) prepared by City Plan, dated 29 October 2019, are to be incorporated into the development. Details of compliance are to be submitted with the plans for Construction Certificate.
- 71. Noise attenuation.** A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the plans for Construction Certificate.
- 72. Public Arts.** Prior to the issue of the relevant Construction Certificate, a detailed site specific Public Arts Plan is to be submitted for approval by Council. This Plan and documentation is to be prepared by an arts and cultural planner and will be required to address the following:
- a) the submission of the detailed proposal demonstrating that the preferred option is of a scale appropriate to the development and thoughtfully sited to create a point of interest and define the location of area;
 - b) provide a program for installation and integration with the construction program for the development;
 - c) provide engineer's drawings and demonstrate how public art is incorporated in the site and build form design;
 - d) Australian building standards requirements and codes for the structural design;
 - e) Sound practices for fabrication and construction, and materials appropriate for application;
 - f) Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work;

- g) A verification statement by the professional public artist that supports the preferred option.

The public art is to be constructed to Council's satisfaction prior to the issue of any Occupation Certificate.

73. 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 PCA.

74. Fibre-ready facilities and telecommunications infrastructure. Prior to the issue of the relevant Construction Certificate satisfactory evidence is to be provided to the PCA 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).

75. Construction Pedestrian and Traffic Management Plan. A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a Transport for NSW' (TfNSW) accredited person and submitted to and approved by Council's Transport Department prior to issue of the relevant Construction Certificate. Due to heavy traffic congestion within Church Street in the immediate vicinity of the site, truck movements will be restricted during the major commuter peak times being 7.00am - 9.00am and 4.00pm - 6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the 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 a Traffic Control Plan(s) prepared by a TfNSW accredited traffic controller 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 in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with developers undertaking major development 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, such as (but not limited to) concrete pours, crane lifts and dump truck routes. 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*.

Note: This condition is to ensure public safety and minimise any impacts on the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise the 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.

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

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 12.5m long HRV shall be submitted to and approved by Council's Transport Department prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

77. 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 and their requirements are met.
- b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the application, 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.

78A Northern Splitter Island. Detailed plans of the proposed changes to the northern splitter island at the roundabout of Parsonage Street and Loop Road to prevent right turns into and out of the driveway to the subject site (which are to be generally in accordance with MTEs drawing 2020-399-06C) shall be submitted prior to the issue of any construction certificate to Council's Traffic Committee for endorsement.

78. Public domain improvements. The public domain is to be upgraded in Church Street, Well Street and Parsonage Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 5 - Meadowbank. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- a) Footpath paving as specified in the condition of consent for public infrastructure works.
- b) Street trees to be provided in accordance with the *Meadowbank Public Domain Technical Manual*.

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 Church Street, Well Street and Parsonage Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility

cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

- (d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with a minimum vehicular luminance category V3 and pedestrian luminance category P2 along Church Street and Well Street.

Subject to design, it is expected that two new street lights on multi-function poles (MFPs) will be required along the Church Street frontage and two new street lights on MFPs will be required along the Well Street frontage of the site.

Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

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

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

The Public infrastructure works shall be designed in accordance with the following:

- *Parts 8.2 (Stormwater Management) and 8.5 (Public Civil Works) of City of Ryde Development Control Plan (DCP) 2014*
- *Chapter 5 (Meadowbank) of City of Ryde Public Domain Technical Manual*
- *The Australian Standard: Manual of uniform traffic control devices – Part 10: Pedestrian Control and protection (AS1742.10 – 2009)*
- *City of Ryde Standard Drawings*
- *Transport for NSW's Technical Directions (e.g. TDT2011/01a for Pedestrian Refuges)*
- *Transport for NSW's Standard (Road) Drawings (e.g. Drawing No. R0300-01)*

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 civil 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) Design and construction of a pedestrian refuge within Loop Road
- b) Design and construction of a pedestrian refuge within Well Street
- c) Reconstruction of the left turn kerb return in Well Street at Church Street
- d) Design and construction of a raised central median within Parsonage Street between Well Street and Loop Road roundabouts
- e) The new access from Parsonage Street into the proposed basement car park shall be restricted to “Left In/Left Out” by virtue of the raised central median specified in (e) and traffic signs.
- f) The full reconstruction of the road pavement along the slip lane from Church Street into Well Street and half width road reconstruction along the Well Street and Parsonage Street frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Clause 1.1.4 – Constructing Half Road. Along the Church Street frontage the road works are to be done according to RMS’ standards and specifications.
- g) The removal of all redundant vehicular crossings and replacement with new kerb and gutter. Along the Church Street frontage these works are to be done according to RMS’ standards and specifications.
- h) The construction of new kerb and gutter along the Church Street, Well Street and Parsonage Street frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Church Street and Well Street.
- i) Construction of full width granite footpath along the Church Street and Well Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- j) Construction of new vehicular footpath crossings with granite pavers to match the public footpath area.
- k) Construction of new vehicular access for the light vehicles including deceleration lane off of the residents as a fourth leg of the roundabout at Parsonage Street. and Loop Road.
- l) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- m) Pedestrian crossings with refuge islands in Well Street and Loop Road – in accordance with a Concept Civil Engineering Design.
- n) Signage and line-marking details
- o) Staging of the public civil works, if any, and transitions between the stages.
- p) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority
- q) 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.

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

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

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

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new vehicular crossings shall be located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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

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

81. Public Domain Works – Defects Security Bond. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work

which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of the amount of **\$75,000** shall be lodged with the City of Ryde prior to the issue of the relevant Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

- 82. Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

- 83. 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 the relevant Construction Certificate;

- a) The basement garage entry on the Parsonage Street frontage must provide a crest threshold having a minimum level of 150mm above the immediate finished road level, so as to prevent stormwater runoff from entering the site. The threshold shall be designed as a traffic calming device, with an alternate pavement treatment / paving from the adjoining roadway and have dimensions equivalent to a speed hump. NOTE: A "zebra crossing" marking must not be implemented as it would fail to meet the RMS requirements (in terms of minimum sight distance), may present some confusion for motorists / pedestrians regarding who has right of way due to the design deviating from a recognised pedestrian facility and not being located on a
- b) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- c) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.

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

84. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure in Well Street, generally in accordance with the plans by **Telford Civil Design & Construction Excellence** (Project **2021290** Dwgs 000, 101- **123** Revision **G C** dated 12 March 2021 **30/05/2022**). Subject to any variations marked in red on the approved plans or noted following;

- 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 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the predeveloped groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

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

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3, except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 g(*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 PCA, prior to the release of the relevant Construction Certificate for construction of the basement level.

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

experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

a) Certification that the civil and structural details of all subsurface structures are designed to;

- provide appropriate support and retention to neighbouring property,
- ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;

- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
- details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
- Is in accordance with the recommendations of any approved Geotechnical Report.

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

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

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.

- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- f) 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.

88. 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 relevant Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information:

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

The ESCP must be submitted with the application for the relevant Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

- 89. Viva Energy.** A Viva Energy Recoverable Works Agreement covering all Viva Energy costs must be signed by the Property owner.
- 90. Viva Energy.** A deed for future access to the Pipeline for any extra works related to any installed structure(s) to be completed at cost to the applicable Property owner or the applicable body corporation (if any). This will also apply to any reinstatement costs.
- 91. Viva Energy.** Contact Viva Energy Pipeline Coordinator before any work commences at the Property and 'Viva Energy Right of Way' permit must be issued.

- 92. 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.
- 93. Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows within the surrounding road network (e.g. lane closures, etc.).
- 94. Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a Transport for NSW' (TfNSW) accredited person and submitted to and approved by Council's Transport Department prior to the commencement of any demolition work.

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

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

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

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include a Traffic Control Plan(s) prepared by a TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.

x. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

xi. Specify spoil management process and facilities to be used on site.

xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.

xiii. Comply with relevant sections of the following documents:

- The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
- TfNSW' *Traffic Control at Work Sites* technical manual; and
- Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

NOTE: This condition is to ensure public safety and minimise any impacts on the adjoining pedestrian and vehicular traffic systems. The DPTMP is intended to minimise the 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.

95. 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 Transport for NSW' (TfNSW) 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 PCA or Council on request.

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

97. 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 PCA for the work,
- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

(b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 98. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply.
- 99.** Residents in the Service Apartments (rated as business) do not have access to the waste chute on the service apartment floors.
- 100.** The bin storage area on the ground level for the serviced apartments is a separate room to the domestic waste bins and tenants of the serviced apartments will not have access to the domestic waste storage room as per Council's Waste Minimisation section of the Development Control: 'All commercial premises must have a dedicated waste and recycling storage room or area, which has adequate storage space to meet the needs of the land use activity'.
- 101.** Any changes to the Waste Management Plan dated 04/11/18 or plans which were utilized to evaluate the waste collection by Council, have to be approved by the Waste Department at the City of Ryde Council before the issue of the relevant Construction Certificate to ensure the waste collection is not affected.
- 102.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m
 - 660L Bins – width 1.3m, depth 0.8m, height 1.3m
 - 240L Bins – width 600mm, depth 800mm, height 1100mm
- 103.** Two separate receptacles must be provided inside each dwelling to store up to two days' worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.
- 104.** Access to the hard waste area must be provided for collection contractors. Suitable details must be clearly shown on the approved plan before the issue of the relevant Construction Certificate.
- 105.** On-site storage at a rate of 5m² per 30 units (see sliding scale for larger developments), must be provided. Suitable details must be clearly shown on the approved plan before the issue of the relevant Construction Certificate.
- 106.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

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

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

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

108. 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.

109. 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.

110. 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 of any observable defects to the following infrastructure where applicable.

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

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

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

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

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to

the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.

- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

112. 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.

113. 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.

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

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

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

115. Stormwater - Council Drainage - Structural Adequacy - Council stormwater pits which are being connected into shall be surveyed and confirmed to be capable as being structurally adequate for receiving the upstream connection from the development and satisfy durability requirements. If it is deemed appropriate to replace the pit, kerb inlet pits shall be cast in-situ and conforming to Council's standard drainage pit details.

A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the PCA, prior to the commencement of any works, certifying compliance with this condition.

116. 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.

117. 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.

118. 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 application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

119. Heritage site induction ('toolbox talks'). Prior to the commencement of any works, all contractors, tradesmen and the like, shall be given a heritage site induction ('toolbox talk'). The heritage site induction shall be delivered by a suitably qualified Heritage Consultant and shall ensure that all contractors, tradesmen and the like, are made aware that:

- i The site immediately adjoins an item of heritage significance (Ryde Bridge)
- ii No works are permitted that would materially affect the bridge or its abutments and approaches.
- iii There are statutory obligations under the National Parks and Wildlife Act 1974 and Heritage Act 1977 for all works to cease and the Council to be notified of any unexpected archaeological or Aboriginal archaeological finds during works.

120. Pre-commencement dilapidation report. A pre-commencement dilapidation report shall be prepared that provides a written and photographic record of the existing condition of the adjoining heritage item (Ryde Bridge) and shall be limited to that portion of Ryde Bridge which immediately adjoins the subject site and is within any zone of influence from any excavation works associated with the development. The pre-commencement dilapidation report shall be undertaken by a qualified structural engineer, with proven experience in dealing with structures of heritage significance. A copy of the report must be provided to the satisfaction of Council, any other owners of public infrastructure, together with the owners of adjoining and affected private properties.

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.

121. Viva Energy. The applicant / landowner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum, and
- b) NSW Pipelines Act 1967 and Pipeline Regulations 2013 and
- c) The Applicant shall cooperate with Viva Energy to enable Viva Energy **complete a Safety Management Study – As Per Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum Study** and complete any works or safety measures required by the Safety Management Study.

- 122. Viva Energy.** The Applicant must engage in only ‘Non-Destructive-Digging’ and mark out the Pipeline to ensure its integrity during construction.
- 123. Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
- 124. Illegal dumping.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.
- 125. Archaeology.** As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately, and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.
- In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.
- Note: *The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether such archaeological resources are known to exist on the site.
- 126. Excavation works.** All excavation works shall employ such techniques and equipment which minimises the amount of ground vibration. In this regard, excavation of the site by use of pneumatic drill for the breaking of rock or any other vibrating equipment for excavation, shall not be permitted.
- 127. Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
- 128. Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
- 129. 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 **Telford Civil Design & Construction Excellence** (Project 1 **2021290** Dwgs 000, 101- **123** Revision **C** dated **30/05/2022**) submitted

incompliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

- 130. 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.
- 131. Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days’ notice to the owner and occupiers of the adjoining allotments before excavation works commence.
- 132. Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regard to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
- 133. Discovery of Additional Information** - Council and the PCA (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
- 134. Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
- 135. Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
- 136. Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility unless Council approves an alternative disposal site.
- 137. Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the PCA (and Council, if Council is not the PCA) before the fill is used.
- 138. Stormwater Construction Inspection** - The connection to the Council’s stormwater infrastructure will require the approval and inspection by Council’s City Works Department. Inspection fee in accordance with Council’s current fees and charges

schedule must be paid prior to the issue of the Construction Certificate. Council must be notified when the connection to be made to the Council stormwater infrastructure, an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval. A minimum of 48-hour notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Customer Service Section on 9952 8222 during office hours.

139. Council Trees to be retained

a) The following Council trees are to be retained and protected:

- Park tree – One (1) Port Jackson Fig (*Ficus rubiginosa*) located in Settlers Park adjacent to the Ryde Bridge is to be retained and protected and;
- Street tree – One (1) Jacaranda (*Jacaranda mimosifolia*) located in the road reserve on the Church Street frontage of 155 Church Street, Ryde is to be retained and protected.

b) A bond of the amount listed in part (c) of this condition shall be paid to Council on the trees listed in part (a) of this condition prior to issue of the relevant Construction Certificate. Details of payment are to be submitted to the PCA prior to the issue of the relevant Construction Certificate.

c) The bonds shall be to the value of:

Ficus rubiginosa \$ 90,000.00

Jacaranda mimosifolia \$ 5,000.00

d) An inspection by a Council Tree Management Officer 12 months after the issue of the final Occupation Certificate shall be undertaken to assess that the trees are of good health and vigour.

e) If the inspection undertaken by Council's Tree Management Officer assesses that the trees have been maintained in good health and vigour the bond shall be released.

f) Should the trees fail to survive and thrive the bond shall not be released.

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

141. Tree Removal. As identified in the Arborist Assessment prepared by Redgum Horticulural dated 23/01/2019. The following trees are to be removed:

Tree No.	Species "Common name"	Notes
3	<i>Allocasuarina littoralis</i> Black Sheoak	Street Tree
4	<i>Allocasuarina littoralis</i> Black Sheoak	Street Tree
5	<i>Melaleuca bracteata</i> cv. "Revolution Green" Black tea-tree	Street Tree

6	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
7	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
8	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
9	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
10	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
11	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
12	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
13	Melaleuca bracteata cv. "Revolution Green" Black tea-tree	Street Tree
14/2	Melaleuca bracteata cv. "Revolution Green" x3 Black tea-tree	Street Tree
15	Gleditsia tricanthos "Sunburst" Honey Locust	On site Tree
	Grevillea robusta (Silky Oak)	Street Tree in Well Street

142. Project Arborist Inspections. The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

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

		necessary and perform remedial tree works
		Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures Certification of tree protection and soil rehabilitation for Protected Trees
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works Certification of tree protection if necessary

143. Tree works – Australian Standards. All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

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

145. Public Domain Works – Construction Inspections. Any works in the Public Domain or alterations to public infrastructure that will come under the care and control of Council upon completion of the development, will require inspection by

Council's Civil Infrastructure & Integration Department (the relevant officer) at the following hold points: -

- g) Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
- h) Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
- i) Upon installation of any pipe and other drainage structures.
- j) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

k) Upon the completion of all drainage works and prior to practical completion.

An inspection fee is applicable for each visit and at least 24 hours notification will be required prior to each inspection.

146. Stormwater Improvements – Inspections will be required by Council's engineer at the following hold points:

- After excavation of pipeline trenches
- After the laying of all pipes prior to backfilling.
- After the completion of all pits and connection points.

A minimum of 24 hours notice shall be given to Council to inspect works. Work is not to proceed until the works are inspected and approved by Council in writing for each hold point.

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

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

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

149. 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.

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

151. 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.

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

153. 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.

154. 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.

155. 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".

156. 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.

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

- 158. Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before work commences and be removed in a safe manner.
- 159. Contaminated soil.** All potentially contaminated soil excavated during construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
- 160. Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

- 161. Viva Energy.** The applicant prior to the occupation, must submit documentary evidence of compliance to the Safety Management Study, as referred to in Condition 121(c), to Ryde Council before any occupation certificate is issued.
- 162. BASIX.** The applicant must submit documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered. **702957M_10 dated 15 December 2022.**
- 163. Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the any **Occupation Certificate.**
- 164. Compensatory Tree Planting.** The developer is to do compensatory tree planting of one *Ficus rubiginosa* (Port Jackson Fig) in a 100 litre pot to be located in the adjoining Reserve before issue of any Occupation Certificate. The applicant to contact City of Ryde Parks Department to identify the location to plant the tree.
- 165. 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 PCA 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.

166. 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.

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

- An authorised Council waste officer is to inspect and approve all waste management facilities to ensure they comply with the development approval Waste management Plan.
- Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.

168. Onsite Waste Collection – Positive Covenant. Where it is necessary for waste collection vehicles to enter the property to service the waste containers, A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and any amendments undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*) - Section 7. The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the release of Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this.

- Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.
- The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily maneuvered to the collection point.
- External areas for the storage of garbage must be paved with concrete graded to a floor waste connected to the sewerage system and be roofed to exclude

rainwater. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation and a hose with a trigger nozzle must be provided adjacent to the garbage storage area to facilitate cleaning.

169. Certification of Mechanical Ventilation Work - Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the PCA before the issue of an **Occupation Certificate**.

170. Acoustic privacy. Acoustic privacy. Provide a compliance report from an appropriately qualified acoustic consultant confirming that the recommendations within the DK Acoustics letter dated 13 March 2020 reference number: 200313 **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** have been installed. Specifically, common walls separating bedrooms in one occupancy unit from living rooms in the adjoining occupancy unit will be constructed using the following acoustically rated wall:

- A wall comprising 75 mm thick 'Hebel Powerpanel' with –
- 13 mm plasterboard direct fixed to one side; and
- 13 mm plasterboard fixed to 64 mm steel studs at 600 mm centres built 20 mm from the wall on the other side; and
- 75 mm thick glasswool or polyester insulation (minimum density 10 kg/m3) installed between the studs; and
- Walls acoustically sealed to minimise flanking transmission.

171. Waste Storage – a separate waste storage area shall be provided for the serviced apartments within the loading dock or basement. Details of the serviced apartment's waste storage facilities shall be included as part of the Construction Certificate.

172. 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.

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

174. 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.

- 175. 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.
- 176. 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.
- 177. Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 178. Compliance Certificate – External Landscaping Works.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 179. 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.
- 180. 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.
- 181. Post-Construction Dilapidation Report .** To ensure Council’s infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes

of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

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

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

182. 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.

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

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

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

185. Engineering Condition – Public Domain Works - All outstanding civil works including 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

- 186. Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the PCA is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of the relevant Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Apartment Design Guide. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
- 187. 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.
- 188. 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 pump/ sump and WSUD components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. 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.
- 189. Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.
- The DSMP must contain the following;
- a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
 - b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
 - c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.

e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.

f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

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

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

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

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National

Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.

- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW

Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).

- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

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

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

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

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

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

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

194. Ryde Traffic Committee Approved Infrastructure Measures – Implementation.

The applicant is to install all the approved road infrastructure measures and associated signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of any Occupation Certificate.

195. Loading Dock Management Plan. An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than a 12.5m heavy rigid vehicle. The Plan will also need to demonstrate how loading dock will be managed to ensure that there will be no more than two vehicles within the loading dock in any period. Vehicle queuing on public road(s) or outside of the loading dock is not permitted.

196. Lots Consolidation. Lot 100 in DP 851723; Lot 15 in DP 738232; Lot 13 in DP 738232; Lot 14 in DP 738232 and Lot 7 in DP 809282 are to be consolidated to one lot.

197. Public Access. All public spaces within the site (generally in accordance with the area marked in purple on the plan identified as 'Easement Plan' – DA C dated **12/12/2022** as prepared by Cox Richardson Architects and Kennedy Associates Architects) are to be publicly accessible at all times (subject to reasonable restrictions for safety and security) and maintained in private ownership by the future body corporate. Prior to the issue of any Occupation Certificate for the building, a public access easement permitting access at all times to all members of the public is to be created over the public space. Terms regarding the creation of the easement are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council and the PCA prior to the issue of any Occupation Certificate for the building.

Terms of the easement are to include:

- a) The public space will be adequately maintained and repairs at all times including the provision of lighting and power supply, by the occupier/ owner of the site at all times;
- b) The public space is accessible to the Public at all times
- c) The Council is the only authority empowered to release, vary or modify the terms of the Public Access.
- d) Maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

198. CCTV Cameras. CCTV cameras will be required to be installed throughout the site. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces, pedestrian link

and the basement car parks, including the entry and exit points to the car park. Recordings should be made twenty four (24) hours a day seven (7) days a week.

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

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

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel. If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

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

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

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

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

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

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

202. Intercom System. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

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

- 203. Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the PCA prior to the issue of an Occupation Certificate.
- 204. Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor. Details demonstrating compliance are to be submitted to the PCA prior to the issue of an Occupation Certificate.
- 205. Acoustic certification.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the PCA before the issue of an Occupation Certificate.
- 206. Noise attenuation.** A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the PCA before the issue of any Occupation Certificate.
- 207. Disabled access.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence and certification is to be obtained from a suitable qualified person confirming that the development meets these requirements in accordance with this consent, is to be provided to the PCA prior to the issue of any Occupation Certificate.
- 208. Mechanical Ventilation.** Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the PCA before the issue of an Occupation Certificate.
- 209. Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering. The applicant should liaise with Australia Post and develop strategies in relation to security of mail boxes.
- 210. Compliance report -** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the PCA (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
- 211. Public Art Plan.** Prior to the issue of any Occupation Certificate, the works contained in the Public Art Plan shall be implemented.
- 212. Acoustic Report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Acoustic Reports prepared by DK Acoustics dated 13 April 2019 (External noise) and dated 13 March 2020 (Internal noise) **and the**

recommendations contained in letter and markups attached from Morris Goding Access Consulting dated 22 August 2022 must be submitted to the PCA before the issue of an Occupation Certificate.

- 213. Car Share Provider.** The submission of documentary evidence to Council that an agreement with a car-share provider has been entered into for the three car share spaces on site, prior to the issue of any Occupation Certificate.
- 214. Travel Place.** A Framework Travel Plan (FTP) to be submitted to Council detailing the promotion, development, implementation and monitoring of a co-ordinated transport strategy for the building. The objectives of the FTP are to encourage/provide incentives for residents to utilise public transport, walking and cycling and to investigate alternative modes of transport (away from single-occupancy car use) to more sustainable forms of transport and how the plans will achieve and monitor the objectives. The FTP is to be submitted and approved by Council prior to the issue of an Occupation Certificate.

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.

- 215. Noise Pollution: Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
- 216. Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
- 217. Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- 218. Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
- 219. Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
- 220. Transfer of waste containers to emptying point** - Staff or contractors must be employed to take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.

WASTE MANAGEMENT

- 221.** As per the Waste Management Plan provided, the cleaner will be responsible for removing the waste and recycling from the serviced apartments and take them to bins provided in a separate Serviced Apartment Bin Storage Room adjacent to the loading dock on the ground floor.
- 222.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor.

- 223.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
- 224.** Garbage and recycling bins must always be stored on-site between collections.
- 225.** All waste storage areas must be maintained in a clean and tidy condition at all times.
- 226.** All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors. The material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access”
- 227.** Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
- 228.** Staff or contractors must be employed to take the recyclable materials from the service compartments and sort the materials into the containers provided in the garbage and recycling room.
- 229.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- 230.** Unwanted household items must be stored onsite until the night prior to a Pre-booked household clean up collection.
- 230A. Waste Collection.** Residents are required to organise with the Building Manager to dispose of unwanted household items in the Bulky Waste Room as access is through the Waste Storage Room

COMMERCIAL PREMISES

- 231.** The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request. This must be completed prior to the issue of any Occupation Certificate.
- 232.** Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 ‘Non-reusable containers for the collection of sharp medical items used in health care areas’ or AS 4261-1994 ‘Reusable containers for the collection of sharp medical items used in health care areas’ and be securely sealed with a lid before disposal.
- 233.** All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
- 234.** All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
- 235.** The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
- 236. Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- Min. of 44 and max. 56 residential spaces

- Min 9 visitor spaces
- **56** Serviced Apartments
- Min. 160 retail spaces,
- 3 Car Share spaces, and,
- 81 bicycle parking spaces and 6 motorcycle spaces.

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

- All car share spaces must be publicly accessible 7 days of the week, 24 hours of the day.
- Car share parking spaces must be clearly designated and line marked in the development.

238. Carwash bay. The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation. If necessary, the sides of the carwash bay must be enclosed to prevent splash contamination of the surrounding area.

Any uncontaminated stormwater must be directed away from the carwash bay and discharged to Council's stormwater drainage system.

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

240. Universal Key. Where there is a lockable door to access a bin room or hard-waste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household clean up items.

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

242. Plan of Management to be strictly applied. The development must be operated in accordance with the Plan of Management approved under this development consent in relation to the approved boarding house. The Plan of Management can only be amended with the written agreement of Council in writing.

243. 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.

244. 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.

Advisory Note:

Temporary dewatering of an amount above 3 ML may require a water licence to be obtained from DPI Water before construction commences.

End of Consent