

# MEMORANDUM

**To:** Sydney North Planning Panel

**From:** Alicia Hunter - Senior Town Planner, Major Development Assessment

**Date:** 30 November 2020

**Subject:** Panel No: PPSSNH-85  
LDA2020/0133 – 63 – 77 West Parade, West Ryde

The purpose of this memo is to advise the Sydney North Planning Panel of:

1. Deferred Commencement;
2. Amendment to Condition 25 (Tree Removal);
3. Addition of Condition 25B (Tree Removal); and
4. Amendment to Condition 1 (Approved Plans/Documents);

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## 1. Deferred Commencement

As noted in the assessment report, a Deferred Commencement condition was recommended regarding the removal of two (2) trees (trees 3 and 34) on the adjoining site to the east (the Main Northern Railway Corridor). The condition required landowners consent from Sydney Trains to be obtained for the removal of these trees prior to the activation of the consent.

Landowners consent and concurrence has now been received (and is attached to this memo). As such, conditions relating to deferred commencement are no longer required.

Accordingly, Part 1(A), (B) and (C) have been removed from the recommended draft conditions.

## 2. Condition 25 (Tree Removal).

Condition 25 lists trees approved to be removed as part of this consent. As landowners consent and concurrence has now been received regarding the removal of trees 3 and 34 it is recommended that Condition 25 be amended to reflect this.

Accordingly, Condition 25 is amended on the draft consent to read as follows (added text underlined and **bold** and deleted text ~~struck through~~):

25. **Tree Removal.** The following trees as referenced within the Arboricultural Impact Appraisal prepared by Bluegum Tree Care and Consultancy dated March 2020 are approved for removal only: Trees **3**, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27a, 28, 29, 30, 31, 32, 33, **34**, 35, 36, 37, 38, 39, 40, 41, 42, 43 & 44.

### 3. Condition 25B (Tree Removal – Sydney Trains).

Sydney Trains have provided an updated concurrence with an amended condition relating to the removal of trees 3 & 34.

Accordingly, Condition 25 is included on the draft consent to read as follows:

25B. **Sydney Trains.** Permission is granted for the removal of trees 3 & 34 as identified in the Tree Protection Plan prepared by Bluegum Tree Care and Consultancy, subject to the following conditions:

- a) Prior to the undertaking of tree removal works Sydney Trains shall be liaised regarding their requirements for the undertaking of works by Billbergia or the entering into an agreement for the undertaking of works by Sydney Trains staff.
- b) Should Sydney Trains advise that the works are to be undertaken by Billbergia all works and access shall be in accordance with Sydney Trains requirements at all times, including but not limited to:
  - a. the provision of rail specific SWMS & Works Methodology, Release & Indemnity and payment of any applicable fees.
  - b. all contractors will be required to comply with the conditions and requirements of the Environmental Protection Licence applicable to this corridor and all applicable laws and consents when accessing, and conducting activities on TAHE Land
  - c. all green waste including, but not limited to, tree branches, tree trunks, mulch and leaf litter is to be removed from the site immediately and taken to an appropriately licenced facility.
- c) Should Sydney Trains advise that the works will be undertaken by Sydney Trains Billbergia shall pay all applicable costs associated with the works undertaken by Sydney Trains.
- d) The timing of the works by Sydney Trains or the granting of access to the rail corridor for Billbergia contractors will be at the discretion of Sydney Trains.

### 4. Condition 1 (Approved Plans/Documents).

Condition 1 has been amended to include reference to specialist reports submitted as part of the Development Application, and referenced in Conditions. Specific reference is made to:

- Qualitative Wind Assessment;
- Noise Impact Assessment;
- Geotechnical Report;
- Accessibility Report; and
- CPTED Report.

Accordingly, it is requested that Condition 1 be amended to read as follows (added text underlined and **bold** and deleted text ~~struck through~~):

(Condition 1 has not been reproduced in full).

<b><u>Qualitative Wind Assessment</u></b> <b><u>(Prepared by SLR Consulting</u></b> <b><u>Australia Pty Ltd)</u></b>	<b><u>March 2020</u></b>	=
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<b><u>Noise Impact Assessment (prepared by JHA Services)</u></b>	<b><u>23 March 2020</u></b>	<b><u>=</u></b>
<b><u>Geotechnical Report (Prepared by Douglas Partners)</u></b>	<b><u>March 2020</u></b>	<b><u>Document No. 86806.00</u></b>
<b><u>Accessibility Report (Prepared by McKenzie Group)</u></b>	<b><u>19 March 2020</u></b>	<b><u>=</u></b>
<b><u>CPTED Report (Prepared by Urbis)</u></b>	<b><u>13 August 2020</u></b>	<b><u>=</u></b>

Condition 1 has been updated to reflect these amendments.

The applicant has agreed to the proposed amendments to Conditions 1, 25 and 25B.

A copy of an amended set of draft conditions to supersede the previously submitted Attachment 1 accompanies this memo.

Alicia Hunter  
Senior Town Planner

## GENERAL

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

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

Document Description	Date	Plan No/Reference
Development Data Sheet	9 September 2020	Drawing No. DA-01-0010, Issue B
Site Plan	26 March 2020	Drawing No. DA-01-0100, Issue A
Site Analysis Plan	26 March 2020	Drawing No. DA-01-0200, Issue A
Setbacks and Constraints Diagram	26 March 2020	Drawing No. DA-01-0300, Issue A
Approved Part 3A Height	17 July 2020	Drawing No. DA-01-0400, Issue B
Demolition Plan	26 March 2020	Drawing No. DA-01-0500, Issue A
Basement Level 03 Plan	17 July 2020	Drawing No. DA-10-0070, Issue B
Basement Level 02 Plan	17 July 2020	Drawing No. DA-10-0080, Issue B
Basement Level 01 Plan	12 August 2020	Drawing No. DA-10-0090, Issue B
Ground Floor Plan	9 September 2020	Drawing No. DA-10-1000, Issue B
General Arrangement Plans – Level 01	17 July 2020	Drawing No. DA-10-1100, Issue B
General Arrangement Plans – Level 02	17 July 2020	Drawing No. DA-10-1200, Issue B
General Arrangement Plans – Level 03	17 July 2020	Drawing No. DA-10-1201, Issue B
General Arrangement Plans – Level 04	17 July 2020	Drawing No. DA-10-1202, Issue B
General Arrangement Plans – Level 05	17 July 2020	Drawing No. DA-10-1203, Issue B
General Arrangement Plans – Level 06	17 July 2020	Drawing No. DA-10-1600, Issue B
General Arrangement Plans – Level 07	17 July 2020	Drawing No. DA-10-1700, Issue B
General Arrangement Plans – Level 08	17 July 2020	Drawing No. DA-10-1800, Issue B
General Arrangement Plans – Level 09	17 July 2020	Drawing No. DA-10-1900, Issue B

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
General Arrangement Plans – Level 10	17 July 2020	Drawing No. DA-10-200, Issue B
Roof Plan	17 July 2020	Drawing No. DA-10-2200, Issue B
Building A Typical Apartment Layouts	17 July 2020	Drawing No. DA-10-5000, Issue B
Buildings B & C Typical Apartment Layouts	17 July 2020	Drawing No. DA-10-5100, Issue B
West Parade Elevation	17 July 2020	Drawing No. DA-20-0100, Issue B
North Elevation	17 July 2020	Drawing No. DA-20-0200, Issue B
South Elevation	17 July 2020	Drawing No. DA-20-0300, Issue B
East Elevation	17 July 2020	Drawing No. DA-20-0400, Issue B
Site Section AA	31 July 2020	Drawing No. DA-30-0100, Issue B
Sections BB, CC & DD	17 July 2020	Drawing No. DA-30-0200, Issue B
Sections EE & FF	3 August 2020	Drawing No. DA-30-0300, Issue B
Sections GG	17 July 2020	Drawing No. DA-30-0401, Issue B
External Material & Finishes	26 March 2020	Drawing No. DA-50-0200, Issue A
External Material & Finishes Building A	26 March 2020	Drawing No. DA-50-0300, Issue A
External Material & Finishes Building B	26 March 2020	Drawing No. DA-50-0400, Issue A
External Material & Finishes Building C	17 July 2020	Drawing No. DA-50-0500, Issue B
Typical Façade Sections	26 March 2020	Drawing No. DA-50-0600, Issue A
Accessible Apartments	26 March 2020	Drawing No. DA-70-0200, Issue A
GFA Diagrams	17 July 2020	Drawing No. DA-90-0100, Issue B
Deep Soil Diagrams	9 September 2020	Drawing No. DA-95-0100, Issue B
Landscape Master Plan	13 August 2020	Drawing No. 2.3
Landscape Plan - Ground	13 August 2020	Drawing No. 2.4
Landscape Detail Plan Buildings B & C Communal Open Space	13 August 2020	Drawing No. 2.5

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Landscape Sections	13 August 2020	Drawing No. 2.6
Landscape Detail Plan Buildings A & B Communal Open Space	13 August 2020	Drawing No. 2.7
Landscape Detail Plan - Rooftop	13 August 2020	Drawing No. 2.8
Landscape Section D - Rooftop	13 August 2020	Drawing No. 2.9
Landscape Plan - Streetscape	13 August 2020	Drawing No. 2.10
Landscape Sections – Streetscape Interfaces	13 August 2020	Drawing No. 2.11
Landscape Sections – Streetscape Interfaces	13 August 2020	Drawing No. 2.12
Revised Landscape Sections – Noise Wall Greening	13 August 2020	Drawing No. 2.13
Planting Schedule Palette - Ground	13 August 2020	Drawing No. 3.1
Planting Schedule Palette - Roof	13 August 2020	Drawing No. 3.2
Landscape Softworks Plan - Ground	13 August 2020	Drawing No. 3.3
Landscape Softworks Plan - Ground	13 August 2020	Drawing No. 3.4
Landscape Softworks Plan - Roof	13 August 2020	Drawing No. 3.5
General Landscape Details	13 August 2020	Drawing No. 3.6
General Landscape Specification	13 August 2020	Drawing No. 3.7
Stormwater Services Ground Level Stormwater Layout	4 August 2020	Drawing No. C101, Rev. P3
Stormwater Services Ground Level Catchment Layout	4 August 2020	Drawing No. C102, Rev. P3
Hydraulic Services Ground Floor Stormwater Drainage Layout	18 August 2020	Drawing No. H100, Rev. A
Hydraulic Services Roof Stormwater Drainage Layout	18 August 2020	Drawing No. H150, Rev. A
Civil Services Drainage Profile	4 August 2020	Drawing No. C201, Rev. P3

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Civil Services Drainage Profile	4 August 2020	Drawing No. C202, Rev. P3
Civil Services Drainage Profile	4 August 2020	Drawing No. C203, Rev. P3
Civil Services Drainage Profile	4 August 2020	Drawing No. C204, Rev. P3
Stormwater Services OSD Tank Sections	4 August 2020	Drawing No. C301, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C302, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C501, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C502, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C503, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C504, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C505, Rev. P3
Stormwater Services	4 August 2020	Drawing No. C506, Rev. P3
Qualitative Wind Assessment (Prepared by SLR Consulting Australia Pty Ltd)	March 2020	-
Noise Impact Assessment (prepared by JHA Services)	23 March 2020	-
Geotechnical Report (Prepared by Douglas Partners)	March 2020	Document No. 86806.00
Accessibility Report (Prepared by McKenzie Group)	19 March 2020	-
CPTED Report (Prepared by Urbis)	13 August 2020	-

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1017767M\_02, dated 4 November 2020.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
6. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.
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) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **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.
10. **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.
11. **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.
12. **Public Utilities.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant’s expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.



14. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP 2014 Part 8.5 (*Public Domain Works*), except otherwise as amended by conditions of this consent and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.
15. **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, 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.
16. **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.
17. **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*.
18. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan prior to the issuance of a a Crown Building Works Certificate.
19. **Boundary / Cadastral Survey.** If any design work is planned which relies on critical setbacks from boundaries and further subdivisions of the land, it is requirement a boundary / cadastral survey be undertaken **prior to design being finalised** & prior to the commencement of any works. The boundaries should be surveyed, marked &/or survey set-out marks placed prior to the commencement of any construction work.
20. **Connection by gravity flow.** All sanitary fixtures must be connected to the sewerage system by gravity flow.
21. **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.

22. **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.
23. **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.
24. **Tree Retention.** The following trees as referenced within the Arboricultural Impact Appraisal prepared by Bluegum Tree Care and Consultancy dated March 2020 must be retained and protected: Trees 1, 2 18 & 45.

#### **Tree Retention Schedule**

Tree No.	Species
1	<i>Acmena Smithii</i>
2	<i>Chinese Hackberry</i>
18 & 45	<i>Lophostemon Confertus</i>

25. **Tree Removal.** The following trees as referenced within the Arboricultural Impact Appraisal prepared by Bluegum Tree Care and Consultancy dated March 2020 are approved for removal only: Trees 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27a, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 & 44.
- 25A. **Street Tree. Replacement Planting.** That the planting of two (2) Brush Box (*Lophostemon confertus*) in the road reserve must be of a pot size of no less than 45lt at the time of planting.
- 25B. **Sydney Trains.** Permission is granted for the removal of trees 3 & 34 as identified in the Tree Protection Plan prepared by Bluegum Tree Care and Consultancy, subject to the following conditions:
  - a) Prior to the undertaking of tree removal works Sydney Trains shall be liaised regarding their requirements for the undertaking of works by Billbergia or the entering into an agreement for the undertaking of works by Sydney Trains staff.
  - b) Should Sydney Trains advise that the works are to be undertaken by Billbergia all works and access shall be in accordance with Sydney Trains requirements at all times, including but not limited to:
    - a. the provision of rail specific SWMS & Works Methodology, Release & Indemnity and payment of any applicable fees.
    - b. all contractors will be required to comply with the conditions and requirements of the Environmental Protection Licence applicable to this corridor and all applicable laws and consents when accessing, and conducting activities on TAHE Land
    - c. all green waste including, but not limited to, tree branches, tree trunks, mulch and leaf litter is to be removed from the site immediately and taken to an appropriately licenced facility.

- c) Should Sydney Trains advise that the works will be undertaken by Sydney Trains Billbergia shall pay all applicable costs associated with the works undertaken by Sydney Trains.
- d) The timing of the works by Sydney Trains or the granting of access to the rail corridor for Billbergia contractors will be at the discretion of Sydney Trains.

## **PRIOR TO ISSUE OF A CROWN BUILDING WORKS CERTIFICATE**

26. **Construction Traffic & Pedestrian Management Plan.** A Construction Traffic & Pedestrian Management Plan (CTPMP) including Traffic Control Plan(s) shall be prepared to address impacts to the general traffic, pedestrians and other road users within the surrounding public road network associated with all construction works (including demolition) corresponding to the development. The CTPMP is to be prepared by a suitably qualified Traffic Engineer, which is to be submitted to Council's Transport Department for review and approval prior to the commencement of any construction work.

Any Traffic Control Plan (TCP) submitted to Council's Transport Department is required to be prepared by a TfNSW accredited person (with a "*Prepare a Work Zone Traffic Management Plan*" qualification) and in accordance with AS1742.3-2009 and TfNSW' *Traffic Control at Work Sites* Technical Manual.

All fees and charges associated with the review of the CTPMP (including TCP(s)) is to be in accordance with Council's Schedule of Fees and Charges and are to be paid prior to the CTPMP is approved.

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

27. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with A54970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment Report prepared by Bluegum Tree Care and Consultancy (dated March 2020). All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site prior to a Crown Building Works Certificate being issued. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

28. **Sydney Trains – Other.**

- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with; and
- Where a condition of consent requires Sydney Trains or Transport for NSW endorsement a Crown Building Works Certificate is not to be issued, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged **Crown Certification** dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

29. **Sydney Trains – Drainage.**

- The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. Drainage drawings show riser roof north of building A communal open space discharging towards rail corridor. Drainage solution is to be revised to ensure stormwater is diverted away from rail corridor. A Crown Building Works Certificate is not to be issued unless the drainage is in accordance with this condition.
- The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor;
- The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system;
- The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services; and
- Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

30. **Sydney Trains – Consultation.** The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- Oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- Acts as the authorised representative of the Applicant; and
- Is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out

of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works; and

- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team via email on North\_Interface@transport.nsw.gov.au.

**31. Sydney Trains – Construction.**

- No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor;
- No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. A Crown Building Works Certificate is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied; and
- No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. A Crown Building Works Certificate is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**32. Sydney Trains - Design.**

- The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains;
- Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. A Crown Building Works Certificate is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied;
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. A Crown Building Works Certificate is not to be issued until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied; and
- There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to

ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. A Crown Building Works Certificate is not to be issued-until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.

33. **Transport for NSW - Consultation.** It is noted the site is located adjacent to rail corridor along the eastern boundary. There is also bus stop/zone at the frontage of the site on West Parade. The proponent is to consult with Sydney Trains and TfNSW regarding the proposed development and potential impact on the rail infrastructure and bus transport facilities and comply with their requirements.
34. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 583,363.47
Open Space & Recreation Facilities	\$ 1,004,525.21
Transport Facilities	\$ 308,386.03
Plan Administration	\$ 28,444.17
<b>The total contribution is</b>	<b>\$ 1,924,718.88</b>

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

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

The monetary contribution must be paid prior to the occupation of the building to which this consent relates. However, if no crown building works 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 crown building works 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 Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

35. **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 must be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

36. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the issue of the relevant Crown Building Works Certificate
37. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the issue of the relevant Crown Building Works Certificate. (category: other buildings with delivery of bricks or concrete or machine excavation)
38. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the issue of the relevant Crown Building Works Certificate:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
39. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the relevant Crown Building Works Certificate.
40. **Adaptable Units.** A total of 15 adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided prior to the issue of the relevant Crown Building Works Certificate. Prior to the commencement of works, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2014 Part 9.2 and A54299.
41. **Liveable Housing.** A total of 30 apartments are to incorporate the Liveable Housing Guidelines silver level universal design features. Details demonstrating compliance is to be provided prior to the issue of the relevant Crown Building Works Certificate.
42. **Wind.** The development is to comply with all recommendations of the Qualitive Wind Assessment prepared by SLR Consulting Australia Pty Ltd (dated March 2020).
43. **Acoustic Requirements.** The development is to comply with all recommendations of the Noise Impact Assessment prepared by JHA Services (dated 23 March 2020). Details are to be noted on the plans and submitted to Council prior to the commencement of works. Prior to the issue of the relevant Crown Building Works Certificate, a suitably qualified acoustic consultant is to

verify that the development complies with these recommendations in the above report.

44. **Accessibility Report.** The development is to comply with the requirements contained in the Accessibility Report prepared by McKenzie Group dated 19 March 2020 and all other relevant BCA access requirements.
45. **CPTED Report.** The development is to comply with the requirements contained in the CPTED Report prepared by Urbis, dated 13 August 2020.
46. **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 prior to the issue of the relevant Crown Building Works Certificate.
47. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. The project architect is to verify in writing that the development complies, and details of the location of the storage and dimensions of the storage areas are to be provided on the plans issued for Crown Certification.
48. **Sydney Water – Building Plan Approval.** Plans must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
49. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
50. **Design verification.** Prior to the issue of the relevant Crown Building Works Certificate, written Design Verification from a registered architect that has overseen the design is to be submitted to Council. This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
51. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity.
52. **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.



53. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the commencement of works, satisfactory arrangements are to be 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).

54. **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 for Crown Certificate prior to the commencement of works:

- (a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- (b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- (c) All disabled parking spaces must have a minimum overhead clearance of 2.5m, as per AS 2890.6

These amendment(s) must be clearly marked on the structural detail plans (so as to ensure all structural elements are accounted for) required under this condition.

55. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing kerb inlet pit in West Parade generally in accordance with the plans by JHA Consulting Engineers (Refer to Project No. 190166 Dwgs C000, C101-102, C201-204, C301-302, C501-506 - Rev P3 dated 24 July 2020 & H100-105 - Rev A dated 18 August 2020) subject to any variations marked in red on the DA approved plans and noted following;
- The system must be reconfigured to ensure all runoff directed to the OSD is undertaken in a controlled manner (piped) for all storm events up to the 100yr ARI;
  - Should any elements of the surface drainage system bypass the OSD, the system must discharge to the public inground drainage infrastructure;
  - The location and surface level of pits, surface levels and grades are to be nominated with consideration to preventing inundation of habitable areas during extreme storm events;
  - In alignment with the elected OSD design objectives, the site must have a PSD (permissible discharge rate) no greater than 101 L/s. This is to take into account any flows from the site bypassing the OSD system and is to disregard any catchment external to the site (ie road areas);
  - The OSD must have sufficient storage to contain runoff up to the 100yr ARI storm event;
  - The OSD must incorporate a failure mode which directs flows safely to public infrastructure and must not inundate habitable areas; and
  - Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Crown Building Works 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.

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

As a minimum, the OSD system must;

- (a) Provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with the approved plans, nominating a PSD of 101L/s. The SSR will need to be adjusted to account for the

- reconfiguration of the system as required by the condition “Stormwater Management”;
- (b) Incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service;
  - (c) Ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system; and
  - (d) Ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the worst case, 100 year ARI storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

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

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

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

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for Crown Certification prior to works commencing on the site.

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

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

59. **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 the Geotechnical Report.

The certification and the GMP is to be submitted to the Certifier prior to the issue of the relevant Crown Building Works Certificate.

60. **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 for prior to the issue of the relevant Crown Building Works Certificate..

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

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

61. **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 to the Certifier prior to the issue of the relevant Crown Building Works 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.

This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

62. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely:
- 61 West Parade, West Ryde; and
  - public infrastructure (including roads, gutters, footpaths, etc).

A copy of the report must be provided to Council and any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the issue of the relevant Crown Building Works Certificate.

63. **Waste and Service Vehicle Access.** Access to the internal manoeuvring area including ramp grades, transitions and height clearances shall be designed to comply with the specifications of a 10.8m long waste vehicle. The height clearance required is 4.5m, measured from the floor level to the lowest point in the ceiling. Swept path diagrams and ground clearance plans based on Council's 10.8m long refuse collection vehicle shall be submitted to Council's Transport Department for review and approval prior to the issue of the relevant Crown Building Works Certificate. These plans need to show the ramp grades, transitions and height clearances within all internal areas intended to accommodate heavy vehicles (e.g. access driveway, internal roadway and manoeuvring areas).

Swept path diagrams also must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

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

65. **Public domain improvements.** The public domain is to be upgraded in the West Parade frontage of the development site in accordance with the City of Ryde DCP2014, Part 8.5 *Public Civil Works* and the Public Domain Technical Manual Chapter 4 – *West Ryde*. The works shall include paving, light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Re-turf existing nature strips. Two (2) street trees to be provided in accordance with the West Ryde Street Tree Master Plan. The designated species are "Lophostemon Confertus – Brushbox" for West Parade. Each street tree is to be planted in accordance with
  - That the pot size of the replacement trees shall be no less than 45lt at the time of planting;
  - That the trees be planted in accordance with Section 6 of Councils Tree Management Technical Manual; and
  - That the trees be planted in an appropriate location so to not impede line of sight for vehicles entering and exiting the driveway at this or neighbouring properties.

**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 West Parade frontage. 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 using LED luminaires is to be designed and installed to Australian Standard AS1158:2020 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category PP3 along the West Parade frontage of the development site. The street lighting will remain on the Ausgrid street lighting network.

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.

66. **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 commencement of works. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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

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

- (a) The full reconstruction of half road width for the West Parade frontage of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.
- (b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.
- (c) The construction of new kerb and gutter along the West Parade frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along West Parade.
- (d) Construction of new 1.5m wide concrete footway to replace the existing one along the whole West Parade frontage of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*.
- (e) Construction of new bus stop pavement on the footpath in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.



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

**Notes:**

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

67. **Reinstatement of Bus Stop.** The existing bus stop at the West Parade frontage of the development site shall be relocated to a Council approved temporary location prior to commencement of the public domain improvement works. The bus stop shall be reinstated in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.
68. **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 *Off-street Parking*.

Prior to the issue of the relevant Crown Building Works Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover.

The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

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

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

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

69. **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 **\$50,000** shall be lodged with the City of Ryde to prior to the issue of the relevant Crown Building Works 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.
70. **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.
71. **Waste Management Plan.** Any changes to the DA approved waste management plan or DA approved architectural plans utilized to evaluate waste collection by Council, shall require approval by the Waste Department at the City of Ryde Council prior to the issue of the relevant Crown Building Works Certificate to ensure the waste collection is not affected.

72. **Waste Storage Areas.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m; and
  - 660L Bins – width 1.3m, depth 0.8m, height 1.3m.
73. **Waste Receptacles.** Two separate receptacles must be provided inside each dwelling to store up to two days' worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.
74. **Garbage and Recycling Rooms.** 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.
75. **Sydney Trains – Engineering.** Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:
- Geotechnical Investigation Report Ref: 86806.00 prepared by Douglas Partners dated March 2020;
  - Numerical Modelling Report Ref: 86806.01 prepared by Douglas Partners dated July 2020;

- Geotechnical Monitoring Plan Ref: 86806.02.R.002.Rev0 prepared by Douglas Partners dated 24 July 2020;
- Correspondence from ABC Consultants Ref:19044-001-Sydney Trains Letter, dated 13 July 2020;
- Structural Assessment Report Ref:19044-SAR (Revision C) prepared by ABC Consultants dated May 2020;
- Structural Drawings prepared by ABC Consultants as follows:
  - Showing Notes – Drawing S01.000 Revision P2;
  - Showing Plan – Drawing S01.001 Revision P3;
  - Shoring Surcharge Loading Plan – Drawing S01.002 Revision P3;
  - Shoring Elevations Sheet 1 – Drawing S01.011 Revision P3;
  - Showing Elevations Sheet 2 – Drawing S01.012 Revision P3;
  - Shoring Section Sheet 1 – Drawing S01.021 Revision P4;
  - Shoring Sections Sheet 2 – Drawing S01.022 Revision P4;
  - Correspondence from SNC-Lavalin regarding Derailment Risk Assessment Ref:SN0201089-VO0-M01 dated 22 July 2020;
  - Correspondence from Cardno Ref: 80020056-LO-001:DA dated 27 July 2020

Subject to the following amendments/additional information:

- Demonstration and provision of evidence that the retaining wall will provide a "natural protection" to buildings A, B and C; and
- Provision of kinematic analysis to demonstrate the potential train derailing movement and provide evidence for the earthen embankment complies with the requirement of AS5100.2 as a derailment protective structure

The Certifier is not to the issue of the relevant Crown Building Works Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issue of the relevant Crown Building Works Certificate prior to the commencement of works the Certifier is to provide verification to Sydney Trains that this condition has been complied with.

76. **Sydney Trains – Construction.** Prior to the issue of the relevant Crown Building Works Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- Machinery to be used during excavation/construction; and
- Demolition, excavation and construction methodology and staging.

Works are not to commence until it has received written confirmation from Sydney Trains that this condition has been complied with.

77. **Sydney Trains – Construction.** If required by Sydney Trains, prior to the issue of the relevant Crown Building Works Certificate a Risk Assessment/Management

Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. Works are not to commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

78. **Sydney Trains – Electrolysis.** Prior to the issue of the relevant Crown Building Works Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Crown Building Works Certificate. The recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issue of the relevant Crown Building Works Certificate.
79. **Sydney Trains – Noise and Vibration.** The Applicant shall submit the final Acoustic Report to Certifier demonstrating compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. The recommendations of the acoustic assessment are to be incorporated in the construction drawings and documentation prior to the prior to the issue of the relevant Crown Building Works Certificate.
80. **Tree Protection.** Street tree T45 Brush Box (*Lophostemon confertus*) located in the road reserve at the front of 63-77 West Parade is to be retained and protected in accordance with the following conditions.
  - (i) Protection fencing, construction type 1.8m high chainwire fencing, in accordance with AS4970-2009 Protection of trees on Construction Sites, to be installed around the tree in the road reserve to be retained at a minimum distance of 2m radius from the trunk, prior to the works commencing on site.
  - (ii) No cutting or filling is to occur within the tree protection zone and existing surface levels are to be maintained.
  - (iii) No unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
  - (iv) City of Ryde Councils Tree Management technical manual and the Australian Standard AS4970 Protection of trees on development sites
  - (v) All work undertaken within or above a Tree Protection Zone shall be supervised by the Project Arborist.
  - (vi) No additional expansion of the driveway may occur adjacent to the tree.
  - (vii) That all relevant legislation and WHS regulations be adhered to whilst undertaking these works.
  - (viii) That a bond be placed upon the one tree to be retained to the value of \$5000 and two (2) trees to be replanted to the value of \$1000 each.

- (ix) That the bond of \$5000.00 is to be paid to Council prior to commencement works on the site.
- (x) That the bond be redeemable no sooner than 12 months after the Crown Certification has been issued.
- (xi) That Council's Tree Management Officer inspects the tree prior to the bond being released.
- (xii) That the tree shall be in good health and vigour upon inspection.
- (xiii) That if the tree is found to be in poor condition or vigour the bond shall not be released.

#### **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.

#### **81. Site Sign**

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

#### **82. Excavation adjacent to adjoining land**

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

#### **83. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

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

85. **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.
86. **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.
87. **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 the construction site. Separate application is required with a Traffic Management/Control Plan for standing of construction vehicles in a trafficable lane. For State Roads, a Work Zone Permit shall be obtained from Transport for NSW.
88. **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.
89. **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.
90. **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.

91. **Pre-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
  - (b) Kerb and gutter,
  - (c) Footpath,
  - (d) Drainage pits,
  - (e) Traffic signs, and
  - (f) Any other relevant infrastructure.

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

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

92. **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.

- 93. **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.
- 94. **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.
- 95. **Tree Protection.** Prior to the commencement of any demolition work all tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. The fencing is to remain on site until the development is completed.
- 96. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
- 97. **Sydney Trains – Inspections.** If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any

deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

98. **Sydney Trains– Inspections.** If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:
- Site investigations;
  - Foundation, pile and anchor set out;
  - Set out of any other structures below ground surface level or structures which will transfer any load or bearing;
  - Foundation, pile and anchor excavation;
  - Other excavation;
  - Surveying of foundation, pile and anchor excavation and surveying of asbuilt excavations; Other concreting; or
  - Any other event that Sydney Trains has notified to the Applicant.
99. **Sydney Trains – Construction.** Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
100. **Sydney Trains - Construction.** Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.

#### **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.

101. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
102. **Implementation of Construction Traffic & Pedestrian Management Plan.** The traffic management/control measures outlined in the approved Construction Traffic & Pedestrian Management Plan (CTPMP) and Traffic Control Plan(s) are to be maintained and adhered to, at all times. The approved traffic management/control measures must be carried out by person(s) having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTPMP/ Traffic Control Plan(s) be impacted by surrounding major development and/or should there be significant changes to traffic conditions in the immediate vicinity of the site not encompassed in the approved CTPMP/Traffic Control Plan(s), the measures and controls contained in these

documents are to be revised accordingly and submitted to Council for approval. Approved copies of the CTPMP /Traffic Control Plan(s) are to be kept onsite at all times and made available to Council on request.

103. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.
104. **Noise management plan.** Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
  - (a) Identification of nearby affected residences or other sensitive receivers.
  - (b) An assessment of the expected noise impacts.
  - (c) Details of the work practices required to minimise noise impacts.
  - (d) Noise monitoring procedures.
  - (e) Procedures for notifying nearby affected residents.
  - (f) Complaints management procedures.
105. **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.
106. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
107. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
  - (c) Fill is allowed under this consent;
  - (d) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (e) the material is reused only to the extent that fill is allowed by the consent.
108. **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.
109. **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.
110. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Crown Building Works Certificate version of the Stormwater Management Plan by JHA Consulting

Engineers (Refer to Project No. 190166 Dwgs C000, C101-102, C201-204, C301-302, C501-506 - Rev P3 dated 24 July 2020 & H100-105 - Rev A dated 18 August 2020) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

111. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Crown Building Works 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.
112. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Crown Building Works 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.
113. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Crown Building Works Certificate version of the SDP submitted in compliance to the condition labelled "Site Dewatering Plan.", the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
114. **Signage and Linemarking – External.** A signage and linemarking plan is required to be prepared by a suitably qualified person and submitted to and approved by Ryde Traffic Committee/Council's Transport Department prior to the occupation or use of the first building on site. This signage and linemarking plan is to provide details of proposed changes to the existing on-street parking arrangements within West Parade adjacent to the site frontage to assist with the manoeuvring of Council's 10.8m long waste vehicle with respect to entering and exiting the site via the new access driveway.
115. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Ryde Traffic Committee/Council's Transport Department. These works are to be undertaken prior to the occupation or use of the first building on site.
116. **Site Facilities.**  
The following facilities must be provided on the site:
  - (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

**117. 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) all materials associated with construction must be retained within the site;
- (d) the site is clear of waste and debris at the completion of the works.

**118. 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".

**119. 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.

**120. Construction Waste.** 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.

121. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
122. **Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
123. **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.
124. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >40 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
125. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with hydro-excavation, Air Spade, non-motorised hand tools or directional drilling.
126. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
127. **Fill Requirements.** All fill to be placed within the Tree Protection Zones of trees nominated for retention is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.
128. **Canopy Tying.** Where possible tree branches overhanging the construction zones are to be tied back to the main trunk rather than pruned.
129. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.
130. **Sydney Trains – Inspections.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must

be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

131. **Sydney Trains – Supervision.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

## **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

132. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in approved BASIX Certificate prior to the occupation or use of each building.

133. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the occupation or use of each building.

134. **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 prior to the occupation or use of the first building on site. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

135. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property namely 61 West Parade, West Ryde, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the occupation or use of each building.
136. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted prior to the occupation or use of each building.. 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.

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



139. **Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website) for review and the covenant must be registered on the title prior to the occupation or use of the first building on site.
140. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the occupation or use of the first building on site. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- (a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - (b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - (c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
  - (d) 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.
  - (e) 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.

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

141. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council – contact Council's Customer Service for details ((02) 9952 8222).
142. **Parking Area Linemarking and Signage.** To ensure the safe and efficient circulation of traffic and access to parking, directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the occupation or use of any part of the development requiring use of the parking area.
143. **Vehicle Footpath Crossing and Gutter Crossover – Construction.** The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the occupation or use of the first building on site 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.
144. **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 Certifier prior to the occupation or use of the first building on site, 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.
145. **Restoration – Supervising Engineer's Certificate** - Prior to the occupation or use of the first building on site 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.

146. **Compliance Certificates – Street Lighting.** Prior to the occupation or use of the first building on site, 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.
147. **Compliance Certificate – External Landscaping Works.** Prior to the occupation or use of the first building on site, 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.
148. **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 occupation or use of the first building on site.

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.

149. **Registered Survey or Final Certificate.** Upon completion of all construction works and prior to the occupation or use of the first building on site a Certificate from a Registered Surveyor is to be submitted to Council, stating that all works (above and below ground) are contained within the site's boundaries as defined according to the Consent Condition about the Land Boundary / Cadastral Survey.
150. **Supervising Engineer Final Certificate.** Prior to the occupation or use of the first building on site, 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.
151. **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 the occupation or use of the first building on site. 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.

152. **Decommissioning of Ground Anchors.** Prior to the occupation or use of the first building on site, 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.
153. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

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

154. **Compliance Certificate – External Works and Public Infrastructure Restoration.** Prior to the occupation or use of the first building on site, 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.
155. **Engineering Condition – Public Domain Works.** All outstanding 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 prior to the occupation or use of the first building on site.

156. **Waste Areas.** Council's waste team will be required to inspect the site prior to the occupation or use of the first building on site 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 occupation or use of the relevant building.
157. **Loading Dock Management Plan.** A Loading Dock Management Plan will need to be prepared by the applicant and submitted to and approved by Council prior to the occupation or use of the first building on site. The Plan will need to demonstrate how loading dock will be managed to ensure that there will be only one vehicle within the loading dock in any period. Vehicle queuing on public road(s) will not be permitted.
158. **Provision of Waste Services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the occupation or use of the first building on site.
159. **Waste Services – Access.** 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 occupation or use of the first building on site. 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.
160. **Loading Dock.** Where there will be secure access in place to the loading dock area, Council's waste team will be provided with three (3) access fobs or the relevant access code for use by the contractor to enable service.
161. **Waste Storage Area.** 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.
162. **Waste Storage Area.** 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 manoeuvred to the collection point.

163. **Compliance Report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Certifier prior to the occupation or use of the first building on site.
164. **Sydney Trains – Inspections.** If required by Sydney Trains, prior to the occupation or use of the first building on site, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The development is not to be used or occupied until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
165. **Sydney Trains - Maintenance.** Prior to the occupation or use of the first building on site the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The development is not to be used or occupied until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
166. **Sydney Trains – Documentation.**
  - Prior to the occupation or use of the first building on site the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The development is not to be used or occupied until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
  - Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the occupation or use of the development.
167. **Sydney Trains - Documentation**
  - Prior to the occupation or use of the first building on site the applicant shall provide confirmation that the façade cladding on the eastern elevation will not become detached from the proposed development under wind load and enter rail corridor.
  - Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the occupation or use of the development.

168. **Sydney Trains - Documentation.** Prior to the occupation or use of any building on site a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent.

Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

169. **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
170. **Design Verification.** Prior to commencement of occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Crown Building Works Certificate issued, having regard to the design quality principles set out in Schedule 1 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with *Clause 154A of the Environmental Planning and Assessment Regulations 2000*.
171. **Framework Travel Plan.** A finalised Framework Travel Plan (FTP) is to be submitted to Council prior to the occupation or use of the first building on site. The FTP must:
- (i) Adopt strategies and procedures to meet a 40% public transport/60% private transport target for the development for journey-to-work trips, to minimise drive-alone vehicle trips and to encourage transport choice to and within West Ryde.
  - (ii) Demonstrate how on-site parking provision and built form design will contribute to the FTP and assist in meeting the 40% public transport/60% private transport target for the development for the journey-to-work.
  - (iii) Demonstrate infrastructure connections to the nearby footpath, bicycle and public transport networks including through-site-links where required.
  - (iv) Provide, to Council satisfaction, supportive infrastructure for:
    - Public transport passengers (bus shelters and passenger waiting areas) to be provided where a new public bus stop or service is

- required to service the additional demand from the development or meet relevant mode share targets for the development.
  - Taxi drop-off areas or parking (as appropriate) and carpooling and car share dedicated parking in publicly accessible locations, within the development site. The number of dedicated parking spaces provided must support relevant mode share targets for the development.
- (v) Walking and cycling (lockers and end-of-trip facilities).

## 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.

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

- 141 residential spaces;
- 30 visitor spaces; and
- 21 bicycle parking spaces.

Parking is to be equitably distributed throughout the development with equivalent or similar parking allocation between Buildings A, B and C according to the size and number of units within each Building.

173. **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).

174. **Waste Services.**

- (a) 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;
- (b) 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;
- (c) Garbage and recycling bins must always be stored on-site between collections;
- (d) All waste storage areas must be maintained in a clean and tidy condition;
- (e) Staff or contractors must be employed to cart bulk waste from the storage room located on basement level B1 to the collection point at ground floor the day before any pre-booked collection. Bulk waste awaiting collection will be neatly presented and shall not impede access to, or manoeuvrability of, bulk waste bins stored within the room awaiting collection;
- (f) 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;



- (g) 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;
  - (h) All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner; and
  - (i) Unwanted household items must be stored onsite until the night prior to a Pre-booked household cleanup collection.
175. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
176. **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.
177. **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 NOTES

- **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

**End of consent.**

25 November 2020

The General Manager  
Ryde City Council  
Locked Bag 2069  
North Ryde NSW 1670

**ATTENTION: Alicia Hunter**

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007  
DEVELOPMENT APPLICATION – LDA2020/0133  
63-77 West Parade, West Ryde**

I refer to Council's Referral requesting concurrence for the above development application in accordance with Clause 86 of the above SEPP.

Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor and to process the concurrence for this development application.

As such, Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application **LDA2020/0133** subject to Council imposing the operational conditions listed in Attachment A.

Should Council choose not to impose the operational conditions provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.

Please contact Sydney Trains Town Planning Management via email to [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au) should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

**Anthony Moeller**  
**Director, Property & Commercial Services**

**Engineering**

- *Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:*
  - *Geotechnical Investigation Report Ref: 86806.00 prepared by Douglas Partners dated March 2020.*
  - *Numerical Modelling Report Ref: 86806.01 prepared by Douglas Partners dated July 2020*
  - *Geotechnical Monitoring Plan Ref: 86806.02.R.002.Rev0 prepared by Douglas Partners dated 24 July 2020*
  - *Correspondence from ABC Consultants Ref:19044-001-Sydney Trains Letter, dated 13 July 2020*
  - *Structural Assessment Report Ref:19044-SAR (Revision C) prepared by ABC Consultants dated May 2020*
  - *Structural Drawings prepared by ABC Consultants as follows:*
    - *Showing Notes – Drawing S01.000 Revision P2*
    - *Showing Plan – Drawing S01.001 Revision P3*
    - *Shoring Surcharge Loading Plan – Drawing S01.002 Revision P3*
    - *Shoring Elevations Sheet 1 – Drawing S01.011 Revision P3*
    - *Showing Elevations Sheet 2 – Drawing S01.012 Revision P3*
    - *Shoring Section Sheet 1 – Drawing S01.021 Revision P3*
    - *Shoring Sections Sheet 2 – Drawing S01.022 Revision P3*
  - *Correspondence from SNC-Lavalin regarding Derailment Risk Assessment Ref:SN0201089-VO0-M01 dated 22 July 2020*
  - *Correspondence from Cardno Ref: 80020056-LO-001:DA dated 27 July 2020*

*Subject to the following amendments/additional information:*

- *Demonstration and provision of evidence that the retaining wall will provide a "natural protection" to buildings A, B and C.*
- *Provision of kinematic analysis to demonstrate the potential train derailing movement and provide evidence for the earthen embankment complies with the requirement of AS5100.2 as a derailment protective structure.*

*The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.*

### **Supervision**

- *Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.*

### **Survey**

- *Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.*

### **Noise & Vibration**

- *The Applicant shall submit the final Acoustic Report to the Private Certifying Authority demonstrating compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required*

*dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.*

### **Electrolysis**

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

### **Design**

- *The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.*
- *Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has*



*been received from Sydney Trains confirming that this condition has been complied with.*

### **Construction**

- *No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.*
- *No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into TAHE (Transport Asset Holding Entity)/Sydney Trains property or easements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:*
  - *Machinery to be used during excavation/construction.*
  - *Demolition, excavation and construction methodology and staging*

*The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.*

- *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*

- *The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- *Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.*
- *If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*
- *If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*



- *Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.*
- *The Applicant/Developer must give Sydney Trains written notice at least 5 business days before, and on the day of, commencing works which occur adjacent to the rail corridor.*

### **Consultation**

- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
  - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
  - *acts as the authorised representative of the Applicant; and*
  - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team via email on [North\\_Interface@transport.nsw.gov.au](mailto:North_Interface@transport.nsw.gov.au).*

### **Documentation**

- *Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or easements, unless agreed to be TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the issuing of an Occupation Certificate the applicant shall provide confirmation that the façade cladding on the eastern elevation will not become detached from the proposed development under wind load and enter rail corridor. The Principal Certifying Authority is not to issue the final Occupation Certificate*

*until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*

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

### **Environmental Protection**

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

### **Drainage**

- *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains. Drainage drawings show riser roof north of building A communal open space discharging towards rail corridor. Drainage solution is to be revised to ensure stormwater is diverted away from rail corridor. The Principal Certifying Authority is not to issue a Construction Certificate or final Occupation Certificate unless the drainage is in accordance with this condition.*
- *The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.*
- *The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.*
- *The Applicant must ensure that extreme care is taken during works to prevent water from collecting on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Trains expenditure involved with restoring or maintaining alternative services.*
- *Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.*

## Inspections

- *If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.*
- *If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*
- *Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.*
- *If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor land:*
  - *site investigations;*
  - *foundation, pile and anchor set out;*
  - *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
  - *foundation, pile and anchor excavation;*
  - *other excavation;*
  - *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
  - *other concreting; or*
  - *any other event that Sydney Trains has notified to the Applicant.*

### **Maintenance**

- *Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.*

### **Tree Removal within rail corridor**

- *Prior to the undertaking of tree removal works Sydney Trains shall be liaised regarding their requirements for the undertaking of works by Billbergia or the entering into an agreement for the undertaking of works by Sydney Trains staff.*
- *Should Sydney Trains advise that the works are to be undertaken by Billbergia all works and access shall be in accordance with Sydney Trains requirements at all times, including but not limited to:*
  - (i) the provision of rail specific SWMS & Works Methodology, Release & Indemnity and payment of any applicable fees.*
  - (ii) all contractors will be required to comply with the conditions and requirements of the Environmental Protection Licence applicable to this corridor and all applicable laws and consents when accessing, and conducting activities on TAHE Land*
  - (iii) all green waste including, but not limited to, tree branches, tree trunks, mulch and leaf litter is to be removed from the site immediately and taken to an appropriately licenced facility.*
- *Should Sydney Trains advise that the works will be undertaken by Sydney Trains Billbergia shall pay all applicable costs associated with the works undertaken by Sydney Trains.*
- *The timing of the works by Sydney Trains or the granting of access to the rail corridor for Billbergia contractors will be at the discretion of Sydney Trains.*

### **Other**

- *Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.*

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

--oOo--

**Property**  
PO Box 459  
Burwood NSW 1805

20 November 2020

Saul Moran  
Development Manager  
Billbergia Pty Limited  
Locked Bag 1400  
Meadowbank NSW 2114

Dear Saul Moran,

**RE: LAND OWNERS CONSENT FOR THE LODGEMENT OF A DEVELOPMENT APPLICATION INVOLVING THE REMOVAL OF TREES WITHIN THE RAIL CORRIDOR THAT ADJOINS DEVELOPMENT SITE AT 63-77 WEST PARADE, WEST RYDE.**

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I refer to your request for land owner consent from the Transport Asset Holding Entity (TAHE), formerly RailCorp, for the lodgment of a Development Application involving the removal of two (2) trees located within the rail corridor and adjoining the above mentioned development site.

Your request and supporting documentation has been reviewed and TAHE is prepared to consent to the lodgment of a development application and tree removal application for the removal of the subject trees, subject to the conditions listed in Attachment A of this letter.

Please note that the submittal of this letter with an application to the Consent Authority will be considered as your acceptance of the conditions specified in Attachment A and your agreement to provide the required documentation at the intervals specified.

In addition, this consent does not give you the right to commence work within the rail corridor land without obtaining further approval from Sydney Trains.

Should you have any enquiries relating to this matter please do not hesitate to contact Jim Tsirimiagos on 8575 0780.

Yours sincerely,

**Anthony**  
**Moeller**  
Digitally signed by  
Anthony Moeller  
Date: 2020.11.23  
10:05:05 +11'00'  
Anthony Moeller  
Director, Property & Commercial Services  
Sydney Trains

*Note:*

*RailCorp was converted to a SOC on 1 July 2020 and renamed Transport Asset Holding Entity of NSW (TAHE). Sydney Trains has been appointed TAHE'S agent to grant landowner consent.*





## Attachment A

*Permission is granted for the removal of trees 3 & 34 as identified in the Tree Protection Plan prepared by Bluegum Tree Care and Consultancy, subject to the following conditions:*

- (a) Prior to the undertaking of tree removal works Sydney Trains shall be liaised regarding their requirements for the undertaking of works by Billbergia or the entering into an agreement for the undertaking of works by Sydney Trains staff.*
- (b) Should Sydney Trains advise that the works are to be undertaken by Billbergia all works and access shall be in accordance with Sydney Trains requirements at all times, including but not limited to:*
  - (i) the provision of rail specific SWMS & Works Methodology, Release & Indemnity and payment of any applicable fees.*
  - (ii) all contractors will be required to comply with the conditions and requirements of the Environmental Protection Licence applicable to this corridor and all applicable laws and consents when accessing, and conducting activities on TAHE Land*
  - (iii) all green waste including, but not limited to, tree branches, tree trunks, mulch and leaf litter is to be removed from the site immediately and taken to an appropriately licenced facility.*
- (c) Should Sydney Trains advise that the works will be undertaken by Sydney Trains Billbergia shall pay all applicable costs associated with the works undertaken by Sydney Trains.*
- (d) The timing of the works by Sydney Trains or the granting of access to the rail corridor for Billbergia contractors will be at the discretion of Sydney Trains.*