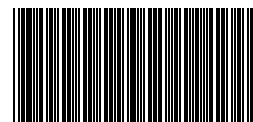




Filed: 14 September 2021 12:15 PM



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### Section 34 Agreement

#### COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2020/00258084

#### TITLE OF PROCEEDINGS

First Applicant	Lecedar Pty Ltd
First Respondent	City of Ryde Council ABN 81621292610

#### FILING DETAILS

Filed for	Lecedar Pty Ltd, Applicant 1
Legal representative	VASILI CONOMOS
Legal representative reference	
Telephone	02 9231 3221

#### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Section 34 Agreement (Amended s34 Agreement (002).pdf)

[attach.]

Form 44 (version 3)  
UCPR 36.1A

## AGREEMENT BETWEEN PARTIES

Section 34(3)(a)-(b) of the *Land and Environment Court Act 1979*

### COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Registry	Sydney
Case number	2020/00258084

### TITLE OF PROCEEDINGS

Applicant	<b>Lecedar Pty Ltd</b>
Respondent	<b>City of Ryde Council</b>

### PREPARATION DETAILS

Filed for	<b>Lecedar Pty Ltd</b> , Applicant
Legal representative	Vasili Conomos, Conomos Legal
Legal representative reference	VC:AK:L9941
Contact name and telephone	Vasili Conomos, 9231 3221
Contact email	<a href="mailto:vc@conomoslegal.com.au">vc@conomoslegal.com.au</a>

### TERMS OF AGREEMENT

1. The parties have reached agreement, following a conciliation conference pursuant to s 34 of the *Land and Environment Court Act 1979*, as to the terms of a decision in the proceeding that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
2. The parties agree to
  - (a) further amendments of the plans for which the applicant had been granted leave to rely on 16 July 2021;
  - (b) those further amendments being lodged on the NSW Planning Portal as soon as practicable; and
  - (c) those further amendments to be filed in the Court as soon as practicable thereafter.
3. The terms of that decision are as follows:

*The Court notes:*

- i. The plans and materials have been amended as follows:*

1. *The Amended architectural plans prepared by Peter Hall Architects Pty Ltd as referenced in condition 1 of Annexure A;*
2. *Amended landscape plans prepared by iScape Landscape Architecture as referenced in condition 1 of Annexure A.;*
3. *BASIX Certificate No.874611M\_07 dated 18 May 2021 prepared by Ecoplus Consultants dated 18 May 2021.*

*The Court orders;*

- ii. *The appeal is upheld.*
  - iii. *Development consent is granted to development application 2019/0325 subject to conditions set out in Annexure A hereto.*
4. Pursuant to Section 34(3)(a) and (b) of the *Land and Environment Court Act 1979*, the parties respectfully request that the Court dispose of these proceedings in accordance with the terms of the decision set out in paragraph [2] above.

#### **SIGNATURE**

Signature of legal representative



Name

Vasili Conomos

Capacity

Solicitor for the Applicant

Date of signature

14/09/2021

#### **SIGNATURE**

Signature of legal representative



Name

Michael Chillari

Capacity

Solicitor for the Respondent

Date of signature

14 September 2021

**SEAL AND SIGNATURE**

Court seal

Signature

Capacity

Date made or given

Date entered

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** LDA2019/0325

**Development:** Construction of a 5 storey mixed use development containing a ground floor retail tenancy and boarding house use comprising 39 boarding rooms, 1 Manager's unit, and 24 car spaces in 2 levels of car parking accessed via Maxim Street.

**Site:** 964-970 Victoria Road, West Ryde

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

**Date of determination:**

**Date from which consent takes effect:** [*Please elect relevant date* - Date the consent is registered on the NSW Planning Portal or Date of determination].

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 964-970 Victoria Road, West Ryde.

The conditions of consent are as follows:

**GENERAL**

The following conditions 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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Analysis/Roof Plan	09.08.2021	A003, Issue L
Basement 1 and Ground Floor Plans	25.08.2021	A101, Issue N
First and Second Floor Plans	25.08.2021	A102, Issue N
Third and Fourth Floor Plans	16.08.2021	A103, Issue M
Elevations	16.08.2021	A201, Issue M
Sections	09.08.2021	A301, Issue L
Landscape Plan	May 2021	30.21(19)/161
Access Report prepared by Ergon Consulting	13.08.2021	-
Plan of Management	23 August 2021	-
Geotechnical Report	5.12.2019	32774PHrpt
Site Contamination Assessment Report	03.08.2019	EP126-RP01

2. **Road Widening.** Transport for NSW (TfNSW) requires an area of land from Victoria Road, which is zoned SP2 Classified Road for future road widening. The applicant must ensure that all buildings and structures, together with any improvements integral to the future use of the site, are not constructed within SP2 zone.
3. **Strata Subdivision.** No strata subdivision of the Boarding House is permitted in any circumstances.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 874611M\_07, dated 18 May 2021.
6. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
7. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the

relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (*Public Civil Works*) and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.

8. **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 Part 8.5 (*Public Civil Works*), to the satisfaction of Council.
9. **Road Traffic Noise Criteria for Sensitive Developments.** The building(s) must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
10. **Rail Noise and Vibration Criteria for Sensitive Developments.** The building(s) must be designed and constructed so that the rail noise and vibration levels inside the building(s) comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
11. **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.
12. **Connection by Gravity Flow.** All sanitary fixtures must be connected to the sewerage system by gravity flow.
13. **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.
14. **Mechanical Ventilation of Loading Docks.** All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and air-conditioning in buildings – Mechanical ventilation in buildings*.

15. **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.
16. **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.
17. **Kitchen exhaust vent.** The kitchen exhaust vent must be located above roof level:
  - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
18. **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.
19. **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.
20. **Illumination of Public Place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
21. **Development to be Within Site Boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
22. **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.
23. **Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.



24. **Works on Public Roads.** 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.
25. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
26. **Bicycle/Motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.
27. **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”.

### PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$93,905.20
Open Space & Recreation Facilities	\$161,700.40
Roads & Traffic Management Facilities	\$49,641.60
Plan Administration	\$4,578.80
<b>The total contribution is</b>	<b>\$309,826.00</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 contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

29. **Excavation**

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

30. **Acoustic Requirements.** The recommendations contained in the Acoustic Reports prepared by BGMA Pty Ltd dated February 2017 and supplementary letter prepared by BGMA Pty Ltd dated 31 October 2019 are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant **Construction Certificate** being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.

31. **Room sizes.** The Construction Certificate Plans are to confirm that the boarding room sizes meet the minimum size of 12sqm excluding the bathroom and kitchenette areas.

32. **Crime Prevention Through Environmental Design.** An amended Crime Prevention through Environmental Design (CPTED) Assessment Report is to be prepared and submitted to Council for approval, with details incorporated on amended plans prior to the issue of a Construction Certificate.

33. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide.

Information verifying that the development complies with these requirements to be provided on the **Construction Certificate** plans.

34. **Ventilation of Basement.** The basement storage areas must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the **Construction Certificate**.
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 submitted to the Certifying Authority prior to the issue of the **Construction Certificate**.
36. **Noise Attenuation.** A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the *Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0*. Details of compliance are to be submitted with the plans for **Construction Certificate**.
37. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
38. **Security Deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
39. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
40. **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.

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

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

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

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

- (a) All columns must be located in accordance with AS 2890.1 relative to the end of vehicle spaces.
- (b) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

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

43. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Victoria Road generally in accordance with the approved Stormwater plans by StormCivil Consulting Engineers (Refer to Project No. 301331 Dwgs S1 & S2 Iss. B dated 3 May 2021) subject to the following modifications;
- The onsite detention system must be extended north so as to locate the discharge control pit fronting the recessed entry door on the north side of the driveway. The discharge control pit must be an open grate and is to ensure any surcharge from the system is directed to the kerb in Maxim Street, and not to flood the basement level.

- The onsite detention system must have sealed access grates on the driveway ramp to prevent any surcharge runoff entering the basement garage.
- Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

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

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

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

As a minimum, the OSD system must;

- (a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*).
- (b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- (c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- (d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

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

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

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

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

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

This engineer is to prepare the following documentation;

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

settlement and excavation induced ground vibrations to the relevant Australian Standard;

- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
- Is in accordance with the recommendations of any approved Geotechnical Report.

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

47. **Public Domain Improvements.** The public domain is to be upgraded in both Victoria Road and Maxim Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.

**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.

- (b) All telecommunication and utility services are to be placed underground along the Victoria Road and Maxim Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

- (c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with a minimum vehicular luminance category V5 and pedestrian luminance category P2 along Victoria Road and Maxim Street.

Subject to design, it is expected that one new street light on multi-function pole (MFP) will be required along the Victoria Road frontage. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde.

The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

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

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

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection 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 Maxim Street 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. The final



scope of road pavement works will be subject to a Council inspection of the road pavement condition at the completion of construction works and submission of and requested sub grade testing from an accredited provider. Final determination on the scope of road pavement works is at the discretion of Council's Activation and Compliance team."

- (b) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- (c) The construction of new kerb and gutter along the Maxim Street frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along and Maxim Street and Victoria Road.
- (d) Construction of full width granite footway along the Victoria Road and Maxim Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde.
- (e) The granite pavement treatment at the intersection of Victoria Road and Maxim Street to be in accordance with the West Ryde Town Centre Street Paving Plan. The pavement layout to include installation of dark grey granite paving with a black and grey pattern at the intersection.
- (f) The existing kerb ramp at the intersection of Victoria Road and Maxim Street to be relocated and constructed on Maxim Street.
- (g) The existing kerb ramp at the signalised pedestrian crossing on Victoria Road to be reconstructed as per RMS requirements.
- (h) The existing pedestrian barrier fence along Victoria Road frontage to be replaced as per RMS requirements.
- (i) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (j) Signage and linemarking detailed plans are to be provided.
- (k) Staging of the public civil works, if any, and transitions between the stages.
- (l) 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.

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The plans shall include swept path analysis demonstrating adequate access to and within the site for Council's garbage collection vehicle.

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

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The width of the new driveway will be subject to review of the swept path analysis to be provided within the public domain civil works plans. *The driveway shall be constructed without splays, and at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.*

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

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

50. **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 prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

51. **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.

52. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the **Construction Certificate**.
53. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include:
- No. 972 Victoria Road
- A copy of the survey is to be submitted to the Certifying Authority and Council prior to the release of the Construction Certificate.
54. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

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

- (a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- (b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- (c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- (d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.

- (e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- (f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- (g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- (h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

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

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

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

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

57. **Fibre-ready Facilities and Telecommunications Infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:
- (a) 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

- (b) 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.
58. **Demolition and Construction Traffic Management Plan.** For all works including demolition and construction activities, a Demolition and Construction Traffic Management Plan (DCTMP) and report shall be prepared by a TfNSW/SafeWork NSW accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.

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

59. **Evidence of Connection by Gravity Flow.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all sanitary fixtures will be connected to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
60. **Access for People with Disabilities (Residential).** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, boarding rooms and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

## **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.

61. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal 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.

**62. 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.

**63. 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.

**64. 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.

**65. 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.

**66. 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.

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

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

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

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 1.0 hour of Staff Time.

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

A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal

Certifying Authority, prior to the commencement of any works, certifying compliance with this condition.

69. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
70. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Victoria Road.
71. **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.
72. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

## 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.

73. **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.
74. **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.
75. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
76. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP)



plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

77. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
78. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
79. **Implementation of Demolition and Construction Traffic Management Plan.** All works including demolition and construction activities are to be undertaken in accordance with the approved Demolition and Construction Traffic Management Plan (DCTMP). All controls in the DCTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW/SafeWork NSW accreditation. A copy of the approved DCTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
80. **Compliance with Dust Management Plan.** The mitigation measures outline in section 6.4 of the Dust Management Plan prepared by SLR, reference number 610.17118-R01 dated February 2020 and any related project documentation must be implemented during demolition and construction.
81. **Compliance with Erosion and Sediment Control Plan.** The Erosion and sediment control plan Prepared by SLR drawing title – ESC Plan, Drawing number 610.17118 – SK01 and any related project documentation must be implemented during demolition and construction.
82. **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.
83. **Stormwater - Hold Points During Construction – Council Drainage Works.** Council requires inspections to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all stormwater drainage works in Council’s land.

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

- (a) Upon excavation of trenches shown on the approved drainage drawings.
- (b) Upon installation of pit reinforcement but prior to concrete pour for cast in-situ pits.
- (c) Upon installation of pipes and other drainage structures prior to backfilling.
- (d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- (e) Upon connection to Council's existing kerb inlet pit.
- (f) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

Any stormwater pit with a depth greater than 1.8 metres shall be certified by a suitably qualified Structural Engineer.

84. **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*.
85. **Noise from Construction Work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
86. **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.

(to be applied where significant jackhammering, rock breaking, piling or excavation work is proposed)

#### Road and Rail Noise:

87. **Construction Requirements.** All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.
88. **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.
89. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
90. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
91. **Use of Fill/Excavated Material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
92. **Construction Materials.** All materials associated with construction must be retained within the site.
93. **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.
94. **Site Maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.

95. **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".
96. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
97. **Management of Litter.** 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.
98. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
99. **Storage and Removal of Wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
100. **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.
101. **Recyclable Wastes.** All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
102. **Disposal of Asbestos Wastes.** All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.

## PRIOR TO OCCUPATION CERTIFICATE

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance

with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

103. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 874611M\_07, dated 18 May 2021.
104. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
105. **Fire Safety Matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

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

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

106. **Residential Apartment Noise Attenuation.** A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of any **Occupation Certificate**.

#### **Road and Rail Noise:**

107. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
108. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

109. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
110. **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 release of any Occupation Certificate for development works for which the system(s) serve.
111. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- (a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - (b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - (c) 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.
  - (d) 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.

- (e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
112. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).
113. **Parking Area Linemarking and Signage.** To ensure the safe and efficient circulation of traffic and access to parking, directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.
114. **Post-construction Dilapidation Report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.
115. **Public Domain – Work-as-Executed Plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.
116. **Stormwater - Council Drainage Works – Post Construction Certifications.** Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater - Hold Points during construction – Council Drainage Works", to Council's City Works Directorate for written acceptance. The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.
117. **Stormwater - Post-Construction CCTV Report.** To ensure Council's stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council's pipeline due to proposed construction

activities and property drainage connection, a post-construction CCTV report on the Council's stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

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

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

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

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 1.0 hour of Staff Time.

118. **Letterboxes and Street/House Numbering Display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.
119. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.
- Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.
120. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic



Committee and Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

121. **Waste Management Plan.** An operational waste management plan is to be prepared and submitted to Council's Waste Management Team for approval demonstrating compliance with the requirements of Section 7.2 of the Ryde Development Control Plan 2014. This plan is to be reviewed and approved by Council prior to the release of any Occupation Certificate.
122. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
123. **Notices**
- a) A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
  - b) A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
  - c) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.

## 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.

124. **Signage.** A clearly visible sign with the name and telephone number (contactable 24 hours a day, 7 days a week) of the contact person responsible for the management of the Boarding House must be displayed externally at the front entrance of the building.
125. **Maximum Occupant Capacity – Boarding House.** A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building as specified in the development consent.
- The maximum number of lodgers permitted in the building is 39 persons, as well as 1 boarding house manager.
126. **Minimum Lease Period.** Boarding rooms are to be leased to lodgers for a minimum period of 3 months.
127. **Standards for Places of Shared Accommodation.** The premises must comply with the standards for places of shared accommodation under the Local Government (General) Regulation 2005.

128. **Boarding Room Fitout.** Each boarding room of the boarding house is to be provided with sufficient storage and furnishing that include the following:-
- (a) Bed/s (including base and mattress);
  - (b) Wardrobe;
  - (c) Kitchenette;
  - (d) Mirror;
  - (e) Table & chair (two chairs for double rooms);
  - (f) A night light or other approved illumination device for each bed;
  - (g) Bedside table/shelf for each bed
  - (h) Waste container;
  - (i) An approved latching device on the door; and
  - (j) Curtains, blinds, or similar privacy device.
129. **Kitchen facilities.** Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin. The floor of any kitchen must have an approved impervious surface.
130. **Use of Communal Living Area.** The internal communal living areas are not to be use between the hours of 10pm and 6am on any day.
131. **Use of Communal Open Space.** The external communal open space areas may only be used between the hours of 7.30am and 10pm.
132. **Permit parking Scheme.** Future patrons, clients, occupants of the development are prohibited to participate, utilise or benefit from any future parking scheme in the area (whether it warrants the display of a permit or otherwise), in which the parking permit scheme exempts or relaxes parking restrictions for residents in the surrounding community.
133. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows:
- 20 residential spaces (including 2 accessible spaces)
  - 2 Visitor spaces
  - 2 Retail spaces (to be utilised as visitor spaces in the evening period)
  - No less than 4 motorbike parking spaces and,
  - No less than 4 bicycle parking spaces.
134. **Furniture and Fittings.** Furniture and fittings provided must be maintained in good repair.
135. **Cleaning and Maintenance.** The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
136. **Compliance with the Approved Plan of Management.** The operation of the boarding house shall be in accordance with the approved Plan of Management.

Where there are any inconsistencies between the Plan of Management and the conditions of the consent, the conditions prevail.

137. **Licensing of Boarding Houses.** The operator must notify the NSW Department of Fair Trading to arrange the issue of a licence before trading commences.
138. **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*.
139. **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.
140. **Maintenance of Waste Storage Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
141. **Delivery and Loading/Unloading – Hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
142. **Delivery and Loading/Unloading – Location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property from Maxim Street.
143. **Loading Areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
144. **Registration of Water-Cooling Systems.** All water-cooling systems regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
145. **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 viewed or downloaded at [www.ryde.nsw.ciov.au](http://www.ryde.nsw.ciov.au).

**End of Conditions**