

Item 2
1 Lyonpark Road, Macquarie Park - LDA2022/0145
Construction of a single storey pavilion building and associated works within the existing Optus campus.

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2022/0145
Site Address & Ward	1 Lyonpark Road, Macquarie Park NSW 2113 Lot 511 DP 1153119 West Ward
Zoning	B7 Business Park
Proposal	Construction of a single storey pavilion building and walkway, associated demolition works, landscaping and access & drainage works within the existing Optus campus.
Property Owners	The Trust Company Limited
Applicant	Andrew Princi
Report Author	Madeline Thomas, Senior Coordinator Development Assessment
Lodgement Date	17 May 2022
Notification No. of Submissions	Nil
Cost of Works	\$12,595,000.00
Reason for Referral to LPP	Sensitive Development – Development applications for which the developer has offered to enter into a planning agreement <i>Schedule 1, Part 4 of Local Planning Panels Direction</i>
Recommendation	Approval, subject to conditions.
Attachments	Attachment 1 – Architectural Plans Attachment 2 – Draft Conditions of Consent

1. EXECUTIVE SUMMARY

The subject development application (LDA2022/0145) at 1 Lyonpark Road, Macquarie Park, seeks to construct a single storey pavilion building and walkway, associated demolition works, landscaping, access and drainage works within the existing Optus campus.

The existing Optus campus contains six multi storey commercial buildings that encompass a communal open space area. The proposal seeks to redesign this communal area to include a pavilion that acts as the 'entry point' for customers, visitors, partners and staff into the site. The design allows for a visual and physical connection for this "concierge" building to the existing and enhanced open space.

The site is zoned B7 Business Park under the Ryde Local Environmental Plan 2014 (Ryde LEP 2014). The proposal is permissible with consent in the zone.

The subject development application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The subject development application (DA) was notified for a period of fourteen (14) days in accordance with the City of Ryde Community Participation Plan. No submissions were received during the notification period.

The Floor Space Ratio (FSR) development standard applicable to the site is 1:1. However, an incentive FSR provision of 1.5:1 applies to the site pursuant to Clause 6.9 of the Ryde LEP 2014.

The existing development on the site was approved by the Minister for Planning in 2004 with a FSR of 1.233:1, which exceeds the base FSR standard of 1:1. As such, any additional gross floor area will result in a further exceedance of the FSR development standard.

The proposal involves an additional 400m² of gross floor area, resulting in a FSR of 1.239:1. An offer to enter into a Voluntary Planning Agreement (VPA) between Council of the City of Ryde and Optus Administration Pty Ltd to provide incentive monetary contributions was accepted by Council on 26 September 2022. Council have resolved that this monetary contribution will be used for projects in Macquarie Park, which will improve recreation areas in the area. As such, the proposal satisfies Clause 6.9 of the Ryde LEP 2014 and allows for the incentive FSR provision of 1.5:1 to be applied to this development.

The proposal meets the criteria for 'Sensitive Development' in accordance with the Section 9.1 – Directions by the Minister, as it involves the developer offering to enter into a planning agreement, and is therefore required to be determined by the Ryde Local Planning Panel (RLPP).

The proposal is considered to satisfy the requirements of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation

of land as the site has an approved commercial use, which was previously assessed as being suitable for the site.

This report concludes that in its context, the proposal is considered to be satisfactory and can be supported. It is recommended that the RLPP support the application and approve the development, subject to recommended conditions of consent.

2. THE SITE & LOCALITY

The site is located at Nos. 1 to 7 Lyonpark Road, North Ryde and is legally described as Lot 511 in DP115311. The site is irregular in shape and has a total area of 7.586ha.

The site is bound by Epping Road to the south, Lyonpark Road to the west and Giffnock Avenue to the north. An internal ring road identified as Optus Drive runs along the perimeter of the site. Vehicle access to the site is currently available via both Lyonpark Road and Optus Drive.

Existing on site are 6 x four and five storey commercial buildings with on-site parking and various amenities including a childcare centre and gymnasium. The site is currently leased by Optus and contains a self-contained technology corporate complex.



Figure 1: Aerial photograph of subject site, with area the proposal relates to circled in red

The proposal is largely restricted to the central open space portion of the site, as shown in **Figure 1** and **Figure 2**.

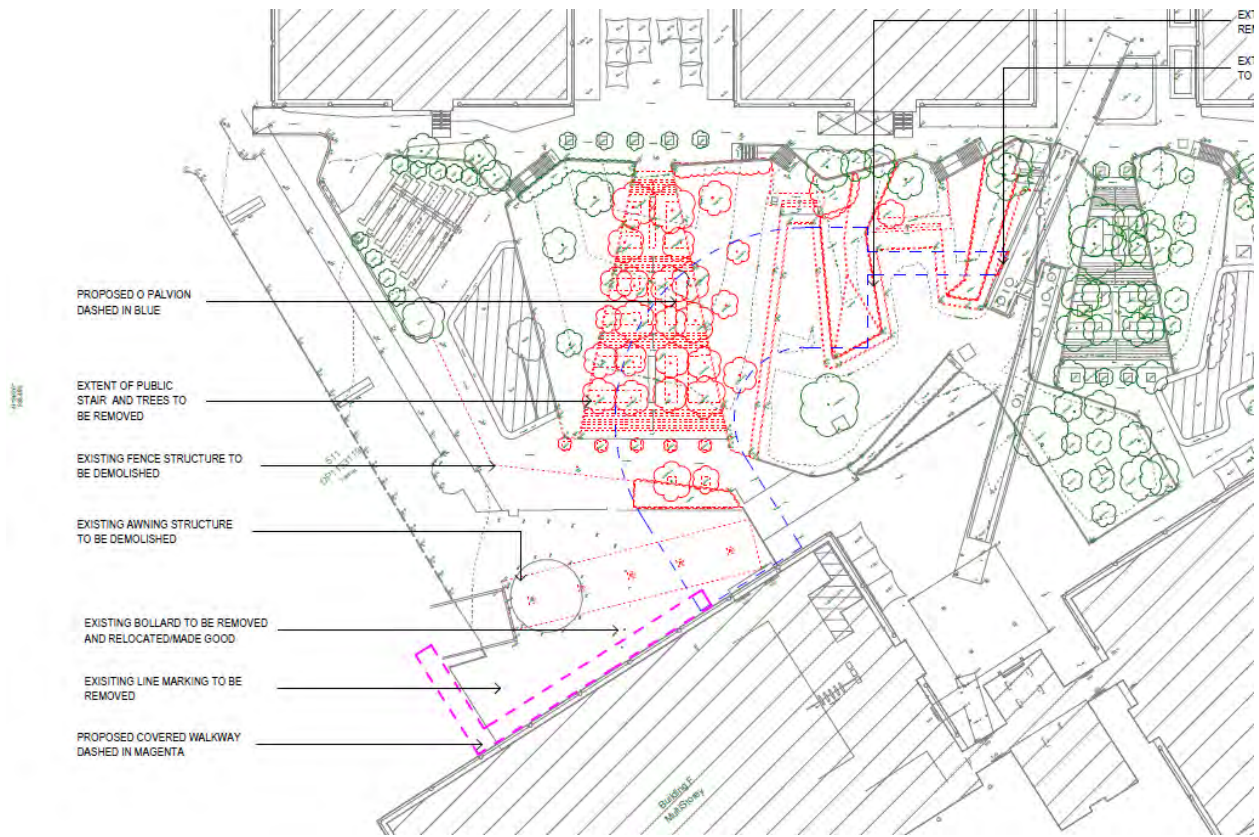


Figure 2: Extract of demolition plan showing location of new building (in blue outline) and stairs/structures being demolished in red.



Figure 3: Photograph of site taken from private access road towards north east



Figure 4: Photograph of site taken from private access road towards south east showing existing drop off area

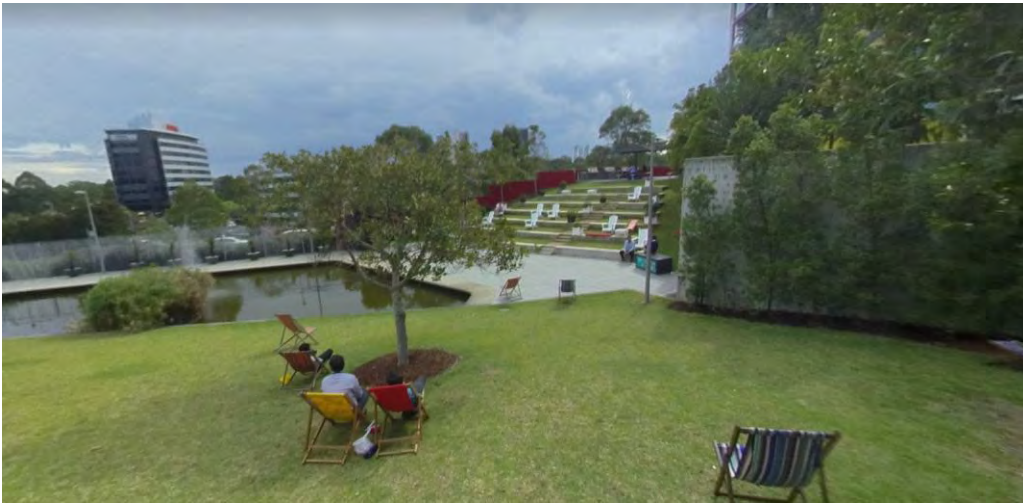


Figure 5: Photograph of site taken from location of stairs to be demolished, towards existing open space area to the north west



Figure 6: Photograph of site taken from towards stairs to be demolished and existing café and Optus buildings



Figure 7: Photograph of café at the top of the existing stairs

3. THE PROPOSAL

The proposal is for the construction of a single storey pavilion building, walkway and associated demolition, landscape and drainage works. Details of the proposed development are as follows:

Demolition

The proposal includes the demolition of:

- Stairs in communal open area currently used for recreation and access to the café area
- Fencing
- Awnings
- Bollards

An extract of the demolition plan is provided at **Figure 2**.



Figure 8: Photograph of stairs and trees to be removed/demolished.

Tree Removal

The proposal seeks to remove 33 trees, which are predominately located near the stairs as shown in **Figure 8** above. These trees are planted exotic species.

Construction of pavilion building

Construction of single storey pavilion building including:

- Foyer
- Three meeting rooms
- Deck
- Pedestrian connection from south of site to north of site
- The total gross floor area of the proposed building is 400m²

Other associated works

- Construction of partly covered walkway
- Ramp/pedestrian access from building to remainder of site
- Landscaping and replacement tree planting
- Stormwater infrastructure works

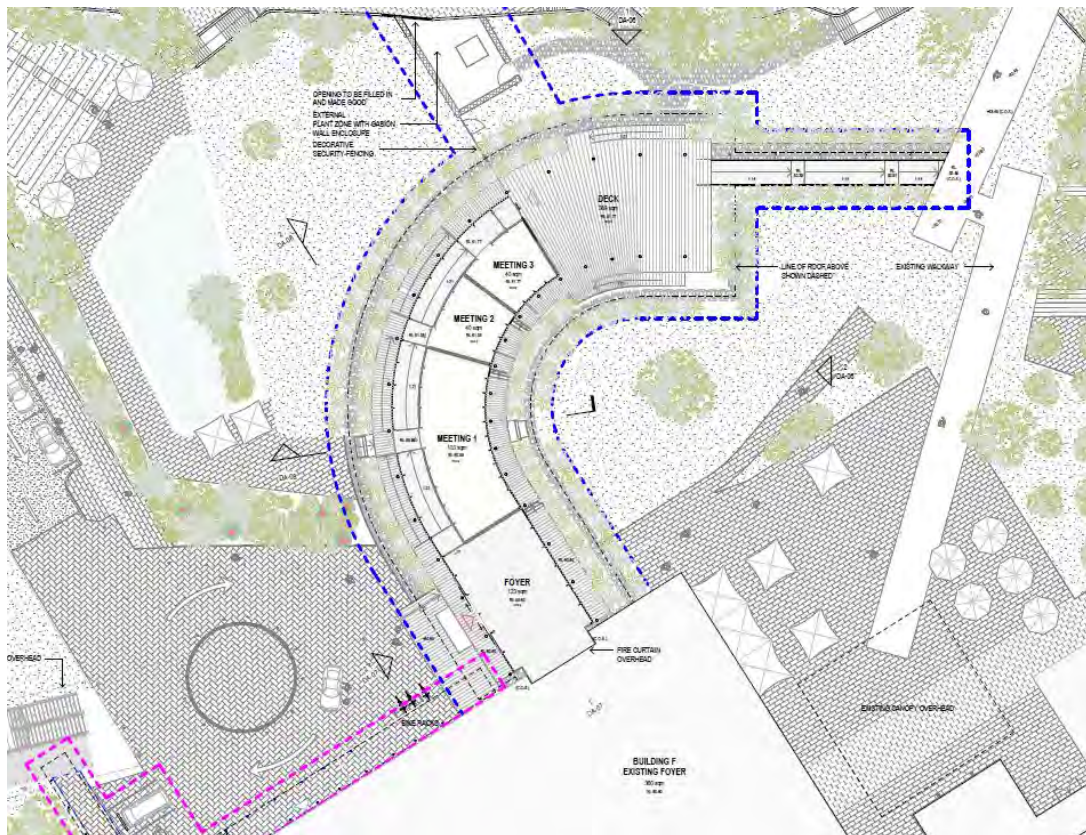


Figure 9: Extract of site plan showing new pavillion building



Figure 10: Photomontage of proposed building as viewed from private road



Figure 11: Photomontage of conceptual interior design, showing transparency of design and connection to landscaped areas

4. HISTORY

Previous applications approved on the site

DA157-6-2004

DA 157-6-2004 was approved on the 7 November 2004 by the then Minister for Planning for the construction and partial fit out of a technology orientated campus style development comprising 2 four storey and 4 five storey buildings over a basement car park with shared communal facilities including a gymnasium, food service area and childcare centre.

This application approved a floor space ratio (FSR) of 1.233:1, which exceeded the permissible FSR of 1:1 that was applicable to the site. It is noted that no Voluntary Planning Agreement (VPA) was entered into to facilitate the exceedance in FSR on the site.

As such, the FSR on the site has been greater than the allowable since this application was approved by the Minister in 2004, and any small addition of gross floor area results in a significant variation to the FSR development standard.

LDA2014/0214

LDA2014/0214 was approved by Council on 13 August 2013 for a new café and outdoor dining.

LDA2016/0026

LDA2016/0026 was approved by Council on 29 February 2016 for the addition of a stage structure and construction of an awning over existing deck area.

LDA2016/0411

LDA2016/0411 was approved by Council on 26 October 2016 for demolition and construction of a new café.

LDA2019/0224

LDA2019/0224 was approved by Council on 16 August 2019 for redevelopment works involving external canopies, modification to bus interchange, adjustment to car parking, removal of 15 trees and building upgrades.

History of subject application

March 2022	A pre-lodgement meeting was attended by the applicant to discuss the subject DA. At the pre-lodgement meeting, the applicant was advised that the additional floor space they were seeking could not be approved by a Clause 4.6 variation request, and that they would need to offer to enter into a Voluntary Planning Agreement should they wish to further exceed the FSR on the site.
17 May 2022	Subject application lodged.
26 May – 13 June 2022	Application notified. No submissions received.
19 July 2022	A request for information was sent to the applicant requesting the following matters be addressed: <ul style="list-style-type: none"> - Clarify how the proposed roof will connect to the existing site drainage, including how the proposal will mitigate the uncontrolled splashing from the significant roof area proposed. - DRAINS files.
12 September 2022	Amended engineering plans and DRAINS files provided, addressing the concerns raised in the previous request for information.
26 September 2022	Offer to enter into a Voluntary Planning Agreement was accepted by Council.

5. PLANNING ASSESSMENT

5.1 Environmental Planning and Assessment Act, 1979

Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

1.3 Objects of Act (cf previous s 5)

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposed development achieves these objectives.

Section 7.4 – Planning Agreements

Pursuant to Section 7.4 of the EP&A Act 1979, as part of the subject DA for uplift in floor space across the site, an offer to enter into a Voluntary Planning Agreement (VPA) has been accepted by Council on 26 September 2022.

The VPA is for incentive contributions and material public benefits to enable the developer to utilise the additional FSR incentive of up to 1.5:1 available pursuant to Clause 6.9(3) of RLEP 2014.

The public benefits to be provided under the Planning Agreement consist of the following:

- A monetary contribution of \$114,220.00.

The VPA report prepared by Council's Developer Contributions Coordinator recommends that this monetary contribution be used to assist the delivery of two Council Open Space projects. The details of this will be addressed upon execution of the VPA.

Deferred commencement conditions are recommended to be imposed requiring the applicant to enter into a VPA and for the VPA to be placed on title. Conditions have also been imposed requiring the applicant to comply with the VPA obligations.

5.2 State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

The object of Chapter 4 of the SEPP is to provide for a Statewide planning approach to the remediation of contaminated land.

The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to Clause 4.6(1) considerations, the subject site has been historically used for commercial purposes associated with the existing use. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021

Chapter 2 Vegetation in non-rural areas

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal involves the removal of 33 trees to facilitate the new pavilion building. These trees are exotic species that have been planted as part of the development of the Technology Park.

Council's Landscape Architect has not raised any objection to the removal of these trees subject to the replacement planting proposed. The replacement planting will be 66 native trees.

5.3 Ryde Local Environmental Plan 2014 (Ryde LEP 2014)

Under Ryde LEP 2014, the property is zoned B7 Business Park, and the proposed development is permissible with Council's consent.

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Aims and Objectives

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage industries involved in research and development.

The proposed development is considered to satisfy the objectives for the B7 zone as it will provide a facility to meet the day to day needs of the staff of the site. The pavilion building is a multi-functional space that will service the Optus staff, customers, partners and visitors.

Clause 4.3 – Height of Buildings

Clause 4.3(2) of Ryde LEP 2014 states that the maximum height for a building on any land is not to exceed the maximum building height shown on the height map.

The maximum height allowed for the site is 22m.

The single storey pavilion building does not exceed 22m in height and complies with this standard.

Clause 4.4 – Floor Space Ratio and Clause 4.4A Exceptions to floor space ratio

Clause 4.4(2) of Ryde LEP 2014 states that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown on the FSR map.

The maximum floor space allowed for the site is 1:1.
Notwithstanding the above, Clause 4.4A states

(3) Despite clause 4.4 (2), for land shown as “Macquarie Park Corridor” or “North Ryde Station Precinct” on the Centres Map, the consent authority may consent to development that results in a floor space ratio in excess of the floor space ratio shown for that land on the Floor Space Ratio Map, if:

- (a) the land contains land that has been dedicated to the Council for a public purpose, including roads, drainage or open space, and*
- (b) the excess floor space does not exceed the equivalent of the site area provided for the portion of the land dedicated to the Council in relation to the land.*

The FSR is already in excess of the maximum FSR permitted under Clause 4.4(2) of Ryde LEP 2014 due to previous approvals applicable to the site, including DA 157-6-2004 which was approved by the Minister in 2004. The current FSR on the site is 1.233:1.

The proposal involves an additional 400m² of GFA, resulting in a FSR of 1.239:1.

The proposal is within the Macquarie Park Corridor, and incentive floor space controls apply to the site, allowing for a maximum FSR of 1.5:1.

A letter of offer from the applicant to enter into a Voluntary Planning Agreement (VPA) has been endorsed by Council to allow for the additional floor space under this proposal. Further discussion is provided below against Clause 6.9 of the Ryde LEP 2014.

Clause 4.5B – Macquarie Park Corridor

Clause 4.5B (3) and (4) apply to development on land zoned B7 Business Park in the Macquarie Park Corridor, and therefore apply to this application. Clause 4.5B requires any function centre, neighbourhood shop, registered club/restaurant/café to not exceed:

- (a) 500 square metres for each individual land use, or
- (b) an area equivalent to 5% of the site area for each individual land use, whichever is greater.

The proposed use is not for a function centre, neighbourhood shop or café/restaurant and therefore, the proposal complies with this provision.

Clause 6.9 – Development in Macquarie Park Corridor

(1) The objective of this clause is to encourage additional commercial development in Macquarie Park Corridor co-ordinated with an adequate access network and recreation areas.

(2) This clause applies to land in Macquarie Park Corridor, identified as “Precinct 01— Macquarie Park” on the Macquarie Park Corridor Precinct Map.

(3) The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and

the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:

- (a) there will be adequate provision for recreation areas and an access network, and*
- (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
- (c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

This clause permits a FSR on the site of up to 1.5:1, as long as the consent authority is satisfied that there will be adequate recreation areas and an access network.

As such, the applicant has made a letter of offer to enter into a VPA to provide a monetary contribution for the additional floor space. This contribution will go towards the improvement of open space and access network in Macquarie Park. As such, Clause 6.9 is satisfied and the proposal complies with the maximum incentive FSR of 1.5:1.

5.4 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy (SEPP)

The Draft Remediation of Land SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land (formerly SEPP No. 55 – Remediation of Land) assessment above.

The proposal is considered to satisfy the requirements of this draft SEPP.

Draft Environment SEPP

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposal is consistent with the provisions of the draft SEPP.

5.5 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

Part 4.5 - Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit. Given the scale and location of the proposed development (i.e. is significantly set back from any public road), only relevant controls are assessed below:

Section 7.4 – Setbacks and Build-to Lines

This control requires a 5m setback to Lyonpark Road. The proposal exceeds this setback given it is centrally located in between the existing commercial buildings.

Section 7.6 – Read and Side setbacks

This control requires a 10m rear setback and 5m side setback. The proposal complies with these setbacks.

Section 8.2 – Site Coverage, Deep soil areas and private open space

Section 8.2 requires sites to have a minimum deep soil area of 20%. The location of the new building is in the place of the existing stairs, and as such, the total existing deep soil area is generally maintained.

Part 9.3 Parking Controls

The existing development currently provides 2,041 parking spaces (comprising 1997 commercial and 83 visitor spaces). The proposal does not result in any increase in parking on the site, whilst increasing the proposed commercial floor space. Given maximum parking controls apply to Macquarie Park, the proposal does not result in any non-compliances with respect to the maximum parking rate.

5.6 Planning agreements or draft planning agreements

As discussed earlier in the report, an offer to enter into a VPA has been accepted by Council. Deferred commencement conditions are recommended to be imposed requiring the applicant to enter into a VPA and for the VPA to be placed on title. Conditions have also been imposed requiring the applicant to comply with the VPA obligations (see **Deferred Commencement Condition A1 and A2**).

5.7 City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional floor space proposed in the development proposal.

It is noted that the letter of offer to enter into the VPA (as required under Clause 6.9 of the LEP) did not exclude the application of Section 7.11 to the DA. As such, contributions have been calculated based on an additional 400m² of commercial floor space.

The contribution that are payable with respect to the increase in commercial floor space on the subject site (being for commercial development inside the Macquarie Park Area) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$5,916.00
Open Space & Recreation Facilities	\$13,388.00
Transport and traffic facilities	\$6,956.00
Plan Preparation & Administration	\$396.00
The total contribution is	\$26,656.00

Condition on the payment of Section 7.11 Contribution of \$26,656.00 has been included in the draft notice of determination attached to this report (see **Condition 25**).

5.8 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning, Industry and Environment and others. Standard conditions are recommended relating to compliance with BCA and Australian Standards (see **Condition 3 and 26**).

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

The assessment demonstrates that, subject to conditions, the proposal will not have any significant adverse nor unreasonable impacts upon adjoining properties or the environment in general. The development will not result in any significant or adverse visual privacy or overshadowing impacts on adjoining sites, and the visual appearance of the development with the public domain would be consistent with the existing and future character of the surrounding area. The removal of 33 trees is supported given these trees are not of high retention value, and the proposal includes replacement planting of 66 native trees. All relevant issues regarding environmental impacts of the development are discussed elsewhere within this report.

Approval of the proposed development is unlikely to establish a negative precedent that would be reflected elsewhere within the Ryde LGA. The development is therefore considered satisfactory in terms of environmental impact.

7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal is permissible in the zone and meets the zone objectives. The proposal will be compatible with the surrounding character and is considered suitable for the site.

8. THE PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable.

Further, the proposal will not significantly or unreasonably affect surrounding sites and the broader area and is consistent with the existing and future character of the area by improving an existing land use on the site. The proposal would therefore not be contrary to the public interest.

9. SUBMISSIONS

The application was notified and advertised in accordance with the Ryde Community Participation Plan and in response, no submissions were received.

10. REFERRALS

The subject application has been reviewed by technical specialist with comments summarised below:

Development Engineer

Council's Senior Development Engineer reviewed the proposal and raised no objections, subject to conditions (see **Conditions 13-16, 33-25, 59, 60, 63-72**).

Landscape Architect

A referral was a made to Council's Landscape Architect, who has made the following comments:

A summary of the existing trees identified in the Arboricultural Impact Assessment (AIA) are show in the table below:

<i>Tree No.</i>	<i>Species "Common name"</i>	<i>Proposed recommendation in AIA</i>	<i>Comment</i>
1 to 27	<i>Platanus x hybrida (London Plane)</i>	<i>Remove Not viable to be retained due to proposed development</i>	<i>Agree Exotic species, not contributing to the ecology of the area. Compensatory tree planting required to maintain tree canopy.</i>
28 to 30	<i>Ficus microcarpa (Curtain Fig)</i>	<i>Retain Viable to be retained</i>	<i>Agree</i>
31 & 32	<i>Ficus rubiginosa (Port Jackson Fig)</i>	<i>Remove Not viable to be retained due to proposed development</i>	<i>Agree Local native species but only small trees. Compensatory tree planting required to maintain tree canopy.</i>
33 & 34	<i>Ficus microcarpa (Curtain Fig)</i>	<i>Remove Not viable to be retained due to proposed development</i>	<i>Agree Local native species but only small trees. Compensatory tree planting required to maintain tree canopy.</i>
35	<i>Ulmus parvifolia (Chinese Elm)</i>	<i>Retain Viable to be retained</i>	<i>Agree An environmental weed but acceptable to retain in an ornamental setting</i>
36	<i>Grove of Syzygium spp. (Lilly Pilly)</i>	<i>Remove Not viable to be retained due to proposed development</i>	<i>Agree Native species but only small trees. Compensatory tree planting required to maintain tree canopy.</i>
37	<i>Lagerstroemia indica (Crape Myrtle)</i>	<i>Remove Not viable to be retained due to proposed development</i>	<i>Agree Compensatory tree planting required</i>
38 to 40	<i>Pyrus calleryana (Ornamental Pear)</i>	<i>Retain Viable to be retained</i>	<i>Agree</i>

Refer to **Figure 12** for location of trees

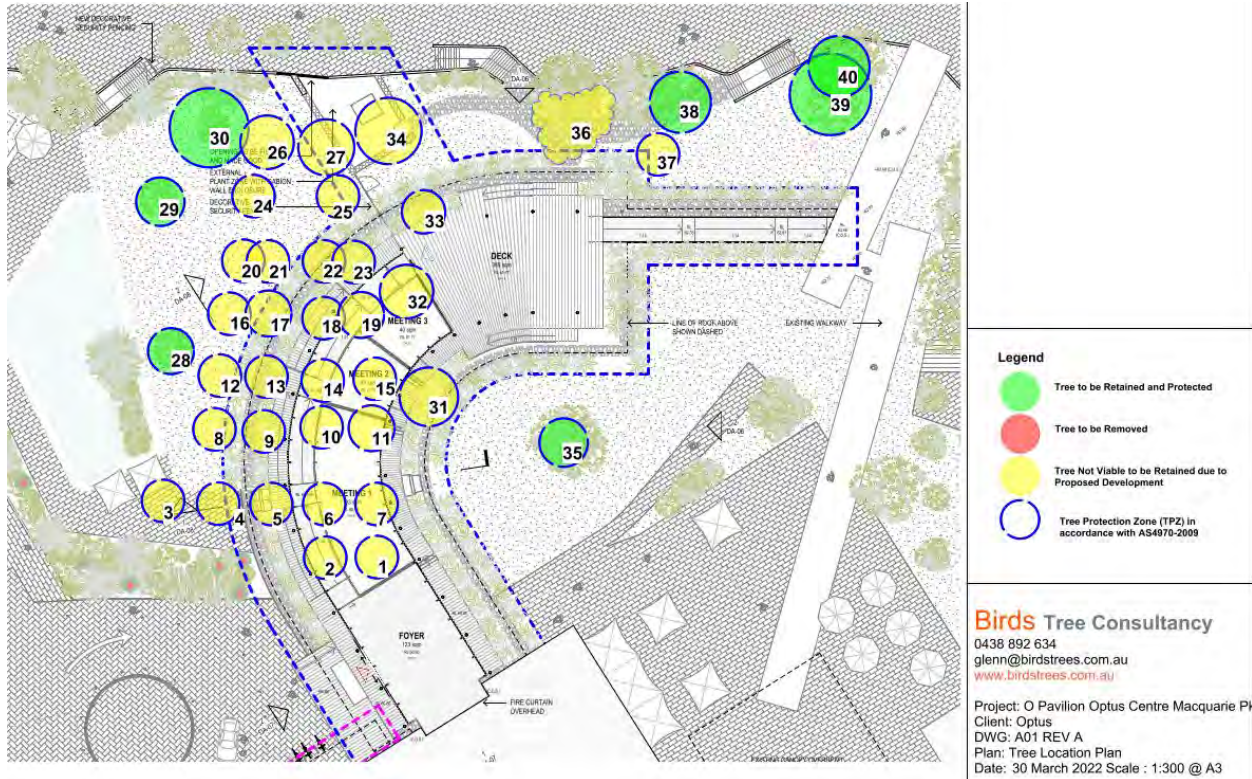


Figure 12: Tree Management Plan

The Landscape plan is satisfactory as it has proposed the following:

- Tree planting of 66 native trees has been provided for the 33 trees to be removed that require compensatory tree planting. These trees are to be planted in the outer grounds of the site.
- Native grasses planted to proposed building fringes.

There is no objection to the development subject to conditions of consent.

Council’s Landscape Architect has recommended **Conditions 39-42, 52-57, 61** be imposed.

Developer Contributions Officer

Council’s Developer Contributions Officer has raised no objection to the application subject to conditions of consent relating to Voluntary Planning Agreement (see **Deferred Commencement Conditions and Condition 62**).

11. CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

1. The proposal is consistent with the objectives of the zones.
2. The proposal satisfies the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal complies with the relevant development standards.
4. The proposal results in no unreasonable adverse impact to adjoining properties and the surrounding environment.
5. The site is suitable for the proposed development, and is not contrary to the public interest.

12. RECOMMENDATION

That the Ryde Local Planning Panel, as the consent authority, grant development consent to Local Development Application LDA2022/0145 for 'Construction of a single storey pavilion building and walkway, associated demolition works, landscaping and access & drainage works within the existing Optus campus', on land at 1 Lyonpark Road Macquarie Park, subject to the attached draft conditions of consent.

ATTACHMENTS

- 1 Architectural Plans - subject to copyright provision
- 2 Draft Conditions of Consent

Report prepared by:

Madeline Thomas
Senior Coordinator Development Assessment

Report approved by:

Sandra Bailey
Manager Development Assessment

Liz Coad
Director City Planning and Environment

Draft Conditions of consent – LDA2022/145

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

A. Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted for the construction of a single storey pavilion building and walkway, associated demolition works, landscaping and access & drainage works within the existing Optus campus, subject to the following conditions of consent:

1. **Voluntary Planning Agreement (VPA).** The Applicant is to enter into a Planning Agreement (as defined pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979) with City of Ryde for the delivery of public benefits as identified within the letter of offer from Optus Administration Pty Ltd dated 11 August 2022 and in accordance with the terms identified by City of Ryde.
2. **Registration of Voluntary Planning Agreement.** Pursuant to Section 7.6 of the Environmental Planning and Assessment Act, the Voluntary Planning Agreement between the City Ryde and Optus Administration Pty Ltd referred in in deferred commencement condition (A) (1) Part 1 must be registered on the title of the property.

(Reason: Statutory requirement).

- B. Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 1 year from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53 (6) of the Environmental Planning and Assessment Act 1979.
- C. This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) & (2) have been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) & (2) above have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

Conditions of Consent for LDA2022/0145 :-

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
Site Demolition Plan	28.03.2022	DA-03, Issue A
Site and Roof Plan	28.03.2022	DA-04, Issue A
Ground Floor Plan	28.03.2022	DA-05, Issue A
Elevations	28.03.2022	DA-06, DA-07, Issue A
Sections	28.03.2022	DA-08, Issue A
Material Board	28.03.2022	DA-10, Issue A
Site Works Plan	02.09.2022	ENS-DA-CV-10101, Rev 04
Landscape Plan	23.02.2022	LA02, LDA03, Revision A
Tree Replenishment Plan	04.04.2022	LA04, Revision B
Arborist Report	30.03.2022	Revision A
BCA Report	01.04.2022	021-217678, R02
Access Report	30.03.2022	Revision 2
Acoustic report	13 April 2022	20211084, Issue 2
Operational Waste Management Plan	07.04.2022	3862, Revision D
Construction & Demolition Waste Management Plan	07.04.2022	Revision C

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

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

(Reason: Statutory requirement).

4. **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**.

(Reason: DCP compliance).

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".

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

6. **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.

Conditions of Consent for LDA2022/0145 :-

(Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).

7. Hoardings.

(a) A hoarding or fence must be erected between the work site and any adjoining public place.

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

(Reason: To ensure public safety).

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

(Reason: To ensure public safety).

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

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

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

(Reason: to ensure public safety).

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

(Reason: Access to public utilities).

12. 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 138 of the Roads Act 1993.

(Reason: To ensure compliance with the requirements of the Roads Act 1993).

13. 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.

Conditions of Consent for LDA2022/0145 :-

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

14. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

(Reason: To ensure public services are maintained.)

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 Part 8.5 (Public Civil Works), to the satisfaction of Council.

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

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.

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

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

17. **Demolition Deposit.** The Council must be provided with security for the purposes of Section 4.17(6) of the Environmental Planning and Assessment Act 1979 in a sum determined by reference to Council's Management Plan prior to the demolition occurring on the site.

(Reason: Statutory requirement)

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

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

Conditions of Consent for LDA2022/0145 :-

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

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

(Reason: Statutory requirement).

20. **Excavation**

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

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

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

(Reason: Safety).

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

(Reason: Safety).

23. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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

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

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

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.

Conditions of Consent for LDA2022/0145 :-

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.

25. **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	\$5,916.00
Open Space & Recreation Facilities	\$13,388.00
Roads & Traffic Management Facilities	\$6,956.00
Plan Administration	\$396.00
The total contribution is	\$26,656.00

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

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

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

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

(Reason: Statutory requirement).

26. **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**.

(Reason: Statutory requirement).

27. **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**.

(Reason: Statutory requirement).

Conditions of Consent for LDA2022/0145 :-

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

(Reason: Statutory requirement).

29. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

30. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the **Construction Certificate**.

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

32. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of the **Construction Certificate**.

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

33. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing site drainage system, generally in accordance with the plans by enstruct, Project No.: 6598, Drawing No.: ENS-DA-CV10101, Revision No.:4, Dated 02/09/2022, subject to any variations marked in red on the approved plans or noted following;

- A) Overland flow path shall not result in ponding on the walkway /actionable nuisance and the overland flow path shall be designed to avoid stormwater runoff entering the building/pavilion.
- B) The proposed building/pavilion shall be at a minimum of 300mm above the design ponding elevation of the proposed bioswale.
- C) Additional stormwater pit to be provided to convey runoff collected from the bioswale on the eastern side of the building and discharge to the site drainage pit downstream to it.

Conditions of Consent for LDA2022/0145 :-

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 (*Stormwater drainage*) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

34. **Stormwater Management – Drain to existing drainage system.** The discharge to the existing stormwater management system must be inspected by a suitably qualified civil engineer or licensed plumber to ensure it is of adequate capacity to accommodate additional stormwater runoff from the development and without adverse impacts to neighbouring properties.

The appointed expert must prepare documentation and plans addressing the following matters which are to be provided with the application for a Construction Certificate;

- a) Detail the proposed drainage system and its point of discharge to the existing stormwater management system,
- b) Deduce the configuration of the existing stormwater management system downstream of the proposed connection and the manner of discharge from the site,
- c) Confirm that, subject to any upgrade to the system as required by part (e) of this condition, the existing stormwater management system is of adequate capacity such to accommodate the additional stormwater runoff from the development,
- d) Nominate the location and configuration of any rainwater tank required by BASIX commitments or nominated on the architectural plan, including the overflow connection to the stormwater management system.
- e) Specify any remedial works to the existing stormwater management system downstream of the proposed connection required in order to;
 - ensure the continued use of the stormwater management service,
 - address any adverse effects to the subject site or downstream property, evident on the lot, and
 - ensure the state of the existing stormwater system crossing the footpath / kerb outlet is in accordance with Council's DCP Part 8.2 (*Stormwater and Floodplain Management*) (where applicable).

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

35. **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

Conditions of Consent for LDA2022/0145 :-

manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;

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

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

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

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.

36. Site Sign

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

(Reason: Statutory requirement).

37. 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.

Conditions of Consent for LDA2022/0145 :-

- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

39. **Tree Protection.** Tree Protection is to be installed before demolition and construction commences as indicated in the Arboricultural Impact Assessment (AIA) "Section 8 Pre-Construction Tree Protection Measures" prepared by Birds Tree Consultancy dated 30/03/2022.

(Reason: To protect existing trees before any work on site commences.)

40. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To protect existing trees before any work on site commences.)

41. **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 adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

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

42. **Provision of Project Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

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

DURING CONSTRUCTION

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

Conditions of Consent for LDA2022/0145 :-

43. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

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

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

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

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

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

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

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

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

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

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

49. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

(Reason: Statutory requirement).

50. **Site maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;

Conditions of Consent for LDA2022/0145 :-

- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

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

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

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

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

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

53. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Birds Tree Consultancy dated 30/03/2022. The following trees on site are to be retained and protected:

Tree No.	Species "Common name"
28 to 30	<i>Ficus microcarpa</i> (Curtain Fig)
35	<i>Ulmus parvifolia</i> (Chinese Elm)
38 to 40	<i>Pyrus calleryana</i> (Ornamental Pear)

(Reason: To ensure the health of existing trees retained by the development are maintained.)

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

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

55. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Birds Tree Consultancy dated 30/03/2022. The following trees on site are to be removed:

Tree No.	Species "Common name"
1 to 27	<i>Platanus x hybrida</i> (London Plane)
31 & 32	<i>Ficus rubiginosa</i>

Conditions of Consent for LDA2022/0145 :-

	(Port Jackson Fig)
33 & 34	<i>Ficus microcarpa</i> (Curtain Fig)
36	<i>Grove of Syzygium spp.</i> (Lilly Pilly)
37	<i>Lagerstroemia indica</i> (Crape Myrtle)

(Reason: To ensure only the trees approved for removal are in fact removed)

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

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

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

Conditions of Consent for LDA2022/0145 :-

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

(Reason: Statutory requirement).

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

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

59. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by enstruct, Project No.: 6598, Drawing No.: ENS-DA-CV10101, Revision No.:4, Dated 02/09/2022, submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

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

60. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

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 (e.g. 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.

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

(Reason: To ensure all landscaping work is completed as per the approved plans)

Conditions of Consent for LDA2022/0145 :-

62. **Voluntary Planning Agreement (VPA).** The applicant is to comply with the VPA obligations for Part 1, entered into between Council City of Ryde (Council) and Optus Administration Pty Ltd, as referred to in the deferred commencement condition (A) (1).

(Reason: Statutory requirement).

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

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

64. **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 bioswale/WSUD components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

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

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

The DSMP must contain the following;

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

Conditions of Consent for LDA2022/0145 :-

- 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 person) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

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

66. **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 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.
- b) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- d) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

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.

67. **Stormwater Management – Implementation of maintenance program.** The stormwater management system and WSUD/bioswale components are to be

Conditions of Consent for LDA2022/0145 :-

maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

(Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.)

End of Consent