

Item 1 - 11 Halifax Street, Macquarie Park - LDA2022/0314

Proposal: Site establishment and preparation works comprising excavation (for previously approved basement levels) and construction of shoring walls.

Report prepared by: Shannon Butler, Senior Town Planner

Report approved by: Sohail Faridy, Senior Coordinator - Development Assessment
 Carine Elias, Manager - Development Assessment
 Sandra Bailey, Executive Manager - City Development

**City of Ryde
 Local Planning Panel Report**

DA Number	LDA2022/0314
Site Address & Ward	11 Halifax Street, Macquarie Park Lot 105 DP1224238 (East Ward)
Zoning	MU1 Mixed Use
Proposal (as lodged)	Site establishment, preparation works comprising excavation of previously approved basement levels and construction of shoring walls.
Property Owner	Greenland (Sydney)
Applicant	URBIS
Report Author	Shannon Butler, Senior Town Planner
Lodgement Date	13 October 2022
No. of Submissions	12 unique submissions received in objection to the proposal
Cost of Works	\$5,129,172
Reasons for Referral to LPP	Contentious Development – <i>Greater than 10 unique submissions received objecting to the proposal</i>
Recommendation	Approval, subject to deferred commencement condition.
Attachments	Attachment 1 - Recommended Conditions of Consent Attachment 2 – Architectural Plans Attachment 3 – Sydney Metro Concurrence Attachment 4 – Ausgrid Comments

1.0 EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 11 Halifax Street, Macquarie Park, which is legally described as Lot 105 DP1224238.

The subject development application (LDA2022/0314) was lodged on 13 October 2022 and seeks consent for site establishment and preparation works comprising excavation and construction of shoring walls. The previous approval consenting to these works has lapsed (LDA2016/0308). The proposed works will facilitate the continuation of the development approved under Development Consent No. LDA2016/0395 which comprised the construction of a mixed-use development consisting of eight buildings and three levels of shared basement car parking. The component of this approved development located on the south-western side of Jarvis Circuit has been completed. The proposed works will facilitate the completion of the works on the subject lot.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel (RLPP) for determination as the application constitutes contentious development given that greater than 10 unique submissions have been received, objecting to the development.

The Development Application was notified between 25 October 2022 and 18 November 2022. Twelve (12) submissions were received objecting to the proposal. Concerns raised in the submissions included concern that there is inadequate building separation, noise and dust impacts, structural issues with surrounding buildings, traffic impacts, privacy impacts and safety impacts for children who reside in nearby buildings. The submissions are addressed in the report and do not warrant refusal of the application.

The subject site is located in close proximity to the Sydney Metro underground corridor and the application was referred to Sydney Metro under the provisions of Clause 2.99 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Sydney Metro provided concurrence subject to conditions on 8 May 2023.

The application has been assessed against the provisions of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan 2014 – Section 8.1 – Construction Activities and the North Ryde Station Precinct DCP and is considered satisfactory.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2022/0314 be approved subject to a deferred commencement condition under Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

2.0 THE SITE & LOCALITY

The subject site is legally described as Lot 105 DP1224238 and is known as 11 Halifax Street, Macquarie Park. The site is irregular in shape and has an area of 2,801.82m² and a frontage of 134 metres to Jarvis Circuit to the south-west, 21 metres to Jarvis Circuit to the south-east and 27 metres to Halifax Street to the north-west.

The subject site is currently vacant and comprises a grassed surface with no other vegetation. The site is currently used as open space and is accessible to the public.

The site has a downslope from the southern corner RL59.86 to the northern corner RL55.83.



Figure 1 Aerial photograph of the site and locality

The site is located in close proximity to the Sydney Metro underground rail corridor (see Figure 2).

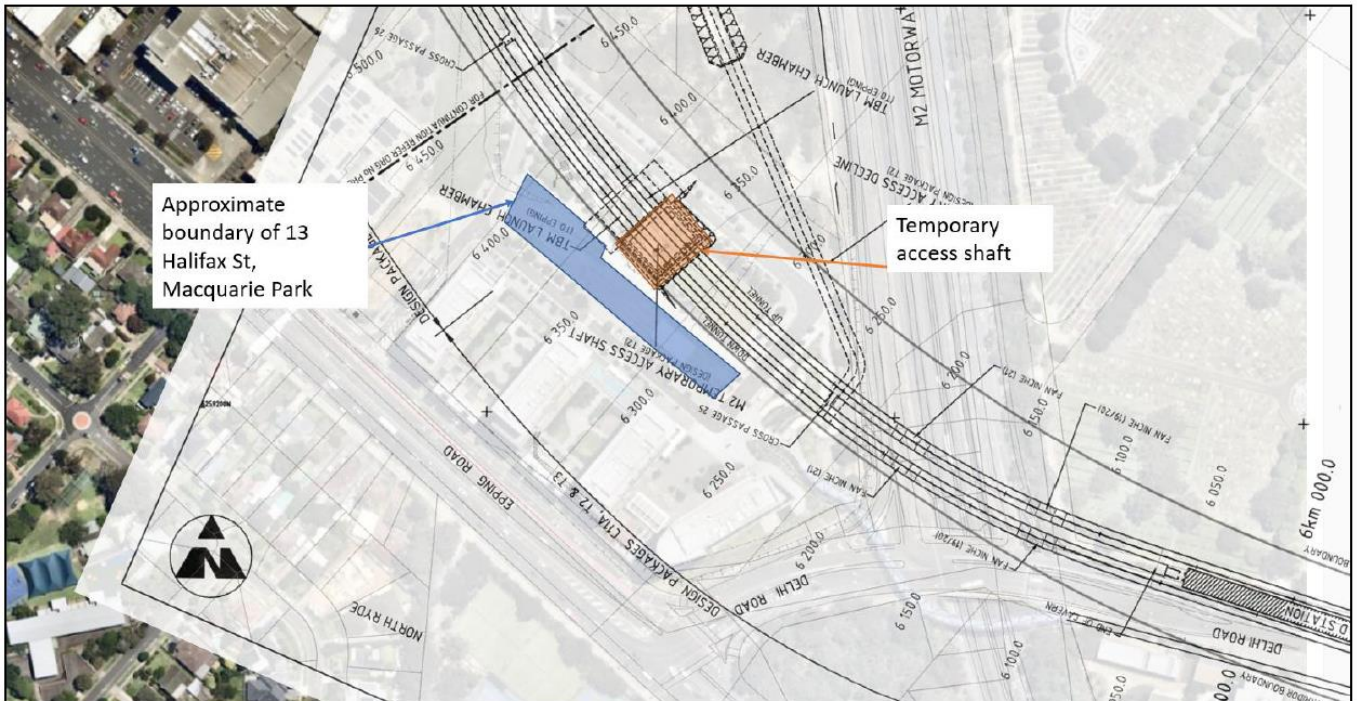


Figure 2 – Plan depicting approximate location of site in relation to Sydney Metro underground corridor (Source: Sydney Metro)



Figure 3 – View of subject site facing south-west

The site is bounded by a Council owned park to the north-east, vacant land to the north-west, a mixed use development to the south-west (of which the subject site will form part of) and open space to the south-east associated with the approach to the footbridge over Delhi Road and the M2 Motorway which provides access to the North Ryde metro station.



Figure 4 – View of mixed-use development located to the south-west of the subject site

The subject site was created as part of a Concept SSD application that was approved by the Department of Planning and Environment (DPE). The Concept SSD application formed part of the activation precinct that was announced in 2013 by the then Minister of Planning.

On 6 March 2015, the Executive Director, Infrastructure and Industry Assessments, granted development consent for the Concept Proposal and Stage 1 infrastructure and services application (SSD 5093). The Concept Proposal permitted:

- subdivision of the parent lot into 12 allotments
- allocation of floor space for each of the created lots
- public open space, roads, and infrastructure works

The Concept SSD and Stage 1 works have been completed, as such detailed Development Applications (DA) consistent with the approved masterplan can be subsequently lodged to Council.

3.0 THE PROPOSAL

The proposal seeks consent for site establishment and preparation works comprising excavation (for previously approved basement levels) and construction of shoring walls as the original approval consenting to these works has lapsed (LDA2016/0308). The development of the site beyond the site establishment and preparation works was approved under Development Consent No. LDA2016/0395. The subject application seeks consent for the following components:

Excavation

- The removal of granular and rock material to the bulk earthwork level.
- Removal of 23,850m³ of cut material.
- Provision of sediment and erosion controls.

Construction

- Construction of the base slab layer.
- Construction of the previously approved subterranean basement tunnel between Lot 4 and 5.
- Reconstruction of public road over basement tunnel.
- Installation of shoring walls to support granular material.

Operational Details

The proposed hours of work are as follows:

Day	Hours of work
Monday to Friday	7:00am to 7:00pm
Saturday	8:00am to 4:00pm
Sunday and public holidays	No work

Site access for the proposed works will be off Halifax Street along the north-western boundary of the site.

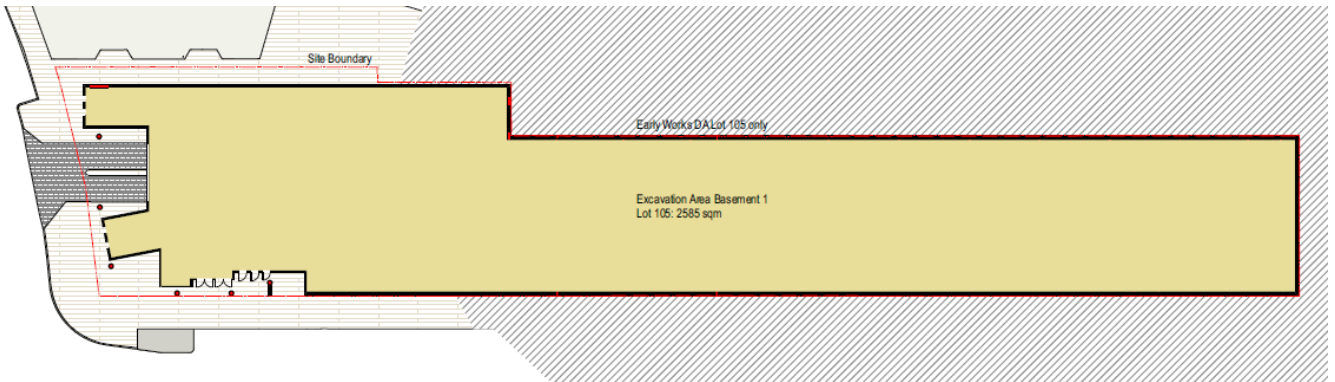


Figure 5 – Basement Level 1 excavation plan

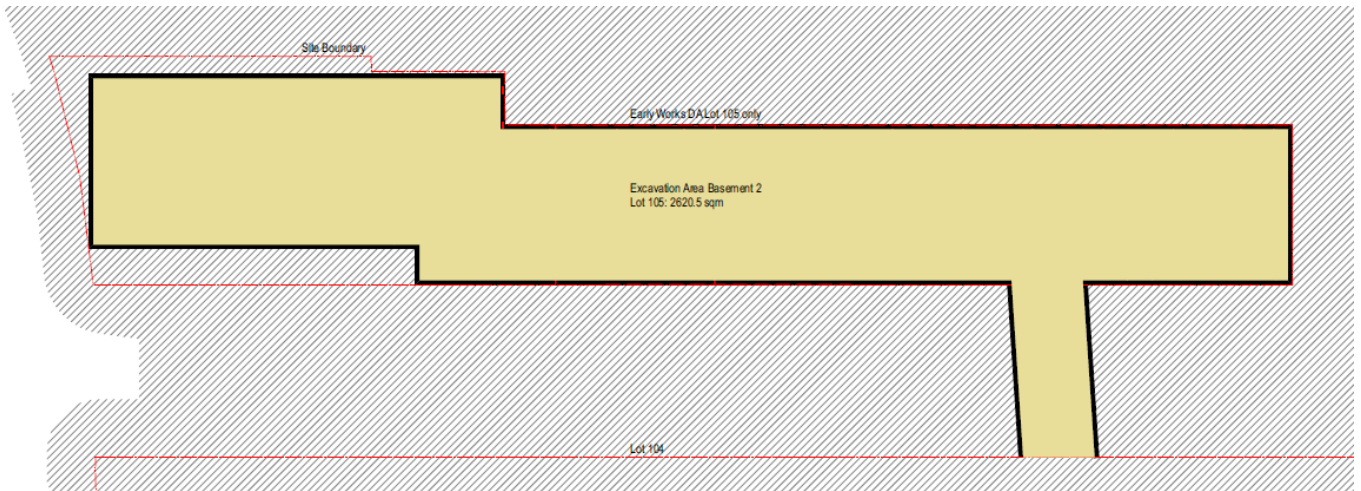


Figure 6 – Basement Level 2 excavation plan

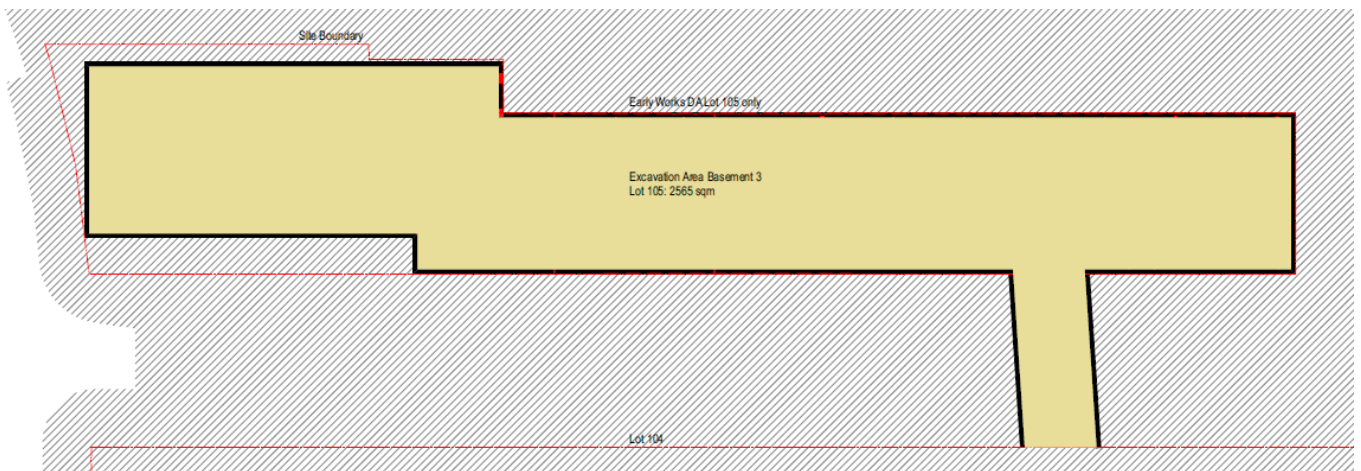


Figure 7 – Basement Level 3 excavation plan

4.0 HISTORY

4.1 Site History

6 March 2015	<p>A State Significant Development Application (SSD_5093) for the staged development of the North Ryde Station Precinct – M2 Site was approved in March 2015, comprising:</p> <ul style="list-style-type: none"> • Subdivision of the site into 12 development lots, five public open space lots and two public road lots • Allocation of a maximum gross floor area to each of the development lots (total of 238,919m² across the site plus an additional 2,500m² to Lot 104 for a community facility), and • Infrastructure, civil works and landscaping <p>Stage 1 comprises of the following phases:</p> <ul style="list-style-type: none"> - Phase 1 – Site preparation works including demolition, remediation and rehabilitation, bulk earth works. - Phase 2A – Superlot subdivision to create 4 public roads and a future public road lot, five public reserve lots, three future development lots and two superlots. - Phase 2B – Civil and public domain works including road and intersection construction; open space establishment and embellishment, pedestrian pathways and cycleways, drainage, public domain works and services infrastructure, - Phase 3 – Subdivision to create 8 development lots, and - Phase 4 – Construction of a pedestrian footbridge over Delhi Road.
25 May 2017	<p>Deferred commencement consent was granted for the early site works, bulk excavation and construction of shoring walls on Lot 105 of Lachlan’s Line (LDA2016/0308), being the subject site. Council’s records indicate that the deferred commencement conditions were not satisfied within the stipulated 12 month timeframe and the consent is deemed to have lapsed on 25 May 2018.</p>
29 November 2017	<p>Development consent No. LDA2016/0395 was granted by the Sydney North Planning Panel (SNPP) for:</p> <ul style="list-style-type: none"> • Construction of a mixed use development including the following works: <ul style="list-style-type: none"> - 3 levels of shared basement car parking for 884 car spaces; - A tunnel beneath Jarvis Circuit (a future public road) that will link Basement Levels 00 & 01 across Lots 104 & 105 (there is an easement within Jarvis Circuit for the tunnel under DP1253779); - A single level podium across Lot 104 comprising of retail & community facilities uses; - 8 residential buildings comprising of 885 units ranging in height from 3 to 17 storeys; - Publicly accessible open spaces; - A 2500m² community facility; and - Site landscaping.

The approved development includes the mixed use development of Lot 104 and 105.

This consent did not encompass the early works on the subject site as this component was dealt with by Development Consent No. LDA2016/0308 that lapsed on 25 May 2018. The current application (the subject of this report) is seeking consent for the works as approved under LDA2016/0308.

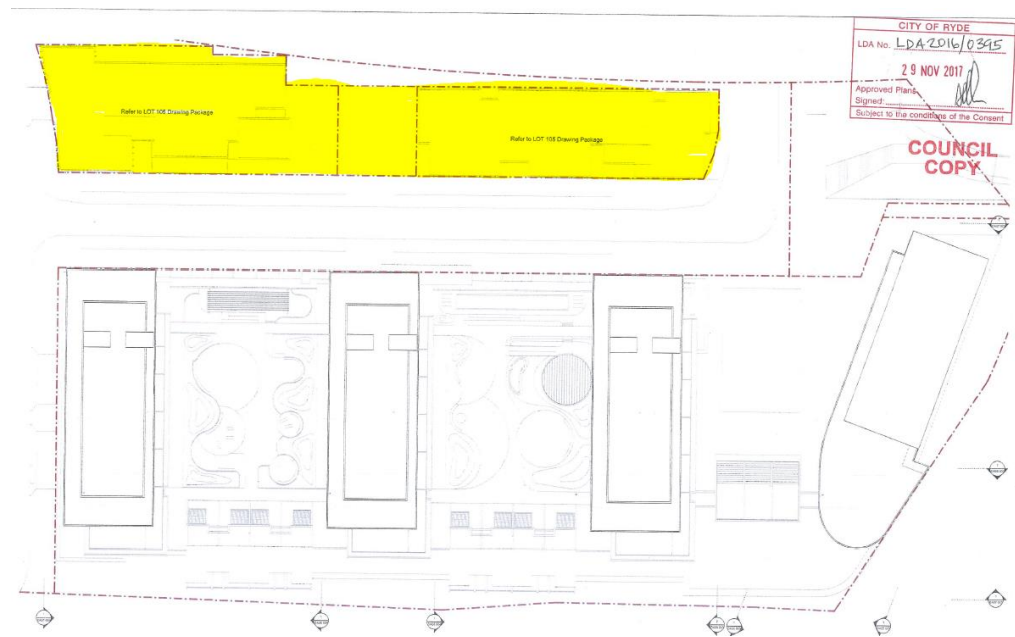


Figure 8 – Key plan approved as part of LDA2016/0395 depicting subject site in yellow highlight and Lot 104 located below (on the opposite side of Jarvis Circuit)

4.2 Application History

13 October 2022	Subject application formally lodged with Council.
25 October 2022 to 18 November 2022	Subject application notified in accordance with the Ryde Community Participation Plan. Twelve (12) unique submissions objecting to the development were received in response.
5 December 2022	<p>Letter received from Sydney Metro requesting additional info as follows:</p> <p><i>a) Drawings that clearly and definitively showing the Sydney Metro substratum property at this location as it is adjacent to a temporary shaft. Stratum information can be obtained through:</i></p> <ul style="list-style-type: none"> • <i>The owners who were notified of the location of the stratum as part of the acquisition process.</i> • <i>The survey plans of acquisition which have been registered with Land Registry Services, NSW.</i> • <i>Conducting a Dial Before You Dig search.</i> <p><i>b) There is a backfilled access shaft adjacent to the development site. There will be no rock to anchor at this location. Please demonstrate how the retention structure will be supported at this location.</i></p>

7 December 2022	Email sent to the applicant via the NSW Planning Portal advising of the additional information requested by Sydney Metro.
6 April 2023	Additional information submitted by the applicant in response to the request from Sydney Metro.
26 April 2023	An amendment was made to the Ryde Local Environmental Plan 2014 to change the name of the zoning of the B4 Mixed Use zone to MU1 Mixed Use. This amendment did not affect the permissibility of the proposed development.
10 May 2023	Sydney Metro concurrence provided subject to conditions.

5.0 PLANNING ASSESSMENT

5.1 Section 90 of Water Management Act 2000

The development requires approval by Water NSW under Section 90 of the Water Management Act 2000 due to the proximity of the proposed basement to the groundwater table and the extent of excavation that is proposed which would result in the need for dewatering.

The applicant has opted for the application to not be classed as integrated development, therefore, a deferred commencement condition is recommended under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 requiring that a suitable dewatering approval be obtained from Water NSW prior to the issue of an operative consent. A discussion with Water NSW has determined that this approach is acceptable when the applicant has opted for an application not to be integrated development.

5.2 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>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.</p>	<p>A Site Audit Statement was previously prepared for the site under LDA2016/0308. The site audit determined that the site was suitable for residential purposes. The Site Audit Statement was reviewed by Council's Environmental Health team and no objections were raised to the findings of the audit.</p>	Yes
State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021		
Chapter 2 Vegetation in non-rural areas		
<p>The objective of this chapter 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.</p>	<p>There are no trees or vegetation on the site other than introduced grass.</p>	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 Infrastructure		
<p>Clause 2.48 applies to a development application for development comprising or involving any of the following:</p> <p><i>(1)(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> <p><i>(b) development carried out—</i></p> <p><i>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p><i>(ii) immediately adjacent to an electricity substation, or</i></p> <p><i>(iii) within 5m of an exposed overhead electricity power line.</i></p> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	<p>The proposal involves the penetration of ground within 2m of an underground electricity power line. The application was referred to Ausgrid (being the relevant electricity supply authority) and a letter was received on 21 March 2023 raising no objection subject to recommended conditions.</p>	<p>Yes</p>
<p>Section 2.99 of the SEPP states the following in relation to excavation in, above, below or adjacent to rail corridors:</p> <p><i>(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—</i></p>	<p>The proposal involves the penetration of ground of more than 2 metres within the Sydney Metro corridor. The application was referred to Sydney Metro under the provisions of Section 2.99 of the SEPP. Sydney Metro provided concurrence on 8 May 2023 subject to conditions.</p>	

<p>(a) <i>within, below or above a rail corridor, or</i></p> <p>(b) <i>within 25m (measured horizontally) of a rail corridor, or</i></p> <p>(c) <i>within 25m (measured horizontally) of the ground directly below a rail corridor, or</i></p> <p>(d) <i>within 25m (measured horizontally) of the ground directly above an underground rail corridor.</i></p> <p>(2) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p>(a) <i>within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</i></p> <p>(b) <i>take into consideration—</i></p> <p style="padding-left: 20px;"><i>(i) any response to the notice that is received within 21 days after the notice is given, and</i></p> <p style="padding-left: 20px;"><i>(ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i></p>		
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5.3 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of Ryde Local Environmental Plan 2014 (RLEP), the subject site is zoned MU1 Mixed Use and the proposal comprises earthworks associated with an approved mixed-use development. RLEP 2014 defines earthworks as follows:

Earthworks means excavation or filling.

The proposal is for bulk excavation of the site to facilitate the construction of the basement levels approved under Development Consent No. LDA2016/0395. Development for the purpose of earthworks is permissible with consent within the MU1 Mixed Use zone.

The relevant objectives for the MU1 Mixed Use zone are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposal facilitates the construction of an approved mixed-use development on the site which will be a compatible land use in an accessible location that will encourage public transport usage and walking and cycling. The proposal is considered to be satisfactory in relation to the objectives of the MU1 Mixed Use zone.

Relevant Clauses

Clause	Proposal	Compliance
6.2 Earthworks		
<p>(1) <i>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</i></p> <p>(2) <i>Development consent is required for earthworks unless—</i></p> <p>(a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p>(b) <i>the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p> <p>(3) <i>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <p>(a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>(b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>(c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p>	<p>Development consent is required for the proposed earthworks.</p> <p>Council's Development and Structural Engineers have assessed the application and raised no objections subject to recommended conditions.</p> <p>The proposed earthworks facilitate the construction of the approved mixed-use development on the subject site.</p> <p>Council's Environmental Health Officer has reviewed the site audit statement for the site and raised no objections subject to recommended conditions.</p> <p>The applicant has submitted a construction traffic management plan and acoustic assessment. These reports have been reviewed by Council and no objection is raised subject to recommended conditions.</p>	<p style="text-align: center;">Yes</p>

Clause	Proposal	Compliance
<p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>(h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>There is no fill proposed. All virgin excavated natural material (VENM) from the site is proposed to be disposed of to a site in Peats Ridge.</p> <p>The archaeological assessment submitted as part of the SSD approval states that the site has low potential to contain non-Aboriginal or Aboriginal relics and there are no recorded Aboriginal sites in the vicinity of the site.</p> <p>No waterway, drinking water catchment or environmentally sensitive area is located in close proximity to the site.</p> <p>The following documents form the basis of recommended conditions of consent:</p> <ul style="list-style-type: none"> - Construction traffic management plan - Acoustic assessment - Construction noise and vibration management plan - Soil and water management plan 	

5.4 Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments for consideration.

5.5 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

Section 8.1 – Construction Activities

Earthworks controls have been addressed earlier in this report in relation to Clause 6.2 of the Ryde LEP 2014.

A Soil and Water Management Plan prepared by Wood and Grieve Engineers was submitted with the Development Application. This Plan incorporates erosion and sedimentation controls and has been reviewed and accepted by Council's Development Engineer. The Plan forms the basis of recommended conditions for a more detailed management plan prior to issue of the Construction Certificate.

A Construction Traffic Management Plan prepared by ARUP was submitted with the application. This management plan has been reviewed by Council's City Works – Traffic team and forms the basis of recommended conditions for a more detailed management plan prior to issue of the Construction Certificate.

North Ryde Station Precinct DCP

The North Ryde Station Precinct DCP provides a framework to guide future development in the North Ryde Station Precinct. The document specifies built form and other controls for all development within the Precinct to achieve the vision for the Precinct as a vibrant community and as a place to live, work and visit. The development application does not raise any issues in respect to this DCP.

5.6 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2021

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 and others. Standard conditions are recommended relating to compliance with BCA and AS.

6.0 The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development.

Construction Impacts

Construction impacts are controlled by Section 8.1 of the Ryde DCP 2014. Conditions of consent are recommended to control the impact of the construction activities.

The application encompasses excavation works and the construction of the base slab layer and subterranean tunnel beneath a Council owned road. This was subject to an executed Voluntary Planning Agreement tied to the built form consent (LDA2016/0395).

All relevant issues regarding environmental impacts of the development are discussed within this report. The development is considered satisfactory in terms of environmental impacts.

7.0 Suitability of the site for the development

The site is considered to be suitable for the development and the proposal will facilitate the completion of the construction of the approved built form development.

8.0 The Public Interest

Given the above assessment, the proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9.0 Submissions

In accordance with the Ryde Community Participation Plan the application was notified to owners of surrounding properties between 25 October 2022 and 18 November 2022. Twelve (12) submissions were received objecting to the proposal.

The matters raised in the submissions have been considered below:

1. *The subject site is a grassed area that should be used for a strategic purpose or a form of community benefit.*

Comment: The subject site is privately owned and is zoned MU1 Mixed Use under the provisions of the Ryde Local Environmental Plan 2014. The site forms part of an overall mixed-use development approved under Development Consent No. LDA2016/0395. The site is not zoned or intended to be used for public open space purposes long term.

2. *The current extent of car parking is very limited and is causing problems for residents and visitors.*

Comment: The car parking for the overall mixed-use development was considered during the assessment of LDA2016/0395. The subject application relates to early works on the subject site only. The extent of car parking cannot be revisited as part of the assessment of the subject application.

3. *The subject site is too close to surrounding buildings and will result in a cramped appearance.*

Comment: Concerns raised in the submissions in relation to building separation are noted. However, these matters are outside the scope of this proposal. This proposal relates to the early construction works on Lot 105 as a result of a lapsed consent from 2016 (LDA2016/0308) and does not propose a building envelope nor comment on the design of the future development on site. The site has already been approved for residential development under LDA2016/0395. The purpose of the subject application is to seek consent for excavation and shoring works to begin the staged construction of the basement and subterranean tunnel at 11 Halifax Street.

4. *There will be excessive levels of dust and noise during the construction phase.*

Comment: The potential for dust impacts from the early works construction is acknowledged and identified as a key consequence of the proposal. The dust management measures to be adopted as outlined in the Construction Management Plan are as follows:

- The Site Manager will monitor the dust emissions and implement water suppression during plant movement and/or loading activities as required.
- Wetting down of surfaces during excavation works by means of high-pressure washers and or sprinkler systems.
- Application of high-pressure water at the machine bucket face.
- Restriction of dust producing works on windy days.
- Protection of stockpiles.
- Sweeping of access road.
- Covering of truck loads.

The potential for acoustic impacts from the early works phase is also acknowledged. An acoustic report has been submitted with the application which details the following measures to be adopted to address noise:

- All noise-creating activities are to be limited to the hours 7am to 7pm Monday to Friday and Saturday 8am to 4pm.
- No work is to be carried out on Sundays or Public Holidays.
- All plant and equipment are to be muffled in accordance with manufacturers' requirements.
- The use of hydraulic hammers is to be limited and the size of equipment to be used will be increased to enable the increased use of bucket/ripper/pulverisers attachments in lieu of hydraulic hammers.

- Regular inspections will be performed by the Project Manager to determine the extent of noise/vibration at the nearest affected residence or workplace
- The complaints register will be checked daily and any corrective action necessary taken immediately to ensure minimal interruptions.

A detailed contingency process that addresses concerns is in place and outlined below:

- In the event of excessive noise/vibration is being created by the works, work will stop immediately.
- Work methodologies will be modified to ensure that noise emissions during works are minimised and vibration mitigation measures are taken such as the modification of methodologies.
- Civiltrak will be notified of any noise complaints immediately.

A condition of consent is recommended requiring the preparation of an erosion and sediment control plan, including details on dust control (**Condition No. 32**) and a condition is recommended requiring compliance with the Construction Noise Management Plan (**Condition No. 19**).

5. *The proposal will result in blocking sunlight to the existing mixed-use development on the opposite side of Jarvis Circuit.*

Comment: Concerns raised in the submissions in relation to overshadowing are noted. However, these matters are outside the scope of this proposal. This proposal relates to the early construction works on Lot 105 as a result of a lapsed consent from 2016 and does not propose a building envelope nor comment on the design of the future development on site.

6. *Due to the single exit road out of the Lachlan's Line area, there is significant congestion around Lot 105 and further congestion to be expected as residents move in.*

Comment: The issue regarding traffic implications as a result of the proposal is noted. It is acknowledged that the proposed early works construction will have an impact on traffic around Lachlan's Line. A Construction Traffic Management Plan (CTMP) has been submitted with the application which seeks to address and mitigate the impacts of the proposed construction. A list of proposed recommendations is identified in the CTMP, a summary is provided below:

- Manage and control construction traffic movements on the adjacent road network and vehicles movements to and from the construction site.
- Trucks to enter and exit the site in a forward direction.
- Maintain traffic capacity at intersections and mid-block in the vicinity of the site.
- Restrict construction vehicle activity to designated truck routes.
- Construction access driveways and on-street work zones to be managed and controlled by certified site personnel.
- Provide a convenient and appropriate environment for pedestrians.
- Maintain convenient access and circulation for public transport.
- Pedestrian movements adjacent to construction activity, across construction access driveways and to/from public transport facilities will be managed and controlled by site personnel.
- Pedestrian warning signs and construction safety signs/devices to be utilised in the vicinity of the site and to be provided in accordance with WorkCover requirements.
- Construction activity to be carried out in accordance with Council's approved hours of work.
- Truck loads would be covered during transportation off-site.
- Establishment and enforcement of appropriate on-site vehicle speed limits (20km/h), which would be reviewed depending on weather conditions or safety requirements.
- All activities, including the delivery of materials would not impede traffic flow along local roads.

- Materials would be delivered and spoil removed during standard construction hours.
- Avoid idling trucks alongside sensitive receivers.
- Trucks not to queue on local roads and can be wholly accommodated within the site.
- Deliveries would be planned to ensure consistent, minimal number of trucks arriving at any one time.
- Minimal construction traffic movements to/from the site will be made during peak hours (including school peak hours) to minimise the impact on the wider road network.

A condition of consent is recommended requiring the submission of a further Construction Pedestrian and Traffic Management Plan prior to the issue of a Construction Certificate (**Condition No. 33**).

7. *There have been several residents who have reportedly experienced earthquake-like tremors in their apartments. Concern is raised that the proposed works at Lot 105 Lachlan's Line will exacerbate the issue and may pose a risk to the residents if there is a serious yet-to-be-diagnosed problem that is causing the tremors.*

Comment: Concerns around structural integrity of surrounding buildings are noted, but do not relate to the scope of this early works proposal. The proposed earthworks and construction are to be managed in accordance with a Construction Management Plan (CMP), prepared by Civiltrak Sydney. The CMP & other key consultant reports including the Geotechnical report, prepared by JK Geotechnics, outline site-specific mitigation measures to ensure construction is safe and prioritises the reduced impact on the surrounding buildings. Conditions of consent are recommended to require compliance with these documents.

8. *The proposal will result in a lack of privacy in the surrounding buildings.*

Comment: The issue pertaining to privacy is out of scope for this early works proposal. The concern raised about privacy relates wholly to the proposed future construction of the residential building and does not relate to the earthworks and subterranean tunnel proposal that forms part of this application.

9. *As a residential community, Lachlan's Line has a lot of young kids. The proposed works would cause huge safety problems for them.*

Comment: Given the locality of the development occurring within a residential area, the safety concerns raised within the submissions are noted. The CMP and CTMP provide mitigation measures to protect the safety of pedestrians, residents and workers respectively. These measures are consistent with similar developments and prioritise safety and best practices. These mitigation measures include:

- All site staff, contractors and visitors to the site will be required to undertake a site induction prior to working on the site.
- Liaison with the client and adjoining neighbours will be conducted by the Management team via a representative from Greenland and will occur on an as required basis during the course of the project.
- No workers will be permitted to enter the site if they are under the influence of drugs or alcohol. It will be the responsibility of EW PC to produce or obtain Safe Work Method Statements (SWMS) from all contracted sub-contractors, which must also include safety manuals/ policies from each company.
- All contractors will be required to comply with the site- Works Health and Safety Plan and Environmental Management Plan. Regular 'Tool Box' meetings will be held on site with the trades including the consultation arrangements.
- The EW PC will need to enclose and secure the site by installing a suitable construction / security fence to ensure that the general public are protected from construction activities.

A condition of consent is recommended requiring the submission of a further Construction Pedestrian and Traffic Management Plan prior to the issue of a Construction Certificate (**Condition No. 33**).

10.0 Referrals

Sydney Metro

The application was referred to Sydney Metro under the provisions of Section 2.99 of SEPP (Transport & Infrastructure) 2021 given that the proposal involves the penetration of ground of more than 2 metres within the Sydney Metro corridor. Sydney Metro provided concurrence on 8 May 2023 subject to conditions. **Condition No. 3** is recommended which requires compliance with the Sydney Metro conditions.

Ausgrid

The application was referred to Ausgrid under the provisions of Section 2.48 of SEPP (Transport & Infrastructure) 2021 as the proposal involves ground penetration within 2m of an underground electricity power line. Ausgrid provided comments on 21 March 2023 raising no objection subject to recommended conditions. **Condition No. 4** is recommended which requires compliance with the Ausgrid conditions.

Senior Development Engineer

The application was referred to Council's Senior Development Engineer who raised no objection subject to recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by the Senior Development Engineer are included in the recommended conditions of consent (**Attachment 1**). **See Condition Nos. 12, 13, 14, 15, 29, 30, 31, 32, 38, 47, 48, 49, 50, 51, 52 and 67.**

City Works – Traffic

The application was referred to Council's Traffic Engineer who provided the following comments:

It is acknowledged that a preliminary construction traffic management plan (CTMP) prepared by ARUP dated 30 September 2021 has been submitted as part of the application to address how traffic is proposed to be managed to minimise disruption and safety risks to other road users on the surrounding public roads during construction. The measures outlined within this CTMP may need to be altered/updated to consider potential changes to the traffic conditions within the surrounding road network and/or potential changes to the construction methodology closer to the commencement of construction. In this regard, an updated CTMP is required prior to a Construction Certificate being issued for the works.

The applicant is also required to obtain relevant road activity permits from Council for works that affect traffic and parking conditions within the surrounding public roads and/or impact on any other Council assets (e.g. footpaths), prior to such construction works occurring.

Assessment Officer's Comment: The conditions provided by the City Works – Traffic team are included in the recommended conditions of consent (**Attachment 1**). **See Conditions Nos. 16, 33, 38, 39 & 53.**

City Works – Public Domain

The application was referred to Council's City Works – Public Domain team and no objections were raised subject to recommended conditions.

Assessment Officer's Comment: The recommended conditions provided by the City Works – Public Domain team are included in the recommended conditions of consent (**Attachment 1**). **See Condition Nos. 12, 13, 17, 18, 34, 40, 41, 42, 43, 44, 68, 69, 70, 71, 72, 73 and 74.**

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who provided the following:

Contamination: *A Site Audit Statement was prepared under LDA2016/0308. The SAR audit determined that the site was suitable for residential purposes. No objection is made to the findings of the audit.*

Dewatering and Water Pollution Risk

Dewatering activities associated with the development's excavation poses a pollution risk. The Geotechnical report has confirmed that there are no groundwater issues relating to the site, and therefore dewatering will be limited to stormwater.

It has been recommended that the groundwater is treated prior to discharge. Standard conditions have been recommended to address pollution concerns. Despite the proposal involving activities below street level, water pollution is a potential concern posed by the development. This is mainly in the form of the discharge of any sediment from the site, particularly at access points and in the dewatering process.

To address this, the submitted Construction Management Plan proposes that any stormwater pumped from the site will go through a filtration process, and sediment basin. In addition to this, the roads and footpaths adjacent to the site will be kept clean of sediment and are proposed to be maintained at all times. The proposed sediment and erosion control plan also indicate the installation of a vehicle wash bay and shaker grid at the exit points to prevent the tracking of sediment onto the roadway.

Air Pollution

Emission of air impurities can be anticipated during excavation works. The applicant's Soil and Water Management Plan has identified that dust will be controlled by watering down exposed surfaces. This will be very important considering the proximity to existing residential and commercial receivers. The excavation occurring in the basement will assist in controlling dust, however this could be an issue.

Further controls should include watering down surfaces, installation of perimeter hoarding, watering down any sediment stockpiles, sediment deliveries to be in bags, and access points being kept clean and maintained. A number of conditions are recommended in this regard.

Noise Pollution

A Construction Noise and Vibration Management Plan has been submitted in lieu of an Acoustic Impact Assessment. Significant acoustic considerations regarding the excavation are needed. The Construction Noise and Vibration Management Plan submitted by the applicant addresses these considerations.

The CNVMP outlines a list of mitigation measures including a 3.5m high site hoarding to reduce construction noise. With this hoarding, the 65db criteria is exceeded by 6db at the adjacent apartment complex. Table 4 of the Acoustic Impact Assessment states that when RBL +10 is exceeded, the proponent must take all practical measures to attenuate/control the noise and ensure that all surrounding receivers are notified of the nature of the works and duration. It is expected the 6db exceedance will be appropriately managed through the implementation of the recommendations detailed in section 7 of the report. A condition of consent is recommended requiring compliance with these recommendations.

Unattended continuous noise monitoring shall be conducted at a select location at NCA03 for when noisy works are carried out in order to ensure the noise levels are not in excess of the predicted levels. Where noise levels are exceeding, additional reasonable and feasible mitigation measures shall be considered.

Assessment Officer's Comment: The recommended conditions provided by Council's Environmental Health Officer are included in the recommended conditions of consent (**Attachment 1**). **See Condition Nos. 19, 20, 21, 22, 23, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66.**

Consultant Geotechnical Engineer

The application was referred to Council's Consultant Geotechnical Engineer who raised no objections and did not recommend any conditions of consent.

11.0 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:

- The proposal is consistent with the objectives for MU1 Mixed Use zoned land.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

12.0 Recommendation

- A. THAT the Ryde Local Planning Panel, as the consent authority, grant deferred commencement consent to Development Application LDA2022/0314 for site establishment and preparation works, excavations and construction of shoring walls on land at 11 Halifax Street, Macquarie Park subject to the draft conditions contained in Attachment 1.
- B. THAT the objectors are advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Architectural Plans - subject to copyright provision
- 3 Sydney Trains Comments
- 4 Ausgrid Comments

Report prepared by: **Shannon Butler**
Senior Town Planner

Report approved by: **Sohail Faridy**
Senior Coordinator Development Assessment

Carine Elias
Manager Development Assessment

Sandra Bailey
Executive Manager City Development

ITEM 1 - 11 Halifax Street Macquarie Park

Attachment 1 – Recommended Conditions of Consent

DEFERRED COMMENCEMENT

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 to LDA2022/0314 for the site preparation works, excavation and construction of shoring walls subject to the following conditions of consent:
1. **Dewatering Approval from Water NSW.** The submission of documentary evidence that a dewatering approval under Section 90 of the Water Management Act 2000 has been obtained from Water NSW or the submission of evidence from Water NSW that such an approval is not required in the circumstances of the proposal.
- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 12 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (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) above has been satisfied; and

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

GENERAL

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

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

Document Description	Plan No./ Reference	Date
Bulk Excavation – Early Works – Section A, Prepared by Turner	SK-102-004	20/05/2016, Revision A
Bulk Excavation – Early Works – Section B, Prepared by Turner	SK-102-005	20/05/2016, Revision A
Bulk Excavation – Early Works – Basement 01, Prepared by Turner	SK-102-B01	20/05/2016, Revision A
Bulk Excavation – Early Works – Basement 02, Prepared by Turner	SK-102-B02	20/05/2016, Revision A
Bulk Excavation – Early Works – Basement 03, Prepared by Turner	SK-102-B03	20/05/2016, Revision A
Waste Management Plan, Prepared by DECC	SPL-003	February 2017, Revision 2

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

Conditions of Consent for LDA2022/0314 :-

2. **Compliance with Geotechnical Report.** All works are to be undertaken in accordance with the recommendations contained in the JK Geotechnical Report dated 9 February 2017, Ref No. 29549V2.

Reason: To ensure that the development is undertaken in accordance with the submitted geotechnical report.

3. **Sydney Metro Requirements.** The development shall be undertaken in accordance with the Sydney Metro conditions of consent attached to this consent as Attachment A.

Reason: To ensure that the development is undertaken in accordance with Sydney Metro's requirements.

4. **Compliance with Ausgrid Requirements.** The works shall be undertaken in accordance with the letter from Ausgrid, attached to this consent as Attachment 2.

(Reason: To ensure that the development is undertaken in accordance with the Ausgrid requirements given the proximity of underground cables.)

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

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

Reason: To ensure the structural protection of adjoining properties.

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.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties during the construction process.

7. **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.

Reason: To ensure the safety of the public and hoarding/fencing is removed at the completion of the development.

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 the safety of the public.

9. **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 spaces are unobstructed during construction.

Conditions of Consent for LDA2022/0314 :-

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

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

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

(Reason: to ensure public safety).

12. **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.

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

13. **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.

(Reason: Protection of infrastructure and compliance with relevant Authorities requirements)

14. **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.)

15. **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.)

16. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.

Conditions of Consent for LDA2022/0314 :-

17. **Works on Public Roads** – Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

(Reason: Compliance with relevant Acts)

18. **Land Boundary / Cadastral Survey** – Given that the work relies on critical setbacks from land boundaries, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

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

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

19. **Compliance with Construction Noise Management Plan** – All control measures and procedures relating to acoustic considerations nominated in the Construction Noise Management Plan D22/144129 dated 17 August 2022, prepared by Stantec Australia must be implemented.

Reason: To ensure the appropriate use of the site.

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

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

21. **Contaminated Land: 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.

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

22. **Duty to Notify Pollution Incidents** - Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.

23. **Air emissions from plant** - Air emissions from any trade, industry, process, fuel burning equipment or industrial plant, must not exceed levels as prescribed by the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2010 and the Protection of the Environment Operations (Clean Air) Regulation 2010. A report certifying the operation meets the required Regulations must be prepared by an appropriately qualified person and be submitted to the principal certifying authority, as well as being lodged with Council.

Reason: To control offensive emissions and ensure the protection of the local environment.

Conditions of Consent for LDA2022/0314 :-

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.

24. **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 Principal Certifying Authority prior to the issue of the **Construction Certificate**.

Reason: To ensure compliance with the Australian Standards.

25. **Security deposit** - The Council must be provided with security for the purposes of section 4.17 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**.

Reason: Statutory requirement.

26. **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

Reason: Statutory requirement.

27. **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 Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

Reason: Statutory requirement.

28. **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.

29. **Stormwater Management**. To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow to public drainage infrastructure in accordance with the requirements of

Conditions of Consent for LDA2022/0314 :-

Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

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 requirements;

- (a) 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.
- (b) The submitted design is consistent with the approved plans and any modifications to these plans required by conditions of this consent.
- (c) 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.
- (d) The rate of discharge must be no greater than 30L/s so as to ensure there are no deleterious impacts on the downstream system.
- (e) With the basement hardstand area being fully exposed to rainfall and there being no means to attenuate this inflow through rainwater tanks or soft landscaping, the discharge rate limit may require the implementation of a temporary ponding (bunded) region in the lowest basement level so as to cope with extreme storm events. The ponding area must not exceed 300mm in depth, incorporate relevant signage warning those on site of the risk of inundation and generally be in accordance with Council's DCP Part 8.2 controls for above ground storage basins.
- (f) The documentation must specify configuration of a temporary sediment control system (settlement tanks) located on the site prior to the point of discharge so as to ensure there are no deleterious impacts to the downstream creek system.

(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)

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

This engineer is to prepare the following documentation;

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

Conditions of Consent for LDA2022/0314 :-

- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of the Geotechnical Report by JK Geotechnics, Reference number: 29549V2rpt Lachlan's Line Lot 105, Revision Number: 0, Dated 9 February 2017.

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

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

31. **Site Dewatering Plan.** 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.

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

32. **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

Conditions of Consent for LDA2022/0314 :-

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.)

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

Due to heavy traffic congestion within Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Transport Department, prior to submission of the CPTMP.

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

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

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.

Conditions of Consent for LDA2022/0314 :-

- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that a plan is prepared to address traffic impacts during construction to minimise any inconvenience and safety risks to the public.

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

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

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.

35. **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.

Conditions of Consent for LDA2022/0314 :-

- (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.

36. **Safety fencing** - The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure to site is safely secured.

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

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

Notification. All businesses along Wicks Road east of Epping Road are to be notified of the impact of the works two (2) weeks prior to any works commencing. A copy of the notification and distribution list shall be provided to Council.

(Reason: To ensure that affected property owners are consulted in relation to the commencement of works)

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

- a) **Road Use Permit** - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) **Work Zone Permit** - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.
- c) **Road Opening Permit** - The applicant shall apply for a road-opening permit and pay the required fee where the applicant is required to dig into or adjust Council Assets (Assets include all facilities within the road reserve). Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) **Elevated Tower, Crane or Concrete Pump Permit** - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

Conditions of Consent for LDA2022/0314 :-

- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from Transport for NSW for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

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

39. **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 a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection.

Reason: Transport for NSW requirement.

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

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

(Reason: Ensure compliance and record of works)

41. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

(Reason: Ensure compliance and record of works)

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

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

Conditions of Consent for LDA2022/0314 :-

43. **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, **especially along Halifax Road from the intersection with Wicks Road to the intersection with Epping Road and along Jarvis Circuit**, 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.

(Reason: Protection of Council's infrastructure)

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

(Reason: Ensure public amenity and safety)

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.

45. **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 of the *Environmental Planning and Assessment Regulation 2000*. (Note: this condition does not relate to the staging of construction certificates or occupation certificates).

Reason: Statutory requirement.

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

Reason: To ensure protection of residential amenity during works.

47. **Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (*Construction Activities*).

Conditions of Consent for LDA2022/0314 :-

(Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.)

- 48. 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.

(Reason: To prevent soil and sediment spill in the public domain.)

- 49. 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.

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

- 50. 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. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

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

- 51. 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.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

- 52. 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.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

- 53. Implementation of Construction Pedestrian and Traffic Management Plan.** All construction activities are to be undertaken in accordance with the approved Construction Pedestrian and Traffic Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council's Traffic, Transport and Development Department for approval. A copy

Conditions of Consent for LDA2022/0314 :-

of the approved CPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

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

54. **Waste management plan (submission prior to work commencing)**- The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2010*. Prior to work commencing a new waste management plan must be submitted to Council for approval. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off-site.

Reason: To ensure appropriate waste management.

55. **Asbestos (records of disposal & licensed waste facility)** - Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

56. **Asbestos (handled & disposed of by licensed facility)** - All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

Reason: To ensure appropriate disposal of contaminated soil.

58. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

59. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

60. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

Conditions of Consent for LDA2022/0314 :-

61. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:
- (a) Work Health and Safety Act 2011
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines
- Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.
62. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines
- Reason:** To prevent pollution of the environment.
63. **Liquid and Solid Wastes** - Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines
- Reason:** To prevent pollution of the environment.
64. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
- Reason:** To prevent pollution of waterways.
65. **Erosion & sediment control measures** - Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.
- Reason:** To ensure no adverse impacts on neighbouring properties.
66. **Soil and Water Management (Stockpiles)** - Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- Reason:** To ensure that building materials are not washed into stormwater drains.

PRIOR TO OCCUPATION CERTIFICATE

Conditions of Consent for LDA2022/0314 :-

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.

67. 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 the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (*Stormwater drainage*), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- d) 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).
- e) 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.
- f) 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.
- g) 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.)

68. Vehicle Footpath Crossing and Gutter Crossover – Construction - The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any

Conditions of Consent for LDA2022/0314 :-

redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

(Reason: Improved access and public amenity)

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

(Reason: Ensure Compliance)

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

(Reason: Ensure public safety and protection of infrastructure)

71. **Registered Surveyor Final Certificate** – Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

(Reason: Ensure Compliance and no encroachments)

72. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, **especially along Halifax Road from the intersection with Wicks Road to the intersection with Epping Road and along Jarvis Circuit**, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

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

Conditions of Consent for LDA2022/0314 :-

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

(Reason: Protection of public assets)

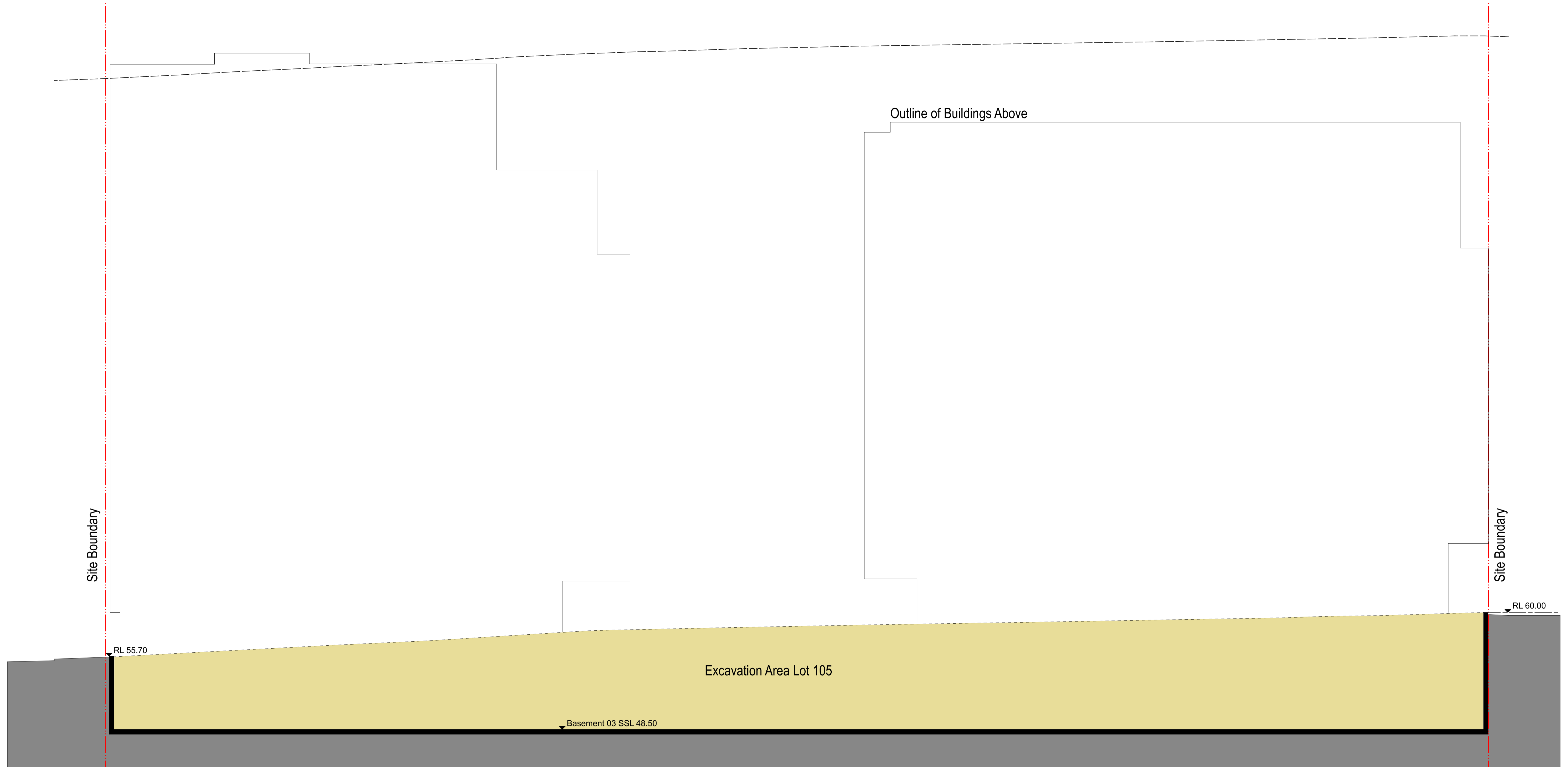
73. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

(Reason: Ensure compliance for protection of public assets)

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

(Reason: To ensure compliance)

Section A



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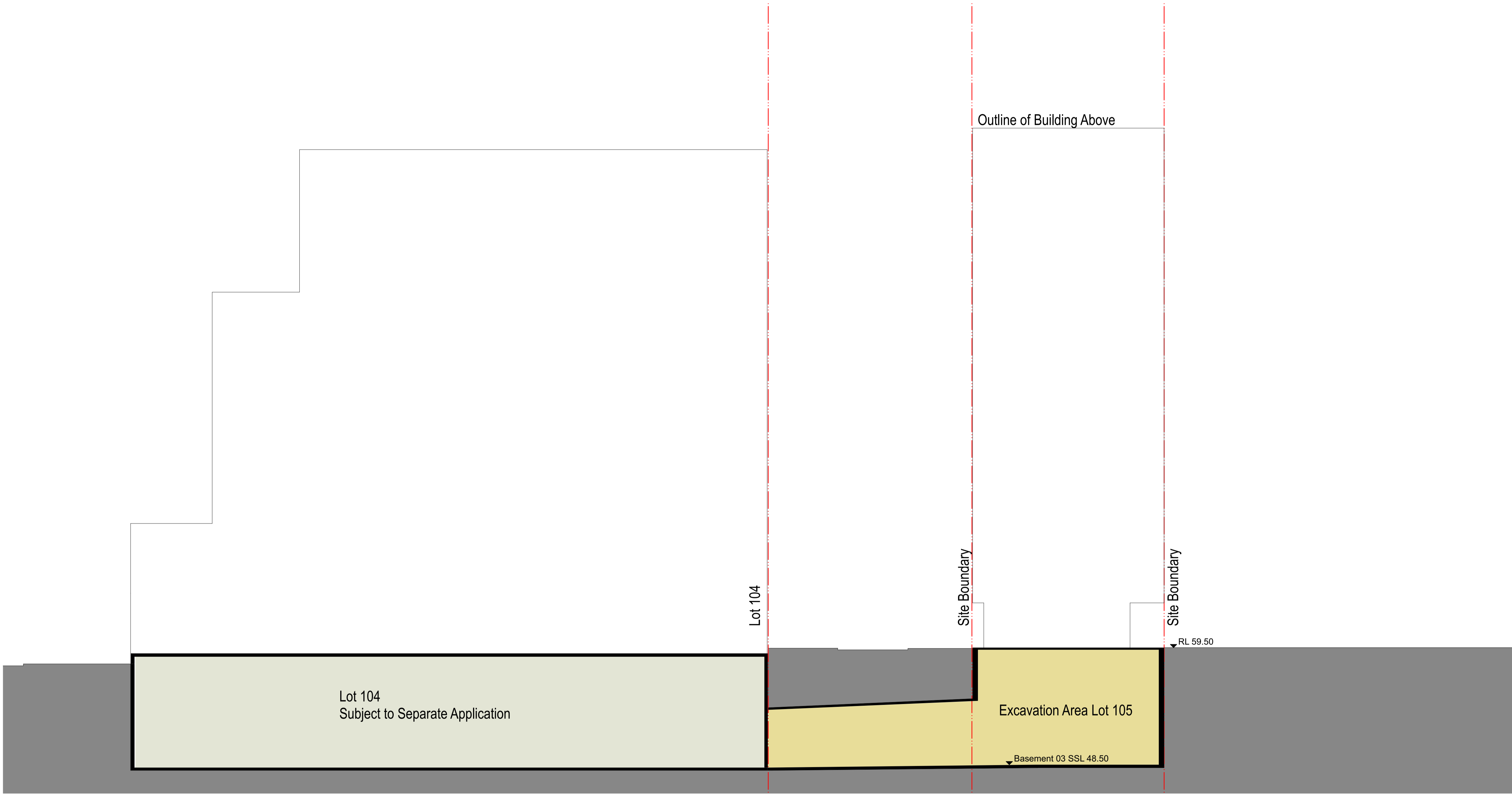
LEGEND

Project Title
LACHLAN'S LINE
NORTH RYDE

Drawing Title
102 Bulk Excavation- Early Works
Section A

Rev.	Date	Approved by	Client Issue	Revision Notes	Project No.	Drawn by	North
A	20.05.16	KD			15039	SM	↗
Scale						Dwg No.	Rev
1:200 @A1, 50% @A3						SK-102-004	A
Status						For Information	

Section B



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LEGEND

Project Title
LACHLAN'S LINE
NORTH RYDE
 Drawing Title
102 Bulk Excavation- Early Works
Section B

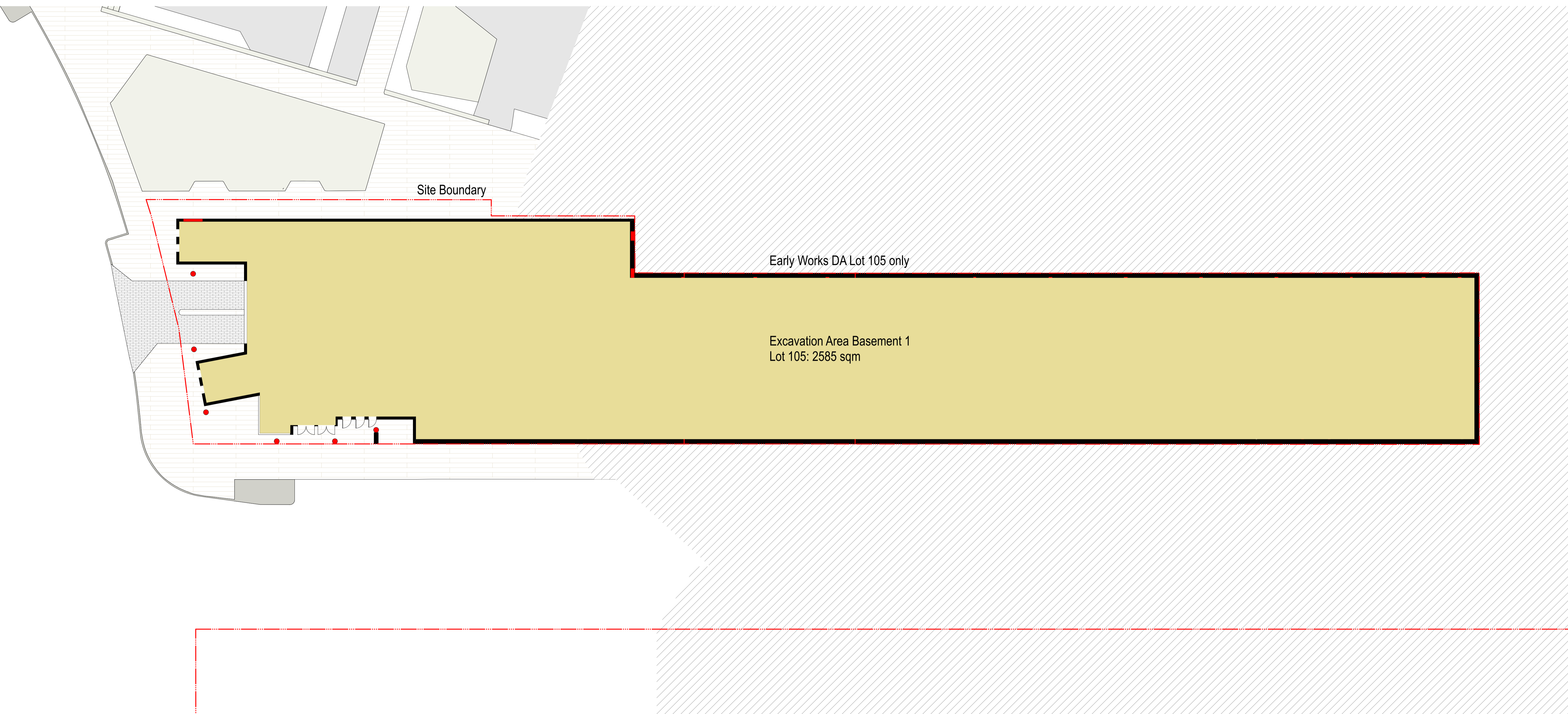
Rev.	Date	Approved by	Client Issue	Revision Notes
A	20.05.16	KD	Client Issue	

Project No. **15039** Drawn by **SM** North
 Status **For Information** Dwg No. **SK-102-005** Rev **A**

DLCC Quality Endorsed Company (ISO 9001:2008, Registration Number 25476)
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Basement 01



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LEGEND

PRELIMINARY

Rev.	Date	Approved by	Client Issue	Revision Notes
A	20.05.16	KD	Client Issue	

Project No. **15039** Drawn by **SM** North
 Scale **1:200 @A1, 50% @A3** Dwg No. **SK-102-B01** Rev **A**

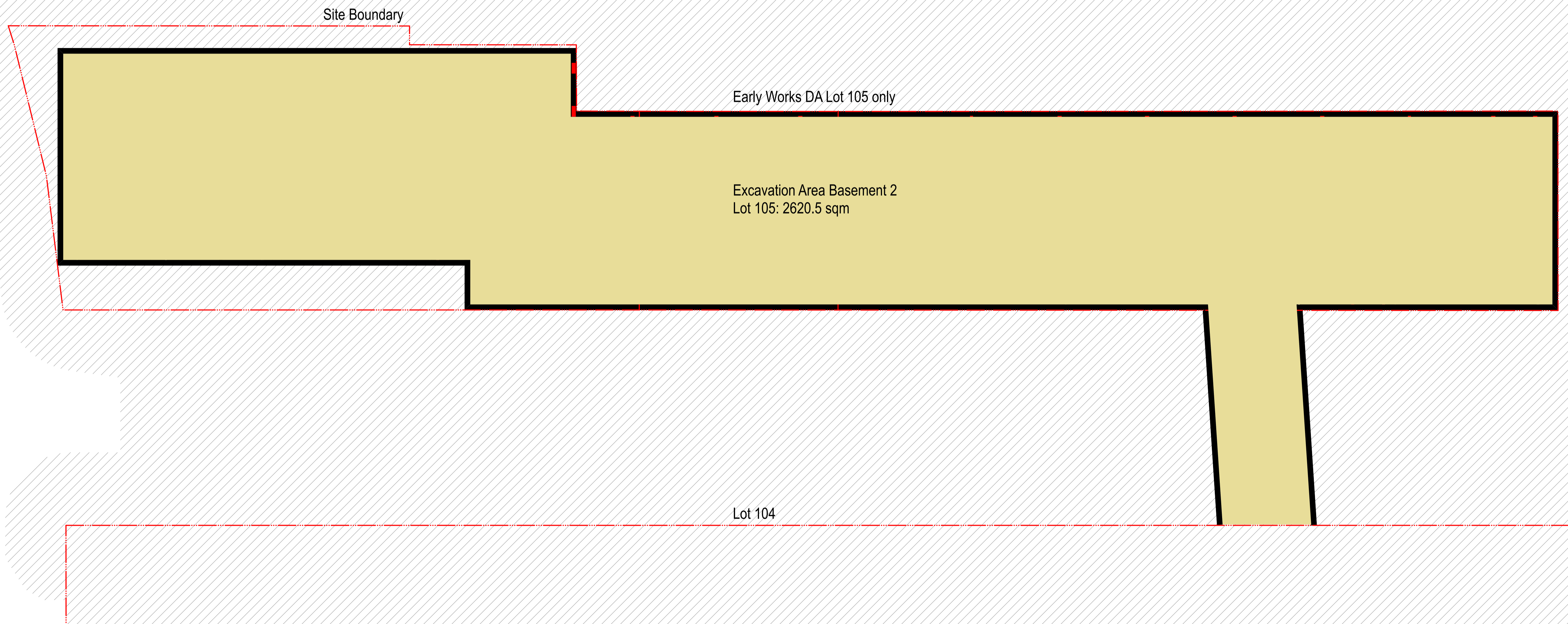
Project Title
LACHLAN'S LINE
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 Drawing Title
102 Bulk Excavation- Early Works
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 Notified Architect Nicholas Turner (NSR, APR 98/364/384 811)

Basement 02



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LEGEND

PRELIMINARY

Rev.	Date	Approved by	Client Issue	Revision Notes	Project No.	Drawn by	North
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Status: For Information						SK-102-B02	A

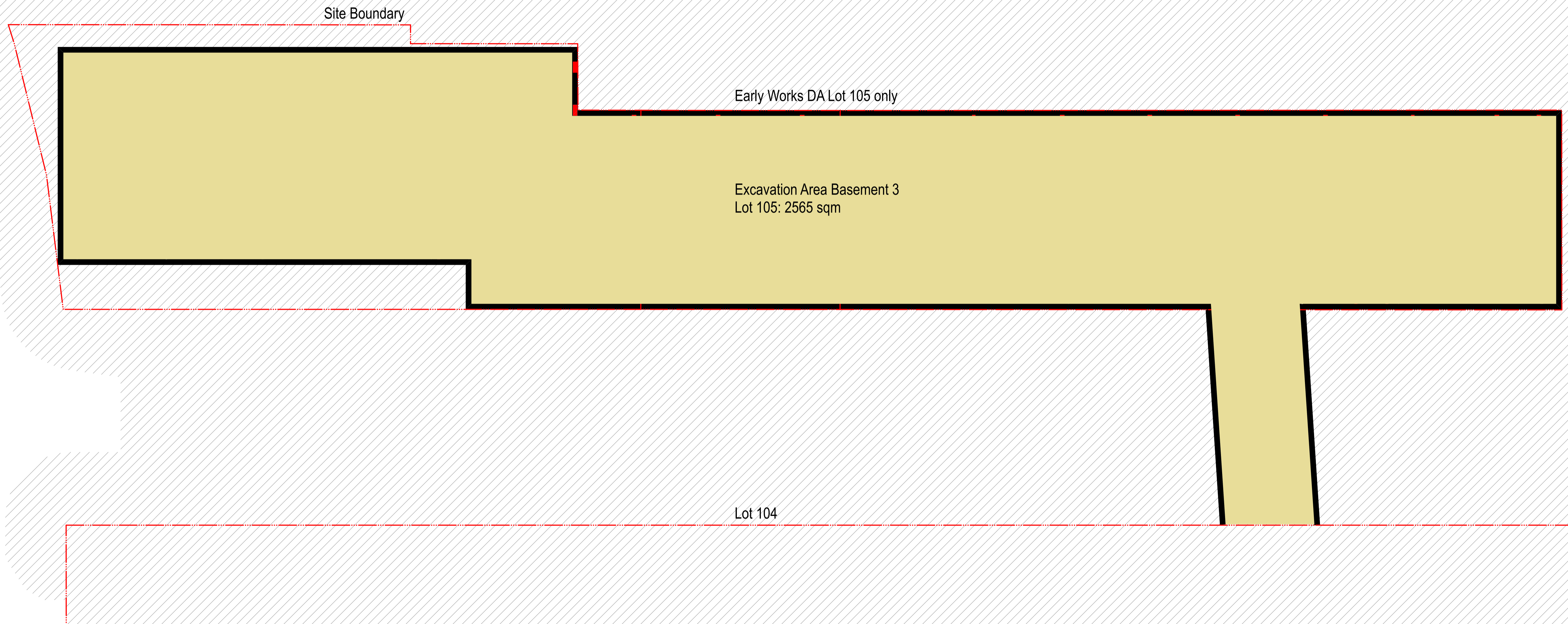
Project Title
**LACHLAN'S LINE
NORTH RYDE**

Drawing Title
**102 Bulk Excavation- Early Works
Basement 02**

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Basement 03



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LEGEND

PRELIMINARY

Rev.	Date	Approved by	Client Issue	Revision Notes	Project No.	Drawn by	North
A	20.05.16	KD	Client Issue		15039	SM	North
Scale						Dwg No.	Rev
1:200 @A1, 50% @A3						SK-102-B03	A
Drawing Title						For Information	

Project Title
**LACHLAN'S LINE
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Drawing Title
**102 Bulk Excavation- Early Works
Basement 03**

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SM-23-00144901

8 May 2023

Wayne Rylands
Chief Executive Officer
City of Ryde

Dear Sir/Madam

**State Environmental Planning Policy (Transport and Infrastructure) 2021
Development Application – LDA2022/0314
13 Halifax Street, Macquarie Park**

Sydney Metro refers to Development Application (DA) 2022/0314 submitted by Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Limited (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 9 November 2022, with section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City and Southwest and Sydney Metro Northwest rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro Northwest rail corridor for the purpose of the Transport and Infrastructure SEPP.

Assessment requirements under the Transport and Infrastructure SEPP

Sydney Metro has reviewed the DA documents which were uploaded onto the NSW Planning Portal on 6 April 2023.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the Transport and Infrastructure SEPP.

In this regard, Sydney Metro has taken into account:

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

Sydney Metro

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Concurrence granted subject to conditions

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at **Attachment A**.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

Next steps

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Sydney Metro Northwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Finally, please note that the DA may also have impacts on rail corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the Transport and Infrastructure SEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.

Please contact Peter Bourke Senior Manager Corridor Protection or Sophie Butcher Corridor Protection Coordinator at email sydneymetrocorridorprotection@transport.nsw.gov.au should you have any further enquiries on this matter.

Yours sincerely



Stephen Scott

Deputy Executive Director

Northwest Operations

LDA2022/0314 – 13 Halifax Street, Macquarie Park

Attachment A

1 Prior to issue of a Construction Certificate

Engineering

1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) 102 Bulk Excavation – Early Works Section A, Drawing No. SK-102-004 Rev A, Turner, 20 May 2016
- (b) 102 Bulk Excavation – Early Works Section B, Drawing No. SK-102-005 Rev A, Turner, 20 May 2016
- (c) 102 Bulk Excavation – Early Works Basement 01, Drawing No. SK-102-B01 Rev A, Turner, 20 May 2016
- (d) 102 Bulk Excavation – Early Works Basement 02, Drawing No. SK-102-B02 Rev A, Turner, 20 May 2016
- (e) Early Works – Cover Sheet and Drawing List – Lot 105, Drawing No. C-101, Rev 02, Turner, 20 May 2016
- (f) Early Works – Bulk Earthworks Plan – Lot 105, Drawing No. C-151, Rev 03, Turner, 20 May 2016
- (g) Shoring Layout Plan, Drawing No. S01-00, Rev A, Turner, 20 May 2016
- (h) Shoring Elevations Sheet 1, Drawing No. S01-20, Rev A, Turner, 20 May 2016
- (i) Shoring Elevations Sheet 2, Drawing No. S01-21, Rev A, Turner, 20 May 2016
- (j) Shoring Elevations Sheet 3, Drawing No. S01-22, Rev A, Turner, 20 May 2016
- (k) Shoring Elevations Sheet 1, Drawing No. S01-50, Rev A, Turner, 20 May 2016
- (l) Topographic Detail of Proposed Lot 104 and 105 within Lachlans Line, Drawing No. PR132364.DTL, Rev B, RPS, 16 June 2001
- (m) Construction Management Plan Excavation & Shoring, prepared by Civiltrak Sydney, 17 August 2022
- (n) Construction Traffic Management Plan – Early Works DA, prepared by Arup, 30 August 2022
- (o) Detailed Geotechnical Subsurface Investigation, prepared by JK Geotechnics, 9 February 2017
- (p) Assessment of Structural Effects on ECRL Tunnels, prepared by Wood and Grieve Engineers, 27 July 2018
- (q) Structural Report - Assessment of Structural Effects on Sydney Metro North West Line Tunnels, Ref: 301351214, Revision 2, prepared by Stantec, 06 April 2023

- (r) Early Works - Construction Noise and Vibration Management Plan, Revision 002, prepared by Stantec, 17 August 2022

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

Rail Corridor:

- 1.2 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Northwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Northwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

Survey and services

- 1.3 Prior to the issue of a Construction Certificate:
- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- 1.4 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

- 1.5 The development must:
- (a) *comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);*

- (b) *be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
- (c) *not have any noise or vibration impacts on the rail corridor or rail infrastructure.*

1.6 The Applicant must:

- (a) *prepare an acoustic assessment report which confirms compliance with each of the matters outlined in condition 1.5; and*
- (b) *incorporate as part of the development all the measures recommended in the acoustic assessment report; and*

The Applicant must incorporate as part of the development all the measures recommended in the acoustic assessment report Early Works – Construction Noise and Vibration Management Plan, Revision 002, Stantec, 17 August 2022. A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Electrolysis

1.7 Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

Design

1.8 The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Construction

1.9 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

1.10 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces,

are to be installed in the rail corridor, Sydney Metro property or easements [unless the Applicant has obtained prior written consent from Sydney Metro for any proposed use of rock anchors]. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

1.11 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:

- (a) Machinery to be used during excavation/construction;
- (b) Demolition, excavation and construction methodology and staging;

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

1.12 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

1.13 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

1.14 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro Northwest rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

Drainage

- 1.15 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless the development's drainage complies with the requirements of this condition.

Documentation

- 1.16 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

2 During construction

Supervision

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

Consultation

- 2.2 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:

- (a) *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;*
- (b) *acts as the authorised representative of the Applicant; and*
- (c) *is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.*

- 2.3 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

- 2.4 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

Drainage

- 2.5 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 2.6 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure

facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

Inspections

2.7 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) *site investigations;*
- (b) *foundation, pile and anchor set out;*
- (c) *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
- (d) *foundation, pile and anchor excavation;*
- (e) *other excavation;*
- (f) *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
- (g) *other concreting; or*
- (h) *any other event that Sydney Metro has notified to the Applicant in writing*

so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

2.8 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

3 Prior to the issue of an Occupation Certificate

Noise and Vibration

3.1 Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent.

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

Documentation

- 3.2 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 3.3 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

Inspections

- 3.4 If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

4 General

Inspections

- 4.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Other

- 4.2 Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with

by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

- 4.3 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- 4.4 All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.



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This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.

Ausgrid does not object to the proposed development.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details:

<https://www.ausgrid.com.au/Connections/Get-connected>

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

Regards,
Ausgrid Development Team