

**ATTACHMENT 1:
PROPOSED CONDITIONS OF CONSENT FOR BUILDING C
(LDA2011/164)**

GENERAL

1. **Approved Plans.** Development is to be carried out in accordance with the following plans and support information submitted to Council (except as amended by conditions that follow):

Plan Title and Number	Date	Drawn by
DA-C-102/1 Building C – DA – Level 5	17/3/11	Robertson + Marks
DA-C-103/1 Building C – DA – Level 6	17/3/11	Robertson + Marks
DA-C-104/1 Building C – DA – Level 7	17/3/11	Robertson + Marks
DA-C-105/1 Building C – DA – Level 8	17/3/11	Robertson + Marks
DA-C-106/1 Building C – DA – Level 9	17/3/11	Robertson + Marks
DA-C-107/1 Building C – DA – Level 10	17/3/11	Robertson + Marks
DA-C-108/1 Building C – DA – Level 11	17/3/11	Robertson + Marks
DA-C-109/1 Building C – DA – Level 12	17/3/11	Robertson + Marks
DA-C-110/1 Building C – DA – Level 13	17/3/11	Robertson + Marks
DA-C-111/1 Building C – DA – Roof Plan	17/3/11	Robertson + Marks
DA-C-170/1 Building C – DA – DA East Building Elevation	15/3/11	Robertson + Marks
DA-C-171/1 Building C – DA – DA South Building Elevation	15/3/11	Robertson + Marks
DA-C-172/1 Building C – DA – DA West Building Elevation	15/3/11	Robertson + Marks
DA-C-173/1 Building C – DA – DA North Building Elevation	15/3/11	Robertson + Marks
DA-C-176/1 Building C – DA – External Finishes Board	15/3/11	Robertson + Marks
DA-C-177/1 Building C – DA – Section A-A	23/2/11	Robertson + Marks
LA02-A Landscape DA Plan Building C + D	23/3/11	Taylor Brammer
LA02-A Landscape DA Plan Building C + D	24/3/11	Taylor Brammer
LA02-A Landscape Sections Level 5 Building C + D	24/3/11	Taylor Brammer

2. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. **Construction Certificate Required.** Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. **Compliance with BASIX Certificate.** The development is to be carried out in compliance with BASIX Certificate No. 366509M dated 18 March 2011.
5. **Changes require a new BASIX Certificate.** Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
6. **Protection of Public Places.**
 - a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) Any such hoarding, fence or awning is to be removed when the work has been completed.
7. **Roof Material.** The roof material is to be finished in a non reflective surface.
8. **Public Areas.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be

carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

9. **Annual Fire Safety Statement.** An annual Fire Safety Statement (form 15A under s.177 of the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.
10. **Telephone Installations.** Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.
11. **Australia Post.** Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.
12. **Public Utilities.** The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents.
13. **Road traffic noise** – The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactorily design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
14. **External Glazing.** All external glazing (for Building C) having a maximum reflectivity of 20%.
15. **Soil Depths Required for Landscaped Areas.** Landscaping of the Podium Level is to comply with the following soil depth criteria within appropriately sized planter boxes:
 - Large trees such as figs (canopy diameter of up to 16m at maturity) minimum soil volume 150m³ - minimum soil depth 1.3m - minimum soil area 10m x 10m area or equivalent.
 - Medium trees (8.0m canopy diameter at maturity) - minimum soil volume 35m³ - minimum soil depth 1.0m - approximate soil area 6.0m x 6.0m or equivalent.
 - Small trees (4.0m canopy diameter at maturity) - minimum soil volume 9.0m³ - minimum soil depth 800mm - approximate soil area 3.5m x 3.5m or equivalent.
 - Shrubs - minimum soil depths 500 -600mm.
 - Ground cover - minimum soil depths 300 - 450mm.
 - Turf - minimum soil depths 100 - 300mm.
 - Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.

16. **Mechanical ventilation of rooms.** If the noise level with windows and doors open exceeds the above noise criteria by more than 10 dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors open.
17. **Waste management plan.** The operation and management of all waste and recycling generated from the residential flat building to be in accordance with the waste management plan prepared by Elephant's Foot Waste Compactors Pty Ltd submitted with the development application.
18. **Ventilation of rooms.** Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
19. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

20. **Noise and vibration from plant and equipment.** Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2 107:2000 *Acoustics - Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.

PRIOR TO CONSTRUCTION CERTIFICATE

21. **Security Deposit.** A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
22. **Enforcement Levy.** An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).
23. **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 received prior to the issuing of the Construction Certificate.
24. **Payment of Council's Fees and Charges.** Documentary evidence of compliance with Conditions 21, 22 & 23 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.
25. **Design Verification in respect of SEPP 65.** Prior to a Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.
26. **Fire Safety Schedule.** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.
27. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
28. **Traffic Noise Report.** The development is to incorporate the recommendations contained in the Top Ryde Residential Development Traffic Noise Impact Assessment Issue 1 dated November 2010 prepared by VDM Consulting. A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria

in relation to the road traffic noise must be submitted to Council or an accredited private certifier with the application for the Construction Certificate.

29. **Pedestrian Wind Report.** The development is to incorporate all of the recommendations as contained in the Pedestrian Wind Environment Study for Buildings C, D and E of the Top Ryde City Apartments Development dated May 25 2011, report reference W999-09F03(rev 1) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
30. **Natural Ventilation.** The development is to incorporate all of the recommendations as contained in the Natural Ventilation Study for Buildings C, D and E of the proposed development known as Top Ryde City Apartments dated 9 May 2011, report reference no. W999-05F12(rev1) – NV report(CDE) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
31. **Garbage chute details.** Details of the proposed garbage chute system must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
32. **Mechanical ventilation details.** Details of all proposed mechanical Ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
 - a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c) A completed Mechanical Services Design Certificate (Form MI), together with a copy of the certifier's curriculum vitae; and
 - d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
33. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Morris Golding Accessibility Consultants and dated 18 March 2011 or as amended by any subsequent access reports prepared. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.
34. **Adaptable Units.** The adaptable units proposed in Buildings C and D are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction

Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2010 Part 9.2 and AS4299.

PRIOR TO COMMENCEMENT

35. **Sediment and Erosion Control.** Sediment control works are to be installed and maintained in accordance with Council's DCP 2010, Part 8.1 – "Construction Activities".

36. **Signage.** Signage is to be provided on the site as follows:

- a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
- b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

37. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

- (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
- (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

DURING CONSTRUCTION

38. **Site Inspections.** The occasions on which building work must be inspected are:

- a) after excavation for, and before the placement of, any footings.
- b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- c) prior to covering any stormwater drainage connections, and
- d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

39. Additional Inspections. In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":

- Security fencing.
- Materials or waste containers upon the footway or road.
- PCA and principal contractor (the coordinator of the building work) signage and site toilets.

40. Surveyor Check of the Building. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:

- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
- b) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
- c) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.

41. Concrete Wastes. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

42. Water into Council's Stormwater Drainage System. Only unpolluted water is to be discharged to Council's stormwater drainage system.

43. Noise Levels During Construction. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

44. **Construction Hours.** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
45. **Council Owned Land.** No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
46. **Site Toilets.** Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
47. **Work Within a Public Road.** At all times work is being undertaken within a public road adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in AS1742.3-1996 "Traffic Control Devices for Work on Roads".
48. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
49. **Pathways within the Landscaped Podium.** The pathways within the landscaped podium are to provide a continuous accessible pathway from all entrances of the towers to all facilities within the outdoor area. Prior to the issue of any Occupation Certificate, certification is to be provided from an appropriately qualified person to verify that this has been achieved.
50. **Stormwater.** All stormwater runoff generated from the proposals being collected and piped to the existing underground drainage system in accordance with AS3500 and Development Control Plan 2010 Part 8.2.
51. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
 - All transfer lobbies on the ground;
 - All transfer lobbies on level 5;
 - All building lobbies on level 5;
 - Loading bays; and
 - The level 3 car park entry/exit points.
- Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.
52. **Security Mirrors.** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners.

53. **Security of doors.** To enhance the physical security of doors, all glass doors are to be laminated.
54. **Doors and windows of apartments.** The main entry/exit doors to individual units including balcony doors are to be fitted with a single cylinder lockset (Australian and New Zealand Standard – Lock Sets). In addition, all windows to individual units are to be fitted with a key operated lock sets that satisfies the above standard.
55. **Electronic Access Control Measures.** To restrict access to the residential levels, the car park levels and the podium level on level 5, all lifts are to be controlled by electronic access control measures.
56. **Video Intercom System.** A video intercom system and electronic access control is to be installed at the entrances to the towers on the ground level and the level 5 podium.
57. **Construction of garbage chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:
- a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
 - b) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;
 - c) The chute must terminate in the garbage room and discharge the garbage directly into a waste container or garbage compactor in such a way that no spillage occurs;
 - d) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
 - e) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
 - f) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;
58. **Charging devices.** The charging devices must:
- a) be designed to effectively close off the service opening in the chute when the device is opened for loading;
 - b) automatically return to the closed position after use;
 - c) permit free flow of garbage into the chute; and
 - d) be designed and constructed to permit easy cleaning of the device and the connection between the service opening and the chute.
59. **Service openings.** The service openings must:
- a) be located in a separate service compartment;

- b) be fitted with an approved charging device;
- c) be between one (1) metre and one and a half (1.5) metres above floor level; and
- d) have a cross-sectional area not more than half that of the garbage chute.

60. **Service compartments.** The service compartments must:

- a) have floors and walls finished with smooth even impervious materials that are coved to a 25mm radius at the floor junctions;
- b) be provided with an approved system of mechanical Ventilation and adequate artificial lighting; and
- c) include adequate space and facilities for the reception of recyclable materials.

61. **Cleaning and maintenance.** Suitable facilities must be provided for the cleaning and maintenance of all garbage chutes, chute branches and charging devices.

62. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

PRIOR TO OCCUPATION CERTIFICATE

63. **Occupation Certificate Required.** An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

64. **Fire Safety Certificate Required.** A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council in this instance) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted.

65. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. NOTE: Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.

66. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include

verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

67. **Signage Plan.** A plan for internal directional signage is to be prepared and implemented prior to the occupation of the development. This signage should inform visitors to the site about the location of the carpark entries and exits, the entrance to each building, visitors parking and the like. The plan is to provide an indicative location for all directional signage that will be erected within the site. The Plan is to be submitted to Council prior to occupation of the development.

Signage is also to be provided at the entry/exit points and throughout the development to advise users and warn intruders that they will be prosecuted and that the premises are under constant surveillance.

68. **BASIX Completion Receipt.** Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

69. **Lighting Maintenance Policy.** Prior to the issue of any Occupation Certificate, a Lighting Maintenance Policy will be required. This Policy is to ensure all lighting has been designed to the Australian Standard and is installed to all common areas within the development. The lighting is to be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.

70. **Security Design Report.** Prior to the issue of any Occupation Certificate, the recommendations of the Security Design Report prepared by Harris Crime Prevention Services and dated February 2011 is to be incorporated into the development.

71. **Skylights:** Skylights must be installed to all apartments on the top floor level of the Building C.

OPERATIONAL

72. **Lighting of the Premises.** The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

73. **Loading and Unloading.** All loading and unloading in relation to the use of the premises taking place wholly within the property.
74. **Use of Loading Areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
75. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for any loss or damage to the pavement of the driveways and manoeuvring areas.
76. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
77. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
78. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or reused.
79. **Transfer of recyclable materials to garbage room.** Staff or contractors must be employed to take the recyclable materials from the service compartments and sort the materials into the containers provided in the garbage room.
80. **Transfer of waste containers to emptying point.** Staff or contractors must be employed to take the waste containers from the garbage room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
81. **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
82. **Council may require acoustical consultant's report.** Council may require the owner to submit a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria if complaints are received.
83. **Operation and maintenance of plant and equipment.** The occupier must ensure that all plant and equipment installed on the premises is:
a) maintained in a proper and efficient condition; and
b) operated in a proper and efficient manner.
84. **Security.** An in-house security team will be required to manage, monitor and patrol the security of the development.
85. **Access for maintenance purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and

components covered by- Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*

86. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria in relation to the road traffic noise must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
87. **Certification of mechanical ventilation work.** A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.
88. **Provision of Garbage Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
89. **Car Parking.** At least one car parking space is to be allocated to each apartment.
90. Prior to the issue of any Occupation Certificate, the applicant and the owner must ensure compliance in relation to the Section 94 contributions payable to Council under the terms of Clause 15 of the VPA (as amended by the Deed of Variation of Voluntary Planning Agreement executed on 6 November 2008) registered against the titles of the site, to the satisfaction of Council.

End of Attachment 1

**ATTACHMENT 2:
PROPOSED CONDITIONS OF CONSENT FOR BUILDING D
LDA 2011/174**

GENERAL

1. **Approved Plans.** Development is to be carried out in accordance with the following plans and support information submitted to Council (except as amended by conditions that follow):

Plan Title and Number	Date	Drawn by
DA-D-101/1 Building D – DA – Level 4	28/3/11	Robertson + Marks
DA-D-102/1 Building D – DA – Level 5	28/3/11	Robertson + Marks
DA-D-103/1 Building D – DA – Level 6	28/3/11	Robertson + Marks
DA-D-104/1 Building D – DA – Level 7	28/3/11	Robertson + Marks
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DA-D-107/1 Building D – DA – Roof Plan	28/3/11	Robertson + Marks
DA-D-170/1 Building D – DA – DA East Building Elevation	24/3/11	Robertson + Marks
DA-D-171/1 Building D – DA – DA South Building Elevation	24/3/11	Robertson + Marks
DA-D-172/1 Building D – DA – DA West Building Elevation	24/2/11	Robertson + Marks
DA-D-173/1 Building D – DA – DA North Building Elevation	24/3/11	Robertson + Marks
DA-D-176/1 Building D – DA – External Finishes Board	24/3/11	Robertson + Marks
DA-D-177/1 Building D – DA – Section A-A	24/2/11	Robertson + Marks
LA02-A Landscape DA Plan Building C + D	23/3/11	Taylor Brammer
LA02-A Landscape DA Plan Building C + D	24/3/11	Taylor Brammer
LA02-A Landscape Sections Level 5 Building C + D	24/3/11	Taylor Brammer

2. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

3. **Construction Certificate Required.** Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. **Compliance with BASIX Certificate.** The development is to be carried out in compliance with BASIX Certificate No. 366501M dated 18 March 2011.
5. **Changes require a new BASIX Certificate.** Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
6. **Protection of Public Places.**
 - a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) Any such hoarding, fence or awning is to be removed when the work has been completed.
7. **Roof Material.** The roof material is to be finished in a non reflective surface.
8. **Public Areas.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
9. **Annual Fire Safety Statement.** An annual Fire Safety Statement (form 15A under s.177 of the Environmental Planning and Assessment

Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

10. **Telephone Installations.** Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.
11. **Australia Post.** Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.
12. **Public Utilities.** The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents.
13. **Road traffic noise** – The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactorily design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
14. **External Glazing.** All external glazing having a maximum reflectivity of 20% except as follows:
 - a. The glazing on the bottom right quadrant of the north-eastern aspect of the façade for Building D should have a maximum normal specular reflectivity of visible light of 8%.
 - b. The glazing on the top right quadrant of the north-eastern aspect of the façade for Building D should have a maximum normal specular reflectivity of visible light of 15%.
15. **Soil Depths Required for Landscaped Areas.** Landscaping of the Podium Level is to comply with the following soil depth criteria within appropriately sized planter boxes:
 - Large trees such as figs (canopy diameter of up to 16m at maturity) minimum soil volume 150m³ - minimum soil depth 1.3m - minimum soil area 10m x 10m area or equivalent.
 - Medium trees (8.0m canopy diameter at maturity) - minimum soil volume 35m³ - minimum soil depth 1.0m - approximate soil area 6.0m x 6.0m or equivalent.
 - Small trees (4.0m canopy diameter at maturity) - minimum soil volume 9.0m³ - minimum soil depth 800mm - approximate soil area 3.5m x 3.5m or equivalent.
 - Shrubs - minimum soil depths 500 -600mm.
 - Ground cover - minimum soil depths 300 - 450mm.
 - Turf - minimum soil depths 100 - 300mm.
 - Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.

16. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

17. **Mechanical ventilation of rooms.** If the noise level with windows and doors open exceeds the above noise criteria by more than 10 dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors open.
18. **Waste management plan.** The operation and management of all waste and recycling generated from the residential flat building to be in accordance with the waste management plan prepared by Elephant's Foot Waste Compactors Pty Ltd submitted with the development application.
19. **Ventilation of rooms.** Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
20. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and

- d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

21. Noise and vibration from plant and equipment. Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:

- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand *Standard AS/NZS 2 107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors*.
- c) The transmission of vibration to any place of different occupancy.

PRIOR TO CONSTRUCTION CERTIFICATE

22. Security Deposit. A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.

23. Enforcement Levy. An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).

24. 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 received prior to the issuing of the Construction Certificate.

25. Payment of Council's Fees and Charges. Documentary evidence of compliance with Conditions 22, 23 & 24 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.

26. Design Verification in respect of SEPP 65. Prior to a Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance

with Clause 143A of the Environmental Planning and Assessment Regulation 2000.

27. **Fire Safety Schedule.** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.
28. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
29. **Traffic Noise Report.** The development is to incorporate the recommendations contained in the Top Ryde Residential Development Traffic Noise Impact Assessment Issue 1 dated November 2010 prepared by VDM Consulting. A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria in relation to the road traffic noise must be submitted to Council or an accredited private certifier with the application for the Construction Certificate.
30. **Pedestrian Wind Report.** The development is to incorporate all of the recommendations as contained in the Pedestrian Wind Environment Study for Buildings C, D and E of the Top Ryde City Apartments Development dated May 25 2011, report reference W999-09F03(rev 1) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
31. **Natural Ventilation.** The development is to incorporate all of the recommendations as contained in the Natural Ventilation Study for Buildings C, D and E of the proposed development known as Top Ryde City Apartments dated 9 May 2011, report reference no. W999-05F12(rev1) – NV report(CDE) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
32. **Accessible Toilet.** An accessible toilet is to be provided as part of the sauna pavilion in the communal area. Details are to be submitted on the Construction Certificate plans.
33. **Pool Fencing.** The pool fence is to be erected around the perimeter of the swimming pool having an effective height of at least 1.2 metres at any point along its length on the outside of the fencing, fitted with a self-closing and locking gate (the latch of which is to be placed on the inner face in such a position as to be out of reach of small children). The pool fence is to be constructed in accordance with the provisions of the Swimming Pools Act, 1992 and Swimming Pools Regulation 2008, except as amended by Council's requirements to not have openable windows or

doors through which access to the pool area can be gained, forming part of the pool fence. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

34. **Pool Pump/filter.** The pool pump/filter is to be enclosed in an approved acoustic enclosure, which will ensure that the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at the nearest source of annoyance. Full details are to be provided to Council or the accredited certifier prior to the issue of a **Construction Certificate**.
35. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- e) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - f) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - g) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - h) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
36. **Garbage chute details.** Details of the proposed garbage chute system must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
37. **Mechanical ventilation details.** Details of all proposed mechanical. Ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c) A completed Mechanical Services Design Certificate (Form MI), together with a copy of the certifier's curriculum vitae; and
 - d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
38. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Morris-Golding Accessibility Consultants

and dated 18 March 2011 or as amended by any subsequent access reports prepared. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

39. **Adaptable Units.** The adaptable units proposed in Buildings C and D are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2010 Part 9.2 and AS4299.

PRIOR TO COMMENCEMENT

40. **Sediment and Erosion Control.** Sediment control works are to be installed and maintained in accordance with Council's DCP 2010, Part 8.1 – "Construction Activities".

41. **Signage.** Signage is to be provided on the site as follows:

- a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
- b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

DURING CONSTRUCTION

42. **Site Inspections.** The occasions on which building work must be inspected are:

- a) after excavation for, and before the placement of, any footings.
- b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- c) prior to covering any stormwater drainage connections, and
- d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

43. Additional Inspections. In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":

- Security fencing.
- Materials or waste containers upon the footway or road.
- PCA and principal contractor (the coordinator of the building work) signage and site toilets.

44. Pool Inspections. In addition to the mandatory inspections above, the following other stages of construction are to be inspected by the Principal Certifying Authority or another accredited certifier approved by the Principal Certifying Authority:

- a) In the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the Swimming Pools Act 1992) has been erected and before the pool is filled with water.
- b) Landscaping, water depth markers displayed within the pool, resuscitation poster being within plain sight of pool.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

45. Surveyor Check of the Building. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:

- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
- b) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
- c) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.

46. **Concrete Wastes.** Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
47. **Water into Council's Stormwater Drainage System.** Only unpolluted water is to be discharged to Council's stormwater drainage system.
48. **Noise Levels During Construction.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
49. **Construction Hours.** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
50. **Council Owned Land.** No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
51. **Site Toilets.** Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
52. **Work Within a Public Road.** At all times work is being undertaken within a public road adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in AS1742.3-1996 "Traffic Control Devices for Work on Roads".
53. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
54. **Pathways within the Landscaped Podium.** The pathways within the landscaped podium are to provide a continuous accessible pathway from all entrances of the towers to all facilities within the outdoor area. Prior to the issue of any Occupation Certificate, certification is to be provided from an appropriately qualified person to verify that this has been achieved.
55. **Stormwater.** All stormwater runoff generated from the proposals being collected and piped to the existing underground drainage system in accordance with AS3500 and Development Control Plan 2010 Part 8.2.
56. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
 - All transfer lobbies on the ground;

- All transfer lobbies on level 5;
- All building lobbies on level 5;
- Loading bays; and
- The level 3 car park entry/exit points.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.

57. **Security Mirrors.** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners.

58. **Security of Doors.** To enhance the physical security of doors, all glass doors are to be laminated.

59. **Doors and Windows of Apartments.** The main entry/exit doors to individual units including balcony doors are to be fitted with a single cylinder lockset (Australian and New Zealand Standard – Lock Sets). In addition, all windows to individual units are to be fitted with a key operated lock sets that satisfies the above standard.

60. **Electronic Access Control Measures.** To restrict access to the residential levels, the car park levels and the podium level on level 5, all lifts are to be controlled by electronic access control measures.

61. **Video Intercom System.** A video intercom system and electronic access control is to be installed at the entrances to the towers on the ground level and the level 5 podium.

62. **Resuscitation Chart to be Provided.** Provide resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” located in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

63. **Water Depth Markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.

64. **Pool to be Connected to Sydney Water.** The swimming pool shall be connected to the Sydney Water sewer for discharge of wastewater.

65. **Construction of garbage chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:

- a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
- c) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;

- d) The chute must terminate in the garbage room and discharge the garbage directly into a waste container or garbage compactor in such a way that no spillage occurs;
- e) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
- f) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
- g) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;

66. Charging devices. The charging devices must:

- a) be designed to effectively close off the service opening in the chute when the device is opened for loading;
- h) automatically return to the closed position after use;
- i) permit free flow of garbage into the chute; and
- j) be designed and constructed to permit easy cleaning of the device and the connection between the service opening and the chute.

67. Service openings. The service openings must:

- a) be located in a separate service compartment;
- b) be fitted with an approved charging device;
- c) be between one (1) metre and one and a half (1.5) metres above floor level; and
- d) have a cross-sectional area not more than half that of the garbage chute.

68. Service compartments. The service compartments must:

- a) have floors and walls finished with smooth even impervious materials that are coved to a 25mm radius at the floor junctions;
- b) be provided with an approved system of mechanical Ventilation and adequate artificial lighting; and
- c) include adequate space and facilities for the reception of recyclable materials.

69. Cleaning and maintenance. Suitable facilities must be provided for the cleaning and maintenance of all garbage chutes, chute branches and charging devices.

70. Plumbing and drainage work. All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

PRIOR TO OCCUPATION CERTIFICATE

71. Occupation Certificate Required. An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy

furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

72. **Fire Safety Certificate Required.** A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council in this instance) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted.
73. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. NOTE: Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
74. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
75. **Signage Plan.** A plan for internal directional signage is to be prepared and implemented prior to the occupation of the development. This signage should inform visitors to the site about the location of the carpark entries and exits, the entrance to each building, visitors parking and the like. The plan is to provide an indicative location for all directional signage that will be erected within the site. The Plan is to be submitted to Council prior to occupation of the development.
- Signage is also to be provided at the entry/exit points and throughout the development to advise users and warn intruders that they will be prosecuted and that the premises are under constant surveillance.
76. **BASIX Completion Receipt.** Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to

generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

77. **Lighting Maintenance Policy.** Prior to the issue of any Occupation Certificate, a Lighting Maintenance Policy will be required. This Policy is to ensure all lighting has been designed to the Australian Standard and is installed to all common areas within the development. The lighting is to be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.
78. **Security Design Report.** Prior to the issue of any Occupation Certificate, the recommendations of the Security Design Report prepared by Harris Crime Prevention Services and dated February 2011 is to be incorporated into the development.
79. **Skylights:** Skylights must be installed to all apartments on the top floor level of the Building D.

OPERATIONAL

80. **Lighting of the Premises.** The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
81. **Loading and Unloading.** All loading and unloading in relation to the use of the premises taking place wholly within the property.
82. **Use of Loading Areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
83. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for any loss or damage to the pavement of the driveways and manoeuvring areas.
84. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
85. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
86. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or reused.
87. **Transfer of recyclable materials to garbage room.** Staff or contractors must be employed to take the recyclable materials from the service

compartments and sort the materials into the containers provided in the garbage room.

88. **Transfer of waste containers to emptying point.** Staff or contractors must be employed to take the waste containers from the garbage room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
89. **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
90. **Council may require acoustical consultant's report.** Council may require the owner to submit a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria if complaints are received.
91. **Operation and maintenance of plant and equipment.** The occupier must ensure that all plant and equipment installed on the premises is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.
92. **Security.** An in-house security team will be required to manage, monitor and patrol the security of the development.
93. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
 - i) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - ii) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - iii) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - iv) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
94. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria in relation to the road traffic noise must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
95. **Certification of mechanical ventilation work.** A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all

mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.

96. **Provision of Garbage Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
97. **Car Parking.** At least one car parking space is to be allocated to each apartment.
98. Prior to the issue of any Occupation Certificate, the applicant and the owner must ensure compliance in relation to the Section 94 contributions payable to Council under the terms of Clause 15 of the VPA (as amended by the Deed of Variation of Voluntary Planning Agreement executed on 6 November 2008) registered against the titles of the site, to the satisfaction of Council.

End of Attachment 2

**ATTACHMENT 3:
PROPOSED CONDITIONS OF CONSENT FOR BUILDING E
LDA 2011/0110**

GENERAL

1. **Approved Plans.** Development is to be carried out in accordance with the following plans and support information submitted to Council.

Plan Title and Number	Date	Drawn by
DA-E-101/1 Building E – DA- Level 4	1/3/11	Robertson + Marks
DA-E-102/1 Building E – DA – Level 5	2/3/11	Robertson + Marks
DA-E-103/1 Building E – DA – Level 6	3/3/11	Robertson + Marks
DA-E-104/1 Building E – DA – Level 7	4/3/11	Robertson + Marks
DA-E-105/1 Building E – DA – Level 8	5/3/11	Robertson + Marks
DA-E-107/1 Building E – DA – Roof Plan	7/3/11	Robertson + Marks
DA-E-170/1 Building E – DA – DA East Building Elevation	24/2/11	Robertson + Marks
DA-E-171/1 Building E – DA – DA South Building Elevation	24/2/11	Robertson + Marks
DA-E-172/1 Building E – DA – DA West Building Elevation	24/2/11	Robertson + Marks
DA-E-173/1 Building E – DA – DA North Building Elevation	24/2/11	Robertson + Marks
DA-E-176/1 Building E – DA – External Finishes Board	28/2/11	Robertson + Marks
DA-E-177/1 Building E – DA – Section A-A	17/2/11	Robertson + Marks
LA01-B Landscape DA Plan	23/2/11	Taylor Brammer

- 2) **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
- 3) **Construction Certificate Required.** Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.

- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
- 4) **Compliance with BASIX Certificate.** The development is to be carried out in compliance with BASIX Certificate No. 360038M dated 21 February 2011.
- 5) **Changes require a new BASIX Certificate.** Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
- 6) **Protection of Public Places.**
 - a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d) Any such hoarding, fence or awning is to be removed when the work has been completed.
- 7) **Roof Material.** The roof material is to be finished in a non reflective surface.
- 8. **Public Areas.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
- 9. **Annual Fire Safety Statement.** An annual Fire Safety Statement (form 15A under s.177 of the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

10. **Telephone Installations.** Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.
11. **Australia Post.** Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.
12. **Public Utilities.** The developer shall be responsible for all public utility adjustment / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents.
13. **Road traffic noise** – The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactorily design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
14. **External Glazing.** All external glazing having a maximum reflectivity of 20%.
15. **Soil Depths Required for Landscaped Areas.** Landscaping of the Podium Level is to comply with the following soil depth criteria within appropriately sized planter boxes:
 - Large trees such as figs (canopy diameter of up to 16m at maturity) minimum soil volume 150m³ - minimum soil depth 1.3m - minimum soil area 10m x 10m area or equivalent.
 - Medium trees (8.0m canopy diameter at maturity) - minimum soil volume 35m³ - minimum soil depth 1.0m - approximate soil area 6.0m x 6.0m or equivalent.
 - Small trees (4.0m canopy diameter at maturity) - minimum soil volume 9.0m³ - minimum soil depth 800mm - approximate soil area 3.5m x 3.5m or equivalent.
 - Shrubs - minimum soil depths 500 -600mm.
 - Ground cover - minimum soil depths 300 - 450mm.
 - Turf - minimum soil depths 100 - 300mm.
 - Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.
16. **Mechanical ventilation of rooms.** If the noise level with windows and doors open exceeds the above noise criteria by more than 10 dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors open.
17. **Waste management plan.** The operation and management of all waste and recycling generated from the residential flat building to be in accordance with the waste management plan prepared by Elephant's Foot Waste Compactors Pty Ltd submitted with the development application.

18. **Ventilation of rooms.** Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
19. **Noise and vibration from plant and equipment.** Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand *Standard AS/NZS 2 107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.

PRIOR TO CONSTRUCTION CERTIFICATE

20. **Security Deposit.** A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
21. **Enforcement Levy.** An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).
22. **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 received prior to the issuing of the Construction Certificate.
23. **Payment of Council's Fees and Charges.** Documentary evidence of compliance with Conditions 20, 21 & 22 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.
24. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water

Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

25. **Design Verification in respect of SEPP 65.** Prior to a Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.
26. **Fire Safety Schedule.** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.
27. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
28. **Traffic Noise Report.** The development is to incorporate the recommendations contained in the Top Ryde Residential Development Traffic Noise Impact Assessment Issue 1 dated November 2010 prepared by VDM Consulting. A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria in relation to the road traffic noise must be submitted to Council or an accredited private certifier with the application for the Construction Certificate.

29. **Pedestrian Wind Report.** The development is to incorporate all of the recommendations as contained in the Pedestrian Wind Environment Study for Buildings C, D and E of the Top Ryde City Apartments Development dated May 25 2011, report reference W999-09F03(rev 1) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
30. **Natural Ventilation.** The development is to incorporate all of the recommendations as contained in the Natural Ventilation Study for Buildings C, D and E of the proposed development known as Top Ryde City Apartments dated 9 May 2011, report reference no. W999-05F12(rev1) – NV report(CDE) prepared by Windtec. All of the recommendations are to be incorporated on the Construction Certificate plans.
31. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
32. **Garbage chute details.** Details of the proposed garbage chute system must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
33. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

34. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the **Access Review prepared by Morris-Goding Accessibility Consultants and dated 25 February 2011** or as amended by any subsequent access reports prepared. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.
35. **Adaptable Units.** The adaptable units proposed in Buildings C and D are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2010 Part 9.2 and AS4299.

PRIOR TO COMMENCEMENT

36. **Sediment and Erosion Control.** Sediment control works are to be installed and maintained in accordance with Council's DCP 2010, Part 8.1 – "Construction Activities".
37. **Signage.** Signage is to be provided on the site as follows:
- a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
 - b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

DURING CONSTRUCTION

38. **Site Inspections.** The occasions on which building work must be inspected are:
- a) after excavation for, and before the placement of, any footings.
 - b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - c) prior to covering any stormwater drainage connections, and
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

39. **Additional Inspections.** In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":
- Security fencing.
 - Materials or waste containers upon the footway or road.
 - PCA and principal contractor (the coordinator of the building work) signage and site toilets.
40. **Surveyor Check of the Building.** Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:
- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - b) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - c) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
41. **Concrete Wastes.** Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
42. **Water into Council's Stormwater Drainage System.** Only unpolluted water is to be discharged to Council's stormwater drainage system.
43. **Noise Levels During Construction.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
44. **Construction Hours.** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

45. **Council Owned Land.** No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
46. **Site Toilets.** Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
47. **Work Within a Public Road.** At all times work is being undertaken within a public road adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in AS1742.3-1996 "Traffic Control Devices for Work on Roads".
48. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
49. **Disabled Access.** Access for disabled people shall be provided in the building or portion of the building in accordance with the BCA and to the standards set out in AS 1428.1.
50. **Pathways Within the Landscaped Podium.** The pathways within the landscaped podium are to provide a continuous accessible pathway from all entrances of the towers to all facilities within the outdoor area. Prior to the issue of any Occupation Certificate, certification is to be provided from an appropriately qualified person to verify that this has been achieved.
51. **Stormwater.** All stormwater runoff generated from the proposals being collected and piped to the existing underground drainage system in accordance with AS3500 and Development Control Plan 2010 Part 8.2.
52. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
 - All transfer lobbies on the ground;
 - All transfer lobbies on level 5;
 - All building lobbies on level 5;
 - Loading bays; and
 - The level 3 car park entry/exit points.
- Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.
53. **Security Mirrors.** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners.

54. **Security of Doors.** To enhance the physical security of doors, all glass doors are to be laminated.
55. **Doors and Windows of Apartments.** The main entry/exit doors to individual units including balcony doors are to be fitted with a single cylinder lockset (Australian and New Zealand Standard – Lock Sets). In addition, all windows to individual units are to be fitted with a key operated lock sets that satisfies the above standard.
56. **Electronic Access Control Measures.** To restrict access to the residential levels, the car park levels and the podium level on level 5, all lifts are to be controlled by electronic access control measures.
57. **Video Intercom System.** A video intercom system and electronic access control is to be installed at the entrances to the towers on the ground level and the level 5 podium.
58. **Construction of garbage chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:
- a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
 - b) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;
 - c) The chute must terminate in the garbage room and discharge the garbage directly into a waste container or garbage compactor in such a way that no spillage occurs;
 - d) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
 - e) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
 - f) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;
59. **Charging devices.** The charging devices must:
- a) be designed to effectively close off the service opening in the chute when the device is opened for loading;
 - b) automatically return to the closed position after use;
 - c) permit free flow of garbage into the chute; and
 - d) be designed and constructed to permit easy cleaning of the device and the connection between the service opening and the chute.
60. **Service openings.** The service openings must:
- a) be located in a separate service compartment;

- b) be fitted with an approved charging device;
- c) be between one (1) metre and one and a half (1.5) metres above floor level; and
- d) have a cross-sectional area not more than half that of the garbage chute.

61. **Service compartments.** The service compartments must:

- a) have floors and walls finished with smooth even impervious materials that are coved to a 25mm radius at the floor junctions;
- b) be provided with an approved system of mechanical Ventilation and adequate artificial lighting; and
- c) include adequate space and facilities for the reception of recyclable materials.

62. **Cleaning and maintenance.** Suitable facilities must be provided for the cleaning and maintenance of all garbage chutes, chute branches and charging devices.

63. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

PRIOR TO OCCUPATION CERTIFICATE

64. **Occupation Certificate Required.** An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

65. **Fire Safety Certificate Required.** A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council in this instance) for all of the items listed in the Fire Safety Schedule forming part of this approval prior to any consent for occupancy/partial occupancy being granted.

66. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. NOTE: Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.

67. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
68. **Signage Plan.** A plan for internal directional signage is to be prepared and implemented prior to the occupation of the development. This signage should inform visitors to the site about the location of the carpark entries and exits, the entrance to each building, visitors parking and the like. The plan is to provide an indicative location for all directional signage that will be erected within the site. The Plan is to be submitted to Council prior to occupation of the development.
- Signage is also to be provided at the entry/exit points and throughout the development to advise users and warn intruders that they will be prosecuted and that the premises are under constant surveillance.
69. **BASIX Completion Receipt.** Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.
70. **Lighting Maintenance Policy.** Prior to the issue of any Occupation Certificate, a Lighting Maintenance Policy will be required. This Policy is to ensure all lighting has been designed to the Australian Standard and is installed to all common areas within the development. The lighting is to be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.
71. **Security Design Report.** Prior to the issue of any Occupation Certificate, the recommendations of the Security Design Report prepared by Harris Crime Prevention Services and dated February 2011 is to be incorporated into the development.
72. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria in relation to the road traffic noise must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.

73. **Certification of mechanical ventilation work.** A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.
74. **Provision of Garbage Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
75. **Skylights:** Skylights must be installed to all apartments on the top floor level of the Building E.

OPERATIONAL

76. **Lighting of the Premises.** The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
77. **Loading and Unloading.** All loading and unloading in relation to the use of the premises taking place wholly within the property.
78. **Use of Loading Areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
79. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for any loss or damage to the pavement of the driveways and manoeuvring areas.
80. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
81. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
82. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or reused.
83. **Transfer of recyclable materials to garbage room.** Staff or contractors must be employed to take the recyclable materials from the service compartments and sort the materials into the containers provided in the garbage room.

84. **Transfer of waste containers to emptying point.** Staff or contractors must be employed to take the waste containers from the garbage room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
85. **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
86. **Council may require acoustical consultant's report.** Council may require the owner to submit a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria if complaints are received.
87. **Operation and maintenance of plant and equipment.** The occupier must ensure that all plant and equipment installed on the premises is: maintained in a proper and efficient condition; and operated in a proper and efficient manner.
88. **Security.** An in-house security team will be required to manage, monitor and patrol the security of the development.
89. **Car Parking.** At least one car parking space is to be allocated to each apartment.
90. **Access for maintenance purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by- Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
91. Prior to the issue of any Occupation Certificate, the applicant and the owner must ensure compliance in relation to the Section 94 contributions payable to Council under the terms of Clause 15 of the VPA (as amended by the Deed of Variation of Voluntary Planning Agreement executed on 6 November 2008) registered against the titles of the site, to the satisfaction of Council.

End of Attachment 3