



Development Consent

Applicant: Toga Macquarie Development Pty Ltd
PO BOX 1745
STRAWBERRY HILLS NSW 2012

Consent No: LDA2012/0114

Consent Date: 9 August 2012 **Valid until:** 9 August 2017

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 126 Herring Rd Macquarie Park Lot B DP 368446

Development: Construction of two residential towers (known as Buildings C and D), part construction of a new road and landscaping works.

subject to the conditions 1 to 122 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

Sandra Bailey
Team Leader Major Developments

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

Conditions of Consent for LDA2012/0114 :-

GENERAL

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

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

Document Description	Date	Plan No/Reference
Cover Sheet	20/6/12	DA00-000 Issue C
Site Plan	20/6/12	DA00-001 Issue C
Basement B3 Plan	20/6/12	DA01-001 Issue G
Basement B2 Plan	20/6/12	DA01-002 Issue H
Basement B1 Plan	20/6/12	DA01-003 Issue I
Building C – Lower Ground Building D - Ground	20/6/12	DA01-004 Issue J
Building C – Ground Floor Building D – Level 01	20/6/12	DA01-005 Issue F
Building C – Level 1 Building D – Level 2	20/6/12	DA01-006 Issue F
Building C – Level 2 and 6 Building D – Level 3,6,7,8	20/6/12	DA01-007 Issue F
Building C – Level 3,5,7,8 Building D – Level 5,9	20/6/12	DA01-008 Issue F
Building C – Level 9 (roof Blg D) Building D – Roof Level	20/6/12	DA01-013 Issue F
Building C – Level 10 and 11	20/6/12	DA01-014 Issue F
Building C – Level 12	20/6/12	DA01-016 Issue F
Building C – Roof Level	20/6/12	DA01-017 Issue E
Gross Floor Area	20/6/12	DA01-018 Issue C
North-East Elevation	20/6/12	DA02-001 Issue E
South-West Elevation	20/6/12	DA02-002 Issue D
Building C Elevations	20/6/12	DA02-003 Issue D
Building D Elevations	20/6/12	Da02-004 Issue E
Longitudinal Section	20/6/12	DA03-001 Issue E
Cross Sections	20/6/12	DA03-002 Issue E
Detail Sections 1-2	20/6/12	DA03-010 Issue C
Detail Sections 3-4	20/6/12	DA03-011 Issue D
Perspective Views	20/6/12	DA09-001 Issue C
Type G_2 Bedroom Adaptable Apartments	20/6/12	DA9-004 Issue C
Type H_12 Bedroom Adaptable Apartment	20/6/12	A9-003 Issue C
Adaptable – Type L	20/6/12	DA9.005 Issue C
Introduction	22/5/12	L2 Rev B
Landscape Plan	22/5/12	L3 Rev B
Landscape Structure Plan	20/12/11	L4 Rev A
Courtyard Landscape Plan	20/5/12	L5 Rev C
Podium and Entry Landscape Plan	20/12/11	L6 Rev A
Section A Building D	20/12/11	L7 Rev A

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Section B Building C	20/12/11	L8 Rev A
Section C C and D Courtyard	20/12/11	L9 Rev A
Section D Courtyard	20/12/11	L10 Rev A
Section E Building C Podium	20/12/11	L11 Rev A
Section F and G Building C Podium	20/12/11	L12 Rev A
Section H Building C	20/12/11	L13 Rev A
Restoration Planting	20/5/12	L14 Rev B
Character and Ambience	20/12/11	L15 Rev A
Podium and Bioswale Planting	20/12/11	L16 Rev A
Specification Notes	20/12/11	L17 Rev A

2. **Recommendations of the Vegetation Management Plan.** The recommendations provided in the Vegetation Management Plan prepared by Total Earth Care Pty Ltd dated September 2010 relating to the creek corridor and restoration zones are to take precedence over the specifications provided on the approved landscaping plan.
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 406083M and 407522M, dated 3 July 2012.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council

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etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

10. Deleted.
11. **Storage Facility:** Each apartment is to be provided with sufficient storage area as shown on Attachment H – SEPP 65 Schedules dated 6 June 2012. Details to be provided on the Construction Certificate plans.
12. **Parking/bicycle Spaces:** Two hundred and sixty seven (267) parking spaces are to be provided for Building C and D, with two hundred & twenty nine (229) spaces for residents and thirty eight (38) for visitor parking. The car parking spaces are to be clearly linemarked with the visitor spaces clearly marked "Visitor Parking". Ninety-five (95) bicycle spaces are to be provided within the development. The bicycle parking spaces are to be available to residents as well as visitors to the site. Details to be shown on the Construction Certificate plans.
13. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities 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.

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16. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
17. **Road Dedication** The dedication of lots 5 and 10 as public road in the subdivision plan approved as part of Concept Plan Approval MP09_0219 Mod 2 is to be at no cost to Council. The dedication is to occur prior to the issue of an Occupation Certificate for Building E in accordance with Concept Plan Approval MP09_0195. Prior to the dedication to Council, the following information and inspections will be required:
- Submission to Council of a Works-As-Executed Drawing for the dedicated road prepared by a registered surveyor.
 - Pre acceptance inspection by Council engineer and proprietor of the land to identify any possible defects that may require rectification, prior to acceptance of the road by Council.
 - Assets that are to be dedicated to Council must be in asset plan form (ie drawing plan layers e.g. Road Layer, Street Furniture Layer et cetera) to Council's satisfaction.
 - Survey Recovery Markers are to be installed within the road reserve as directed by Council's Surveyor.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

18. **Controlled Activity Approval.** A Construction Certificate is not to be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval has been provided to the Principal Certifying Authority and Council.

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19. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
20. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
21. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
22. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
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 submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
24. **Mechanical Plant.** Prior to the issue of a Occupation Certificate it will be necessary to undertake a detailed assessment of all external mechanical plant. This assessment is to ensure that the plant noise does not exceed the acoustic criteria as outlined in Section 6.2 of the DA Noise Assessment Report by Acoustic Logic dated 22 May 2012. The assessment is also to determine any acoustic treatments that will be required to ensure acceptable acoustic levels. Details are to be submitted to the certifying authority prior to Occupation Certificate.
25. **Fencing.** If the existing fence on the shared boundary with Macquarie University is found to be in a dilapidated state a new fence will be required to be erected at the cost of the applicant. This fencing is to be erected along the shared boundary with Macquarie University. This fencing is not to exceed a height of 1.8 metres and it is not to adversely impact on the overland flow path of University Creek. The boundary fence is to be provided unless Macquarie University advise in writing that the fencing is not necessary. Details of the fencing is to be provided to Council prior to the issue of an Occupation Certificate. Alternatively, written evidence from Macquarie University is to be provided prior to the issue of an Occupation Certificate that the fence is not required.

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26. **Encroachments:** The development is to be constructed wholly within the boundaries of the site. No portion of the proposed structure shall encroach onto the adjoining properties. Any encroachments onto Macquarie University's property during the course of the construction works (such as rock anchoring and cranes swing) will require a written agreement from Macquarie University or a court order prior to the associated activity commencing.
27. **Survey:** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*).
28. **Glare & Reflectivity:** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority. The roof material is to be finished in a non reflective surface.
29. **Disabled access:** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities, the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
30. **Adaptable Units:** A total of 23 adaptable units are to be provided within Buildings C and D. These apartments are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided 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.
31. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
32. **Service infrastructure/utilities:** All service infrastructure/utilities including fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.
33. **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.

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34. **Public Road & Drainage Construction.** To facilitate access and stormwater disposal from the subject site, detailed engineering plans for the proposed type 3 new road are to be submitted to Council for approval prior to the issue of any construction certificate. The plans shall incorporate, but not be limited to the following:
- a. The road formation and makeup including provision of public infrastructures etc shall comply with the Macquarie Park Corridor DCP & Macquarie Park Public Domain Technical Manual.
 - b. Planting of trees within the parking lane of the road pavement is not permitted. Accordingly, the landscaping plans shall be amended to reflect this requirement.
 - c. Footway trees location and extent of granite footpath are to be in accordance with Section 2.3 of the Macquarie Park Public Domain Technical Manual.
 - d. Street Lighting on Multifunction Poles shall be provided in accordance with Section 5 of the Macquarie Park Public Domain Technical Manual. Additionally, utility mains to be installed in the footway allocations in accordance with the 2007 NSW Streets Opening Conference Guides to Codes & Practices for Streets Opening.
 - e. The road design shall ensure a heavy rigid vehicle (HRV) as defined under AS 2890.2-2002 can enter and leave the new type 3 road in a forward direction.
 - f. Provision shall be made for an underground piped drainage system designed for a minimum 1:20 year ARI storm event with facility for the treatment of contaminated runoff and capture of gross pollutants from the proposed public road.
 - g. The works shall be designed by a chartered and experienced Civil Engineer in accordance with City of Ryde *Environmental Standards - Development Criteria - 1999* Section 4 – Public Civil works.

Revised detailed engineering plans as per marked up copies dated and sent to TOGA on 26 June 2012 are to be submitted to Council for approval. Engineering plans assessment and works inspection fees for the above works, in accordance with Council's Management Plan are to be paid, prior to written approval being issued by Council.

35. **Maintenance Bond.** To ensure satisfactory performance of the completed external road and drainage works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$15,000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

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36. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
37. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed to comply with relevant sections of Australian Standards AS 2890 where applicable. Additionally, the shared areas and bollard located between the disabled spaces shall be installed in accordance with AS 2890.6-2009.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

38. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

39. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

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

These reports shall be submitted to Council's development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate

40. **Stormwater Runoff.** Stormwater runoff from site shall be collected and piped to Council's underground drainage system via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to the following:

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- a. Building C & D shall be provided with a minimum 62 and 58 cubic metres OSD system incorporating a suitably sized orifice plate to restrict discharge from the building C & D to a maximum of 52 and 28 l/s in a 1 in 100 year critical duration storm event respectively.
- b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank.
- c. All gutters, downpipes and pipeline conveying stormwater runoff to the OSD tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Accordingly, detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

41. **Water Sensitive Urban Design.** The Water Sensitive Urban Design (WSUD) treatment train (comprising of rainwater tanks, bio-retention, bio swale, gross pollutant traps etc.) proposed for the subject site shall be designed to ensure a post development pollutant removal target as set out below will be achieved:

- a. 90% Reduction in gross pollutants
- b. 85% Reduction in total suspended solids
- c. 60% Reduction in Total Phosphorous
- d. 45 % Reduction in Total Nitrogen

Detailed engineering plans including certification indicating compliance with this condition are to be submitted with the Construction Certificate application

42. **Engineering Certification.** Certification shall be obtained from a chartered structural/civil engineer with NPER registration with Engineers Australia, confirming the following:
- a. The building has been structurally designed to withstand the hydrostatic, hydrodynamic pressure and the impact of debris and buoyancy forces due to floodwaters for all storm events up to and including the PMF storm event.
 - b. All building components located below the 1 in 100 year ARI flood plus 500mm freeboard have been designed to be flood compatible.
 - c. The basement carpark has been designed to prevent inundation by floods equal to or greater than the 1 in 100 year flood.
 - d. An appropriate emergency warning system comprising of elements such as signage and exits etc must be made available to warn and evacuate occupants of imminent basement inundation.
43. The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
44. **Waste Storage.** A waste storage and recycling room must be provided on the Ground Floor of each building. The waste storage and recycling rooms must comply

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with Schedule 4.2 of Part 7.2 of the City of Ryde Development Control Plan 2010. Full details must be submitted with the Construction Certificate Plans.

45. **Waste Storage.** The area where the garbage chutes discharge into the waste storage and recycling rooms must be physically separated from the rest of the room and be kept secured to prevent access by residents. Details are to be submitted on the Construction Certificate Plans.
46. **Bulky Goods Storage Area.** A separate room or caged area must be provided in a convenient location on the premises for the storage of bulky discarded items such as furniture and white goods. Instructive signage is to be provided to advise residents on how to use this area. Full details are to be submitted on the Construction Certificate plans.
47. **Waste Collection Point.** The waste collection point must be located adjacent to the kerbside in a position that is convenient for servicing. The point must be large enough for the bins to be lined up on the kerbside. Details to be submitted on the Construction Certificate Plans.
48. **Mechanical Ventilation.** Details of all proposed mechanical ventilation systems must be submitted to the Principal Certifying Authority for approval prior to installation. Such details must include:
 - (a) Plans and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

49. **Site Sign**
 - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

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- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 50. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
- 51. **Tree Protection Measures.** The tree protection measures as outlined in the Tree Report by Treescan Urban Forest Management and dated March 2010 are to be implemented prior to construction and maintained throughout the construction period.
- 52. **Site Arborist.** In accordance with the recommendations contained in the Tree Report referred to in condition 46, a site arborist is to be appointed. Council and the PCA is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council and the PCA is to be notified, in writing, within seven working days. Prior to any construction commencing, the site arborist is to confirm that all tree protection measures in the Tree Report have been implemented.
- 53. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
 - (b) The location of all earthworks, including roads, areas of cut and fill
 - (c) Location of all impervious areas
 - (d) Location and design criteria of erosion and sediment control structures,
 - (e) Location and description of existing vegetation
 - (f) Site access point/s and means of limiting material leaving the site
 - (g) Location of proposed vegetated buffer strips
 - (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
 - (i) Location of stockpiles
 - (j) Means of diversion of uncontaminated upper catchment around disturbed areas
 - (k) Procedures for maintenance of erosion and sediment controls
 - (l) Details for any staging of works
 - (m) Details and procedures for dust control.
- 54. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
 - 55. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council where applicable. Crossings are to be constructed in plain

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reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

56. **Pre-Construction Meeting.** A pre construction meeting shall be organised with Council's engineer in relation to establishment of a program of inspections to be carried out by Council's engineer in relation to the proposed new road to be dedicated to Council.
57. **Riparian Zone.** Prior to any works commencing within the riparian zone, the vegetation management measures as detailed in Section 6 of the Vegetation Management Plan (VPA) prepared by Total Earth Care Pty Ltd and dated September 2010 are to be implemented. Prior to any construction commencing, the site arborist is to confirm that the applicable recommendations in the Vegetation Management Plan have been implemented.

DURING CONSTRUCTION

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

58. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
59. **Construction noise.** The L₁₀ 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.
60. **Impact to adjoining or nearby properties:** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
61. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
62. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
(a) Fill is allowed under this consent;
(b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
(c) the material is reused only to the extent that fill is allowed by the consent.
63. **Construction materials.** All materials associated with construction must be retained within the site.

64. Site Facilities

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The following facilities must be provided on the site:

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

65. **Site maintenance.** The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

66. **Riparian Zone.** All works within the riparian zone are to be carried out in accordance with the measures contained in the Vegetation Management Plan.

67. **Land Contamination.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

68. **Regulated Systems.** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

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

70. **Water Pollution.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

71. **Duty to Notify Pollution Incidents.** Pollution incidents causing or threatening harm to the environment must be reported immediately to all relevant authorities in accordance with Section 148 of the Protection of the Environment Operations Act 1997.

72. **CCTV Cameras:** CCTV cameras will be required to be installed in the following locations:

- The ground floor lobby and lifts
- The 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.

73. **Security Mirrors:** Security mirrors are to be installed within corridors and on blind corners to enable users to see around blind corners if deemed necessary.

74. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

Conditions of Consent for LDA2012/0114 :-

75. **Lighting:** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
 - To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
 - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
 - Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
76. **Graffiti:** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
77. **Security:** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
78. **Audio Intercom System:** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
79. **Balcony doors to units.** Balcony doors to units are to be fitted with keyed locks at ground floor levels and snib locks on all other levels to restrict unauthorised access to units.
80. **Unit windows.** The windows to individual units are to be fitted with keyed locks at ground floor and snib locks on all other levels to restrict unauthorised access to units.
81. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor.

PRIOR TO OCCUPATION CERTIFICATE

Conditions of Consent for LDA2012/0114 :-

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

82. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Occupation Certificate:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$493,130.48
Open Space & Recreation Facilities	\$1,978,194.74
Civic & Urban Improvements	\$254,466.67
Roads & Traffic Management Facilities	\$273,105.95
Cycleways	\$35,179.80
Stormwater Management Facilities	\$31,143.90
Plan Administration	\$9,486.93
The total contribution is	\$3,074,708.47

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

83. **Landscaping.** All landscaping works approved by condition 1 with the exception of the works within the riparian zone are to be completed prior to the issue of the final Occupation Certificate. Certification from an appropriately qualified person is to be provided to Council and the PCA that all work within the riparian zone has been completed in accordance with the recommended actions in the Vegetation

Conditions of Consent for LDA2012/0114 :-

Management Plan prior to the issue of any Occupation Certificate for the final building that forms part of Concept Plan Approval MP09_0195.

84. **BASIX Commitments:** Prior to the issue of the Occupation Certificate, the Principle 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 Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
85. **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 a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
86. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

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

Conditions of Consent for LDA2012/0114 :-

87. **Sydney Water – Section 73.** 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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site 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 Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

88. **Travel Access Guide.** A Travel Access Guide / Green Travel Plan is to be prepared and a copy of the guide / plan is to be submitted to Council prior to any Occupation Certificate being issued. A copy of the guide / plan is to be given to residents and owners of each apartment. The guide / plan is to include the following information:
- A list of green travel options available in the area.
 - Information about the car share scheme.
 - Maps detailing the location of bike racks, train stations, bus stops and car share spaces.
 - Service details for bus and train.
 - Access arrangements for people with disabilities on public transport routes and at train stations.
 - Key visual landmarks for people on foot and unfamiliar with the area, closest cross street.
 - Estimated time of travel from the closest major centres or interchanges.
 - Telephone numbers and web addresses for public transport service providers.
89. **Creation of Drainage Easement** The creation of stormwater drainage easement(s) where required in favour of Council over applicable private properties to legalize discharge over private land downstream. The easement width shall conform to DCP 2010 part 8.2 Stormwater Management.
90. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria – 1999 section 4*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.

Conditions of Consent for LDA2012/0114 :-

- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and Development Control Plan 2010: - Part 8.2; Stormwater Management*
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
- Confirming that the Water Sensitive Urban Design treatment train installed at the site will have ability to treat and achieve the post development pollutant loading reduction percentage target as designed and specified in this consent
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- From Council confirming that all external works in the existing and including new public roads have been completed to Council's satisfaction.

91. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
92. **Work-as-Executed Plan.** A Work-as-Executed plan prepared by a Registered Surveyor for the site stormwater drainage and on-site stormwater detention system including the WSUD treatment train if one has been constructed. The WAE plan **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. Additionally, if there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
93. **Positive Covenant, OSD & WSUD Treatment Train.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the On-site stormwater detention system and the Water Sensitive Urban Design Treatment Train on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
94. **Connection to Sewer.** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
95. **Mechanical ventilation systems.** Where any mechanical ventilation systems have been installed a certificate from a professional mechanical services engineer
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Conditions of Consent for LDA2012/0114 :-

certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

96. **Waste Management.** An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes likely to be generated between collections. Wastes for recycling must be stored in separate bins or containers. Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.
97. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- Regular maintenance and trimming of shrubs and plantings.
 - Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
 - Long term maintenance of the riparian zone.
98. **Street/house numbering:** To assist with way finding for emergency services, numbering of street numbers, building numbers, levels of the building and unit numbers should be clearly displayed. Street numbering is to be designed to be visible from the street. Council must be contacted in relation to any specific requirements for street numbering. All letterboxes and house numbering are to be designed and constructed to be accessible from the public way.
99. **Safety and warning signage:** The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:
- 'Signage (if required) outlining any applicable restrictions in private communal or semi-private communal spaces.
 - Way finding signage in basement car parking levels to locations including residential parking, residential visitor's parking, commercial parking, lifts and exits.
 - '*These doors are to be used for emergency purposes only*' on fire exit doors.
100. **Fire Exit Doors.** Fire exit doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. Fire exit doors directly accessible from the public domain are to be fitted with metal covering plates to prevent forced entry and manipulation of locks.
101. **Site Maintenance Plan:** A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including CCTV cameras, security communications devices, graffiti removal and card readers) and lighting, lighting and signage. This is to be established prior to the issue of an Occupation Certificate.
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Conditions of Consent for LDA2012/0114 :-

OPERATIONAL

102. **Use of Balconies.** At no time are the balconies to be used for clothes drying.
103. **Management of Waste Areas.** Staff or contractors must be employed to:
- (a) Take the recyclables from the service compartments to the waste storage and recycling room on the Ground Floor of the building.
 - (b) Change the waste containers beneath the garbage chutes to ensure that there is no spillage or overflow.
 - (c) Take the waste containers from waste storage and recycling rooms to the container emptying point for servicing and return the containers to the waste storage and recycling rooms after servicing.
 - (d) Clean and maintain the waste storage and handling facilities.
104. **Management of Waste Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
105. **Air Pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
106. **Noise Pollution.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
107. **Plant or other Equipment.** 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 the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
108. **Acoustic Report.** A report from a qualified acoustical consultant demonstrating compliance with the above noise criteria must be submitted if requested by Council.

General Terms of Approval issued by NSW Office of Water

Plans, standards and guidelines

109. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2012/0114 and provided by Council:

Conditions of Consent for LDA2012/0114 :-

- i. Site plan, map and/or surveys.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- 110. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- 111. The consent holder must prepare or commission the preparation of:
 - (i) Vegetation Management Plan
 - (ii) Erosion and Sediment Control Plan
 - (iii) Soil and Water Management Plan
- 112. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - (i) Vegetation Management Plans
 - (ii) Riparian Corridors
 - (iii) Outlet structures
- 113. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
- 114. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

Reporting Requirements

- 115. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- 116. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

Conditions of Consent for LDA2012/0114 :-

117. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
118. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
119. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
120. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
121. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
122. The consent holder must establish a riparian corridor along University Creek in accordance with a plan approved by the NSW Office of Water.

Advisory Condition

1. The NSW Office of Water advises that the geotechnical report does not indicate whether a groundwater table would be encountered or if dewatering would be required. Should such additional investigations encounter significant quantities of groundwater, then the NSW Office of Water may require an authorisation to be obtained to permit dewatering as part of the development. (Please note that the proposal must not incorporate provisions for the permanent or semi-permanent pumping of the groundwater table from below-ground areas. Should this be the case a fully tanked structure must be used).

End of consent