

ATTACHMENT 1

CONDITIONS OF CONSENT

Part A – Deferred Commencement Consent

The consent will not operate and it may not be acted upon until the Group Manager Environment and Planning, City of Ryde is satisfied and has advised the applicant in writing as to the following matters:

1. The applicant is to enter into a revised Voluntary Planning Agreement with the Council in the terms of the issues raised in Council's Report to the Council meeting held on 10 December 2013 and Council's resolution dated 10 December 2013. Prior to this condition being satisfied, the Voluntary Planning Agreement must be signed by Council.
2. The public roads shown marked on the Road Closure Plan Issue C 30/4/12 are to be closed and acquired by the applicant in accordance with the approved Put and Call Deed.
3. Publicly accessible passenger lift: plan amendments and further information. The submission of amended plans which provide the following plan amendments:
 - Detailed design, operational details and specifications of the proposed publicly accessible passenger lift located in the south-west corner of the building, providing equitable access from the lower to upper plaza levels must be provided. The plans and information must identify paths of travel to and from the lift, the relationship and appearance of the lift to the publicly access plaza and any necessary amendments to the design of retail space within the building. Operational details are to include security measures, hours of use and emergency management.
4. End of trip facilities (including at least 1 shower and change room) is to be provided within the basement. These facilities are to be provided in close proximity to the bicycle parking and be available for the retail staff. An amended plan is to be submitted identifying the location of these facilities.

Part B – Conditions of Consent

Once operative the consent is subject to the following conditions:

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 plans listed below in the condition and the Statement of Environmental Effects and all supporting documents lodged by the Applicant with or for the purposes of the development application.

Document Description	Date	Plan No/Reference
Cover Page	19/2/2014	DA 00.00 Rev C
Photomontage	19/2/2014	DA 00.01 Rev B
Site Plan	19/2/2014	DA 01.01 Rev B
Demolition Plan	21/8/2013	DA 01.04 Rev P2
Basement Level 03 Plan	19/2/2014	DA 02.01 Rev C
Basement Level 02 Plan	19/2/2014	DA 02.02 Rev C
Basement Level 01 Plan	19/2/2014	DA 02.03 Rev B
Level Ground Plan	13/2/2014	DA 02.04 Rev B
Level 01 Plan	18/11/2013	DA 02.05 Rev B
Level 02-03 Plan	18/11/2013	DA 02.06 Rev B
Level 04-05 Plan	18/11/2013	DA 02.07 Rev B
Level 06 Plan	13/2/2014	DA 02.08 Rev C
Roof Plan	13/2/2014	DA 02.09 Rev C
North-east and north-west elevations	13/2/2014	DA 03.01 Rev C
South elevation	13/2/2014	DA 03.02 Rev C
Section A-A Section B-b	13/2/2014	DA 04.01 Rev B
Section C-C	13/2/2014	DA 04.02 Rev B
Section D-D	13/2/2014	DA 04.03 Rev A
Adaptable units	21/6/2013	DA 7.01 Rev A
Schedule of Material and Finishes	21/6/2013	DA 08.01 Rev A
Schedule of Apartments	13/2/2014	DA 08.02 Rev C
Detail of unit balconies 13& 14	13/2/2014	DA 09.01 Rev A

Prior to the issue of a Construction Certificate, the following amendments shall be made (as marked in red on the approved plans):

- (a) To ensure vehicles do not stand on the roadway whilst waiting for the garage gate to open, the gate must be setback 6 metres inside the property.

2. **Voluntary Planning Agreement -** Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Hindmarsh Development Australia Pty Limited and that relates to the development application the subject of this consent required under deferred commencement condition 1), must be lodged for registration on the title of the property within 1 month of signing the Voluntary Planning Agreement and the completion of the purchase of the land

and registration on the title of the property prior to the issue of any interim Occupation Certificate.

3. **Positive Covenant.** The Applicant must at its expense and before the issue of any Construction Certificate execute in favour of the Council and register against the title to the development site a public positive covenant binding successive owners of that land (including any Owners or Owners Corporation of any Strata Plan) to ensure compliance with the Applicant's obligations under condition 104.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 482285M_03, dated 11 March 2014.
6. **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.
7. **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.
8. **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.
9. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".

10. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on any shopfront. Separate approval must be obtained for any such security grilles or barriers.
11. **Public space.** Any road or public land vested in the Council must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with any Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **Public Benefit Works.** All public benefit works as described in the Voluntary Planning Agreement required under deferred commencement condition 1 are to be completed in compliance with that Agreement and the Strata Management Agreement.
16. **RMS Land.** RMS has dedicated land for Public Road in Victoria Road. (A copy of the aerial indicating this land is attached to the consent). All new buildings and structures (other than pedestrian footpath and awnings) are to be clear of the Victoria Road reserve (unlimited in height or depth).
17. **Ventilation of future food shops.** Adequate provision must be made for the installation of kitchen exhaust systems in any future food shops.
18. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.

19. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
20. **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.
21. **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) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
22. **Public Utilities in Pearson Lane.** To facilitate future provision of underground public utility in Pearson Lane, all utilities shall be placed within the carriageway of the lane (ie no utilities are to be placed within the 1.5m wide footway in Pearson Lane). This requirement is to be reflected on any plan for subdivision.

DURING DEMOLITION

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

A Construction Certificate is not required for Demolition.

23. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

24. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
25. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
26. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
27. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
28. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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.

29. **Satisfaction of VPA Requirements.** Documentary evidence of payment of the monetary contribution as identified in the Voluntary Planning Agreement required under deferred commencement condition 1 is to be provided to the PCA prior to the issue of any Construction Certificate.
30. **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**.
31. **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**.
32. **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).
33. **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
34. **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**.
35. **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 with the Construction Certificate. The roof material is to be finished in a non reflective surface.
36. **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).

37. **Adaptable Units:** A total of 9 adaptable units are to be provided within the apartment building. 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 A54299.
38. **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*.
39. **Internal Storage Facility:** Each apartment is to be provided with the minimum internal storage area as required by the Residential Flat Design Code. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate.
40. **Parking/Bicycle Spaces:** At least 13 bicycle parking spaces are to be provided for the residential units. A maximum of 124 car parking spaces are to be provided within the development. Of these spaces, 31 are to be allocated as commercial/retail car parking spaces, 76 for residential parking and 17 as residential visitor car parking. The car parking spaces are to be clearly linemarked with the visitor spaces clearly marked "Visitor Parking." Details to be shown on the Construction Certificate plans.
41. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, 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 may 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**.
42. **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.

43. **Waste and Recycling Services.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details are to be submitted on the Construction Certificate plans.

44. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

45. **Redundant Driveways.** The redundant driveways on Victoria Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the gutter crossing off Victoria Road shall be in accordance with RMS requirements. Details of these requirements should be obtained from

RMS Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.

Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the issue of a Construction Certificate and commencement of any road works.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

46. **Construction Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Management Plan (CMP) must be submitted for approval by Council, prior to the issue of any Construction Certificate. The CMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works. The Plan is also to include materials storage, handling and deliveries and a dilapidation report covering pre and post construction along all Council's roads.
- Due to the proximity of the site adjacent to Gladesville Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Be in accordance with Council's DCP 2010 Part 8.1 (Construction Activities)
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

The plan is to be prepared by an RMS accredited person. The plan is to be prepared in accordance with the relevant sections of the Australian Standard 1742-"Manual of Uniform Traffic Control Devices" and the RMS's Manual – "Traffic Control at Work Sites".

All traffic controllers utilised for the site must be RMS accredited and a minimum of seven (7) day notice shall be given to residents if they will be affected by the proposed construction activities.

Structures or works on Council property (such as hoardings, scaffolding, shoring or excavation), the modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/roadway are subject to separate approval from Council.

47. **Structural Adequacy Of the Retaining Wall.** Certification by a qualified Structural Engineer will be required to confirm the structural adequacy of the retaining wall within the basement adjacent to Pearson Lane. The retaining wall shall be designed such that it can withstand the impact of vehicles of the maximum service class, including utility service vehicles, that may “mount” the footway during an intervention service and/or similar, as well as any activity associated with localised “impact/vibration loading”.

Detailed design plans and certification indicating compliance with this requirement are to be submitted to Council for review and approval prior to the issue of any Construction Certificate.

48. **Road Closure of Pearson Lane.** Prior to any works occurring on Pearson Lane, the appropriate road closures permits are to be approved by Council. As part of the documentation submitted for the road closure, a Construction Management Plan is to be provided. This Plan is to address the alternative routes for the public as well as the length of time that the road is to be closed. (Note: the road is to be closed for the shortest possible time).
49. **Reduction of Road Traffic Noise.** The proposed development should be designed such that road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007. Details are to be submitted on the Construction Certificate plans.
50. **Mechanical ventilation.** Details of all proposed mechanical ventilation systems must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
- o Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - o 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
 - o 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
51. **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 satisfactory 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.

If the noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.

A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.

52. **Remediation of land.** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

Council may require site audit of detailed investigation report - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

53. **SEPP No. 55.** All remediation work must be carried out in accordance with:
- o *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - o any relevant guidelines published under the *Contaminated Land Management Act 1997*; and
 - o any council policy or development control plan relating to the remediation of land.
54. **Removal of underground storage tanks.** The removal of the underground storage tanks must be carried out in accordance with:
- o Australian Institute of Petroleum Code of Practice CP22 - 1994 *The Removal and Disposal of Underground Petroleum Storage Tanks*; and
 - o the requirements of WorkCover New South Wales.

A Remediation Action Plan (RAP) for the removal of the UST's and any other contamination that may be identified during the additional investigation to be submitted be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA)

55. **Discovery of additional information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
56. **Further requirements.** If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.
57. **Contaminated soil.** All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
58. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004.

The following revision(s) must be undertaken;

- a) The boundary at the vehicle entry must be raised in order to minimise the extent of excavation in Pearson Lane. To achieve this, a 6 metre long ramp at 5% grade ramp must be provided, extending from the approved basement garage level 01 to the boundary alignment. This may require the underside of the balcony over the ramp to be chamfered to comply with the minimum height clearance.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

59. **Basement Parking Controlled Entry System – Approval.** To ensure the proposed controlled entry system to the basement garage permits public access to the approved offstreet parking area consistent with the objectives of Council's DCP whilst maintaining security of the development, the proposed controlled garage entry system must be detailed and documented for the approval by Council, before the commencement of works.

The controlled entry system must;

- a) Permit public access to the visitor and retail parking spaces designated on the approved plans.
- b) Provide for 2 hours of unrestricted parking (in terms of cost/ vehicle access) from the time of entry to ensure the system is not prohibitive to public access.
- c) Be configured such to allow a vehicle to stand wholly within the garage area prior to entry, so as to prevent vehicles standing over a public road or footpath.

Detailed plans and documentation of the system complying with the above must be submitted to Council for approval, prior to the issue of a Construction Certificate.

60. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to a new kerb inlet pit in Pearson Lane, generally in accordance with the plans by Mott MacDonald (Refer to Project No. 324769 Sheets 0100, 0105, 0110 and 0120 Rev P3 dated 12 November 2013).

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

61. **Stormwater Management – Extension of Council Drainage System.** The proposed connection to Council's stormwater drainage infrastructure in Pearson Lane and extension of the inground infrastructure to Pearson Street will require the assessment and approval of Council's Public Domain section in accordance with Section 138 of the Roads Act. Detailed plans and construction methodology are to be submitted to Council, for the approval of Council's Public Domain section prior to the issue of the Construction Certificate.

62. **Stormwater Management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area and store this flow off line to allow infiltration to the surrounding soil.

63. **Geotechnical – Design certification and monitoring program.** The proposed development involves excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To address this, the applicant must engage a suitably qualified and practicing geotechnical engineer to oversee the design and construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate;

- a) Certification that the civil and structural details of all subsurface structures are designed to provide appropriate support and retention to ensure there

will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact to adjoining property or public infrastructure.

- b) A Geotechnical Report and Monitoring Program to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

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

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

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

65. **Dilapidation Survey – Private Property.** To clarify any claims of damage to adjoining property arising during the development works, a dilapidation survey is

to be undertaken of the adjoining properties that may be affected by the construction work, namely 1 Pearson Street. A copy of the survey must be submitted to the Accredited Certifier prior to the release of the Construction Certificate.

66. **Dilapidation Survey – Public Infrastructure.** To clarify any claims of damage to public infrastructure that may be arise during construction of the development, a dilapidation report of existing public infrastructure no less than 100m in range of the proposed development must be undertaken. The report is to note observable defects, including a description of the location, nature of the defect and a photographic record. The report is to encompass damage to any of the following infrastructure.
- Road pavement
 - Kerb and gutter
 - Constructed footpath.
 - Drainage pits.
 - Traffic signs
 - Any other relevant infrastructure

The report must be submitted to Council's Public Works prior to the issue of the construction certificate.

67. **Landscaping Plan.** Prior to the issue of any Construction Certificate, a detailed landscaping plan is to be submitted to the Principal Certifying Authority. This landscaping plan is to include full details of the roof top communal open space area including details of plant species and structures to be provided. This plan is to be consistent with the approved plans referred to in condition 1 and no structure to be approved that results in any changes to the height of the building as indicated on the approved plans.

The landscape plan is to demonstrate compliance with the requirements of soil depth over structures as detailed in the Residential Flat Design Code.

68. **Layout of internal car parking.** The internal car parking layout shall be clearly marked for the particular user class. Accordingly, retail car parking areas will need to be designed to comply with Class 3a as per AS 2890.1-2004. Plans and traffic engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
69. **Vehicles to enter and exit in a forward direction.** To ensure safe access to and from the proposed development, the carparking facility shall be designed to ensure the largest vehicle accessing the site can enter and exit safely in a forward direction. Accordingly, the design shall be in accordance with the relevant sections of AS2890. Engineering certification, indicating compliance with this condition is to be submitted with the Construction Certificate application.

70. **Intersection Works.** To facilitate safe access to and from the proposed development, the intersection of the widen Pearson Lane with Victoria Road shall be designed to safely accommodate the turning path of a Heavy Rigid Vehicle as per AS2890.2-2004 without mounting any kerb, Engineering plans together with the computer generated turning path (for an HRV vehicle travelling at 15km/hr) demonstrating compliance with this requirement are to be submitted for Council approval with the Construction Certification application.
71. **Public Infrastructure Works:** To facilitate safe access to and from the proposed development detailed engineering plans for the following works, prepared by a chartered civil engineer with NPER registration with Engineers Australia are to be submitted to Council for approval prior to the issue of Construction Certificate. The works shall be in accordance with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works, the Gladesville Public Domain Technical Manual and DCP 2010 Part 8.2 – Stormwater Management and must be completed at no cost to Council, prior to the issue of any Occupation Certificate.

- (c) The reconstruction of the Pearson Lane to provide for a road formation width of 8m, comprising of 1.0m full width concrete footpath on the south side, 5.5m carriage width between face of kerbs and 1.5m wide paved footpath on the north side. The laneway shall be designed to have a maximum 3% one way cross fall from north to south.

The above construction shall include kerb and gutter, road pavement, underground piped stormwater drainage, street and footpath lighting including any other necessary engineering works where required to make the construction effective.

- (d) The geometric design of the intersection of the widen Pearson Lane with Victoria Road shall be designed to ensure a Heavy Rigid Vehicle (HRV) travelling at 15km/hr can safely perform a left turn into Victoria Road without mounting the kerb.
- (e) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.
- (f) The undergrounding of power on Victoria Road and Pearson Lane, including the intersection of Wharf Road with Pearson Lane.
- (g) Provision of multi-function poles to Victoria Road and new street lighting to Pearson Lane, designed and installed to AS1158.3.1 Categories P2 and V5 for Pearson Lane and Category P2 and V3 for Victoria Road and to Ausgrid requirements. Plans of the new lighting schemes are to be submitted to Council for approval prior to lodgement of the Pearson Lane Scheme with Ausgrid for their approval.
- (h) Extension of Council's existing stormwater drainage system from the existing stormwater pit located outside No. 9 Pearson Street to the subject site for stormwater connection.

- (i) The paving and landscaping of all public domain areas in accordance with DCP 2010 Part 4.6 Gladesville Town Centre and Victoria Road Corridor including the Gladesville Public Domain Technical Manual.

Engineering plans assessment and works inspection fees are payable to Council for the above works, in accordance with Council's Management Plan prior to any approval being granted by Council.

72. **Excavation.** The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties and public roadway.

The applicant shall:

- a. Seek advice from a chartered Geotechnical/Structural Engineer on the impact of the proposed excavations on the adjoining properties and roadway.
- b. Detail what measures are to be taken to protect those properties and roadway from undermining/damage during construction.
- c. Provide Council with certification from a charter structural/geotechnical engineer with NPER registration with Engineers Australia on the necessity and adequacy of support for the adjoining properties and roadway.

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical/Structural Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the Council, public authority, owner and occupiers of the adjoining allotments before excavation works commence.

73. **Hoarding Fees.** A fee in accordance with Council's Fees and Charges shall be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath or road varies from this an adjustment of the fee will be made on completion of the works.
74. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department. The submission is to include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan. Approval and payment of the applicable fee is to occur prior to the issue of a Construction Certificate.

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.

75. Site Sign

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

76. Safety fencing. The site must be kept fenced prior to and during all demolition, excavation and construction with fencing that complies with WorkCover New South Wales requirements and which must be a minimum of 1.8m in height.

77. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Applicant must ensure that the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

78. RMS Approval for Excavation Works. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

The report and any enquiries should be forwarded to:

Project Engineer, External Works

Sydney Asset Management

Roads and Maritime Services

PO Box 973 Parramatta CBD 2124.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

79. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

80. **Awning over Council verge.** The proposed awning extending over Council's verge and footway area must provide no less than 3m. clearance above the footpath and setback 600mm from the vertical alignment of the kerb fronting the site. The structure is to be designed and certified by an appropriately qualified Structural Engineer. This engineer is to provide certification with the application for a Construction Certificate that the structure has been designed in accordance with the relevant Australian Standards to ensure public safety.

81. **Roadway Excavation.** The proposed development will result in substantial excavation adjoining a public road. The applicant shall construct a retaining wall within the property to support the roadway. The proposed excavation has been approved subject to the following matters being satisfied:-

- a) The owner lodging with Council a \$50,000 cash bond or bank guarantee, prior to the issue of a construction certificate, to ensure that the work is carried out in accordance with the approved plans. The bond will be refunded upon satisfactory completion of the retaining wall.
- b) Fully detailed design drawings and calculations shall be prepared by a Geotechnical Engineer for the retaining wall and submitted to Council for approval prior to the issue of a Construction Certificate
- c) On completion of construction of the retaining wall a Geotechnical Engineers Certificate shall be submitted to Council which states that the engineer has inspected the work during construction and that the works have been carried out in accordance with the approved design. If no certificate is produced on completion of the retaining wall, then no further work shall proceed on the site until such certificate is produced.
- d) If the certificate referred to above is found to be unacceptable, no work shall proceed on the site until the applicant has satisfied Council's

Group Manager Public Works that the retaining wall has been constructed in accordance with the approved design.

- e) The applicant shall inform Council at least seven (7) days before commencing any excavation works.

These conditions are to ensure that the applicant and or landowner complies with Section 91 of the Roads Act 1993 and provides adequate support for the public road. The applicant should also be aware that under Section 93 of the Roads Act 1993 Council may direct the landowner to fill an excavation that threatens the stability of the roadway.

- 82. **Pre Construction Meeting.** To establish a program of required inspections including construction standards expectation and clarifying possible issues, a pre-construction meeting shall be established with Council's Section Manager – Asset Networks, prior to commencement any works being on the external public infrastructure works.

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.

- 83. **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*.
- 84. **Construction noise.** 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.
- 85. **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.
- 86. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 87. **Construction materials.** All materials associated with construction must be retained within the site.

88. **Site Facilities**

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.

89. **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.

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

91. **RMS Requirement for Demolition and Construction Vehicles.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Victoria Road.

92. **CCTV Cameras:** CCTV cameras must be installed and maintained in the following locations:

- The ground floor residential lobby;
- The car park entry and 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.

93. **Car parking security.** Vehicular entry to residential flat building parking 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.

94. **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.
95. **Graffiti:** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
96. **Audio Intercom System:** Intercom facilities should be incorporated into the entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
97. **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 residents on, to the car parking levels and to the Ground Floor.
98. **Acoustic construction requirements** - All acoustical treatments nominated in the acoustical assessment report prepared by Acoustic Logic dated and any other related project documentation must be implemented during construction.
99. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
100. **Geotechnical – Implementation of geotechnical monitoring.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

101. **Construction Management Plan – Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
102. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Mott MacDonald (Refer to Project No. 324769 Sheets 0100, 0105, 0110 and 0120 Rev P3 dated 12 November 2013) submitted in compliance to the condition labelled “Stormwater Management.”.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

103. **Public Benefit Works.** All public benefit works as identified in the VPA are to be completed to Council's satisfaction prior to the issue of any Occupation Certificate unless varied by any other condition of consent.
104. **Completion of the Plaza.** The approved development must not be occupied unless and until:
- (a) The Applicant, which for the purposes of this consent shall include any other person carrying out the approved development, has to the satisfaction of the Council, complied with the obligations contained in Voluntary Planning Agreement between the Council of one part and Hindmarsh Development

Australia Pty Limited of the other part referred to in condition 2 for the delivery of the "Public Benefits" as defined in such Agreement; and

- (b) Without limiting the terms of paragraph (a) hereof but subject to paragraph (c) hereof, the completion to the satisfaction of the Council of the whole of the works for the construction of a publicly accessible plaza (Plaza Works) and the roadworks identified as "Pearson Lane" and "New Lane" as shown in plans by Black Beetle Pty Ltd, drawing numbers LP01/P10, revision P10 dated 02 April 2013 and LP02/P10, revision P10 dated 02 April 2013.
- (c) Despite paragraph (b) hereof the Applicant may by notice in writing to the Council not later than one month after the commencement of the Plaza Works inform the Council that despite its best endeavours it will not be able to coordinate the construction of the whole of the Plaza Works and that it has elected to carry out the temporary landscaping works with handrail and balustrade and concrete footpath works referred to in paragraph (d) hereof (Plaza Notice).
- (d) Upon the Applicant giving the Plaza Notice, the Applicant shall be obliged to continue to carry out and complete that part of the Plaza Works as comprises 50% of such works adjoining the development site together with the temporary landscaping works with handrail and balustrade and works identified as "extend concrete footpath" as shown in the plan by Black Beetle Pty Ltd, drawing number LP03/P1 revision P2 dated 09 April 2013, prior to occupation of the approved development.
- (e) The Applicant must at its cost maintain to the satisfaction of the Council the temporary landscaping works with handrail and balustrade and concrete footpath works referred to in paragraph (d) hereof.
- (f) The Applicant must at its expense and before the issue of a Construction Certificate execute in favour of the Council and register against the title to the development site a public positive covenant binding successive owners of that land (including any Owners or Owners Corporation of any Strata Plan) to ensure compliance with the Applicant's obligations under this condition.

105. **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.

106. **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*.

107. **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.

108. **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.

109. **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.

110. **Garbage Services.** Arrangements must be made with Council for the provision of residential garbage services to the premises before occupation commences.
111. **Ventilation certificate** - Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer 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**.
112. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
113. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site. The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate.
114. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
 - b) Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) 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.

- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 " Stormwater Management" and associated annexure.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 "Construction Activities".
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve and new Public Plaza have been completed to Council's satisfaction.

115. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

116. **Engineering Inspections.** To ensure all engineering works within the public road and/or drainage reserve (both existing and those to be dedicated) will be completed to Council's standards and specifications, Engineering Compliance Certificates must be obtained from Council for the following works at the specified stage where applicable and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

- a. Prior to backfilling of Council's stormwater pipelines.
- b. Prior to backfilling of drainage connections to council's stormwater drainage systems
- c. After trimming and compaction of sub-grade.
- d. After placement and compaction of the applicable sub-base course.

- e. After completion of formwork and prior to pouring concrete for Council's pits and other drainage structures including kerb and gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.
- f. After placement and compaction of the base course and prior to laying the asphalt wearing course.
- g. Final inspection, after completion of all works with all disturbed areas satisfactorily restored.

117. Work-as-Executed Plan. To ensure public infrastructure works along the Victoria Road frontage are completed in accordance with approved plans and specifications, a Work-as-Executed plan for the works certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectifications being completed prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plans.

118. Maintenance Bond. To ensure satisfactory performance of the completed external public engineering works, a maintenance period of six (6) months shall apply to all external public 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 Insurance Bond of \$25,000 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.

119. Road Dedication. The dedication of land to Council for public road of approximately 2m wide along the entire southern boundary of the site to facilitate an 8m wide Pearson Lane road width. The dedication shall occur prior to the issue of any Occupation Certificate and the associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works.

OPERATIONAL

120. **Hours of operation.** The hours of operation for the retail premises are to be restricted to:
- 7am to 10pm (7 days a week).
121. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by the retail premises must not be collected between the hours of 10pm and 7am on any day.
122. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 9pm and 8am on any day.
123. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
124. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
125. **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*.
126. **Noise from plant & machinery** - The operation of any plant or machinery installed on the premises must not cause:
- o 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).
 - o 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*.
 - o The transmission of vibration to any place of different occupancy.
127. **Use of the loading bay** - Loading bay not to be used between 10pm and 7am any night of the week.
128. **Waste containers** - An adequate number of suitable waste containers must be provided on the premises for the storage of all retail waste generated on the premises between collections.
129. **Basement Parking Controlled Entry System – Implementation.** The approved controlled garage entry system, submitted in accordance with the condition labelled "Basement Parking Controlled Entry System – Approval." under this consent, must be installed and operational prior to the issue of any

Occupational Certificate. The system is to operate and be maintained for the life of the development unless unrestricted public access to the basement garage is provided.

130. **Dedication of Pearson Lane.** Prior to the issue of any Occupation Certificate, Pearson Lane is to be dedicated to Council and an appropriate Stratum lot created.