

ATTACHMENT 1 - LDA 2013/0260 CONDITIONS OF CONSENT

GENERAL

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

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

Architectural plans - SJB Architects

Document Description	Date	Rev	Plan No/Reference
Plan envelope	13.02.14	11	4907 DA-104
Plan basement 03	13.02.14	11	4907 DA-201
Plan basement 02	13.02.14	11	4907 DA-202
Plan basement 01	13.02.14	11	4907 DA-203
Plan level 01	13.02.14	11	4907 DA-204
Plan level 02	13.02.14	11	4907 DA-205
Plan level 03	13.02.14	11	4907 DA-206
Plan level 04	13.02.14	11	4907 DA-207
Plan level 05	13.02.14	11	4907 DA-208
Plan roof	13.02.14	11	4907 DA-209
Plan landscape area	13.02.14	11	4907 DA-214
Elevations - north/east	13.02.14	11	4907 DA-501
Elevations - south/west	13.02.14	11	4907 DA-502
Section - sheet 01	13.02.14	11	4907 DA-601
Section - sheet 02	13.02.14	11	4907 DA-602
Section - sheet 03	13.02.14	11	4907 DA-603
Section - sheet 04	13.02.14	11	4907 DA-604
Section - sheet 05	13.02.14	11	4907 DA-605
Apartment types- sheet 01	13.02.14	11	4907 DA-901
Apartment types- sheet 01	13.02.14	11	4907 DA-902
Apartment types- sheet 01	13.02.14	11	4907 DA-903
Plan demolition	13.02.14	11	4907 DA-2501

Landscape plans - Habitation

Document Description	Date	Rev	Plan No/Reference
Landscape masterplan	5.11.13	I	13_003 L01
Landscape sections	5.11.13	F	13_003 L02
Proposed planting	5.11.13	F	13_003 L03
Public domain plan	5.11.13	C	13_003 L04

2. **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

3. **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.
4. **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.
5. **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.
6. **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.
7. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
8. **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.
9. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
10. **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.

11. **Road Opening Permits.** 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.

Note that a new kerb inlet pit is to be constructed in Epping Road which is a Classified Road. The applicant must seek approval from the Roads and Maritime Services for any drainage work associated with Epping and Lane Cove Roads.

12. **Staging of Demolition and Construction.** Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued for the development and approved by this consent authority in stages, provided that all conditions of consent relevant to the development incorporated within each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.
13. **Development within the Site Boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. All new structures are to be clear of the Lane Cove Road and Epping Road reserves, unlimited in height or depth.
14. **Costing of the Works.** All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

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 (e.g. 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.

15. **Amendment of plans - Solar access.** To improve the extent to which apartments receive solar access to living rooms, the following apartments shall be provided with a roof window(s):

- (a) Level 03: A3.09, A3.10, A3.11
B3.09, B3.10, B3.11
C3.09, C3.10
D3.02, D3.03, D3.04, D3.05, D3.06, D3.07, D3.08
- (b) Level 04: A.405, A.406, A.407, A.408
C4.01, C4.02, C4.03, C4.04, C4.05, C4.06, C4.07, C4.08
- (c) Level 05: A5.02, A5.03, A5.04

The above changes are to be demonstrated on the Construction Certificate plans.

16. **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**.
17. **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).
18. **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
19. **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**.
20. **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 **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$366,915.99
Open Space & Recreation	\$903,270.59

Facilities	
Civic & Urban Improvements	\$307,222.45
Roads & Traffic Management	\$41,909.33
Facilities	
Cycleways	\$26,175.94
Stormwater Management Facilities	\$83,209.71
Plan Administration	\$7,058.62
The total contribution is	\$1,735,762.64

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>.

21. **BASIX.** Prior to the issue of Construction Certificate the applicant shall provide the Principal Certifying Authority with updated Basix Certificates prepared to reflect the plans in condition 1 above. The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
22. **Energy and Water Management.** The Principal Certifying Authority shall be provided with certification that the plans incorporate the energy and water efficiency measures nominated in Energy and Water Management Plan by WSP dated 19 February, 2013.
23. **Glare & Reflectivity:** Roofing and other external materials must be of low glare and reflectivity (excluding windows and louvers). 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. The schedule of finishes shall be consistent with details noted on the approved plans at condition 1 above.
24. **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).

The Construction Certificate drawings shall therefore also address the recommendations in the report by Morris Goding Accessibility Consulting dated 18 April 2013.

25. **Adaptable Units:** A minimum of 18 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 AS4299.
26. **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*.
27. **Storage Facility:** Each apartment is to be provided with the minimum storage area as required by the Residential Flat Design Code, being at least 6m³ for 1 bedroom apartments, 8m³ for two bedroom apartments and 10m³ for 3+ bedroom apartments. 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. Note: Wardrobe space which is provided in excess of standard wardrobes sizes is able to be considered as storage for the purposes of the above calculation.
28. **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.
29. **Acoustic Report.** The acoustic report prepared by SLR Consulting Australia dated 6 February, 2103 (Report No. 610.12251-R1) shall be adopted and the management measures, acoustic controls and recommendations be incorporated in the design and construction of the

premises and reflected on the plans submitted for the Construction Certificate.

30. **Parking and Access.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.1-2004 and AS 2890.6 including all dimensions of parking bays (particularly parking bays for people with disabilities), height clearances, clearances between parking bays at the end of aisles and the walls, aisle widths, column locations etc. Details are to be submitted on the Construction Certificate plans.

With respect to this, the following revision(s) must be undertaken so as to provide clear sight distance as required by Section 3.2.3 of AS 2890.1;

- a) Both vehicle entry points on the Allengrove Crescent frontage must provide clear sight distance from a vehicle emerging from the driveway along the boundary of road widening. To achieve this, any structures located in the clearance areas specified in the Standard must either be splayed, reduced in height to no greater than 1.2m or setback from the road widening boundary by 2m.

These amendment(s) plus compliance with the requirements of the Australian Standards must be clearly marked on the plans submitted with the application for a Construction Certificate.

31. **Soil Depth Over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

32. **Parking/Bicycle Spaces.** The following shall be provided:

- (a) 185 bicycle parking spaces are to be provided for the residential units;
- (b) A maximum of 179 resident car parking spaces are to be provided, with 18 of those being adaptable;
- (c) 36 visitor car spaces are to be provided, each clearly marked "Visitor Car Parking";
- (d) 1 car wash bay; and
- (d) 1 car share space is to be provided.

Details to be shown on the Construction Certificate plans.

33. **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 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.

34. **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.

35. **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 the kerb inlet pits in Lane Cove road and Epping Road, generally in accordance with the plans and documentation by Worley Parsons Engineering Consultants (Refer to Project No. 301015-03185-EN-REP-0001-Rev B and Plans CI-DSK-0001 & CI-DSK-0002 dated 4 February 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.

36. **Stormwater management - Connection to Council's drainage system** Connection to the kerb inlet pits in Lane Cove Road and Epping Road will require the assessment, approval and inspection by Council's Public Domain section, as well as RMS depending on the where the point of connection is made. The detailed plans and an inspection fee of \$150 shall be submitted to Council prior to the issue of the Construction Certificate.
37. **Stormwater management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area.
38. **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.

39. **Mechanical Ventilation.** Details of all proposed mechanical ventilation systems (including the basement ventilation and garbage storage rooms) must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. 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

40. **Dilapidation survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely;
- No. 253 Lane Cove Road,
 - No. 114 Epping Road, and,
 - No. 11 Allengrove Crescent

A copy of the survey is to be submitted to the accredited certifier (*and Council, if Council is not the PCA*) prior to the release of the Construction Certificate.

41. **Dilapidation survey - Public Infrastructure.** To clarify any claims of damage to public infrastructure that may 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.

42. **Road Anchors:** Where road anchors are proposed to facilitate the development construction, detailed structural plans certified by a chartered structural engineer indicating the proposed number and location of anchors are to be submitted to Council. Road anchors fee in accordance with Council's Management Plan are payable prior to issue of Construction Certificate.
43. **Hoarding Fees.** Where hoardings are required an application shall be made to Council with all fee in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate. The fee payable is for a minimum 6 months period. Should the time extend beyond

this period an extension of time application together with payment for the additional fee is required to be submitted to Council for approval.

44. **Public domain works.** A Public Domain Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate. Full engineering details, including plans, sections and finished levels must be submitted to Council and approval obtained prior to the issue of the Construction Certificate.

The plans for all public infrastructure works shall be prepared by a Civil Engineer in accordance with City of Ryde Environmental Standards – Development Criteria – 1999, Section 4 – Public Works.

Engineering plans approval and work inspection fees will apply in accordance with Council's Schedule of Fees & Charges, and will be payable prior to approval being granted by Council.

The Public Domain Plan shall address the following matters:

- **Land Dedication** - The dedication to Council of a 2m strip of land along the Allengrove Cres frontage of the site.
- **Carriageway Widening** - The widening of the carriageway of Allengrove Cres from the Lane Cove Road intersection to the eastern boundary of the site including the provision of new kerb and gutter and adjustments to utilities and drainage pits/lines.
- **Shared User Paths** - The provision of new shared user concrete path 3m wide from the back of kerb, along Allengrove Cres from Lane Cove Road to the eastern boundary of the site.
- **Shared User Paths** - The provision of new shared user concrete path 3m wide from the back of kerb, along Lane Cove Road to match the existing shared path along the Epping Road off-ramp.
- **Shared User Paths** - The provision of all shared user paths, existing and new, shall be made in accordance with the *Austroads – Guide to Road Design – Part 6a: Pedestrian and Cyclist Paths* and the *NSW Bicycle Guidelines – RMS*. Detail design plans are to be submitted to Council showing path location, associated markings and signage, and approval obtained prior to the issue of the Construction Certificate.
- **Driveways** - The removal of all redundant driveways along Lane Cove Road and Epping Road off-ramp and replacement with kerb and gutter to match existing in accordance with Council requirements.

- **Services** – All telecommunication and utility services are to be placed underground along Lane Cove Rd (between the Epping off-ramp and Allengrove Cres), Allengrove Cres (between Lane Cove Road and the eastern boundary of the site) and the Epping Road off-ramp. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.
 - **Street lighting** - The provision of new street lighting serviced by underground power shall be designed and installed to Australian Standard AS1158.3.1 – 1999 Road Lighting, with vehicular luminance category V3 and pedestrian luminance category P2 for Lane Cove Road and Epping Road off-ramp, and categories V5 and P2 for Allengrove Cres. The undergrounding along Allengrove Cres shall be provided up to the next available pole past the eastern boundary of the site. A suitably qualified Electrical Design Consultant for the lighting design is to be engaged and plans are to be submitted to Council and Ausgrid for approval prior to commencement of work.
45. **Vehicular Footpath Crossings** – Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The location, design and construction shall conform to Council requirements. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform to property alignment levels issued by Council's Public Works Group. Kerbs shall not be returned to the alignment line; bridge and pipe crossings will not be permitted.
 46. **Alignment levels** – The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the Construction Certificate.
 47. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
 48. The development will discharge property drainage from the development site to a new kerb inlet pit to be constructed in Epping Road which is a Classified Road. The applicant must seek approval from RMS for any drainage works associated with Epping and Lane Cove Roads. Details demonstrating RMS approval is to be submitted to the PCA prior to the issue of any Construction Certificate.
 49. **Community Garden.** Prior to the release of a Construction Certificate, Council is to approve a Plan of Management for the Community Garden.

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.

50. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
51. **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.
52. **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.
53. **Tree Protection Measures.** The tree protection measures as outlined in the Arboricultural Impact Assessment by Footprint Green Pty Ltd dated 26.8.10 are to be implemented prior to construction, maintained throughout the construction period and post construction. In this regard:
- (a) Tree 26 (Jacaranda mimosifolia) located on the adjacent property is to be retained and protected during development in accordance with the tree protection measures in the arborists report.
 - (b) The checklist of hold points in the arborist report, as set out below, are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to Ryde City Council on completion of the project.

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

- (c) Additionally, the Landscape Architect is to provide a practical completion certificate (on completion of the landscape works) and a final completion certificate at the end of the maintenance period.

54. **Site Arborist.** A project arborist with AQF Level 5 qualifications shall be appointed prior to ensure compliance with tree protection measures and monitor the trees throughout the development process. 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 Arboricultural Assessment and Development Impact Report 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.

55. **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*.
56. **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.

57. **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.
58. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
59. **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 is deemed suitable through validation by a geotechnical engineer.
60. **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.
61. **Construction materials.** All materials associated with construction must be retained within the site.
62. **Traffic management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
63. **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.
64. **Erosion and sediment control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan and documentation by Worley Parsons Engineering Consultants (Refer to Project No. 301015-03185-EN-REP-0001-Rev B and Plans CI-DSK-0003 dated 4 February 2013) at the commencement of works on the site. Suitable 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. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

65. **Construction Management Plan - Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP) by GTA Consultants (Refer to Project No. 13S1248100 Issue A dated 12 November 2013). 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.
66. **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 Worley Parsons Engineering Consultants (Refer to Project No. 301015-03185-EN-REP-0001-Rev B and Plans CI-DSK-0001 & CI-DSK-0002 dated 4 February 2013) submitted in compliance to the condition labelled "Stormwater Management."
67. **Imported Fill.** All imported fill must be uncontaminated and be validation in accordance with the *Contaminated Sites: Sampling Design Guidelines* (EPA, 1995) before being used on the site.
68. **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.
69. **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.
70. **Asbestos work.** All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
71. **Disposal of asbestos waste.** All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.
72. **CCTV Cameras:** CCTV cameras will be required to be installed in the following locations:
- The ground floor residential lobbies and mailbox areas;
 - 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.

73. **Car parking security.** Vehicular entry to parking area 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.
74. **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.
75. **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.
76. **Lift access and security.** Electronic access controls are to be installed on all lifts. 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.
77. All redundant driveways shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb shall be in accordance with RMS requirements. Details of these requirements shall be obtained from RMS Project Services Manager, Traffic Projects Section, Parramatta on 8849 2496.

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.

78. **Public domain works.** All public domain works, including the dedication of land within Allengrove Crescent and landscaping within Nimbin Reserve, as set out in the approved Public Domain Plan shall be completed to Council's satisfaction prior to the issue of the Occupation Certificate.
79. **Landscaping.** The landscaping works approved in Condition 1 are to be completed prior to the issue of any Occupation Certificate for the apartment building.
80. **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.
81. **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*.
82. **Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

83. **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.

84. **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.

85. **Waste Collection.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
86. **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) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

87. **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.

88. **Positive Covenant, OSD.** 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 onsite detention 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.

89. **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).
90. **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.
91. **Mechanical Ventilation Systems.** Where any mechanical ventilation systems have been installed or altered, 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**.
92. **Car share space.** Evidence shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate demonstrating that formal arrangements are in place for the commencement of a car share service as detailed in the Sustainable Travel Plan report by WSP dated 16 July, 2013.
93. **Disables Access.** Certification is to be provided from a suitably qualified access consultant to verify that the completed building complies 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.
94. **Compensatory plantings.** To offset the loss of 10 trees from Nimbin Reserve compensatory plantings are required. The species of trees to be planted, and their location, shall be to the satisfaction of Council's Open Space Planning and Assets Manager. Alternatively funds can be provided to Council to plant 10 trees. This cost is estimated at \$1,000 per tree (based on Council's Park Tree Planting Program). Evidence of compliance with this condition shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
95. **Public Art.** Public art is to be provided in Blenheim Park. The selection of the public art is to occur following a design competition that is to be run by the applicant and City of Ryde. Prior to the installation, the final design is to be approved by the City of Ryde. The design competition and the installation shall be provided at the applicant's expense and is not to be less than \$200,000. The art installation shall be in place prior to the issue of any Occupation Certificate.

96. 'No Stopping' and 'No Parking' signs are to be installed along the site's entire Epping Road and Lane Cove Road frontages.
97. **Road Dedication.** The dedication of land to Council for public road of 2m wide along the entire public frontage of the site to Allengrove Crescent. The dedication shall occur prior to 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

98. **Waste Collection Services.** Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.
99. **Maintenance of Waste Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
100. **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*.
101. **Operation of Plant or 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 property boundary 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.
102. **Acoustic Report.** A report from a qualified acoustical consultant demonstrating compliance with the above noise criteria must be submitted if requested by Council.
103. **Car share Space.** One (1) car space within the basement shall be always be provided for the exclusive use of a car share scheme by occupants of the apartments within the development.
104. **Yearly rail pass.** The applicant shall provide evidence of arrangements to demonstrate that purchaser of each apartment shall receive a single,

and one-off, yearly rail pass from Macquarie Park to the Sydney CBD. A maximum of (1) rail pass shall be provided per apartment.

105. **Landscape maintenance.** Ongoing maintenance of the landscaping works shall be undertaken in accordance with the approved Landscape Maintenance Plan.

ADVICE

A. Dewatering

Should dewatering of excavation be required, an aquifer interference approval under the Water Management Act 2000 will need to be sought from the NSW Office of Water prior to commencement of construction, and a copy of that approval provided to the Principal Certifying Authority.