

MEMORANDUM

To: Joint Regional Planning Panel

From: Sandra Bailey – Team Leader Major Development

Date: 15 September 2015

Subject: Conditions for Stages 4 and 5 Shepherd's Bay

I refer to the applicant's submission dated 10 September 2015 in respect to the draft conditions of consent. Council and the applicant have subsequently agreed to revised conditions of consent. Attached to this memo is a complete set of draft conditions that have incorporated the agreed changes to the conditions.

Council and the applicant have failed to reach agreement in respect to the following conditions of consent:

Condition 36. The applicant has requested that the Public Infrastructure Works be approved by either Council or an Accredited Certifier. These works require approval under the Roads Act. Accordingly, only Council can issue the approval.

Condition 110h. The applicant has requested that the certificate advising that the works within the public road reserve be issued by either Council or the Accredited Certifier. As these works relate to the road reserve and the Roads Act, only Council can issue the certificate.

Condition 111. The applicant has requested that the performance period commence from the date of issue by Council or an Accredited Certifier that the works have been completed satisfactorily. From the above reason, Council maintains that only Council can issue this certificate.

It is recommended that the JRPP approve the DA subject to the draft conditions attached to this memo.

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ATTACHMENT 1

PROPOSED CONDITIONS OF CONSENT

- 1. Approved Plans** – Development is to be carried out generally in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

Document	Author	No and Revision	Date
Survey	H Ramsay & Co	8073/13	20/11/14
Stage 4 & 5 Cover sheet	Robertson and Marks	DA-45-000/B	01/12/14
Stage 4&5 – Site Plan	Robertson and Marks	DA-45-001/B	05/06/2015
Stage 4&5 – Basement 3	Robertson and Marks	DA-45-100/B	05/06/2015
Stage 4&5 – Basement 2	Robertson and Marks	DA-45-101/C	12/08/2015
Stage 4&5 – Basement 1	Robertson and Marks	DA-45-102/B	05/05/2015
Stage 4&5 – Ground Level	Robertson and Marks	DA-45-103/B	05/06/2015
Stage 4&5 – Level 1	Robertson and Marks	DA-45-104/B	05/06/2015
Stage 4&5 – Level 2	Robertson and Marks	DA-45-105/B	05/06/2015
Stage 4&5 – Level 3	Robertson and Marks	DA-45-106/B	05/06/2015
Stage 4&5 – Level 4	Robertson and Marks	DA-45-107/B	05/06/2015
Stage 4&5 – Level 5	Robertson and Marks	DA-45-108/B	05/06/2015
Stage 4&5 – Level 6	Robertson and Marks	DA-45-109/B	05/06/2015
Stage 4&5 – Level 7	Robertson and Marks	DA-45-110/B	05/06/2015
Stage 4&5 – Level 8	Robertson and Marks	DA-45-111/B	05/06/2015
Stage 4&5 – Level 9	Robertson and Marks	DA-45-112/B	05/06/2015
Stage 4&5 – Roof	Robertson and Marks	DA-45-113/B	05/06/2015
Stage 4&5 – Basement 2 Swept Path	Robertson and Marks	DA-45-114/B	12/08/2015
North Elevations	Robertson and	DA-45-201/B	05/06/2015

	Marks		
South Elevations	Robertson and Marks	DA-45-202/B	05/06/2015
Stage 4 – East Elevations	Robertson and Marks	DA-45/203/B	05/06/2015
Stage 5 – East Elevation	Robertson and Marks	DA-45-204/B	05/06/2015
Stage 4 – West Elevation	Robertson and Marks	DA-45-205/B	05/06/2015
Stage 6 – West Elevation	Robertson and Marks	DA-45-206/B	05/06/2015
Section Stage 4&5	Robertson and Marks	DA-45-301/B	05/06/2015
Stage 5 – Sections 1	Robertson and Marks	DA-45-302/A	19/12/2014
Stage 5 – Sections 2	Robertson and Marks	DA-45-303/A	19/12/2014
Stage 4 – Sections 1	Robertson and Marks	DA-45-304/A	19/12/2014
Stage 4 – Sections 2	Robertson and Marks	DA-45-305/A	19/12/2014
Stage 4&5 External Finishes	Robertson and Marks	DA-45-701/A	11/12/2014
Detailed Public Domain Landscape Plans	Place Design Group	HOL05 4-5 Rev G	4 June 2014
Letter re ESD Targets	Integreco		20 May 2015

2. Amendments.

- a) Notwithstanding the approved plans referenced above, a revised layout of Apartment 5115 on level 1 and Apartments 5215, 5315 and 5415 on levels 2-4 is to be submitted to Council for approval prior to the release of any Construction Certificate.
- b) Notwithstanding the approved plans referenced above, a revised elevation plan detailing the reduced number of vertical blades to the western elevation of Stage 4 as identified on page 5 of written correspondence prepared by City Plan Services and sent to council on 4 June 2015 is to be submitted to Council for approval prior to the release of any Construction Certificate.

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

4. Compliance with BASIX. The development is to be carried out in compliance with BASIX Certificate No. 597490M dated 8 January 2015 subject to any amendments required by these conditions of the consent.

- 5. Changes That Require a New BASIX Certificate.** Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
- 6. Materials, Colours and Finishes Schedule.** The development materials, colours and finishes to be in accordance with the architectural plans and the sample board prepared by Robertson & Marks except as varied by any other condition on this consent.
- 7. Utility requirements.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, 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.
- 8. 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.
- 9. 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.
- 10. Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the site. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 11. Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
- 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. 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 the Road

Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

- 14. Work Zones and Permits.** The applicant is to pay to Council for the assessment of all applications of road use permits, work zone permits, crane permits and/or concrete pump permits, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
- 15. Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
- 16. Sustainable Travel Plan.** The development is to be carried out in compliance with the Sustainable Travel Plan (Reference 200100099 – Revision B – July 2015) prepared by Road Delay Solutions.
- 17. Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
- 18. Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
- 19. 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 or by the applicant with the consent of Council. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment or by the applicant with the consent of Council. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
- 20. Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit – Unless otherwise agreed with Council, the applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

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 relevant 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.

21.DELETED

22.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 any **Construction Certificate**.

23.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 any **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

24.Fees. The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of any **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

25.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 any **Construction Certificate**.

26.Vehicle Access & Parking. All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The eastern driveway access entry to basement level 2 has insufficient inside radius, resulting in vehicles having to cross into the opposing lane of traffic to manoeuvre around the corner. Further to this, a vehicle entering the garage level would have insufficient sight distance to a vehicle standing at the boom

gate, waiting to enter the garage. To address this, a corner splay must be provided, 2.5m by 2.5m on the northeast corner of the adjoining waste/ garbage room.

- b) There are 2 disabled parking spaces located in the visitor parking area which are to be allocated to an adaptable unit. The location of the parking spaces in a visitor area will result in poor amenity for the occupants of the dwelling as visitors will likely elect to park in the spaces. Accordingly the disabled spaces are to be relocated to the residential parking area and the original spaces are to be reverted to visitor parking. This may require the removal of 3 standard residential spaces to accommodate but these 3 spaces may be provided elsewhere in the development.
- c) In order to comply with the visitor parking allocations, a further 7 visitor parking spaces must be provided in the basement garage. This can be achieved by locating additional spaces at the end of banks of visitor parking (2 extra spaces on level B2) and in voids between spaces and columns (2 extra on level B1). This in association with part (b) above, will result in 7 additional visitor spaces.
- d) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890 for the respective vehicle. To demonstrate compliance with this, driveway profiles of vehicle access ramps must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur.

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

27. 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 the relevant Construction Certificate.

Stormwater runoff from the development shall be collected and piped by gravity flow to the new public drainage infrastructure in Nancarrow Avenue, generally in accordance with the plans by HARRIS PAGE AND ASSOCIATES PTY LTD. (REFER TO PROJECT NO. 5731 DWGS SW-00, SW-03, SW-04 & SW-05 REV P1 DATED 13 OCTOBER 2014).

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

28. 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 the relevant 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.

29. Dilapidation Survey – Adjoining private property. A dilapidation survey is to be undertaken (if not already progressed with the development works associated LDA 2014/530) that addresses all properties adjoining the site that may be affected by the construction work adjoining the site. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the first Construction Certificate for the site.

30. Geotechnical Design, Certification and Monitoring Program. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design,

certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

Appropriate design engineer or suitably qualified engineer to provide the relevant certification with the relevant Construction Certificate.

31. Landscape Plans. The Landscape Plans prepared by Place Design Group are to be amended to include the following details, prior to the issue of the relevant Construction Certificate.

a) Proposed trees

All proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services.

b) Podium Planting

Landscape details for planter boxes are to be provided to Council for review prior to the issue of a Construction Certificate. Details are to include dimensions relating to adequate soil volume, irrigation and drainage to ensure their successful establishment and are to include:

- Minimum soil volume of 150 cubic metres.

- Minimum soil depth of 1.3 metres.
 - Minimum soil area of 10 metres x 10 metres.
- c) Canopy tree planting across the site is to be installed at a semi advanced pot size (ie. minimum of 100 Litre pot size) and trees are to be grown according to 'AS2303:2015 Tree Stock for Landscape Use' requirements.
- d) Street trees
- I. Street tree planting along Constitution Road is to be installed at a semi advanced pot size (i.e. minimum 100 Litre pot size) and the planting configuration is to comply with the street scape layout nominated in the plan of section 5.2.2 of the City of Ryde Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - II. Street tree planting along Hamilton Crescent West is to be installed at a semi advanced pot size (i.e. minimum 100 Litre pot size) and the planting configuration is to comply with the streetscape layout nominated in the plan of section 5.2.2 of the City of Ryde Council Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - III. Street tree planting along Nancarrow Avenue is to be installed at a semi advanced pot size (i.e. minimum 100 Litre pot size) and the planting configuration is to comply with the street scape layout nominated in the plan of section 5.2.2 of the City of Ryde Council Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - IV. Street tree planting along Belmore Street is to be installed at a semi advanced pot size (i.e. minimum 100 Litre pot size) and the planting configuration is to comply with the street scape layout nominated in the plan of section 5.2.2 of the City of Ryde Council Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - V. Location of underground services and lightpoles are to be coordinated between the consultant team as part of the Construction Certificate documentation and approved by the Council's Public Domain Department prior to the issue of a Construction Certificate. Trees are to be located a minimum of 4m from light poles and service pits.

d) Water Sensitive Urban Design

The amended landscape plans are to incorporate the recommendations of the WSUD strategy developed for the Shepherds Bay Master plan. Details are to be provided in the amended documents.

e) Communal Open Space

Planting details are to be provided regarding the installation of trees/plants within the internal portion of the site. As the majority of plants will be located on podium (over the basement carparking), landscape details will need to ensure adequate soil volume, irrigation and drainage is provided to ensure their successful establishment.

32. Disabled access: Prior to the issue of the relevant **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with 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).

33. Adaptable Units: A total of 52 adaptable units are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the relevant Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of AS4299.

34. Privacy screens.

- a) Operable privacy screens are to be provided to the ground floor and upper levels (Levels 1 to 9) terraces/balconies as annotated on the approved plans for Stages 4 and 5.
- b) In addition to the above, operable privacy screens are to be provided to all ground floor and upper levels (Level 1 to 9) terraces/balconies that are orientated internally within the site towards communal open space areas for Stages 4 and 5 to the extent necessary to ensure privacy is maintained for future occupants.

Design details of all privacy screens including materials, finishes and elevations are to be provided and approved as part of the Construction Certificate for the residential component of the development.

35. Public domain improvements. The public domain is to be upgraded in Belmore Street, Hamilton Crescent West and Constitution Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM), Section 5 – Meadowbank, and the City of Ryde DCP 2014 Part 4.2 – Shepherd's Bay, Meadowbank, Precinct 2 – Constitution Road Precinct.

A public domain plan is to be submitted to Council for approval by Council, prior to the issue of a Construction Certificate for the residential component of the

development. The drawings shall clearly indicate the extent and details of the public domain works which shall include paving, multifunction light poles, street furniture and plantings.

- a) The footpath on the frontages of the development site along Belmore Street, Hamilton Crescent West and Constitution Road is to be designed and constructed with full width grey granite pavers.
- b) Street trees to be provided in accordance with the Meadowbank Street Tree Master Plan. The Public Domain Technical Manual identifies “*Corymbia maculata*” (Spotted Gum) as the designated tree for the Hamilton Crescent West and Belmore Street frontages of the development and “*Angophora costata*” (Sydney Red Gum) as the designated tree for Constitution Road frontage of the development. The density of planting and the exact positions of the new trees are to be advised by the Urban Planning Team.
- c) All telecommunication and utility services are to be placed underground along the Belmore Street, Hamilton Crescent West and Constitution Road frontages of the site. Plans are to be prepared and certified by a suitably qualified utility designer for the works, and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
- d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V5 and pedestrian luminance category P2 along Belmore Street, Hamilton Crescent West and Constitution Road.

The consultant shall liaise with Council's Public Works Group in obtaining Council's requirements and specifications for the MFP's and components, including the appropriate LED luminaire and location of the meter boxes. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

Note: Council has already approved a design layout for the MFPs in Rothesay Avenue, Hamilton Crescent, Nancarrow Avenue and Constitution Road. This design shall be re-submitted subject to confirmation of the MFPs that have been installed and those that are yet to be installed as part of this stage of the development.

- 36. Public Infrastructure Works.** Engineering drawings 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 a Construction Certificate for the residential component of the development. The works shall be in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable. All specified works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate for Stage 4.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed new kerb and gutter and granite paving into the remaining street scape. The drawings should show clearly the exact boundaries of the public domain **infrastructure** works that are intended to be undertaken within these stages of the development. The following works shall be completed to Council's satisfaction prior to the issue of any Occupation Certificate for Stage 4.

- a) Reconstruction of half width road pavement along the Belmore Street, Hamilton Crescent West and Constitution Road frontages of the site. The plans shall show the extent and full details of the works.
- b) The construction of the extension of Nancarrow Ave (Hamilton Crescent) and the roundabout at the intersection of Nancarrow Ave and Hamilton Crescent West.
- c) The construction of the Left In/Left Out treatment at the intersection of Hamilton Crescent and Belmore Street.
- d) The construction of the intersection of Hamilton Crescent West and Constitution Road.
- e) Re-instatement of the bus stop near the intersection of Hamilton Crescent West and Constitution Road in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002. If the location of the bus stop is required to be changed, it will be necessary to liaise with Council's Assets Systems Unit in electing the most appropriate location of the bus stop.
- f) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the Belmore Street, Hamilton Crescent West and Constitution Road frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- g) 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.

Note: Prior to submission to Council for approval prior to the issue of a Construction Certificate, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards specified in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

Note: Should any of the works not be completed, the applicant may apply for a Section 96(1A) application to amend the timing of the completion of the works and to permit the issuing of an Occupation Certificate.

37. Construction Traffic Management Plan. As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to the issue of the first Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP 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 CTMP 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 Department.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

38. Design Verification in Respect of SEPP 65. Prior to a Construction Certificate for the residential component of the development being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a

written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the over-riding specific requirements of condition 21 of Mod 1 of the Concept Approval. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.

- 39. Acoustical Assessment Report.** The development is to incorporate all the recommendations contained in Section 5 of Acoustic Report prepared by DK Acoustics Pty Ltd dated 15 December 2014. Details of measures to be undertaken as recommended in the Acoustic Report are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate for the residential component of the development.
- 40. Fire Safety Schedule.** A "Fire Safety Schedule" must be provided prior to issue of the relevant Construction Certificate; specifying the fire safety measures to be implemented in the buildings. The fire safety schedule be in accordance with Clause 168 - Environmental Planning & Assessment Regulation 2000.
- 41. 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 a 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.
- 42. Reflectivity of materials.** 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 Accredited Cerifier prior to the issue of a Construction Certificate for the residential component of the development.
- 43. Details of BASIX Commitments.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
- 44. Public Art Plan.** A Final Public Art Plan consistent with the requirements of condition 19 of MOD 1 of the Concept Approval is to be submitted for the Council's approval prior to the issue of a Construction Certificate for the residential component of the development. The final public art plan is to document that the public art has been developed accordingly and that the public art commitments are being fulfilled as required by the Concept Approval.

45. Location of Service Infrastructure / Utilities. All service infrastructure/utilities including fire hydrants, gas meters and the like shall be located within the building envelope. No service ducts or pipes are to be visible from the street. 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 included prior to issue of the relevant Construction Certificate.

46. Footpaths. Footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the relevant Construction Certificate.

47. Mechanical, ventilation details. Details of all proposed mechanical ventilation systems, must be submitted for approval with the application for the relevant Construction Certificate. Such details must include:

- a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
- b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

48. Lighting. Lighting shall be provided to all common areas including underawning lighting, the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents. Lighting, both internal and external, will be provided in accordance with Australian Standards. Details are to be provided for Council approval prior to the issue of the relevant Construction Certificate.

49. Signage. Signage must be provided at:

- entry/exit points, buildings entrance and throughout the development to assist users and warn intruders that they will be prosecuted.
- Warning: these premises are under constant surveillance. Warning: trespassers will be prosecuted.
- Signage needs to identify the private and semi public area within the complex and any applicable restrictions.

- Signage needs to be provided within the residential car park and the retail car park where spaces are allocated for residential visitors, to provide way finding to users of these areas.
- Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposed only.

Details are to be provided for Council approval prior to the issue of the relevant Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any 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. 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.

51. 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 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.

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 works - provision of Arborist details. Prior to works commencing on the site, Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. The Arborist is to be a Level 5 Arborist. Should these details change during the course of works, or the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days.

54. Property above/below Footpath Level. Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

55. Substations. The applicant shall contact the relevant Energy supplier to ensure that the proposed buildings are constructed further than the minimum required distance from the electrical substations. This is to ensure the safety of all occupants of the building.

56. 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 Group, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must 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. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.

57. Dilapidation Report – Public land and property. To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure 50m either side of the site boundary is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable:

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

The report is to be submitted to Council Traffic Engineer, prior to works commencing with another similar report submitted at completion and prior to the

issue of any Occupation Certificate. The reports shall be used by Council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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

DURING CONSTRUCTION

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

- 58. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
- 59. Inspections for the Council Stormwater Drainage Works.** Construction inspections shall be required by Council's Senior Asset Engineer, Stormwater for the Council stormwater drainage works at the following hold points:
- Upon installation of bedding material
 - Upon installation of any pipe, culvert and other drainage structures.
- 60. 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.
- 61. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 62. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- a. Fill is allowed under this consent;
 - b. The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - c. the material is reused only to the extent that fill is allowed by the consent.
- 63. Construction materials.** All materials associated with construction must be retained within the site.
- 64. Site Facilities.** The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and

- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

65. Site maintenance. The applicant must ensure that:

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

66. Aboriginal Heritage. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately. The Excavation Director must inform the Office of Environment and Heritage in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

67. Archaeology. If any archaeological relics are uncovered during the course of the construction, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, along with a proposal for the treatment of the remains, shall be submitted to the Heritage Branch. Depending on the results of the assessment, an excavation permit may be required under the *Heritage Act 1977* before construction can continue in that area.

68. Tree protection - no unauthorised removal. This consent does not authorise the removal of trees other than those specifically authorised by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction. The following trees are to be retained and protected during construction in accordance with the Redgum Horticultural Report dated September 2010.

Site Trees

Tree 132 - *Melaleuca styphelloides* (Prickly Paperbark).

Tree 133 - *Melaleuca styphelloides* (Prickly Paperbark).

69. Tree works - Arborist supervision. During pre construction, construction and post construction, the site is to be inspected by the Site Arborist at the various hold points indicated in the following table. 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 the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly with (with spray paint on	Principal Contractor	Project Arborist	Prior to demolition and site establishment

	trunks) trees approved for removal only.			
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	B-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

70. Traffic Management. Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

71. 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.

72. 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.

73. Geotechnical Monitoring Program – Implementation. The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at

least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

74. Construction Traffic Management Plan – Implementation. All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

75. 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 HARRIS PAGE AND ASSOCIATES PTY LTD. (REFER TO PROJECT NO. 5731 DWGS SW-00, SW-03, SW-04 & SW-05 REV P1 DATED 13 OCTOBER 2014) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.

76. Stormwater Management – Connection to Public Drainage System. The connection to the public inground stormwater drainage infrastructure located in the Nancarrow Avenue roadworks will require inspection and approval by Council’s Public Works section to ensure the integrity of this asset is maintained.

77. Discovery of Additional Information. Council and the Principal Certifying Authority (if Council is not the PGA) 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.

78. Construction of garbage rooms. All garbage 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 cock must be provided in or adjacent to the room to facilitate cleaning.

79. Garbage Chutes. Any garbage chutes constructed within the residential flat building shall comply with Council's Development Control Plan 2014, Part 7.2 "Waste Minimisation and Management"

80. Removal of underground storage tanks (UST). Where found on site, the removal of the underground storage tanks must be carried out in accordance with:

- i. Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
- ii. the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*.

Note: Where a UST is decommissioned, a report for the storage site must be submitted to Council within sixty (60) days after the system has been decommissioned **or** within sixty (60) days after the remediation of the site where the UST was located, has been completed. The report shall be prepared by a suitably qualified and experienced person and comply with all relevant EPA Guidelines. Furthermore, the report shall describe the processes used to decommission the storage system and assess contamination at the storage site.

81. Storage and removal of wastes. All demolition and construction wastes must be stored in an environmentally acceptable manner which complies with the Protection of Environment Operations Act, 1997. Demolition and construction wastes shall be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

82. Control of Dust and Odour. In accordance with the recommendations of the report prepared by Environmental Investigations Australia "Stages 4 & 5 of the Shepherds Bay Urban Renewal Project, Meadowbank NSW" Report No. E2008 AE, dated 7 April 2014, dust and odour shall be controlled during the remediation and excavation of the site including but not limited to:

- i. The use of a water cart, where appropriate, to eliminate wind-blown dust
- ii. The use of sprays or sprinklers on stockpiles or loads to lightly condition the material
- iii. Use of tarpaulin or tack-coat emulsion or sprays to prevent dust blow from stockpiles or from vehicle loads
- iv. Covering stockpiles or loads with polythene or geotextile membranes
- v. Restrict stockpile heights to two (2) metres
- vi. Cease work during inclement weather such as high wind or heavy rain

vii. Regular checking and monitoring of fugitive dust and odour to ensure compliance with the Environmental Management Plan requirements and undertake immediate remedial measures to rectify any issues.

83. Contaminated soil. All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

84. Transportation of wastes. All wastes must be transported in an environmentally safe manner which complies with the Protection of Environment Operations Act, 1997 and Protection of Environment Operations (Waste) Regulation 2014 to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

85. Disposal of asbestos wastes. All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.

86. Surplus excavated material. All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.

87. Site Remediation. The strategy and validation for the site shall be conducted in accordance with the report prepared by Environmental investigations Australia — Remedial Action Plan prepared by Environmental Investigations Australia "Stages 4 & 5 of the Shepherds Bay Urban Renewal Project, Meadowbank NSW" Report No. E2008 AE, dated 7 April 2014".

Note: Where the report refers to repealed legislation, the current legislation which shall be used.

88. Imported fill. All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

89. Removal of Sediment from Vehicles. Any vehicle wash bay installed on site to prevent material being tracked off site and onto the road in accordance with the Remedial Action Plan, shall be installed on the site a location prior to the egress point of the site and be capable of servicing all vehicles utilising the site. The disposal of all wash/waste water shall comply with the requirements of the Protection of Environment Operations Act 1997 and shall not cause or permit pollution of storm water or water way.

90. Construction of Carwash bays. The proposed car wash bays shall meet the following requirements:

- a) Covered by a roof to prevent the entry of rainwater.

- b) The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay. The sump shall be drained to the sewerage system in accordance with the requirements of Sydney Water Corporation.
- c) The sides of the carwash bay must be enclosed if necessary to prevent splash contamination of the surrounding area.
- d) Where applicable, all uncontaminated storm water from the roof and external paved areas of the site must be directed away from the carwash bay and discharged to Council's storm water drainage system.

91.Plumbing and drainage work. All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

92. Mechanical Ventilation. The carpark for the residential flat buildings proposed shall be naturally or mechanically ventilation in accordance with AS 1668.

93.Fresh air intake vents. All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

94.Exhaust air discharge vents. All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

95.Carpark exhaust vent. The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:

- a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
- b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

96.Hold Points during construction. Inspections are required and shall be undertaken by a suitably qualified Engineer, at the following hold points: -

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
- e) Upon installation of any formwork and reinforcement for footpath concrete works.

- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Applicant shall submit certification from the Engineer, at each stage of the inspections listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

97. 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".

98. Graffiti. All surfaces on the street frontages that are not glass must see use graffiti resistant paints and/or other surfaces that discourage graffiti.

99. CCTV Cameras:

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the perimeter of the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.
- b) As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
- c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

100. Access control: The following measures shall be addressed in the fit out of the building:

a) All areas should be fitted with doors that comply with Australian Design Standards.

b) The locks fitted to the doors should be of a high quality and meet the Australian design standards.

c) Any glass within these doors should be laminated to enhance the physical security of the doors.

d) Access control should be set in place to exclude unauthorized access to restricted areas.

e) Access should be restricted to residents only to the lifts and stairs leading to the apartments.

f) Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

g) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.

h) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.

i) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit

j) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

k) Letterboxes shall have good quality locks on them. Mail theft is an emerging crime in the Sydney Metropolitan area and as such is important that steps be taken

to ensure that letterboxes are as secure as possible. CCTV shall be installed around the area where letterboxes are installed.

- l) The basement car park is to be provided with a security gate or security roller shutter that can be closed to prevent people entering the car park.

PRIOR TO ANY 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 relevant 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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,220,538.03
Open Space & Recreation Facilities	\$3,004,720.42
Civic & Urban Improvements	\$1,021,961.59
Roads & Traffic Management Facilities	\$139,401.03
Cycleways	\$87,078.45
Stormwater Management Facilities	\$276,774.50
Plan Administration	\$23,474.59
The total contribution is	\$5,773,948.61

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>.

102. Landscaping. All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

103. Public Art. Prior to the issue of any Occupation Certificate, the public art as detailed in the final Public Art Plan provided pursuant to condition 44 is to be completed and erected on the site.

Note: Should the public art not be completed, the applicant may apply for a Section 96(1A) application to amend the timing of the completion of the public art and to permit the issuing of an Occupation Certificate.

104. CCTV report. The Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assess the condition of the newly constructed drainage network. Any defects in the drainage network identified in the report shall be rectified to Council's satisfaction. This is to be provided to Council prior to the issue of any Occupation Certificate.

105. Work As Executed Drawings. The Work As Executed Drawings for the Council stormwater drainage works shall be submitted to and approved by the Council prior to release of the bond money. The Work As Executed Drawings shall be accompanied by a certificate from a qualified engineer.

106. Intercom Facility. The entry to the car park is to include a boom gate or roller shutter door system. Intercom facilities are to be incorporated into these entry/exit points connected to the residential apartments. All facilities are to be constructed and installed prior to the issue of any Occupation Certificate.

107. Access control to residential lifts. Access is to be restricted to residents only to the lifts and stairs leading to the apartments. Access control measures are to be installed prior to the issue of any Occupation Certificate.

108. Stormwater Management - Work-as-Executed Plan. A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be

submitted and approved by the Council prior to the issue of any 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.

109. Stormwater Management – Positive Covenant(s). A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, WSUD components and 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(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - 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 for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.

110. Engineering Compliance Certificates. To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, certification from a suitably qualified person 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 Council's DCP 2014 Part 9.3 (Parking Controls).
- b. Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c. Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- 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), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- 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 Council's DCP 2014 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. A certificate shall be obtained from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

Note: Should any of the works not be completed, the applicant may apply for a Section 96(1A) application to amend the timing of the completion of the works and to permit the issuing of an Occupation Certificate.

111. Public Domain Works – Maintenance Bond. To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council of a certificate confirming that the relevant works have been satisfactorily completed. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$60,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

112. Public domain – work as executed plan. A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of any Occupation Certificate. All public domain works are to be completed to Council's satisfaction prior to the issue of any Occupation Certificate.

Note: Should the public domain works not be completed, the applicant may apply for a Section 96(1A) application to amend the timing of the completion of the public domain works and to permit the issuing of an Occupation Certificate.

113. Signage and Linemarking – External. A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a

suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

- 114. Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of any Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

Note: Should the signage and linemarking not be completed, the applicant may apply for a Section 96(1A) application to amend the timing of the completion of the signage and linemarking and to permit the issuing of an Occupation Certificate.

- 115. Dedication of Land.** Land comprising the two way road link to be constructed between Belmore and Bowden Streets, being the connection of Nancarrow Avenue to Hamilton Crescent is to be dedicated to Council in accordance with the Statement of Commitments in the Concept Approval MP09_0216, dated 6th March 2013. This requires the dedication by the Proponent of an area of land approximately 325sqm, prior to the issue of the Occupation Certificate for Stage 4 of the development.

- 116. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX certificate No. 597490M dated 8 January 2015. NOTE: Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.

- 117. Design Verification.** Prior to any Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

- 118. Fire safety matters.** At the completion of all works and prior to the issue of any Occupation Certificate, 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.

- 119. 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.

- 120. Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any Occupation Certificate.

- 121. Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

- 122. Acoustic measures.** Prior to the issue of any Occupation Certificate a report from an appropriately qualified acoustic consultant demonstrating compliance with acoustic measures required for the development have been constructed/installed.

- 123. Waste Service Collection – Indemnity.** Prior to the issue of an Occupation Certificate and 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 contractors in writing against claims for damage to the driveways and manoeuvring areas except in the case of negligence or wilful damage.

- 124. Public Access.** All public open spaces and through site links are to be publicly accessible at all times (subject to reasonable restrictions for safety and security) and maintained in private ownership by the future body corporate. Prior to the issue of any Occupation Certificate, a right of way permitting access at all times to all members of the public is to be created over the public open space and through site links. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council and the PCA prior to the issue of any Occupation Certificate.

This right of way will not come into operation until Occupation Certificates have been issued for both Stages 4 and 5 buildings.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

125. Parking Allocation. Both the owner and occupier of the development must provide and maintain the parking allocation as follows subject to the provisions of condition 26;

- A maximum of 536 residential spaces. (Note: Single rows of tandem parking are to be allocated each to a single unit only.)
- 103 visitor spaces
- 8 carshare spaces

126. Landscape maintenance plan. Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.

127. Hazardous wastes. All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.

128. Disposal of liquid wastes. All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

129. Waste Management Plan. The waste management Plan prepared for Holdmark Properties Pty Ltd by Elephants Foot Recycling Solutions "Residential Development Shepherd's Bay Stage 4 and 5 Nancarrow Avenue, Meadowbank 2114" shall be adopted for the proposed development, including all recommendations within the subject report.

130. Maintenance of waste storage areas. All waste storage areas must be maintained in a clean and tidy condition at all times.

131. Air pollution. The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.

132. Standards of air impurities not to be exceeded. Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

- 133. Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
- 134. Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics — Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.
- 135. Compliance with noise management plan.** The occupier must ensure that all the Construction requirements and recommendations of the acoustic report "External Noise Assessment and Environmental Noise Impact Assessment Proposed Residential Development Stages and 5 — Shepherd's Bay 41-45 Belmore Street, Meadowbank dated 15 December 2014 prepared by DK Acoustics Pty Ltd are complied with.
- 136. Council may require acoustical consultant's report.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
- 137. Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system. The premises shall comply with the Protection of Environment Operations Act, 1997 and there shall be no pollution of the waterways from the excavation/construction activities and subject development.
- 138. Duty to notify.** Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
- 139. Water Features.** The water features proposed in this development shall comply with the requirements of the Swimming Pools Act 1992, the Public Health Act 2010 and Public Health Regulation 2012.
- 140. Water circulation, filtration and dosing system.** All public swimming pools and spa pools must be equipped with an effective water circulation system, water filtration system and automatic disinfectant dosing system. For further guidance see the *Public Swimming Pool and Spa Pool Advisory Document* (Health Protection NSW, 2013).

- 141. Bulk Storage Collection.** All material in the bulk items/hard waste storage rooms are to be taken to the bin collection area by the owners or contractors appointed by the Body Corporate.
- 142. Car share spaces.** The 8 car share spaces at all times are to be retained as common property by the Owners Corporation of the site. These spaces are to be publicly accessible at all times (subject to reasonable restrictions for security and safety as required by the relevant car share organisation). This condition amends the approved Travel Plan in respect to the accessibility of car share spaces.
- 143. Council Fees and Charges.** Notwithstanding any other condition of the consent, the applicant's total maximum liability for payment of the time of Council Officers (or their consultants, advisers and the like) to assess all submissions due pursuant to these conditions of the consent is capped at a maximum of \$20,000.