

CONDITIONS OF CONSENT STAGES 8 AND 9

Part A – Deferred Commencement Conditions

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

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

1. **Stormwater Management –Trunk Drainage System Approval.** To ensure that stormwater runoff from the upstream catchment is conveyed safely through the site, as per the objectives of the PAC approval (MP09_216 and MOD1), the development must accommodate a defined overland flowpath through the development lot, generally as depicted on the plans prepared by BG&E Engineering Consultants (Refer to Project No. SK-C Dwgs 0300 to 0321 Rev B. dated 24 August 2015).

Accordingly detailed engineering, landscaping plans and documentation specifying the works must be submitted to Council for approval prior to the activation of the development consent. The documentation is to address the following requirements;

a) Landscaping Plans

The designated overland flowpath through the development must be landscaped to align with the PAC approved “Statement of Commitments” which intended to create a natural landscape with meandering ‘riparian’ gardens and water features. The plan must;

- Account for fluctuations in conveyed stormwater runoff anticipated to occur during large storm events.
- Incorporate a dry creek bed environment sufficient to reducing the velocity of overland flow.
- Bounded by swathes of natural grass and shrubs or vegetation capable of withstanding occasional inundation.
- Discourage pedestrian access to the creek-bed area.
- Landscaping features, structures or pathways constructed in the zone of influence of the drainage line or suspended over the flowpath are to be designed in a manner to either easily be removed or reinstated should access to this infrastructure be required in the future.
- All private WSUD components which are serving the development are to be located clear of the defined overland flowpath and inground drainage infrastructure.
- Be consistent with any other deferred commencement condition or development consent condition.

b) Civil Drainage Plans

Detailed Civil Plans are to be submitted complying with the requirements of Council's Public Works, relayed in the correspondence from BG&E Consulting Engineers dated 24 August 2015 (Section 2) and revised, consistent with the landscape plan produced in response to part (a) above. The plan must;

- The capacity of the existing DN1350mm stormwater pipeline is to be retained through both development sites.
- A defined overland flow path is to be located in an appropriate position over the existing drainage line to be retained such that the new flowpath may accommodate potential surcharge from junction pits in the existing drainage line.
- An indicative staging of the works with details as to how the works are to be undertaken, with respect to the potential staging of construction of the development's Stage 6 & 7 and 8 & 9a/ 9b.
- Demonstrate that there is no increase in discharge to Shepherds Bay through the underground pipeline component of the system
- The dimensions, shape, materials and treatment of the surface flow path through the reserve conveys the 100 year flows (with freeboard) in excess of those in the pipeline without being damaged by the flows.
- The inlet structures in Ann Thorn Park and the box culvert through the Constitution Road embankment controls the design flows to limit hydraulic loadings to match the civil infrastructure works for modifying the road embankment and to keep the 100 year ARI flood levels below floor levels of the properties adjacent to the Park.
- The culvert or bridging structure on Nancarrow Ave over the surface flow channel conveys or is clear of the 100 yr ARI event with freeboard to the road shoulder.
- The surface flow channel contains any flows to prevent stormwater entering any entry or egress points of the adjacent buildings for the 100 year ARI event.
- The surface flow conveyance path (major component of the system) is to be incorporated into the landscaping of the reserve through stages 6 to 9. The underground (minor) component of the system is to be constructed as replacement of the existing pipeline along the revised alignment of the reserve as shown in drawing SK-C-0300 Rev.B. The pipeline is to connect to the existing pipe network in Ann Thorn Park, and to the structure at the southern boundary with 146 Bowden Street adjacent to and which discharges to Shepherd's Bay. The design of the pipeline and channel is to be prepared by a suitably qualified civil engineer.

All plans must be prepared by appropriately qualified personnel in accordance with this condition and Council's technical requirements and shall be submitted to Council's City Works and Infrastructure Directorate for approval. At a minimum, the plans must show works in plan view, longitudinal sections and details at a scale relevant for the level of detail and are to include all existing services/ infrastructure to be retained in the area of works.

This deferred commencement condition will be satisfied once Council has in writing approved the plans and documentation.

2. **Public Drainage Easement.** If required by the scope of the works under the condition “*Stormwater Management – Trunk Drainage System Approval*”, a new public drainage easement is to be registered on the title of No. 146 Bowden Street (Lot 101 of DP 1037638) so as to permit the conveyance of stormwater runoff in the defined overland flow path and inground drainage infrastructure traversing the property. The area and alignment of the easement is to be in accordance with the relevant DCP (Part 8.2 Stormwater Management & 8.4 Title Encumbrances S2.1). In the case of the defined channel, the breadth of the easement must coincide with the zone of influence of the foundation of the works. The terms of the easement shall be in accordance with Council’s standard terms and to the satisfaction of Council. Proof of the registered easement must be submitted to Council prior to the activation of this development consent.
3. **Agreement.** To ensure the delivery of the infrastructure works in accordance with the Concept Plan and pursuant to Section 80(A)(6) of the Environmental Planning and Assessment Act, 1979, the applicant is to execute and submit an agreement to Council’s satisfaction in regard to the trunk drainage works. This agreement is to address issues to the satisfaction of Council including but not limited to timing as to the delivery of the infrastructure works, security and assignment clauses as to the transfer of land.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council. The applicant will be given 24 months to satisfy the deferred commencement conditions.

Part B – Conditions of Consent

Once operative the consent is subject to the following conditions:

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
Cover Page	Turner	DA-000_001 Rev N	3/7/15
Site Plan Basement Level B5	Turner	DA-110_003 Rev M	16/1/15
Site Plan Basement Level B4	Turner	DA-110_004 Rev M	16/1/15
Site Plan – Basement Level B3	Turner	DA-110_005 Rev N	3/7/15

Site plan – Basement Level B2	Turner	DA-110_006 Rev N	3/7/15
Site Plan – Basement Level B1	Turner	DA-110_007 Rev N	3/7/15
Site Plan – Level 01	Turner	DA-110-010 Rev N	3/7/15
Site Plan – Level 02	Turner	DA-110_020 Rev M	16/1/15
Site Plan – Level 03	Turner	DA-110_030 Rev M	16/1/15
Site Plan – Level 04	Turner	DA-110_040 Rev M	16/1/15
Site Plan – Level 05	Turner	DA-110_050 Rev M	16/1/15
Site Plan – Level 06	Turner	DA-110_060 Rev M	16/1/15
Site Plan – Level 07	Turner	DA-110_070 Rev M	16/1/15
Site Plan – Level 08	Turner	DA-110_080 Rev M	16/1/15
Site Plan – Level 09	Turner	DA-110_090 Rev M	16/1/15
Site Plan – Level 10	Turner	DA-110_100 Rev M	16/1/15
Site Plan – Level 11	Turner	DA-110_110 Rev M	16/1/15
Site Plan – Level 12 Roof Plan	Turner	DA-110_120 Rev M	16/1/15
GA Plan (Building 8) – Basement Level B5	Turner	DA-111_003 Rev H	16/1/15
GA Plan (Building 8) – Basement Level B4	Turner	DA-111_004 Rev M	16/1/15
GA Plan (Building 8) – Basement Level B3	Turner	DA-111_005 Rev M	16/1/15
GA Plan (Building 8) – Basement Level B2	Turner	DA-111_006 Rev M	16/1/15
GA Plan (Building 8) – Basement Level B1	Turner	DA-111_007 Rev N	3/7/15
GA Plan (Building 8) – Level 01	Turner	DA-111_010 Rev M	16/1/15
GA Plan (Building 8) – Level 02	Turner	DA-111_020 Rev M	16/1/15
GA Plan (Building 8) – Typical	Turner	DA-111_030 Rev M	16/1/15

Levels 03-05			
GA Plan (Building 8) – Level 04	Turner	DA-111_040 Rev M	16/1/15
GA Plan (Building 8) – Level 05	Turner	DA-111_050 Rev M	16/1/15
GA Plan (Building 8) – Typical Levels 06-08	Turner	DA-111_060 Rev M	16/1/15
GA Plan (Building 8) – Level 07	Turner	DA-111_070 Rev M	16/1/15
GA Plan (Building 8) – Level 08	Turner	DA-111_080 Rev M	16/1/15
GA Plan (Building 8) – Level 09	Turner	DA-111_090 Rev M	16/1/15
GA Plan (Building 8) – Level 10	Turner	DA-111_100 Rev M	16/1/15
GA Plan (Building 8) – Level 11	Turner	DA-111_110 Rev M	16/1/15
GA Plan (Building 8) – Level 12 Roof Plan	Turner	DA-111_120 Rev M	16/1/15
GA Plan (Building 9A) – Basement Level B3 – Sheet 1	Turner	DA-112_003 Rev N	3/7/15
GA Plan (Building 9A) – Basement Level B3 – Sheet 2	Turner	DA-112_004 Rev N	3/7/15
GA Plan (Building 9A) – Basement Level B2 – Sheet 1	Turner	DA-112_005 Rev N	3/7/15
GA Plan (Building 9A) – Basement Level B2 – Sheet 2	Turner	DA-112_006 Rev N	3/7/15
GA Plan (Building 9A) – Basement Level B1	Turner	DA-112_007 Rev M	16/1/15
GA Plan (Building 9A) – Level 01	Turner	DA-112_010 Rev N	3/7/15
GA Plan (Building 9A) – Level	Turner	DA-112_020 Rev M	16/1/15

02			
GA Plan (Building 9A) – Typical Levels 03-05	Turner	DA-112_030 Rev M	16/1/15
GA Plan (Building 9A) – Level 06	Turner	DA-112_060 Rev M	16/1/15
GA Plan (Building 9A) – Level 07	Turner	DA-112_070 Rev M	16/1/15
GA Plan (Building 9A) – Typical Levels 08-09	Turner	DA-112_080 Rev M	16/1/15
GA Plan (Building 9A) – Level 10	Turner	DA-112_100 Rev M	16/1/15
GA Plan (Building 9A) – Level 11	Turner	DA-112_110 Rev M	16/1/15
GA Plan (Building 9A) – Level 12 Roof Plan	Turner	DA-112_120 Rev M	16/1/15
GA Plan (Building 9A) – Basement Level B1	Turner	DA-112_007 Rev N	3/7/15
GA Plan (Building 9A) – Level 01	Turner	DA-112_010 Rev N	3/7/15
GA Plan (Building 9B) – Level 01	Turner	DA-113_010 Rev N	3/7/15
GA Plan (Building 9B) – Level 02	Turner	DA-113_020 Rev M	16/1/15
GA Plan (Building 9B) – Typical Levels 03-05	Turner	DA-113_030 Rev M	16/1/15
GA Plan (Building 9B) – Level 06	Turner	DA-113_060 Rev M	16/1/15
GA Plan (Building 9B) – Level 07	Turner	DA-113_070 Rev M	16/1/15
GA Plan (Building 9B) – Level 08 Roof Plan	Turner	DA-113_080Rev M	16/1/15
DA Plan (Building 9_	Turner	DA-114_010 Rev M	16/1/15

Commercial) – Level 01			
GA Plan (Building 9 – Commercial) – Roof Level	Turner	DA-114_020 Rev M	16/1/15
Building 8 North Elevation – Nancarrow Avenue	Turner	DA-250-001 Rev N	3/7/15
Building 8 – East Elevation	Turner	DA-250-002 Rev M	16/1/15
Building 8 – South Elevation	Turner	DA-250-003 Rev M	16/1/15
Building 8 – West Elevation	Turner	DA-250-004 Rev M	16/1/15
Building 9a North Elevation – Nancarrow Avenue	Turner	DA-250-005 Rev M	16/1/15
Building 9A East Elevation	Turner	DA-250-006 Rev M	16/1/15
Building 9A – South Elevation	Turner	DA-250-007 Rev M	16/1/15
Building 9A West Elevation – Bowden Street	Turner	DA-250-008 Rev M	16/1/15
Building 9B – North Elevation	Turner	DA-250-009 Rev M	16/1/15
Building 9B – East Elevation	Turner	DA-250-010 Rev M	16/1/15
Building 9B – South Elevation	Turner	DA-250-011 Rev M	16/1/15
Building 9B West Elevation – Bowden Street	Turner	DA-250-012 Rev M	16/1/15
Section AA	Turner	DA-350-001 Rev M	16/1/15
Section BB	Turner	DA-350-002 Rev M	16/1/15
Section CC	Turner	DA-350-003 Rev M	16/1/15
Typical Façade Details	Turner	DA-720-001 Rev A	3/7/25

2. **Amendments.** Notwithstanding the approved plans referenced above, a revised layout of external access to ground floor apartments fronting Bowden Street and Nancarrow Avenue are to be submitted to Council for approval prior to the release of any relevant Construction Certificate.
3. **Privacy screens.** Privacy screens are to be provided to all ground floor and uppers levels terraces/ balconies 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.

4. **Separate Development Consent.** The use of the single storey commercial building shall be the subject of a separate Development Application.
5. **Access.**
 - a. Access is to be restricted residents only to the open space area south of Building 9B. Access control measures are to be installed prior to the issue of any Occupation Certificate.
 - b. Access to the lobby of Building 8 from the public open to the west is to secure and restricted to residents only. Access control measures are to be installed prior to the issue of any Occupation Certificate.
6. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
7. **Compliance with BASIX.** The development is to be carried out in compliance with BASIX Certificate No. 600715M dated 17 January 2015 subject to any amendments required by these conditions of the consent.
8. **Changes That Require a New BASIX Certificate.** Any material 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.
9. **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.
10. **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.
11. **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.

12. **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.
13. **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.
14. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **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.
16. **Sustainable Travel Plan.** The development is to be carried out in compliance with the Sustainable Travel Plan (Reference 20100099 – Revision B – July 2015) prepared by Road Delay Solutions and as amended pursuant to condition 142 of LDA2015/0019.
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 Civil 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 or by the applicant with the consent of Council.

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 relevant 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 Councils 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.

21. **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.
22. **General terms of approval.** The applicant is to comply with all of the conditions in the General Terms of Approval issued by the Department of Primary Industries Office of Water reference number 10 ERM2015/0149. (A copy has been attached to these conditions).
23. **Viva Energy.** The applicant must liaise with Viva Energy Australia to ensure that no aspect of the development adversely impacts the existing Viva Energy pipeline. In this regard, the applicant shall participate and comply with the recommendations of a Safety Management Study to determine the impact of the development on the Viva Energy Australia pipeline.
24. **Detailed site investigation report** – Prior to any excavations occurring on the site and prior to the issue of any Construction Certificate, the proponent must submit a detailed site investigation report for Council's consideration and written approval. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.
25. **Council may require site audit of detailed investigation report** - If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the detailed site investigation report.
26. **Acid sulfate soil management plan** – Prior to any excavations occurring on the site and prior to the issue of any Construction Certificate, an acid sulfate soil management plan must be submitted to and approved by Council. The management plan must be prepared in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998) by a suitably qualified person and detail all mitigation measures proposed. The acid sulfate soils management plan shall include:

- a) recommendations regarding the depth and quantity of the acid sulfate soils on the site
- b) a plan showing the location of the acid sulfate soils on the site
- c) further information regarding the proposed removal (if applicable) or ongoing management of these soils

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.

27. **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**.
28. **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).
29. **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
30. **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**.

31. **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).
32. **Adaptable Units:** A total of 42 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.
33. **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 overriding 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.
34. **Acoustical Assessment Report.** The development is to incorporate all the recommendations contained in the Acoustic Report prepared by Acouras Consultancy dated 17/12/2014 "*Holdmark Shepherds Bay Stages 6, 7, 8 and 9 Acoustic DA Assessment.*" 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.
35. **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.
36. **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.

37. **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 Certifier prior to the issue of a Construction Certificate for the residential component of the development.
38. **Details of BASIX Commitments.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
39. **Public Art Plan.** A Final Public Art Plan consistent with the requirements of condition 20 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.
40. **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.
41. **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.
42. **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.

43. **Public domain improvements** (civil works within the road reserve) - The public domain is to be upgraded in Constitution Road and Nancarrow Ave 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. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings.

A public domain plan is to be submitted to Council for approval by Council, prior to the issue of the Construction Certificate for the following works:

- a) Full width grey granite footpath paving along the Bowden Street and Nancarrow Avenue of the frontages of the development site.
- b) Street tree planting in accordance with the Meadowbank Street Tree Master Plan. The Public Domain Technical Manual identifies “*Fraxinus griffithii*” (Evergreen Ash) and “*Fraxinus oxycarpa*” *Raywoodii* (Claret Ash) as the designated trees for the Bowden Street frontage of the development site, and “*Magnolia grandiflora*” (Little gem) as the designated tree for Nancarrow Avenue frontage of the development.
- c) All telecommunication and utility services are to be placed underground along the Bowden Street and Nancarrow Ave frontages of the site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; 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 AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P2 along both Bowden Street and Nancarrow Ave frontages of the development site.

The consultant shall liaise with Council’s City Works and Infrastructure Directorate in obtaining Council’s requirements and specifications for the MFPs 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.

44. **Public Infrastructure Works** –Engineering drawings prepared by a suitably qualified Civil Engineer (registered on the NER) are to be submitted to for approval prior to the issue of any 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.

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 shall show clearly the exact limits of the public domain works that are intended to be undertaken within these stages of the development, including but not limited to the following:

- a) The half road reconstruction of Bowden Street and Nancarrow Avenue. Note: Plans showing the half road reconstruction will need to include the full width design to integrate with the existing road and other stages.
- b) The construction of driveway accesses in accordance with the City of Ryde DCP 2014 Part 8.3 Driveways and all relevant Australian Codes and Standards.
- c) The removal of all redundant vehicular crossings and the replacement with new kerb and gutter.
- d) The construction of new kerb and gutter along the Bowden Street and Nancarrow Ave frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- e) The extent and details of the footpath pavement construction along the Bowden Street and Nancarrow Ave frontages of the site.
- f) The construction of a concrete shared user path in Nancarrow Lane, of minimum width 2.5m, including the provision of signage and bollards.
- 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, 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".

- 45. **Construction near Pipeline in Drainage Easement.** The footings for buildings and other structures adjacent to the drainage infrastructure to be maintained through the development lot must be extended below the zone of influence of the infrastructure. The installation of displacement piles (eg vibration or hammer) are not permitted. The existing location and depth of the stormwater pipe, along with the design of the footings, must be submitted to the Accredited Certifier for approval, with the application for a Construction Certificate.
- 46. **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) Any security gates across vehicle entries must be located no less than 6m clear of the boundary to ensure that a vehicle could stand wholly within the property.
- b) The disabled spaces located at the far southern corner of Stage 8 basement parking have insufficient manoeuvring area to exit in 2 manoeuvres. Accordingly the parking is to be reconfigured in this location to provide either a turning bay opposite or the spaces to be reallocated in place of other resident spaces or in an area in which a shared zone could be provided.
- c) All internal driveways and vehicle access ramps must have ramp grades, transitions and headroom clearances complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. Driveway profiles must be prepared, showing ramp lengths, grades and approved surface RL's. For curved ramps, the profile must be taken along the inside curve which presents the steepest grade of travel.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

47. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the trunk drainage system through the lot, generally in accordance with the plans by Harris Page & Associates (Refer Project No. 5727 Dwg SW-06 Rev P2 dated 7 July 2015) and the WSUD subject to the following variation(s);

- The bioretention basins to be provided are to be adjacent and outside the boundary of the trunk drainage system. This is to ensure there is a clear delineation between private and public infrastructure. Refer to condition "*Drainage Easement*" concerning the definition of the area of the new easement.
- All points of discharge are to be revised to marry in with the approved trunk drainage plan, which may involve a direct connection to the existing trunk drainage line or to the defined overland flowpath (whichever is closer).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a relevant Construction Certificate and 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.

48. **Stormwater Management – Connection to Public Drainage System.** Where the point of discharge from the private drainage system is to make a direct connection to the inground drainage infrastructure, this will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the relevant Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

49. **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,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network 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.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

50. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a relevant Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by an appropriately qualified person and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The consultant is to liaise with Council's Public Works - Stormwater Asset Management section concerning the determination of an appropriate rate of discharge to the public inground drainage system. Consideration will be given to the capacity of the downstream system and the ability of the site to detain stormwater during the construction period. Should there be no public inground drainage infrastructure in which to drain to, the maximum rate of discharge is to be limited to 30L/s to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.

- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

51. **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 relevant 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.
- Defined overland flowpath and the method utilised to contain excessive flows which may occur during an extreme storm event.

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

52. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 146 Bowden Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.

53. **Building Components - Flood Compatibility.** Prior to the issue of the relevant Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all new building components below the 100 year ARI flood plus 500mm freeboard have been designed to be flood compatible.

54. **Constitution Road – Signalisation.** Detailed design plans demonstrating the interaction between the site frontage, Constitution Road Frontage, the stormwater drainage including surface flows, and the signalised intersection of Bowden Street and Constitution Road shall be submitted to and approved by Council and

Roads and Maritime Services (RMS to approve Traffic Signal Component only) prior to the issue of any Construction Certificate. This design is to conform with the control master design for Constitution Road from Hamilton Crescent to See Street and the hydraulic plans referenced in Drawing No. SK-C-0300 Rev B, SK-C-0310 Rev B, SK-C-0320 Rev B and SK-C-0321 Rev B.

55. **Vehicle Footpath Crossings** – The footpath crossings shall be constructed where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing is to be constructed to 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 access 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 (registered on the NER of Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the relevant Construction Certificate.

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

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

57. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

58. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:

- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
- (b) any relevant guidelines published by the NSW Environment Protection Authority; and
- (c) any council policy or development control plan relating to the remediation of land.

59. **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:

- i. Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
- ii. 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.

60. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the relevant Construction Certificate.

61. **Landscape Plan.** A revised landscaping plan is to be submitted for Council's approval prior to the issue of the relevant Construction Certificate. This plan is to address all of the requirements of deferred commencement condition 1. It is also to address the following requirements:

- Landscape details for podium planting is to be provided. This detail is to include adequate dimensions relating to adequate soil volume, irrigation and drainage.
- All proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services.
- 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.
- Street trees
 - Street tree planting along Bowden 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 Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - 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 Public Domain Technical Manual. Trees are to be located within structural soil/tree vaults to ensure their successful establishment.
 - Location of underground services and light poles are to be coordinated between the consultant team as part of the Construction Certificate documentation and approved by the Council's Asset Systems Department prior to the issue of a Construction Certificate. Trees are to be located a minimum of 4m from light poles and service pits.

- 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.
- Details of the provision of the pedestrian links that are to be used for public access.

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.

62. 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.

63. 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.

64. 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.

65. 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.

66. **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 City Works and Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees and Charges.

67. **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.

68. **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.

69. **Trunk Drainage – Bond.** A bond of \$50,000.00 is to be provided to Council prior to commencement of the trunk drainage infrastructure to be held for a 6 month period following the issue of the occupation certificate for the final building on this site, for the repair and rectification of any defects that may arise in this period. The bond will be refunded at the end of the 6 month period when the applicant has demonstrated to Council that all of the works are satisfactorily completed.
70. **Bond in respect of the Agreement.** In accordance with the terms of the agreement referred to in deferred commencement condition 3, a bond of \$820,248 is to be paid to Council prior to any works commencing on the site.
71. **Tree works – provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist

appointed to the site. 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.

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

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.

73. **Trunk Drainage – Staging.** The trunk drainage from Ann Thorn Park to (Shepherd's Bay) Parramatta River through the development site including stages 6, 7 8 & 9 must be constructed to Council's satisfaction prior to the issue of any Construction Certificate. The applicant shall undertake works in accordance with the approved plans, as part of deferred commencement condition 1.
74. **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*.
75. **Council Inspections.** A Council engineer must inspect the stormwater improvement work and connections to the existing Council stormwater pipeline. An inspection fee shall be paid to Council prior to the issue of the Construction Certificate in accordance with Council's current Schedule of Fees and Charges.
76. **Hold Points during construction** - Inspections are required to be undertaken by suitably qualified Civil Engineer (registered on the NER of Engineers Australia) 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 inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

A final inspection for the purpose of the handover to Council, of the public infrastructure assets, shall be conducted in conjunction with Council' Engineer following the completion of the external works. Additional inspections, if required, shall be subject of additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.

77. Construction Management. All work is to be completed in accordance with the approved Construction Management Plan referred to in the deferred commencement conditions.

78. Construction noise. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

79. Sediment/dust control. No sediment, dust, soil or similar material shall leave the site during construction work.

80. 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.

81. Construction materials. All materials associated with construction must be retained within the site.

82. 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.

83. 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.

84. 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*.

85. 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.

86. 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.
- k) The doorway is to be wide enough to allow a 1100L bin to pass through.
- l) A lockable roller door or similar is to be placed on the proposed doorway to the bin holding room and hard waste storage room. The universal

Council key system should be utilised for the contractor to access the room for servicing the bins.

87. **Bulky Goods Room.** A separate room or caged area must be provided in the basement car park of the residential flat building for the storage of bulky discarded items such as furniture and white goods to ensure that residents do not access the bins and that the bulky waste does not impeded access to the bins for collection. This room is to have a minimum area of 20m³. This room is to be provided with a lockable roller door or similar. The door should have the universal Council key installed for access by the contractor to access the room during the designated clean up week.
88. **Garbage Chutes.** Any garbage chutes constructed within the residential fiat building shall comply with Council's Development Control Plan 2014, Part 7.2 *"Waste Minimisation and Management"*
89. **Storage of commercial waste.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial waste. The commercial waste must be collected from the garbage rooms located inside the building.
90. **Graffiti.** All surfaces on the street frontages that are not glass must see use graffiti resistant paints and/or other surfaces that discourage graffiti. Any graffiti is to be repaired/removed as soon as possible.
91. **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 or subsequent building owner 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.

92. 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.

93. **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.
94. **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.
95. **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.
96. **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.
97. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled "Site Dewatering Plan.", the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
98. **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.

99. **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 & Associates (Refer Project No. 5727 Dwg SW-06 Rev P2 dated 7 July 2015) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in connection to the trunk drainage system.
100. **Mechanical ventilation of car parks** – The basement carpark shall be naturally or mechanically ventilated in compliance with Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and airconditioning in buildings – Mechanical ventilation in buildings*.
101. **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.
102. **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.
103. **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.
104. **Water circulation, filtration and dosing system** - All pools including water play areas 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).
105. **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.
106. **Trade waste permit.** The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
107. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

108. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
109. **Compliance with acid sulfate soils management plan** - The requirements of the acid sulfate soil management plan and any related project documentation must be implemented during construction.
110. **Removal of underground storage tanks** - The removal of the underground storage tanks must be carried out in accordance with:
- a) Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
 - b) the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.
111. **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.
112. **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.
113. **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.
114. **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.
115. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
116. **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.

117. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
118. **Tree Protection.** Trees shown on the approved plans as being retained must be protected against damage during construction.

Tree 117 – *Corymbia maculate* (Spotted Gum)
Tree 118 – *Corymbia maculate* (Spotted Gum)
Tree 119 – *Corymbia maculate* (Spotted Gum)
Tree 122 – *Corymbia maculate* (Spotted Gum)
Tree 123 – *Corymbia maculate* (Spotted Gum)
Tree 124 – *Corymbia maculate* (Spotted Gum)
Tree 125 – *Corymbia maculate* (Spotted Gum)
Tree 126 – *Corymbia maculate* (Spotted Gum)
Tree 127 – *Corymbia maculate* (Spotted Gum)

119. **Tree Works – Arborist Supervision.** An AQF Level 5 Arborist is also to be engaged to monitor the trees throughout the development process and ensure compliance with the tree protection measures.

Hold points and certification

The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to 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 spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

120. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
121. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
122. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
123. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
124. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.

PRIOR TO ANY OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained for each stage or building from a Principal Certifying Authority prior to commencement of occupation of any part of the development in the respective stage, 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 for that stage 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.

125. **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	\$1,099,565.04
Open Space & Recreation Facilities	\$2,685,098.17

Civic & Urban Improvements	\$927,340.29
Roads & Traffic Management Facilities	\$126,558.95
Cycleways	\$79,017.83
Stormwater Management Facilities	\$250,074.90
Plan Administration	\$21,302.12
The total contribution is	\$5,188,957.30

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 components of the s94 levy that are covered by works required by conditions DCC 1, Operational Conditions 43, 44 and 145 and any other relevant conditions of consent, may be offset by works-in-kind in accordance with Section 2.9 of the Ryde Section 94 Contribution Plan.

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>.

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

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

127. **Public Art.** Prior to the issue of any Occupation Certificate for the final building, the public art as detailed in the final Public Art Plan provided pursuant to condition 38 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.

128. **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.

129. **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 relevant Occupation Certificate.
130. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX certificate No. 600715M dated 17 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.
131. **Design Verification.** Prior to any relevant 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.
132. **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.
133. **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.

134. **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.

135. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of any relevant Occupation Certificate.
136. **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's confirmation that the works have been completed satisfactorily. 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 \$40,000 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 only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
137. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for 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.
138. **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 any pump/ sump systems and WSUD (water sensitive urban design) 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.
139. **Drainage System Maintenance Program.** To ensure the approved WSUD measures function as designed for the ongoing life of the development, without imposition on the public domain, the applicant is to prepare a Drainage System Maintenance Plan (DSMP) which is to contain;

- (a) A master schedule and plan identifying the location of the WSUD stormwater components on the development lot. The master plan is also to contain the maintenance schedule for each component.
- (b) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (c) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (d) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (e) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / area demarcation must be implemented prior to the issue of any Occupation Certificate for any residential stage of works.

140. Public Drainage Easement. A new public drainage easement is to be registered on the title of the property so as to prevent any works which would impose on the conveyance of stormwater runoff in the defined overland flow path and inground drainage infrastructure traversing the property. The area and alignment of the easement is to be in accordance with the relevant DCP (Part 8.2 Stormwater Management & 8.4 Title Encumbrances S2.1). In the case of the defined channel, the breadth of the easement must coincide with the zone of influence of the foundation of the works. The terms of the easement shall be in accordance with Council's standard terms, to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate for the residential component.

141. Positive Covenant - Access to easement. A positive covenant registered in accordance with Section 88 of the Conveyancing Act 1919 shall be placed on the property title, requiring the property owner to remove all structures spanning the easement in the property no less than 1.25m clear of the pipeline at their cost, when requested to do so by Council or other service provider, in accordance with Council's DCP Part 8.4 (Title Encumbrances) Section 2.1.3. The terms of the restriction shall be generally in accordance with Council's draft terms for such measures and be to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate for the residential component.

142. Engineering Compliance Certificates. To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and

practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and 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 the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- f) 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).
- g) 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.
- h) 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.

143. **Electricity accounts for new street lighting** - Council's Asset Networks Section shall be consulted in regard to the setting up of the electricity account/s in order to energise the newly constructed street lighting before the issue of any Occupation Certificate for the final building.

144. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate for the final building, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the

public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

145. Compliance Certificate – Street Lighting – Prior to the issue of any Occupation Certificate for the final building, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

146. Public Domain Works-as-Executed Plans – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed Plans certified by a Registered Surveyor, shall be submitted to Council for review with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate for the final building.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

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.

147. Trunk Drainage Post construction report (CCTV). Upon completion of the development works and prior to the issue of any Occupation Certificate for the final building, a dilapidation report of the constructed trunk drainage system traversing the property must be submitted to Council to verify that the development works have not damaged the trunk drainage line. The report must incorporate a CCTV (closed circuit television) inspection of the length of the drainage infrastructure in the property which must be submitted in DVD format, in colour, digital and date stamped. The location of any damage in the drainage line is to be recorded and the report details how this is to be rectified for Councils consideration. Council will not release any damage or maintenance bond held as security against the infrastructure works unless the works are completed to the satisfaction of Council.

148. 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 any Occupation Certificate for the final building.

In this respect, safe access must be provided for the waste collection vehicles to service the waste containers. "No standing Monday to Friday between 5.00am to 11.00am" signs will be installed in the truck loading bay to enable the trucks to access the bins for servicing.

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.

149. **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 for the final building.

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.

150. **Constitution Road – Signalisation Implementation.** The applicant shall undertake works in accordance with the approved plans, **referred to in condition 54**, to convert the intersection of Bowden Street and Constitution Road to a signalised intersection. The upgrade of this intersection shall be completed to RMS satisfaction prior to the issue of any Occupation Certificate. Council is to be issued with a copy of a compliance certificate from the RMS certifying that the signalised intersection is fit for purpose.

151. **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 for the final building, 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 for the final building. This right of way will not come into operation until Occupation Certificates have been issued for both Stages 8 and 9 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.

152. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the approved parking allocation as follows;

Stage 8

- 174 residential spaces
- 31 visitor spaces
- 7 carshare spaces
- 1 car wash bay
- 1 loading dock
- 21 bicycle parking spaces.

Stage 9a and 9b

- 308 residential spaces
- 54 visitor spaces
- 1 carshare spaces
- 1 car wash bay
- 1 emergency bay
- 1 loading bay
- 37 bicycle parking spaces.

153. **Drainage System Maintenance Plan Implementation.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved Drainage System Maintenance Plan (DSMP).
154. **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.
155. **Staff** or contractors must be employed to take the waste containers from the garbage and recycling rooms to the container emptying point for servicing and to return the containers to the garbage room after servicing.
156. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
157. **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. Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
158. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
159. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
160. **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*.
161. **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:

- 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).
- 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*.
- The transmission of vibration to any place of different occupancy.

162. **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.

ADVISORY NOTES

1. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.

2. **Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.
3. Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences. Please note that the proposal must not incorporate the provision for the permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.