

## CONDITIONS OF CONSENT FOR STAGES 6 AND 7

### 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. **Constitution Road Embankment Stabilisation Approval:** The design to modify the road embankment from Bowden Street to 42 Constitution Road as part of the trunk drainage works connecting within Ann Thorn Park through to (Shepherd's Bay) Parramatta River through the development site including stages 6, 7 8 & 9, must be submitted to and approved by Council. The design is to be prepared by suitably qualified civil, traffic and geotechnical engineers and must demonstrate that:
- a. The embankment height and structure is to be retained to the current levels to enable suitable road geometry for the signalised intersection, retain access to adjacent residential properties, and mitigate against removal of the existing mature trees along the embankment.
  - b. The embankment is to be protected from stormwater inundation created by the culvert afflux and detention to enter the inlets for the underground piping.
  - c. The culvert through the embankment and associated restoration works do not affect the stability of the embankment and allow for the retention of most of the existing trees.
  - d. The embankment is suitable for the roadworks associated with the signalling of the intersection of Bowden Street and Constitution Road
  - e. The road geometry, pavement and associated works are upgraded to meet 50km/h local road standards and the City of Ryde DCP 2014 Part 4.2 – Shepherd's Bay, Meadowbank, Precinct 2 – Constitution Road Precinct, Part 8.5 Public Civil Works, and the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank Standards.
  - f. The surface flow channel contains any flows to prevent stormwater entering any entry or egress points of the adjacent buildings.
  - g. Access to the properties No.37 to No.51 on the northern side of Constitution Road can be maintained.
  - h. Adjustment to the embankment resulting from the conversion to public domain standard footpath of the slip lane between the embankment and property frontages, can accommodate vehicular access and egress to the existing side entries of No.102 and No.104 Bowden Street from Bowden Street.
  - i. Existing public utilities are accommodated or adjusted to suit the works, and allow for the undergrounding of power and street lighting as part of the public domain works.
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.

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| The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written |
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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:

| <b>Document</b>               | <b>Author</b> | <b>No and Revision</b> | <b>Date</b> |
|-------------------------------|---------------|------------------------|-------------|
| Cover sheet and drawing list  | Turner        | A-DA-001-001 Rev E     | 3/7/15      |
| Site Plan / Roof Plan         | Turner        | A-DA-101-090 Rev F     | 3/7/15      |
| Basement 03                   | Turner        | A-DA-110-060 Rev K     | 3/7/15      |
| Basement 02                   | Turner        | A-DA-110-070 Rev K     | 3/7/15      |
| Basement 01                   | Turner        | A-DA-110-080 Rev K     | 3/7/15      |
| Lower Ground                  | Turner        | A-DA-110-090 Rev O     | 3/7/15      |
| Ground                        | Turner        | A-DA-110-100 Rev N     | 3/7/15      |
| Level 01                      | Turner        | A-DA-110-110 Rev I     | 3/7/15      |
| Level 02                      | Turner        | A-DA-110-120 Rev I     | 3/7/15      |
| Level 03                      | Turner        | A-DA-110-130 Rev I     | 3/7/15      |
| Level 04                      | Turner        | A-DA-110-140 Rev I     | 3/7/15      |
| Level 05                      | Turner        | A-DA-110-150 Rev J     | 3/7/15      |
| Level 06                      | Turner        | A-DA-110-160 Rev K     | 3/7/15      |
| Level 07                      | Turner        | A-DA-110-170 Rev K     | 3/7/15      |
| Level 08                      | Turner        | A-DA-110-180 Rev K     | 3/7/15      |
| Level 09                      | Turner        | A-DA-110-190 Rev K     | 3/7/15      |
| Façade section                | Turner        | A-DA-450-010 Rev A     | 3/7/15      |
| Building Envelope Diagram 2/2 | Turner        | A-DA-740-111 Rev D     | 14/4/15     |

|                                               |        |                    |         |
|-----------------------------------------------|--------|--------------------|---------|
| Building Envelope Diagram 1/2                 | Turner | A-DA-740-110 Rev D | 14/4/15 |
| North East Elevation<br>(Constitution Road)   | Turner | A-DA-210-010 Rev F | 5/1/15  |
| South East Elevation<br>(Secondary Site Link) | Turner | A-DA-210-020 Rev F | 5/1/15  |
| South West Elevation<br>(Nancarrow Avenue)    | Turner | A-DA-210-030 Rev F | 5/1/15  |
| North West Elevation<br>(Secondary Site Link) | Turner | A-DA-210-040 Rev F | 5/1/15  |
| South West Elevation Building<br>(Site Link)  | Turner | A-DA-210-050 Rev F | 5/1/15  |
| North West Elevation (Site<br>Link)           | Turner | A-DA-210-060 Rev F | 5/1/15  |
| Section AA                                    | Turner | A-DA-310-010 Rev D | 5/1/15  |
| Section BB                                    | Turner | A-DA-310-020 Rev D | 5/1/15  |
| Section CC                                    | Turner | A-DA-310-030 Rev D | 5/1/15  |
| Section DD                                    | Turner | A-DA-310-040 Rev D | 5/1/15  |

## 2. Amendments.

- a) Notwithstanding the approved plans referenced above, amended plans shall; be submitted to resolve inconsistencies in proposed elevations, sections and floor plans. These plans are to be submitted to Council for approval prior to the release of any relevant Construction Certificate.
- b) Notwithstanding the approved plans referenced above, a revised layout of lobby/corridors detailing additional ventilation and natural light to Stage 7 is to be submitted to Council for approval prior to the release of any relevant Construction Certificate. This is to be consistent with the sketch plan included in the letter to Council from Sutherland and Associates Planning dated 29 June 2015.
- c) Notwithstanding the approved plans referenced above, a revised layout of apartments 6A.G.03, 6B.G.01, 6A.G.04, 6B.G.09, 6A.G.05, 6B.G.08 on ground floor level is to be submitted to Council for approval prior to the release of any relevant Construction Certificate. This is to be consistent with the sketch plan included in the letter to Council from Sutherland and Associates Planning dated 29 June 2015.

- d) Notwithstanding the approved plans referenced above, a revised layout of external access to ground floor apartments fronting Constitution Road and Nancarrow Avenue are to be submitted to Council for approval prior to the release of any relevant Construction Certificate. This is to be consistent with the sketch plan included in the letter to Council from Sutherland and Associates Planning dated 29 June 2015.
3. **Building Code of Australia.** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
  4. **Compliance with BASIX.** The development is to be carried out in compliance with BASIX Certificate No. 600711M dated 16 January 2015 subject to any amendments required by these conditions of the consent.
  5. **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.
  6. **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.
  7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
  8. **Hoardings.**
    - a) A hoarding or fence must be erected between the work site and any adjoining public place.
    - b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
  9. **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.

10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
16. **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.
17. **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.

**18. 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.

## **DEMOLITION AND EXCAVATION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

**19. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

- (a) Council must be notified of the following particulars:
  - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - (ii) The date the work is due to commence and the expected completion date
- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

**20. Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

### **21. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**22. 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. The report shall determine the

location and presence of all underground storage tanks which remain on the site. It also shall include the results of further assessment of the soils in the vicinity of the storage tanks (both remaining and removed) and the results of further soil testing within the footprint of the demolished buildings.

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.

23. **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.
24. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
25. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
26. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
27. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
28. **Heritage Interpretation Strategy.** Prior to the commencement of any demolition works, an amended Heritage Interpretation Strategy shall be submitted for the approval and endorsement of Council's Heritage Advisor.

As part of the interpretation strategy, reasonable opportunity is to be given to interested heritage groups (including, but not limited to, the Ryde District Historical Society, Ryde Heritage Advisory Committee, Art Deco Society of NSW) to visit and inspect the premises.

The Heritage Interpretation Strategy shall also include a detailed schedule of any salvaged building fabric and elements which are to be incorporated into the heritage interpretation of the site.
29. **Salvage Schedule.** Prior to the commencement of any demolition works, a Salvage Schedule shall be prepared in accordance with the recommendations of

the approved and endorsed Heritage Interpretation Strategy, together with the advice of a Heritage Consultant.

The Salvage Schedule shall document the building fabric and elements which are to be salvaged and include a methodology for their removal and interim storage pending the reinstatement/incorporation as per the approved Heritage Interpretation Plan.

The Salvage Schedule shall be submitted to council for approval by Council's Heritage Advisor.

**30. Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

**31. 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*.

**32. Storage transportation and disposal of building and excavation wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. All demolition and construction waste shall be stored, transported and disposed of in compliance with the Protection of Environment Operations Act, 1997 and all Regulations. ***Note: Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.***

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

## **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.

34. **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**.
35. **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).
36. **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
37. **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**.
38. **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).
39. **Adaptable Units:** A total of 31 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.
40. **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.

41. **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.
42. **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.
43. **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](http://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.
44. **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.
45. **Details of BASIX Commitments.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
46. **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.

47. **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.

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

49. **Signage.** Signage must be provided at:

- entry/exit points, buildings entrance and throughout the development to assist users and warn intruders that they will be prosecuted.
- Warning: these premises are under constant surveillance. Warning: trespassers will be prosecuted.
- Signage needs to identify the private and semi public area within the complex and any applicable restrictions.
- Signage needs to be provided within the residential car park and the retail car park where spaces are allocated for residential visitors, to provide way finding to users of these areas.
- Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposed only.

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

50. **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 granite footpath paving along the Constitution Road 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 “Angophora costata” (Sydney Red Gum) as the designated tree for the Constitution Road frontage of the development site, and “Angophora floribunda” (Rough-barked apple) as the designated tree for the northern part of Nancarrow Ave frontage.

Note: The existing street trees along Constitution Road are to be retained unless otherwise agreed by Council to be removed.

- c) All telecommunication and utility services are to be placed underground along the Constitution Road 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 Constitution Road 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.

51. **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 Constitution Road 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 replacement with new kerb and gutter.
- d) The construction of new kerb and gutter along the Constitution Road and Nancarrow Avenue 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 Constitution Road and Nancarrow Ave frontages of the site.
- f) 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".

**52. 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.

**53. 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) Traffic calming measures (Such as, speed humps, etc) must be implemented in basement level of Stage 7, due to the propensity of speeding motorists given the distance from the vehicle entry to the residential parking area.
- b) The visitor parking space located opposite the bike parking area on basement level 1 is to be deleted given there is insufficient access aisle to effectively access the space.
- 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.

54. **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.

55. **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.

56. **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.

57. **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 engineer 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.

58. **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.

59. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 28 Constitution Road, 35 Nancarrow Avenue and 102, 104, 106, 108, 110 and 112 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.

60. **Heritage Interpretation Plan.** Prior to the issue of a relevant Construction Certificate, a Heritage Interpretation Plan shall be prepared in accordance with the approved and endorsed Heritage Interpretation Strategy. The Heritage Interpretation Plan shall document and specify:

- The location of heritage interpretation media including salvaged elements from the heritage item
- The format of the interpretive media
- Method of fixing/anchoring/display
- Content of information.

61. **Constitution Road – Signalisation.** The intersection of Bowden Street and Constitution Road must be upgraded to a traffic control system. Detailed design plans of the signalised intersection of Bowden Street and Constitution Road shall be submitted to and approved by Council and the Roads and Maritime Services (RMS) prior to the issue of any Construction Certificate. This design is to conform with the approved public domain works for Constitution Road.

62. **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.

63. **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.**

64. **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*.

65. **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.

66. **Acid sulfate soil management plan** – 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.

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

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

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

69. **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.

70. **Construction Management and Methodology – Constitution Road Works.**

The works will require the temporary traffic management measures to be implemented with the full/ partial closure of Constitution Road. To minimise the traffic and pedestrian impacts, as well as disruption to the surrounding community, a Construction Management Plan is to be prepared by an appropriately qualified personnel in accordance with this condition and Council's technical requirements. 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. The Plan is to be submitted for approval by the Director City Works and Infrastructure prior to the issue of any Construction Certificate. The plan must;

- Outline the construction stages.
- Specify the temporary traffic control measures required at each stage.
- Nominate and seek any Local Traffic Committee approvals required to implement such measures.
- Prepare a communications strategy, outlining the methods of communicating the temporary traffic measures to through traffic motorists and the surrounding community.

The applicant shall undertake and bear all costs associated with these works and the liaison, approval and relocation of any utility services.

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

- Unless otherwise approved by Council, all of the street trees along Constitution Road are to be retained. Approval for the removal of any of these trees will only be granted if the removal of the tree is necessary to accommodate the stormwater management as required by deferred commencement condition 1 or to accommodate new street lighting.
- 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 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.
  - Street tree planting along Nancarrow Avenue is not to impede access to the bin storage area by the waste collection truck.
- 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 two pedestrian links that are to be used for public access. This is to include the primary central link as well as the north western link adjacent to the Stage 7 building.

## **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.

### **72. 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.

**73. 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.

**74. 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.

**75. 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.

**76. 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 & 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.

**77. 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.

78. **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.

79. **Trunk Drainage – Bond.** A bond of \$50,000.00 is to be provided to Council prior to commencement of trunk drainage infrastructure to be held for a 6 month period following the issue of the occupation certificate for the final building on the 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.
80. **Bond in respect of the Agreement.** In accordance with the terms of the agreement referred to in deferred commencement condition 3, a bond of \$1,468,797 is to be paid to Council prior to any works commencing on the site.
81. **Substations.** The applicant shall contact the relevant Energy supplier to ensure that the proposed buildings are constructed further than the minimum required distance from the electrical substations. This is to ensure the safety of all occupants of the building.

## 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.

82. **Trunk Drainage – Works.** 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.
83. **Constitution Road Embankment Works.** The road embankment stabilisation works for Constitution Road approved by Council in respect to deferred commencement condition 2 must be constructed to Council’s satisfaction prior to the issue of any Construction Certificate for any other construction works other than the trunk drainage works occurring on the site.
84. **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*.

**85. 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.

**86. 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.

**87. Construction Management.** All work is to be completed in accordance with the approved Construction Management Plan referred to in deferred commencement condition 3.

**88. Construction noise.** The  $L_{10}$  noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

89. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
90. **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.
91. **Construction materials.** All materials associated with construction must be retained within the site.
92. **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.
93. **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.
94. **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*.
95. **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.
96. **Tree removal.** This consent does not authorise the removal of trees other than those specifically authorised by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction. The following trees are to be removed:
- Tree 84 – *Angophora floribunda* (Rough barked apple)
  - Tree 85 – *Angophora floribunda* (Rough barked apple)
  - Tree 86 – *Angophora floribunda* (Rough barked apple)

Tree 87 – Angophora floribunda (Rough barked apple)

Tree 88 – Angophora floribunda (Rough barked apple)

Tree 89 – Angophora floribunda (Rough barked apple)

Tree 90 – Angophora floribunda (Rough barked apple)

**97. 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.

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

**99. 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 20m<sup>3</sup>. 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.

100. **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 that does occur is to be repaired or removed as soon as possible.

101. **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.

102. **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.

103. **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.
104. **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.
105. **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.

106. **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.
107. **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.
108. **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.
109. **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.
110. **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.
111. **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.
112. **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.

113. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
114. **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.
115. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
116. **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*.
117. **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.
118. **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.
119. **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.
120. **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).
121. **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.
122. **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.

123. **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.
124. **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.
125. **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.

#### **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.

126. **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:

| <b>A – Contribution Type</b>       | <b>B – Contribution Amount</b> |
|------------------------------------|--------------------------------|
| Community & Cultural Facilities    | \$799,432.60                   |
| Open Space & Recreation Facilities | \$1,968,040.29                 |

|                                       |                       |
|---------------------------------------|-----------------------|
| Civic & Urban Improvements            | \$669,369.63          |
| Roads & Traffic Management Facilities | \$91,306.69           |
| Cycleways                             | \$57,035.37           |
| Stormwater Management Facilities      | \$181,281.82          |
| Plan Administration                   | \$15,375.86           |
| <b>The total contribution is</b>      | <b>\$3,781,842.26</b> |

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 DDC1 and 2, Operational conditions 50, 51 and 150 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>.

127. **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.

128. **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 46 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.

129. **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.

130. **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.
131. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX certificate No. 600711M dated 16 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.
132. **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.
133. **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.
134. **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](http://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.

135. **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.

136. **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.
137. **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.
138. **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.

139. **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.
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. **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 6 and 7 buildings.

144. **Implementation of the Interpretation Strategy.** Prior to the issue of any Occupation Certificate for the final building:

- (c) The proposed interpretation strategy must be fully implemented, and authorisation for the ongoing requirements for maintenance of the system referred to the property manager or body corporate.
- (d) A manual specifying the ongoing maintenance requirements of the proposed interpretation strategy must be submitted to the NSW Heritage Branch for the approval of the Heritage Council or its delegate.

**145. 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" signs will be required on the kerbside of the Truck Loading Bay to enable 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.

**146. 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.

**147. Constitution Road – Signalisation Implementation.** The applicant shall undertake works in accordance with the approved plans, referred to in condition 62, 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.

**148. 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.

**149. 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.

150. **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.
151. **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.
152. **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.

153. **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.

## **OPERATIONAL CONDITIONS**

|                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------|

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

#### Stage 6

- 236 residential spaces
- 41 visitor spaces
- 3 carshare spaces
- 1 car wash bay
- 1 emergency bay
- 1 loading bay
- 28 bicycle parking spaces.

#### Stage 7

- 123 residential spaces
- 22 visitor spaces
- 2 carshare spaces
- 1 car wash bay
- 1 emergency bay
- 1 loading bay
- 15 bicycle parking spaces.

155. **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).
156. **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.
157. **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.
158. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
159. **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*.
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:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

#### **ADVISORY NOTES**

1. 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.