

Attachment 4 Conditions

GENERAL

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

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

Document Description	Date	Plan No/Reference
Cover Sheet	07/12/14	DA0005 Issue B
Site Plan	28/05/15	DA1000 Issue B
Levels 00 (Ground) & B1	20/02/15	DA2005 Issue B
Levels B2 & B3 overall Plans	20/02/15	DA2006 Issue B
Levels 00 (Ground) & B1 Garbage collection	20/2/15	DA2010 Issue A
Levels B1 Bin store	31/07/15	DA2011 Issue C
Level 00 Plan	12/02/15	DA2150 Issue D
Level 01 Plan	27/07/15	DA2151 Issue E
Level 02 Plan	27/07/15	DA2152 Issue E
Level 03 Plan	27/07/15	DA2153 Issue E
Level 05 Plan	27/07/15	DA2155 Issue E
Level 06 Plan	27/07/15	DA2156 Issue E
Level 07 Plan	27/07/15	DA2157 Issue E
Level 08 Plan	27/07/15	DA2158 Issue E
Level 09 Plan	27/07/15	DA2159 Issue E
Level 10 Plan	27/07/15	DA2160 Issue E
Level 11 Plan	27/07/15	DA2161 Issue E
Level 12 Plan	27/07/15	DA2162 Issue E
Level 13 Plan	27/07/15	DA2163 Issue E
Level 15 Plan	27/07/15	DA2165 Issue E
Level 16 Plan	27/07/15	DA2166 Issue E
Level 17 Plan	27/07/15	DA2167 Issue E
Levels 18, 19, 20 & 21 Plan	27/07/15	DA2168 Issue E
Levels 22, 23, 24 & 25 Plan (roof and upper roof)	27/07/15	DA2169 Issue E
South Elevation (Epping Road)	07/12/14	DA3105 Issue C
North Elevation	07/12/14	DA3106 Issue C
East (Herring Road) & West Elevations	07/12/14	DA3107 Issue B
Building Hobart Elevations	27/07/15	DA3150 Issue C
Building Melbourne Elevations	27/07/15	DA3151 Issue C
Building Sydney North & East Elevations	27/07/15	DA3152 Issue C
Building Sydney South & West Elevations	27/07/15	DA3153 Issue C

Section 1 & 2	07/12/14	DA3250 Issue B
Landscaping Plans Stage 2	16/02/2015.	Project No. SS14-2813 Plans No 2- 16
Typical Storage Layout Level 03 Plan	23/07/15	DA2400 Issue A
Level 03 Plan GFA study	07/12/14	DA2753 Issue D

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 519246M_03 dated 26 August 2014. Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
4. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the retail/commercial component in the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
6. **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.
7. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
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. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers along any of the shopfront. Metal or roller shutter doors are not permitted. Development consent is required for any security grilles or translucent barriers.
12. **Signage.** No approval has been granted for any signage. Separate approval must be obtained from Council for any signs, unless such signage is “exempt development”. Any signs will need to meet the requirements of State Environmental Planning Policy (SEPP) 64 – Advertising and Signage.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Materials, Colours and Finishes Schedule.** The development materials, colours and finishes to be in accordance with the architectural plans prepared by AJ + C except as varied by any other condition on this consent.
15. **RMS.** All buildings and structures, (unlimited in height or depth) together with any improvements integral to the future use of the site are to be clear of the Epping Road and Herring Road road reserves.
16. **Use of the Retail and Commercial Tenancies & Signage.** A separate Development Application is to be submitted to Council for approval for fit out and use of each of the retail/commercial tenancy if required. This is to include any signage for the proposed use, including directory signs.
17. **RMS.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Epping Road.
18. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council

infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.

19. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
20. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
21. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
 - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - 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.

22. 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.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council’s Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type

B – Contribution Amount

Community & Cultural Facilities	\$751,321.04
Open Space & Recreation Facilities	\$2,916,837.96
Civic & Urban Improvements	\$398,935.59
Roads & Traffic Management Facilities	\$451,450.46
Cycleways	\$55,155.31
Stormwater Management Facilities	\$51,598.94
Plan Administration	\$14,872.70
The total contribution is	\$4,640,172.00

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

24. **Landscaping Plan.** The Landscaping Plan is to be amended to include the following, prior to the issue of the Construction Certificate.
- Details of fencing for the children play area. Any fencing is to be integrated within the buffer planting to the South East corner of the site, setback from the site boundaries behind the buffer landscaping and is to comply with the relevant standards for Playgrounds.
 - One of the internal street tree plantings along the 'Central Avenue' has been nominated as *Strelitzia nicolai*, this species is not considered to be an acceptable street tree planting and should be substituted with a small deciduous species (Note that this species will have been nominated within the Stage 1 development also along the adjoining stretch of road and the transplanted *Strelitzia nicolai* may be used at another location across the site.
 - Proposed internal street tree planting is to be installed at a semi advanced pot size (ie. minimum of 100 Litre pot size) and canopy tree planting internally across the site is to be installed at a semi advanced pot size (ie. minimum of 75 Litre pot size) and trees are to be grown according to *AS2303:2015 Tree Stock for Landscape Use* requirements.
 - Landscape details for planter boxes/podium planting be provided to Council for review. Details are to include dimensions relating to adequate soil volume, irrigation and drainage to ensure their successful establishment.

Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision as per the “rule of thumb” recommendation as contained in the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the Construction Certificate plans.

- Incorporate Water Sensitive Urban Design (WSUD) strategy as reference is the Integrated Water Management Plan by AECOM (dated June 2013).
- The open space on the corner of Herring and Epping Roads (RMS land) currently has some Landscape planting/treatment. The proposed landscape plan shows a single treatment to this area, but does not nominate any specifics. It is recommended that 3 large canopy trees - *Eucalyptus saligna* be planted in this area to offset the scale of the proposed development. The area rectified post construction to meet into existing levels along the Herring and Epping Road frontage, follow the existing contours and match seamlessly into the proposed landscape works as part of the development.

Details to be submitted are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**.

25. **Parking/bicycle Spaces Allocation.** Both the owner and occupier of the development must provide and maintain the following parking allocations. A net maximum of two hundred and sixty five (265) parking spaces are to be provided for the Stage 2 buildings (Sydney, Melbourne and Hobart) with one hundred and ninety three (193) spaces for residents, sixty (60) for visitor parking and twelve (12) for commercial/retail. Thirty (30) of the residents spaces are to be allocated to the adaptable units at a ratio of 1 car space per unit. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked “Visitor Parking”. Twenty seven (27) bicycle spaces are also to be provided within the Stage 2 parking area. Details demonstrating compliance are to be shown on the Construction Certificate plans.
26. **Car Share.** Three additional car share spaces are to be provided on site. The additional car share spaces are to be located on the podium/road so that public access to these spaces is available at all time. Details of the car share spaces are to be submitted to Council prior to the issue of the **Construction Certificate**.
27. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
28. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
29. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a

sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

30. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
31. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**
32. **Design Verification in Respect of SEPP 65.** Prior to a Construction Certificate 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. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.
33. **Acoustical Assessment.** The development is to comply with the all of the findings contained in the Noise Impact Assessment Report, Macquarie Park Village Stage 2 prepared by Acoustic Logic. To ensure acceptable acoustic amenity within the development, the development is to be constructed in accordance with AS3674-1989 and AS3671-1987. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed and the Interim Guideline for Development near Rail Corridor and Busy Road.
34. **Accessibility.** A suitably qualified access consultant is to verify that the Construction Certificate drawings and Stage 2 Open Space area to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing.

35. **Arborist Report.** The development is to incorporate all of the recommendations/ commitments made as part of the development in accordance with the Flora and Fauna Assessment prepared by Total Earth Care (December 2010) and the Arboricultural Assessment prepared by Earthscape Horticultural Services (February 2011). Details of the protections measures to be undertaken as recommended in the report are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**.
36. **Wind Assessment Report.** The development is to comply with the recommendations contained in the Wind Effect Assessment Report by Vipac Engineers and Scientists P/L dated 26 August 2014. Details of the measures to be undertaken as recommended in the report are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**
37. **Adaptable Units.** A total of 30 adaptable units are to be provided within the Stage 2 development. The adaptable units are to comply with all of the spatial requirements as outlined/ specified in AS 4299 – Class C. Details are to be submitted on the Construction Certificate drawings. Prior to the issue of the relevant Construction Certificate, a qualified access consultant is to certify that the development achieves the spatial requirement of AS4299.
38. **Storage.** Internal storage areas for each residential unit. In addition to kitchen cupboards and bedroom wardrobes, units are to be provided with accessible storage facilities at the following rates:
- studio apartments - 6.0m³
 - one-bedroom apartments - 6.0m³
 - two-bedroom apartments - 8.0m³

Details demonstrating compliance is to be submitted on the Construction Certificate plans.

A minimum of 50% of the storage allocation must be located within the apartment. The remaining storage requirement can be located in the basement or other common areas.

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

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

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and

- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

40. **Sydney Water: Sewer Crossing.** The 300 mm sewer crossing under the proposed 750 mm diameter trunk drainage line may not have sufficient cover. The applicant is to contact Sydney Water on the sewer crossing approval.
41. **Sydney Water – Wastewater.** An existing 150 mm wastewater main will need to be upsized to a 225 mm wastewater main. The proposed wastewater infrastructure for this development will be designed & configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002-2). Details of the location and detailed requirements will be provided at Section 73 phase. Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is: urbangrowth@sydneywater.com.au.
42. **Installation of grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted. Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.
43. **Road Traffic Noise and rail noise/vibration/ for sensitive developments.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. The building(s) must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads — Interim Guideline* (Department of Planning, 2008) and that the traffic noise from Epping Road is mitigated by durable materials to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
44. **Mechanical ventilation of rooms.** If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
45. **Ventilation:** Ventilations are to be in accordance with the following requirements:
 - 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.

- 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.
- 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.
- Carpark exhaust vent - The carpark exhaust vent must be located at least 3m above ground level or any pedestrian thoroughfare and:
 - (a) at least 6m from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6m or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
- (c) Kitchen exhaust vent - Any kitchen exhaust vent serving retail premises must be located above roof level:
 - (d) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (e) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (f) at least 8 metres from any cooling tower.

Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the 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.

46. **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 Principal Certifying Authority prior to the release of the **Construction Certificate**.
47. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

48. **Arts and Cultural Plan.** Prior to the issue of a **Construction Certificate**, a final public art plan is to be submitted to Council's Senior Planner Community & Culture for approval. The plan should address the scope and scale of the proposed public art works (clarity is required on the scale and scope proposed for the freestanding sculpture). Further design development information should be provided. The Plan is to be prepared by an arts and cultural planner and is required to address the additional information:
- Scale and scope of the works.
 - Fabrication and construction practices and materials
 - Materials and components have appropriate durability, and a functional life in excess of the designated life span of the work
 - Maintenance requirements over the lifespan of the artwork are considered.
 - Time line for the delivering of the public art proposed.
49. **Location of Service Infrastructure / Utilities.** 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 approved prior to issue of the Construction Certificate.
50. **Erosion Protection.** The rip rap erosion protection details are not provided in drawing 231035-CC 003 Rev A, dated 25-05-15. The proposed turning pit with thrust key (short curve) is likely to create turbulence flow conditions in the creek. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority confirming that the rip rap erosion protection is capable of withstanding the flow rates up to 100 year ARI (Average Recurrence Interval) flood events.
51. **Road Network- Internal.** The applicant must differentiate between the access road to the site and the main road, being Herring Road. This is to ensure that road users are aware that this access road is private property and not the property of the City of Ryde. The treatment is to be in accordance with Council's current Public Domain Technical Manual. Suitably prepared civil drawings are to be submitted to and approved by Council's Public Domain team prior to the issue of the relevant Construction Certificate.

All fees and charges associated with the review of these plans are to be in accordance with Council's Schedule of Fees and Charges and are to be paid prior to the issue of the Construction Certificate.

52. **Dilapidation Survey – Public Infrastructure.** To clarify any claims of damage to public infrastructure of the proposed development that may arise during construction of the development, a dilapidation report of existing public infrastructure fronting the proposed development and in the vicinity of the proposed development must be undertaken. The report is to note observable defects,

including a description of the location, nature of the defect and a photographic record. The report is to encompass damage to any of the following infrastructure.

- Road pavement
- Kerb and gutter
- Constructed footpath.
- Drainage pits.
- Traffic signs
- Any other relevant infrastructure

The report is also to be submitted to Ryde Council, attention Development Engineer, prior to the issue of the Construction Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Ryde City Council prior to the issue of an Occupation Certificate for the last building in Stage 2.

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.

53. 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 issue of 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.
- 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 tree's.
- 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.

54. Public Domain Works. Public domain improvement works are to be undertaken along the Epping Road and Herring Road frontages of the development site in accordance with the City of Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and the Public Domain Technical Manual - Macquarie Park. The work is to include but not be limited to:

- a) Footpath stone paving type B minimum 3.0m wide. Council’s public works department shall inspect the installation of the paving to ensure compliance with the Public Domain Technical Manual and any requests by the Council’s public works department. Paving is required to be slip resistant across the site and Public Domain areas
- b) The street tree selection for Herring Road is to comply with section 1.5 Public Domain Overview: Street Tree Planting of the Public Domain Technical Manual. It is recommended that *Lophostemon confertus* (Brush Box) be the designated street tree for the area and are to be planted within the property boundary. The tree pits are to be installed as per *section 7.1 - Street Trees and Planting: WSUD pit with grate*, of the Public Domain Technical manual. The location of underground services is not to conflict with the location of the Tree Vaults. Note: The Phoenix Palms are to be relocated else within the property.

The street tree selection for Epping Road is to comply with section 1.5 Public Domain Overview: Street Tree Planting of the Public Domain Technical Manual. The recommended street trees on Epping Road are *Eucalyptus saligna* and they are to be planted within the property boundary.

The tree pits are to be installed as per *section 7.3 - Street Trees and Planting: Standard pit with Planting*, of the Public Domain Technical manual. The location of underground services is not to conflict with the location of the Tree Vaults.

- c) All telecommunication and utility services are to be placed underground along the Epping Road & Herring Road frontages of the site. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.
- d) New street lighting, for Herring Road frontage only, Type LT1 shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V3 and pedestrian luminance category P2. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park. Prior to submission of the plans to Council for approval, liaison with Council's Public Works Group is advisable so as to obtain Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter box.

Full details, including plans, specifications, sections, finished levels and material schedule, shall be submitted to Council for approval by Council's Public Works Group prior to the issue of the Construction Certificate for Stage 2 architectural finishes (CC04b). Guidelines can be obtained from the City of Ryde Public Domain Technical Manual, which is available on Council's website.

55. Communal/public Open space Lighting and Paving. Adequate lighting is to be provided to pedestrian through site links on the site and to all public open space. The lighting is to comply with the Macquarie Park Public Domain Technical Manual requirements and Australian Standard AS1158 for Street Lighting Application. All outdoor lighting shall comply with, where relevant, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

The lighting and paving are to be consistent with Stage 1 approval. Details to be submitted for Council's approval prior to the issue of the relevant Construction Certificate.

56. Public Domain Works – Infrastructure. Detailed engineering plans for the public domain infrastructure works, prepared by a Chartered Civil Engineer (with Engineers Australia NPER registration), are to be submitted to Council for approval prior to the issue of the Construction Certificate for Stage 2 architectural finishes (CC04b).

The works shall be in accordance with the City of Ryde Development Control Plan 2014 Parts 8.2 - Stormwater Management and 8.5 - Public Civil Works, and the City of Ryde Public Domain Technical Manual, Section 6 – Macquarie Park.

The following works shall be completed at no cost to Council, prior to the issue of an Occupation Certificate for the last of the Stage 2 buildings:

- a) The reconstruction of the existing concrete footpath spanning the entire frontage of the site to granite paving as specified in the condition for “Public Domain Works – Footpath Landscaping”.
- b) The removal of all redundant vehicular crossings and the construction of new kerb and gutter and reinstatement of the area with paved footpath.
- c) Adjustment of levels and grades of all infrastructure (footpath, kerb and gutter, road pavement, etc.) to match existing.
- d) 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 listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 “Standards Enforcement”.

57. Driveway Access Levels. The applicant is to apply to Council for site specific driveway access levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council approved levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council’s Schedule of Fees & Charges at the time of the application.

58. Vehicle Footpath Crossings. Vehicular footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. Crossings are to be constructed to match the finish of the paving along the footpath and the finished levels shall conform to the driveway access levels issued by Council’s Public Works Division. 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. Bridge and pipe crossings will not be permitted.

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 (NPER registration with Engineers Australia) confirming that the

vehicular access design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

59. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
60. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. 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 \$50,000 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.
61. **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).
62. **Stormwater Management.** Stormwater runoff from the Stage 2 components of the development shall be collected and piped by gravity flow to the internal drainage system approved under Stage 1.

Detailed plans, documentation and certification of the drainage system for Stage 2 are to be prepared by a chartered civil engineer, must be submitted with the application for a Construction Certificate and must 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.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

63. **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.

64. **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.

65. **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.

66. **Hold Points during construction (Public Domain)** - Inspections shall be required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, 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 to Council, 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.

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.

67. 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*.

68. Certification. A Tree Protection Schedule, as indicated below, which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree

4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

69. **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.

70. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

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

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

73. **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.

74. **Site maintenance.** The applicant must ensure that:

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

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

76. **Tree Removal.** This consent does not authorise the removal of trees, except for the trees identified below or identified as approved for removal on the stamped plans.

Authorises the removal of the following trees:

- Tree 17 is a *Phoenix canariensis* (Canary Island Date Palm).
- Tree 35 is a semi mature *Angophora costata* (Sydney Red Gum).
- Tree 36 is a mature *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Brunnings Cypress).

- Tree 37 is a mature *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Brunnings Cypress).
- Tree 37a is a semi mature *Livistona australis* (Cabbage Tree Palm).
- Tree 37b is a semi mature *Livistona australis* (Cabbage Tree Palm).

All tree removal work is to be carried out in accordance NSW WorkCover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

77. Tree protection - no unauthorised removal. This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction.

Site Trees

- Tree 38 is a mature *Eucalyptus saligna* (Sydney Blue Gum). - to be retained & protected.
- At least 3 of the *Phoenix canariensis* (Canary Island Date Palm) are to be retained and relocated elsewhere on site.

Protection of the trees is to occur in accordance with the recommendations outlined within Section 10 of the Arborist report, the Tree Protection Plan (Appendix 6 of the Arborist report) and *AS4970 2009 Protection of trees on development sites*. Trees to be transplanted are to be handled in accordance with section 11.0 *Transplanting* as specified in the Arborist report. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

78. Tree works – Australian Standards. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

79. Tree works – arborist supervision. An AQF Level 5 Arborist is also to be engaged to monitor the trees throughout the development process and ensure compliance with the tree protection and transplant measures. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist altered, Council is to be notified, in writing, within seven working days.

80. CCTV Cameras. Surveillance cameras must be installed in and around the property to maximise surveillance opportunities. CCTV should be used throughout the communal areas such as lobbies, lifts, foyer area and exit and entrance to the building as well as area around the mail boxes. The cameras should also monitor the vicinity outside the buildings including, but not limited to, the footpath area in front of the premises. CCTV should also be used around the car park entry and exit points. Recordings should be made twenty four (24) hours a day seven (7) days a week.

Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person

without loss of focus. Record footage is to be 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. 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.

Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested. Recording equipment should be installed in a secure area to avoid tampering.

Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.

81. **Safety.** All pedestrian pathways, roadways, car parks and recreational areas shall be appropriately lit. Wheelie bins are to be secured so they cannot be used as a climbing aid. Landscaping shall not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities. Landscaping close to the building shall be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building.
82. **Lighting.** Lighting shall be provided to the buildings' entrances, all common areas including underawning lighting, street frontages, the car parking levels as well as the stairs and access to and including the 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. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
83. **Signage** - Signage must be provided at:
- Directional signage shall be provided throughout the development. The signage is to be clear, legible and useful, to aid way finding throughout the site. Signage shall be provided at the entry/exit points and throughout the development to assist users.
 - 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 be provided within the 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.

84. **Security & Intercom Facility.** Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles. The entry to the car park should have a gate system. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
85. **Graffiti.** All surfaces located on the boundary of street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Graffiti should be removed and cleaned within 48 hours. This is considered the most effective strategy for the reduction and deterrence of graffiti.
86. **Construction requirements.** All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.
87. Deleted.
88. **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.
89. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document. The Erosion and Sediment Control Plan measures outlined in the Meinhardt Civil Engineering Design Report and dated January 2011 will be incorporated into a detailed Erosion and Sediment Control Plan.
90. **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 for Stage 2, submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in regards to the discharge to the public drainage system.
91. **Construction Noise and Vibration Plan.** A detailed construction noise and vibration plan is to be prepared. The noise and vibration plan is to be developed in accordance with the following:
- Australian Standard AS2436:1981 "Guide to noise control on construction, maintenance and demolition sites"; and
 - DECCW - "Interim Construction Noise Guideline".

Certification indicating compliance are to be submitted with the Construction Certificate application.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

92. Public Access - Right of Way. All public open spaces and through site links are to be publicly accessible at all times and maintained in private ownership by the future corporate. Prior to the issue of any Occupation Certificate for the last building of Stage 2, a Right of Way permitting access at all times to all members of the public is to be created. 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 the Occupation Certificate.

The Public Access ROW referred to above must contain terms that will ensure that:

- (i) The Open Space and through site lines are accessible at all times to the Public; and
- (ii) The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

93. Public Positive Covenant

(a) Prior to the issue of any Occupation Certificate for the final building of Stage 2 a positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:

- (i) maintains and repairs at all times all public open space and through site links to Council's standards and

(ii) maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

(b) The Instrument that is to create the positive covenant referred to in this condition is to be submitted to and approved by Council prior to lodgement for registration at the Land & Property Information.

(c) Prior to the issue of any Occupation Certificate for the final building of Stage 2 the applicant is to submit to Council a certificate of currency that evidences compliance with the term (a)(ii) above.

94. **Basement Storage Restrictions.** The basement level storage spaces are not to be used for the parking of motor vehicles or converted to be capable of parking motor vehicles. This requirement is to be enforced through a restrictive covenant placed on any title incorporating a storage cage (other than the small cages measuring 2.4m x 0.8m) pursuant to Section 88E of the Conveyancing Act 1919 in favour of City of Ryde Council. This is to be done prior to the issue of any Subdivision Certificate for any of the Stage 2 Buildings. All costs associated with this requirement are to be borne solely by the proponent.

95. **Playground Area.** The proposed children's playground is to comply with the relevant Australian Standards; *AS/NZS 4486.1:1997 Playgrounds and Playground Equipment*, *AS/NZS4422:1996 Playground Surfacing and AS4685.1-6:2014 Playground equipment and surfacing - General safety requirements and test methods (EN 1176-1:2008, MOD)*. A copy of the Construction Documentation is to be reviewed and signed off by a fully qualified playground certifier prior to construction. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

96. **BASIX Commitments:** Prior to the issue of the **Occupation Certificate**, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.

97. **Landscape Compliance.** All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the inspection and reporting process carried out by an appropriately qualified landscape consultant until the Landscape Compliance Report (Practical Completion) is received by the Principal Certifying Authority. At the completion of landscape works, the landscape consultant who supervised the works shall submit to the Principal Certifying Authority a Landscape Compliance Report that establishes satisfactory completion of the

landscaping works approved by this consent. All landscaping works are to be completed prior to the issue of an **Occupation Certificate** for the last Stage 2 buildings.

98. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate for any of the Stage 2 Buildings. The Landscape Maintenance Plan should include the following requirements:
- a. 12 months maintenance period to ensure the successful establishment of the plant material.
 - b. Regular maintenance and trimming of shrubs and plantings.
 - c. Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - d. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
99. **Use of the Public area/through site links.** The applicant is to submit to Council strategies and details of public access and way finding signage on site. This is to include details of how the public will be made aware of their right to use the public open space and through site links, including any purchaser of residential units. Details to be submitted to Council prior to the issue of any **Occupation Certificate** for the first Stage 2 building.
100. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

101. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development

achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

102. **Travel Access Guide.** A Travel Access Guide is to be prepared to encourage public and active transport use for future occupants and visitors. A copy of the guide / plan is to be submitted to Council prior to the Occupation Certificate for each of the Stage 2 buildings. A copy of the guide / plan is to be given to residents and owners of each apartment. The guide / plan is to include the following information:

- Local bus stop locations;
- Service details/timetables for bus and train;
- Location of taxi ranks in the locality;
- Location of local services within walking distance such as convenience stores, supermarkets and other retail related areas;
- How a car share scheme can be accommodated on site;
- Local cycle routes including the City of Ryde cycle map.
- Maps detailing the location of bike racks, train stations, bus stops and car share spaces.
- Provision of bicycle vouchers.

103. **Affordable Units.** The affordable housing and parking, as follows:

Stage 1: DA G09 – 1 bedroom

Stage 2: SYD 101 – 2 bed plus car park

SYD 510 - 2 bed plus car park

SYD 105 – 1 bed

is to be dedicated to City of Ryde. The dedication shall occur prior to the issue of any Occupation Certificate for the Darwin and Sydney Buildings and the associated administrative and registration costs where applicable, shall be borne by the Applicant.

104. **Signage and Line-marking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

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

105. **Signage and Line-marking – Implementation.** The applicant is to install all signage and line-marking, as per the plan approved by the Ryde Traffic

Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

106. **Public Art.** The Public Art Proposal and completed public art is to be completed prior to issue of Occupation Certificate for the final building on site.
107. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

108. **Compliance report – Acoustic.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate for each of the Stage 2 Buildings.
109. **Public domain – work as executed plan.** A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate for the last Stage 2 building. All public domain works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate for the last Stage 2 building.
110. **Compliance Certificate – External Works.** Prior to the issue of the Occupation Certificate for the last Stage 2 building, a compliance certificate shall be obtained from Council confirming that all external works have been completed to Council's satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
111. **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.
112. **Certification of Mechanical Ventilation work.** Where any mechanical ventilation systems have been installed or altered, 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 an Occupation Certificate.

113. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
114. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump and WSUD 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 the 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.
115. **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 the approved plans, 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 site conditions.

- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and Council’s DCP 2014 Part 8.1 (Construction Activities).
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

OPERATIONAL CONDITIONS

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

116. **Waste.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used. All waste storage areas must be maintained in a clean and tidy condition at all times
117. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
118. **Waste collection for commercial waste.** Any building with non-residential/commercial uses must be provided with a garbage room for the storage of non-residential waste, separate from residential waste. Non-residential waste must be collected directly from this garbage room.
119. **Storage and removal of wastes.** All construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment. The construction waste is to be stored, transported and disposed of in compliance with the Protection of Environment Operations Act, 1997 and all Regulations.
120. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.
- Any translated message must be accurate and complete.
- No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.
121. **Signage.** No approval is granted in this consent for general or third party advertising which is prohibited.

122. **Residential Amenity - Noise Limits** - Noise from the gymnasium or any commercial premises shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7.00am. Any amplified music used within the gym shall be limited in volume so as not to cause a disturbance to the amenity of the adjoining residences. Noise insulating materials or construction (such as acoustic rubber matting or paneling) should be installed where ever it is anticipated that activities or the use of plant and equipment may generate a noise disturbance to surrounding premises.

Within the communal open space area, the playing of amplified music or messages, any spruiking and the likes are not to disturb the amenity of other public and private places.

123. **Public Health Act.** The gymnasium is to be comply with the Public Health Act 2010 and Public Health Regulations 2012.
124. **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*.
125. **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.
126. **Noise Limit.** Noise generated at the premises must not exceed the noise limits specified in the noise impact assessment report submitted with the development application.
To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver's premises. 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).
127. **Gym.** The gym located in the Hobart Building is not to be used for commercial purposes.

128. **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.
129. **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*.
130. **Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system in compliance with the Protection of Environment Operations Act, 1997.
131. **Duty to notify.** Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.