

PART 1

DEFERRED COMMENCEMENT

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

- Contribution Payment.** This consent is not to operate until such time that the Bond required by Clause 1.1 of Schedule 10 under the Planning Agreement between Council and Shri Ganesh Capital Pty Limited ATF Macquarie Business Centre Unit Trust (ACN 719 256 512), dated 11 February 2016, has been provided to Council.

The Bond described above must be provided within 2 years of the date of the DA Approval Notice.

PART 2

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

- 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
Architectural Plans	01/12/15	DA-A1105(E), DA-A2002(E), DA-A2003(E), DA-A2004(E), DA-A2005(E), DA-A2006(E), DA-A2007(E), DA-A2008(E), DA-A2009(E), DA-A2010(E), DA-A2011(E), DA-A2012(E), DA-A2013(E), DA-A2014(E), DA-A2015(E), DA-A2016(E), DA-A2017(E), DA-A2018(E), DA-A2019(E), DA-A2020(E), DA-A2021(E), DA-A2022(E), DA-A2023(E), DA-A3000(E), DA-A3001(E), DA-A3100(E)
	06/08/15	DA-A2000(D), DA-A2001(D)
Demolition Plan	02/2015	DA-A1101(D)
Exterior Finishes	02/2015	DA-A8200(D),
Lot Consolidation	Undated	Sheet 2

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Landscaping Plans	15/12/15	DA-7002(E)
	15/01/16	DA-7005(A)
	25/02/16	DA-7001(G)
	14/03/16	DA-7000(H), DA-7003(E), DA-7004(D)

2. **Voluntary Planning Agreement.** The Voluntary Planning Agreement (VPA) made under Section 93(F) of the Environmental Planning and Assessment Act, 1979 and entered into by City of Ryde Council and Shri Ganesh Capital Pty Limited ATF Macquarie Business Centre Unit Trust, dated 11 February 2016, operates with this consent. The VPA must be registered on title prior to the issue of any Construction Certificate.
3. **Plan Amendments.** Notwithstanding the approved plans referred to in condition 1 (Part 2), the development shall include the following modifications:
 - a) The service vehicle access driveway shall be splayed to accommodate 8.8m medium rigid vehicle (MRV) access.
 - b) All kerb designs shall include a radius at corners. A sharp corner on the bus drop-off/pick-up platform shall be corrected to reflect a standard radius.
 - c) The level 1 window in the south-western side elevation serving the function room shall be obscurely glazed to a minimum height of 1.8m above finished floor level. The window shall also be fixed shut.
 - d) The maximum height of the 'green wall' on the south-western side boundary shall not exceed 1.8m.
 - e) The minimum pot/container size of the approved *Cupaniopsis anacardoides* (Tuckeroo) trees on the Lane Cove Road frontage shall be 200 Litres.

Details demonstrating compliance with the above modifications are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate for above ground works.

4. **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.
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.

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6. **Lane Cove Road.** All buildings or structures (other than pedestrian footpath awnings and utilities connections) together with any improvements integral to the future use of the site, are to be wholly within the freehold property (unlimited in height or depth) along the Lane Cove Road boundary.
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. **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.
10. **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.
11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Public Utilities.** 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.
13. **Service Alterations.** The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved work and as required by the various public utility authorities. All mains, services, poles, etc., which require alteration shall be altered at the developer's expense.
14. **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.
15. **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

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undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.

16. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council for assessment of all engineering and public domain plans, road use permits, work zone permits, crane permits and/or concrete pump permits, and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
17. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the non-accommodation portion of the development, shall comply with the requirements of Part 7.1 of Council's DCP 2014. Details are to be noted on the plans submitted with the relevant **Construction Certificate**.
18. **Plumbing and Drainage.** 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.
19. **Maximum number of persons.** A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the function centre as specified in the development consent.

The maximum number of persons permitted in the function centre is 150.

20. **Entertainment Venues.** The use of the function centre as an entertainment venue shall comply with the requirements of Schedule 3A of the Environmental Planning & Assessment Regulation 2000.
21. **Signage.** Notwithstanding the 'future signage location' indicated on the approved plans, this consent does not authorise the erection of any signs or advertising structures and does not imply future approval for signs in these locations. Separate approval must be obtained from Council for any signage, unless such signage is "exempt development".
22. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
23. **Wastewater discharge.** The swimming pool shall be connected to the Sydney Water sewer for discharge of wastewater.
24. **Resuscitation Chart.** A resuscitation chart containing warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL" must be provided in the immediate vicinity of the swimming pool area so as to be visible from all areas of the pool.

DEMOLITION 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.

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25. **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.
26. **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.
27. **Demolition and Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition and Construction Traffic Management Plan (DCTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to the commencement of demolition work. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DCTMP 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 DCTMP 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.

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- 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 DCTMP 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.

28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
29. **Demolition Work Method Statement.** 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.
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. **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.
32. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
33. **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. 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.

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34. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner 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.
35. **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.
36. **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.
37. **Demolition & Construction Vehicles.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. All vehicles are to enter and leave the site in a forward direction. A construction zone will not be permitted on Lane Cove Road.

PRIOR TO CONSTRUCTION CERTIFICATE

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

38. **Wind Report.** The recommendations contained in the Wind Environment Study, prepared by Windtech and dated 11 January 2016, shall be incorporated into the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate for above ground works.

39. **Compliance with Australian Standards.** The development, including all engineering work, is required to be carried out in accordance with all relevant Australian Standards. 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.

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Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

40. **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 relevant Construction Certificate.
41. **RMS Approval of Kerb and Gutter.** The redundant driveway on the Lane Cove Road boundary shall be removed and replaced with kerb and gutter. The design and construction of the kerb and gutter on Lane Cove Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta.

Details demonstrating compliance are to be provided prior to the issue of the relevant Construction Certificate and commencement of any road works on Lane Cove Road.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

42. **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 the relevant Construction Certificate and commencement of relevant 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.

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- 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.

43. **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).

Details demonstrating compliance are to be provided prior to the issue of the relevant Construction Certificate.

44. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage infrastructure in Hyundai Drive generally in accordance with the plans by C&M Consulting Engineers (Refer to Project No. 01280 Dwgs 100, 110, 202 and 621 Rev. 3 dated 5 August 2015) subject to the following variation(s);
- The proposed works in the future road area must be approved by Councils City Works section.
 - The plans are to provide and detail a 10kL rainwater tank. The tank must be located in a hardstand area and have a failure mode directing any overflow to the kerb.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for any Construction Certificate for above ground works 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

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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.

45. **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.
 - Is in accordance with the recommendations of the Geotechnical Report by Jeffery & Katauskas Geotechnical Consultants dated 26 November 2014.

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

46. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without

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detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for any Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil 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 City 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.

47. **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)
48. **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
49. **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.

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50. **Driveway Access and Boundary Alignment Levels.** The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the relevant Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued 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.
51. **Vehicle Footpath Crossings.** The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards.

In order to avoid the 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 footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the relevant Construction Certificate.

52. **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. A bond in the form of a cash deposit or Bank Guarantee of \$10,000 shall be lodged with the City of Ryde prior to the issue of any Construction Certificate to guarantee this requirement will be met. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the Public Domain Works. 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. 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.
53. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely nos 4 Giffnock Avenue, 386 Lane Cove Road and 394 Lane Cove Road. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of any Construction Certificate.
54. **Detailed Site Investigation report.** Prior to the issue of any Construction Certificate, the proponent must undertake a detailed site investigation report complying with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) demonstrating that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.
- If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

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55. **Remediation of land.** 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.

If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

56. **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*.
57. **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.
58. **Acoustic Report.** A report from a qualified acoustical consultant detailing the measures required to comply with the noise emission and vibration criteria specified in condition 146 of this consent, must be submitted with the application for the relevant Construction Certificate.
59. **Road and rail noise and vibration criteria for sensitive developments.** The building must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the building comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issuing of the relevant Construction Certificate.
60. **Pool plant details.** Details of the proposed pool plant must be submitted for approval with the application for the relevant Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the pool plant complies with the conditions of this Consent.
61. **Pool fencing.** The required pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

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62. **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. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

63. **Construction and fit-out of food premises.** All proposed food premises must be constructed and fitted-out in accordance with the requirements of:

- (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
- (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.

Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

64. **Construction of walls.** The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

65. **Provision for installation of kitchen exhaust systems.** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

66. **Water circulation, filtration and dosing system.** All public swimming pools and spa pools must be equipped with an effective water circulation system, water filtration system and automatic disinfectant dosing system. For further guidance see the *Public Swimming Pool and Spa Pool Advisory Document* (Health Protection NSW, 2013). Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

67. **Installation, operating and maintenance requirements.** Any air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

68. **Access for maintenance purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: *2011 Air-handling and water systems of buildings - Microbial control - Operation and maintenance*. Details of compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

69. **Installation of grease trap.** The grease trap must be installed in accordance with the requirements of the Sydney Water Corporation 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 compliance are to be reflected on the plans submitted with the relevant Construction Certificate.

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70. **Public Domain Improvement Works.** The public domain is to be upgraded in the Lane Cove Road and Hyundai Drive frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 - Macquarie Park. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings.

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

- (a) Hyundai Drive widening and upgrade to a 16m wide road reserve with corresponding road pavement, footpath paving and street lighting as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided as per the approved landscape plans.

Note: In finalising the design of the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Lane Cove Road and Hyundai Drive frontages. 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 Hyundai Drive.

The consultant shall liaise with Council's City Works and Infrastructure Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide and schema can be made available to the Electrical Design Consultant upon request to Council's City Works and Infrastructure Directorate.

71. **Public Infrastructure Works.** Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to

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Council for approval prior to the issue of any Construction Certificate for above ground works. The works shall be in accordance with 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 road pavement widening and footpath into the remaining street scape.

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter and granite footpath along Lane Cove Road. The new kerb and gutter along Lane Cove Road, which is a classified road, shall be constructed to RMS' standards. The existing granite paving shall be reinstalled with smooth connections with the existing pavement.
- (b) The full reconstruction of 2.1m width of existing road pavement and construction of 0.9m width of new road pavement to achieve a total of 6.0m road pavement along the Hyundai Drive frontage of the development site in accordance with Clause 1.1.4 – *Constructing Half Road* of the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*.
- (c) The construction of new kerb and gutter along the Hyundai Drive frontage of the development site according to Drawing No 14160 VPA-A1001 Issue E. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Lane Cove Road and Hyundai Drive.
- (d) Construction of granite pavement on the public footpath in accordance with the City of Ryde Public Domain Technical Manual Chapter 6 – Macquarie Park, along the Hyundai Drive frontage of the development site. Pavement to match the opposite side of Hyundai Drive.
- (e) 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.

Notes:

- 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- 2. 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*".

- 72. **Evidence of connection by gravity flow.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the relevant Construction Certificate.
- 73. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any

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Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

74. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity (less than 20% 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 relevant Construction Certificate.
75. **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).
76. **Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, all service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval, such infrastructure shall be located on the subject site and appropriately screened from view. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible. Details of all service infrastructure/utilities are to be approved prior to the issue of the relevant **Construction Certificate.**
77. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.
78. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting. Information verifying that the development complies with these requirements to be provided on the relevant Construction Certificate plans.
79. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens to

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ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details demonstrating compliance are to be submitted prior to the issue of the relevant Construction Certificate.

80. **Water Feature Depth.** The proposed water feature within the central communal open space area is to be a maximum of 300mm in depth and comply with all Australian Standards and relevant legislation. Details demonstrating compliance are to be submitted prior to the issue of the relevant Construction Certificate.
81. **Retaining Walls.** Unless otherwise specifically approved by the plans referred to in condition 1 (Part 2), retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the relevant Construction Certificate.
82. **Storage of commercial wastes.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes. Details of compliance are to be provided in the plans for the relevant Construction Certificate.
83. **Garbage and recycling rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
 - (a) The room must be of adequate dimensions to accommodate all waste containers and 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

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- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

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

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.

84. Site Sign.

- (a) A sign must be erected in a prominent position on site, prior to the commencement of demolition/excavation/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.

85. 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.

86. 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.

87. Ground Anchors. The installation of permanent ground anchors into the public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, 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, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is

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subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time.

88. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles 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) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of any Occupation Certificate (see condition 135). 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.

89. **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.
90. **RMS Approval of Site and Support Structures.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

If it is necessary to *excavate* below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least *seven* (7) days notice of the intention to *excavate* below the base of the footings. The notice is to include complete details of the work.

91. **Road Occupancy Licence.** A Road Occupancy Licence should be obtained from the Transport Management Centre (TMC) for any works that may impact on traffic flows on Lane Cove Road during construction activities.

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DURING DEMOLITION/EXCAVATION/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.

92. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the demolition and construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.
93. **Acoustic Construction Requirements.** All acoustical treatments nominated in the Noise Impact Assessment prepared by Acoustic Logic (ref: 20150361. 1/2003A/R0/BW dated 20 March 2015), and the acoustic report required by condition 58, must be implemented during construction and demolition.
94. **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*.
95. **Hold Points during Construction - Drainage.** Construction inspections shall be required by Council's Senior Asset Engineer, Stormwater for the Council stormwater drainage works at the following hold points: -
 - a. Upon installation of bedding material.
 - b. Upon installation of any pipe, culvert and other drainage structures.
96. **Hold Points during construction - Public Domain.** Inspections are 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.

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The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed above. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

The Engineer's certificate for the final inspection shall confirm 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's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.

97. **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. All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
98. **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.
99. **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.
100. **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.
101. **Construction materials.** All materials associated with construction must be retained within the site.
102. **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.
103. **Site maintenance.**

The applicant must ensure that:

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- 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.

104. **Erosion and Sediment Control.** No sediment, dust, soil or similar material shall leave the site during construction work. The applicant shall install erosion and sediment control measures in accordance with the approved plan by C&M Consulting Engineers (Refer to Project No. 01280 Dwgs 701-702 Rev. 3 dated 5 August 2015) 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.
105. **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.
106. **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.
107. **Implementation of Demolition and Construction Traffic Management Plan.** All demolition works and construction activities are to be undertaken in accordance with the approved Demolition and Construction Traffic Management Plan (DCTMP). All controls in the DCTMP 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 DCTMP be impacted by surrounding major development not encompassed in the approved DCTMP, the DCTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DCTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
108. **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 C&M Consulting Engineers (Refer to Project No. 01280 Dwgs 100, 110, 202 and 621 Rev. 3 dated 5 August 2015) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

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109. **Tree Works.** All tree works must be carried out in accordance with all relevant Australian Standards. All tree removal work shall be in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications. No trees are authorised to be removed unless specifically permitted by the landscape plans referred to in condition 1 of this consent and the recommendations contained within the Arboricultural Impact Assessment (Version 2), prepared by Earthscape Horticultural Services and dated 8th May 2015.
110. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboricultural Impact Assessment (Version 2), prepared by Earthscape Horticultural Services and dated 8th May 2015, are carried out.

All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.

Details of the Project Arborist are to be submitted to Council prior to the commencement of construction. Should these details change during the course of works, or the appointed Consultant Arborist alters, Council is to be notified, in writing, within seven working days.

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.

111. **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 Occupation Certificate for each Stage.

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.

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112. **Dedication of Land.** The dedication of approximately 276.30m² area of land to Council for public road widening along the Hyundai Drive frontage of the site shall only be initiated after Council has provided written confirmation of satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of any Occupation Certificate.
113. **Traffic Management Plan.** Prior to the issue of any Occupation Certificate, a traffic management plan in relation to any overflow of the drop-off and pick up area, must be in place to prevent any queue at the intersection of Lane Cove Road and Hyundai Drive. The Plan must be prepared by a qualified traffic consultant.
114. **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. The approved signage and linemarking is thereafter to be installed as per the plan approved by the Ryde Traffic Committee prior to the issue of any Occupation Certificate.

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

115. **Plan of Management.** Prior to the issue of any Occupation Certificate, the applicant shall submit to Council and obtain approval by Council and NSW Police for a Plan of Management (POM). The POM is to provide details on how the serviced apartment development (and associated uses) will be managed to reduce its impact upon the amenity of surrounding properties. The POM must provide all details relevant to the operation of the premises. As a minimum the following must be included:
- Reference number, date, title and Objectives;
 - Operational details;
 - Hours of operation;
 - Parking allocation, management and entitlement for occupants;
 - Staff details;
 - Premises management and servicing arrangement;
 - Details of maximum period of stay for guests;
 - Details of maximum occupancy rate per room;
 - Use of swimming pool, gym and level 2 terrace for guests only;
 - Guidelines for staff for using the site facilities and equipment;
 - Deliveries and loading/unloading;
 - Waste Management arrangement;
 - Managing customers or patrons;
 - Emergency Management and Evacuation Plan;
 - Security details;
 - Sale of Alcohol;
 - Complaint recording and handling process;
 - Noise control;
 - Anti-social behaviour;
 - Graffiti Management;
 - Safety and security;
 - Restriction on certain activities; and

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- The review process to continuously improve the POM.
116. **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.
117. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, WSUD elements and pump/sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
118. **Maintenance of Stormwater Quality Devices.** The proposed Storm Filter cartridges and Enviropod devices implemented to treat stormwater runoff require a regular maintenance regime in order to maintain operation as designed. Prior to the issue of the relevant Occupation Certificate, a maintenance schedule for these devices must be prepared so as to be implemented in the development's Plan of Management. The maintenance schedule is also to be implemented by way of signage in the vicinity of the devices, which is to outline the maintenance schedule and associated procedure. The final schedule and signage is to be installed prior to the issue of any Occupation Certificate.
119. **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.

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- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

120. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

121. **Landscaping.** All landscaping works approved by condition 1 (Part 2) are to be completed prior to the issue of the final Occupation Certificate.

122. **Replacement Planting.** The eight (8) *Syncarpia glomulifera* (Turpentine) and four (4) *Angophora costata* (Sydney Red Gum) to be planted on site must satisfy the following specifications:

- (a) The trees shall be planted in accordance with the specifications as prescribed in Section 6 of the City of Ryde Urban Forest Technical Manual;
- (b) The container size of the trees at planting shall be a minimum of 100 litres.

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

123. **Acoustic Compliance Report.** A report from a qualified acoustical consultant demonstrating compliance with the noise criteria specified in condition 146 must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

124. **Mechanical ventilation of rooms.** If the airborne noise level with windows and doors opens exceed 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. Details demonstrating compliance must be

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submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

125. **Certification of Mechanical Ventilation Work.** Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.
126. **Certification of fit-out work.** Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of any Occupation Certificate.
127. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

128. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The carpark;
 - The ground floor lobby and lifts;
 - Restaurant and café;
 - Footpath area in front of the premises.

Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. As a minimum, the cameras at the entry and exit points 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. It must be maintained in working order at all times and installed by a qualified and reputable company.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate for each Stage.

129. **Car parking security.** Vehicular entry to basement parking levels is to be through a secured roller shutter. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise

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the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

130. **Lighting.** Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

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

131. Deleted.

132. **Serviced apartment windows.** The windows to the serviced apartments are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any residential Occupation Certificate.

133. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers or a similar modern security system to exclude unauthorised access to areas of the building i.e. no access for non-resident function centre users or restaurant patrons to serviced apartment levels. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any residential Occupation Certificate.

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

135. **Public domain – Work as Executed Plan.** 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.

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

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qualified Civil Engineer shall be submitted to support all variations from the approved plans.

All public domain works are to be completed to Council's satisfaction prior to the issue of any Occupation Certificate.

136. **Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
137. **Compliance Certificate – External Landscaping Works.** Prior to the issue of any Occupation Certificate, 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.
138. **Compliance Certificate – External Works.** Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
139. **Compliance Certificate – Drainage.** Prior to the issue of any Occupation Certificate, Works-As-Executed Drawings for the Council stormwater drainage works shall be submitted to and approved by Council. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer, certifying the drawings are a true and accurate representation of the constructed works.
140. **Compliance Certificate – Street Lighting** – Prior to the issue of the Occupation Certificate, 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.
141. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of any residential Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
 - a. Regular maintenance and trimming of shrubs and plantings.
 - b. 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.
 - c. 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.

OPERATIONAL

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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.

142. **Traffic Management Plan.** The required Traffic Management Plan referred to in condition 113 in relation to management of any overflow of the drop-off and pick up area, must be adhered to at all times. A copy of the Plan must be available on site for review at all times.
143. **Plant Establishment Period/ Maintenance Period.** The trees within the public domain will incur a 5 year maintenance period to ensure the successful establishment of the plant material. If any trees within this period die, they are to be replaced immediately.
144. **Replacement Planting Maintenance.** The following provisions apply to the replacement eight (8) *Syncarpia glomulifera* (Turpentine) and four (4) *Angophora costata* (Sydney Red Gum) to be planted on site:
- (a) The replacement trees shall be maintained until they reach five (5) metres tall or have a stem circumference of 450mm, at which time the trees shall be protected by the City of Ryde Development Control Plan 2014 Part 9.6 (Tree Preservation);
 - (b) If a replacement tree dies before it reaches this size it shall be replaced in accordance with replanting requirements listed in condition 123;
 - (c) It is the responsibility of the property owner to ensure that all work is carried out according to the conditions of this consent. Failure to do so is an offence under the Environmental Planning and Assessment Act 1979 and you may be subject to fines or legal action.
145. **Noise Pollution.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
146. **Noise Pollution.** Unless otherwise provided in this Consent, noise from any activities or any plant and equipment must not cause:
- (a) The emission of noise that exceeds the project specific noise levels specified in the Noise Impact Assessment, prepared by Acoustic Logic (ref: 20150361.1/2003A/R0/BW dated 20 March 2015), 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.
147. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. All waste storage areas must be maintained in a clean and tidy condition at all times. An adequate number of suitable waste containers must be kept on premises for the storage of

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garbage and trade waste. 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.

148. **Delivery and loading/unloading.** All loading and unloading, including waste collection, in relation to the use of the premises shall take place wholly within the property. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day. Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
149. **Use of the Premises.** 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.
150. **Maximum capacity.** The maximum capacity of the function centre shall be 150 persons.
151. **Hours of Operation (Restaurant).** The following hours of operation apply to the rooftop restaurant:
Monday to Saturday: 5am to Midnight
Sundays & Public Holidays: 5am to 10pm
152. **Hours of Operation (Function Room).** The following hours of operation apply to the level 1 function room:
Monday to Saturday: 5am to Midnight
Sundays & Public Holidays: 5am to 10pm
153. **Hours of Operation (Café).** The following hours of operation apply to the ground floor café:
Monday to Saturday: 5am to 11pm
Sundays & Public Holidays: 5am to 10pm

Notwithstanding the above stated café operating hours, use of the associated external seating area is restricted to:

Monday to Sunday: 7am to 10pm

The café bi-fold doors fronting Lane Cove Road must be closed at all times between 10pm and 7am (Monday to Sunday).

154. **Use of Pool, Gym and Level 2 Terrace.** The swimming pool, gym and level 2 terrace are only to be utilised by residents of the serviced apartments.

ADVISORY NOTES

1. **Dewatering.** Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences.

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Please note that the proposal must not incorporate provision for permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.

2. **Registration of premises.** All food outlets and swimming pools must be registered with Council's Environmental Health Unit before trading commences.
3. **Registration of water-cooling systems** - Any water-cooling regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
4. **Inspections and fees.** Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

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

End of consent