

ATTACHMENT 1: Conditions

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to 101-107 Waterloo Road, Macquarie Park for the construction of a mixed use development subject to the following conditions of consent:
1. **Voluntary Planning Agreement.** The Planning Agreement as generally contemplated in the letter of offer from Waterloo Road Development P/L (ABN 95 610 623 973) dated 19 October 2016 being entered into and registered on the title of the land, the subject of this development consent.
 2. **Stormwater Management.** The proposed discharge of stormwater runoff from the new road to Waterloo Road via a piped drainage system to be extended around the development, adjoining the northern and western boundary of the development site, is unacceptable due to the imposition of existing services and utilities located on the western side of the site and the inability to accommodate a public drainage easement satisfying the requirements of Council's DCP.

Accordingly the stormwater management system must be revised to address the following matters;

- (a) The stormwater drainage plan by Northrop Consulting Engineers (Refer to Project No. 161294 Rev. 4 dated 7 April 2016) is to be amended to discharge all stormwater runoff from the new road to the existing public drainage easement and public drainage infrastructure in the neighbouring site (Lot 100 – DP1190494). The development itself may discharge to Waterloo Road via the onsite detention system, as noted on the plans. This is to be achieved by extension of a drainage line and formed open channel swale to commence from the road and extended west, adjoining the northern boundary of the development lot, to align with the existing public drainage easement in the neighbouring lot so as to enable the shortest line of connection. The drainage infrastructure is to be amended to provide a series of drop junction pits / junctions so as to dissipate head and, if required, a detention basin should there be insufficient capacity in the downstream system. The revised stormwater management plan is to be approved by Council prior to the activation of the development consent.
- (b) The connection to the public drainage easement over the neighbouring property will require an easement over the extension of the existing drainage infrastructure, to enable the legal right to drain to this infrastructure. An easement to drain stormwater must be created over the adjoining property (Lot 100 – DP1190494). The terms of the drainage easement must be in accordance with the terms of the existing easement.

The terms and the easements location on the burdened lot must be submitted to Council for approval prior to it being registered with the Land & Property Information Authority. This condition is not satisfied until the easement is registered on the title of the property.

Documentation demonstrating compliance with these items must be submitted to Council for approval prior to the issue of the development consent. Any variation of the alignment of the drainage infrastructure and easement is subject to Council discretion. All costs associated with satisfying this condition of deferred commencement must be borne by the applicant.

3. **Sydney Trains Approval.** The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with the ASA Development Near Rail Tunnels (<http://www.asa.transport.nsw.gov.au/sites/default/files/asa/asa-standards/t-hr-ci-12051-st.pdf>):
 - (a) Detailed Rail specific Geotechnical Engineering Report and Civil and Structural design plans that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains facilities by the development.
 - (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - (c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - (d) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.
 - (e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

- (B) Written evidence that the matter identified in deferred commencement conditions (A) 1, 2 & 3 above have been satisfied, must be submitted to Council within 24 months from the date of this development consent, failing which, this development consent will lapse pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent conditions (A) 1,2 & 3 above have been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent conditions (A) 1,2 & 3 above have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

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

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

Document Description	Date	Plan No/Reference
Cover Sheet & Drawing List	25/08/16	DA-000 Revision C
Location and Site Plan	24/10/16	DA-001 Revision B
Demolition Plan	24/10/16	DA-003 Revision A
New Road Ground Plan	27/02/17	DA-004 Revision A
Basement 2 Floor Plan	27/04/17	DA-100 Revision F
Basement 1 Floor Plan	27/04/17	DA-101 Revision F
Ground Floor Plan	27/04/17	DA-110 Revision K
Mezzanine Floor Plan	27/04/17	DA-111 Revision H
Level 1 Floor Plan	27/04/17	DA-112 Revision L
Level 2 Floor Plan	27/04/17	DA-113 Revision J
Level 3 Floor Plan	27/04/17	DA-114 Revision J
Level 4 Floor Plan	27/04/17	DA-115 Revision J
Level 5 Floor Plan	27/04/17	DA-116 Revision J
Level 6 Floor Plan	27/04/17	DA-117 Revision J
Level 7 Floor Plan	27/04/17	DA-118 Revision H
Level 8 Floor Plan	27/04/17	DA-119 Revision H
Level 9-17 Floor Plan	27/04/17	DA-120 Revision J
Level 18 Floor Plan	27/04/17	DA-121 Revision K
Level 19 Floor Plan	27/04/17	DA-122 Revision I
Level 20 Floor Plan	27/04/17	DA-123 Revision J
Roof Garden Plan & Roof Plan	27/04/17	DA-124 Revision C

North Elevation	15/08/16	DA-200 Revision E
West Elevation	15/08/16	DA-201 Revision E
South Elevation	15/08/16	DA-202 Revision E
East Elevation	15/08/16	DA-203 Revision D
West Courtyard Elevation	25/08/16	DA-204 Revision E
South West Courtyard Elevation	25/08/16	DA-205 Revision E
East Courtyard Elevation	25/08/16	DA-206 Revision E
Section AA	15/08/16	DA-300 Revision D
Section BB	15/08/16	DA-301 Revision D
Section CC	15/08/16	DA-302 Revision D
External Finishes Sheets 1 & 2	25/08/16	DA-400 & 401 Revision A
Privacy screens to podium (Fencing)	27/02/17	SK-500
Adaptable Apt Layout – Type 1 & 2	24/10/16	DA-150 & 151 Revision C
Adaptable Apt Layout – Type 3	24/10/16	DA-152 Revision D
Adaptable Apt Layout – Type 4	27/04/17	DA-153 Revision A
Silver Level Livable Apt Layout – Type 1 & Type 2	27/04/17	DA-170 & 171 Revision D & A
Landscaping Package by Arcadia. Pages 1 to 31.	May 2017	ISSK Issue K
Landscaping Drawing Schedule – cover sheet	25/05/17	Issue K
Landscape Ground	25/05/17	Sheets 201 & 202 Issue K
Landscape Level 1	25/05/17	Sheets 203 & 204 Issue K
Landscape Podium terraces	25/05/17	Sheet 205 Issue K
Landscape Penthouse	25/05/17	Sheet 206 Issue K
Landscape Public Realm Plan	25/05/17	Sheet 207 Issue K
Landscape Details	25/05/17	Sheet 300 Issue K

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- a. **Bicycle Spaces & End of trip facilities.** The proposal is short of the required spaces 68 bicycle spaces by 8 spaces. An additional 8 bicycle spaces are to be provided and are to be taken from the excess motorcycle spaces. In addition, end of trip facilities are to be provided for the retail and commercial development. These facilities are to be located in close proximity to the bicycle parking. Details of the additional bicycle parking and end of trip facilities are to be provided to Council for approval prior to the release of the Construction Certificate.
- b. **Building C Corridor.** To address the issue of the long corridor within Building C, seating and break out areas are to be provided in various points of the corridor. In addition, a variety of interior design strategies are to be utilised to provide various characters to the corridors, including various

interior finishes, internal future and landscaping. Details to be provided to Council for approval prior to the release of the Construction Certificate.

- c. **Studies.** All studies within the development are to be provided with built in internal joinery for the construction of a desk so that the room is not capable of being used as a bedroom. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.
- d. **Façade Treatment.** Refinement of the façade design to the south eastern elevation of Building C is required so as to delineate more clearly the separate “podium” and “tower” elements of the building. Details to be provided to Council for approval prior to the release of the Construction Certificate.
- e. **Privacy Screen.** To ensure privacy is maintained between the buildings, the following privacy measures are to be implemented:
 - the balconies of Apts B0402 & B0602 are to be provided with privacy louvers. The privacy louvers are to be located along the southern end of the balconies so as to prevent overlooking to the balconies of C0410 & C0610.
 - The north-west living room windows of Apts B0208 & B0308 are to be either a high light window or provided with privacy louvers. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.

The Development must be carried out in accordance with the amended plans approved under this condition.

- 2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
- 3. **Voluntary Planning Agreement (VPA).** The applicant is to comply with all of the VPA obligations entered into between Council and Waterloo Road Development Pty Ltd, as referred to in the deferred commencement condition (A) (1).
- 4. **Consent period.** This consent will lapse 5 years after the date that Council advises that the deferred commencement conditions have been satisfied.
- 5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 72785M_02, dated 7 November 2016.
- 6. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the retail component of the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council’s DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.

7. **Road and Maritime Services (RMS).** All buildings and structures, together with any improvements integral to the future use of the site are to be outside the land required for road widening works, as indicated on the attached Plan by RMS dated 17 February 2017. The land required for the road widening is to be subdivided into a separate lot and is to remain in private ownership until such time RMS acquires the land.
8. **RMS – Temporary access to Waterloo Road.** The Left-in & left-out (LILO) access arrangement off Waterloo Road is only temporary until the access road is connected to Talavera Road. When the above access road is connected to Talavera Road, the temporary access off Waterloo Road will be restricted to left-in only.
9. **RMS.** Roads and Maritime would not support installation of a “Keep Clear” pavement marking on Waterloo Road at the access road intersection since it would adversely impact on the operations of future traffic control signals at Waterloo Road and Byfield Street intersection.
10. **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.
11. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
12. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
13. **Balconies:**
 - (a) **Clothes drying.** No clothes drying on balconies in the public view are permitted. Any future Strata Management Plan is to include the requirement that clothes drying on balconies visible from any public domain is not permitted.
14. **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. No works outside these hours will be allowed.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Roads Act. Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

21. Ausgrid - Method of Electricity Connection & Supply of Electricity. The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements. The nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please refer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

22. **Ausgrid - Conduit Installation.** The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
23. **Ausgrid – Vegetation.** All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
24. **Ausgrid - Proximity to Existing Network Assets**

Underground Cables

There are existing underground electricity network assets in Waterloo Road. Special care are to be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. The developer is to locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets within the site boundary. The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

25. **Sydney Trains.** If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
26. **Sydney Trains.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
27. **Sydney Trains.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.
28. **Sydney Trains.** Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
29. **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 and as outlined within Council's DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions herein.

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.
30. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
31. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed Construction Management and Staging plan.

32. **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.
33. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
34. **Foundation Piers to Council's Easement.** Foundation piers should be located outside any Council's easement and be a minimum of 1.00m from the outside face of the existing stormwater conduit. All piers are to extend at least 1 metre below the invert of the conduit. When constructing the foundations, consideration should be given to the condition and stability of the stormwater conduits. Piers are to be bored not to be driven. Displacement piers must not be used.
35. **Pedestrian Sight Lines.** Minimum sight lines for pedestrian safety shall be provided within the property boundary in accordance with Figure 3.3 of AS2890.1-2004.
36. **Ongoing Management.** The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the project. Under the direction of Council, the applicant will make good any roadside facilities being footpaths, road pavement, etc; to Council's (City of Ryde) satisfaction.
37. **Construction and fit-out of food premises.** All proposed food premises (other than retail meat 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*.
- The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials. Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.
38. **Drainage of carwash bays.** The floor of any carwash bays must be graded and drained to a grated drain or collection sump located within the wash bays and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation. Any uncontaminated stormwater must be directed away from the carwash bays.

39. **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*.

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

1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

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.

41. **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.

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

43. **Excavation.** A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW 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.

44. **Construction Noise & Vibration Control Management Plan.** A comprehensive construction noise and vibration management plan to protect the amenity of the adjacent properties must be prepared by a suitable qualified acoustic consultant and submitted to the Principal Certifying Authority **before demolition commences**. The plan must be prepared in accordance with the relevant requirements of Interim Construction Noise Guideline (DECC, 2009) and AS2436-2010 *“Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites”* and include:

- a. Identification of nearby affected residences or other sensitive receivers.
- b. An assessment of the expected noise impacts.
- c. Details of the work practices required to minimise noise impacts.
- d. Noise monitoring procedures.
- e. Procedures for notifying nearby affected residents or businesses.
- f. Complaints management procedures.
- g. Note: Appropriate background noise levels relevant to the most sensitive receivers will be required to support the plan.
- h. All relevant requirements of the plan must be implemented throughout the period of **demolition and construction**.

45. **Sediment Control.** A sediment and erosion control plan must be prepared in accordance with relevant legislation and guidelines and submitted to the Principal Certifying Authority before demolition commences to prevent the escape of sediment from the site during demolition and construction and include:

- i. Diversion of runoff around disturbed areas and stockpiles.
- ii. Installation of sediment fences or other suitable measures downslope of areas of disturbed areas and stockpiles.
- iii. Paving of haul roads where practicable.
- iv. Stabilisation of all vehicle entry/exit points.
- v. Washing excess mud off tyres before vehicles exit the site.
- vi. Diversion or discharge of contaminated runoff to sediment traps.
- vii. Ensuring that any pump out water discharged to Council’s stormwater drainage system is clean and uncontaminated.
- viii. Re-stabilisation of disturbed areas as soon practicable after work is completed.

All relevant requirements of the plan must be implemented throughout the period of **demolition and construction**.

46. **Dust Control.** A dust control plan must be prepared in accordance with relevant legislation and guidelines and submitted to the Principal Certifying Authority **before demolition commences** to prevent the escape of dust from the site during demolition and construction and include:
- a) Physical barriers being placed around the site and other dust sources to prevent wind or work activities from generating dust.
 - b) Watering areas of exposed soil during dry windy weather.
 - c) Covering or watering stockpiles during dry windy weather.
 - d) Watering the work area or use of fog cannons during excavation work.
 - e) Stopping excavation work during periods of high winds if dust emissions cannot be prevented.
 - f) Watering haul roads during dry weather.
 - g) Ensuring that all excavated materials transported from the site are covered.
 - h) Re-stabilisation of disturbed areas as soon practicable after work is completed.

All relevant requirements of the plan must be implemented throughout the period of **demolition and construction**.

47. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW and in accordance with Hazmat Plus Report.

48. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

49. **Waste Management Plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.

50. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

51. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. Trees marked for removal are to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

52. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

53. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

54. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DTMP is to be adhered to at all times during the project.
- iii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible. Construction trucks will not be permitted to utilise Byfield Street.
- iv. 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 is not permitted unless approved by City Works & Infrastructure Directorate
- v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vi. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- viii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP 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. These communications must be documented and submitted to Council prior to work commencing on site.
- ix. The DTMP 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).
- x. 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 are to be paid at the time that the Demolition Traffic Management Plan is submitted.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP 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.

55. **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.

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.

56. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
57. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
58. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
59. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy

60. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
61. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
62. **Public Arts Plan.** The submitted Art Plan (Revision 1) requires further designed details. Accordingly, a revised Public Art Plan is to be submitted to Council. The revised plan is to be in accordance with Council's Public Art Policy and is to be submitted for approval by Council's Senior Community Planner prior to the issue of **Construction Certificate**. The public art is to be prepared by an arts and cultural planner and will be required to address the following:
- Submission of the detailed design demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
 - The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
 - The proposal should provide engineer's drawings and demonstrate:
 - Australian building standards requirements and codes for the structural design;
 - Sound practices for fabrication and construction, and materials appropriate for application;
 - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.
 - Details of the artist/art consultants.
63. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
64. **Lighting of common areas (driveways etc).** Lighting is to be provided around the site. The areas around the entrances and communal areas should be well lit and that all lighting should be designed to Australian and New Zealand Lighting standards. Sensor lighting should be installed into areas that may be areas of concealment.

Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate** (for above ground works). The details to include certification from

an appropriately qualified person that there will be no offensive glare onto adjoining residents. All lighting is to comply with the following requirements:

- Detailed lighting scheme prepared by a suitably qualified lighting consultant which considers all open space areas within the site including the riparian corridor/pathway and Waterloo Road interface. Lighting is to be 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 and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
- The walls and ceilings of the car park areas should be painted a light colour. This can assist in reducing power consumption in order to comply with the Australia New Zealand Standards – Lighting. It also ensures that the lighting within the car park is consistent without creating dark areas of the car park which can often be a target for criminal activity.

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

65. Design verification in respect of SEPP 65. Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

66. Internal noise criteria. The building(s) must be designed to achieve noise levels not in excess of 35 dB(A) Leq (15 min) in sleeping areas between 10pm and 7am, 40 dB(A) Leq (15min) in other habitable rooms at any time and a sleep disturbance of 50 dB(A) L1(1 min) in sleeping areas between 7am and 10pm. Modifying factor adjustments for noise characteristics shall be applied in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

67. External noise criteria. The building(s) must be designed to achieve noise levels not in excess of 60 dB(A) Leq (15hr) between 7am and 6pm and 60 dB(A) Leq (4hr) between 6pm and 10pm for balconies, terraces and the like, exceeding 4m² in area and accessible from a dwelling. Modifying factor

adjustments for noise characteristics shall be applied in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

68. **Acoustical assessment report** . A report from a suitably qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria set out in this Consent must be submitted to the PCA with the application for the Construction Certificate.

Note: Suitably qualified acoustic consultant means a consultant who is eligible to be a member of the Australian Acoustics Society, Institute of Engineers Australia or the Association of Australian Acoustic Consultants

69. **Road traffic noise.** The building must be designed and constructed so that the road traffic noise levels inside the building comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

70. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 Recommended design sound levels and reverberation times for building interiors. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

71. **Mechanical ventilation.** Where internal noise levels exceed the internal noise criteria by more than 10 dB(A) with windows/doors open to meet the minimum requirements of the Building Code of Australia for a naturally ventilated space, an approved system of mechanical ventilation complying with the AS1668.2 must be provided.

72. **Compliance with Access Report.** The development is to comply with the requirements contained in the Statement of Compliance Access for People with a Disability prepared by BCA Logic. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

73. **Compliance with Geotechnical Report.** All design and construction works be carried out in accordance with the amended drawings S01.01C, S01.02C, S01.03B and S01.04B from ABC consultants and the recommendations of the various Douglas Partners Geotechnical Reports.

74. **Compliance with the Site Investigation Report.** The development is to comply with the recommendations contained in the Site Investigation Report No 25/2575 dated September 2015 prepared by SIS GeoEnvironmental P/L. Details to demonstrating compliance to be submitted to the PCA prior to the

release of the Construction Certificate. Note: A Hazardous Material Survey is required to be undertaken prior to any demolition.

75. **Compliance with Northrop - Deemed to Satisfy Assessment.** All design and construction works to be carried out in accordance with the recommendations contained in the Northrop Deem to Satisfy Assessment report dated 3 November 2016.
76. **Wind Environment** .The development is to comply with the recommendations contained in the Pedestrian Wind Environment Study prepared by Windtech dated November 2016. Details demonstrating compliance to be submitted and approved by Council prior to the release of the Construction Certificate.
77. **Sydney Trains.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
78. **Sydney Trains.** If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
79. **Sydney Trains.** If required by Sydney Trains, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring plan, and if required, that it has been endorsed.
80. **Sydney Trains.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

81. **Sydney Trains.** If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
82. **Sydney Trains.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
83. **Sydney Trains.** Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations including loading details for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
84. **Sydney Trains.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
85. **Underground Petroleum Storage System (UPSS).** The UPSS is to be excavated and removed from the site and validated sampling from the excavated area is to be performed in accordance with the “Details strategy for the removal of an Underground Petroleum Storage System (UPSS) and Above Ground Storage Tanks (AGST) Validation Procedure Report” prepared by Douglas Partners P/L dated 19 October 2016.
- The removal of any underground storage tanks must be in accordance with:
- a. Australian Standard AS 4976-2008: The removal and disposal of underground petroleum storage tanks; and
 - b. the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.
86. **Adaptable Units.** Sixty eight (68) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the

Construction Certificate plans. Prior to the issue of the Construction Certificate (for above ground works), a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.

87. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate.
88. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
89. **Public domain improvements** - The public domain is to be upgraded along the Waterloo Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 - Macquarie Park Corridor. The work is to include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works & Infrastructure, prior to the issue of the Construction Certificate.

- (a) Road and Footpath works as specified in the condition of consent for public infrastructure works.
- (b) Street trees to Waterloo Road are to be Eucalyptus maculate in accordance with City of Ryde Public Domain Technical Manual, Section 6 – Macquarie Park. Spacing of trees to be 8m. Due to proposals to widen Waterloo Road for the bus way and potential conflicts the trees are to be setback a minimum 1.5m in the private property. Minimum container size of trees is 100 litres.

Note: In designing 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 Waterloo Road and the New Road 27 frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network;

and are to be submitted to, and approved by Council and relevant utility authorities, 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 V3 and pedestrian luminance category P2 along Waterloo Road and vehicular luminance category V5 and pedestrian luminance category P2 along the New Road 27.

Subject to design, it is expected that three new street lights on multi-function poles (MFP's) will be required along Waterloo Road frontage and six new street lights on MFP's will be required along the New Road 27. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor. 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, and approved by Council's City Works & Infrastructure 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.

90. **Public Infrastructure Works** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of the Construction Certificate. 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, retaining walls and other relevant details for the new works and also demonstrate the smooth connection of the proposed road works into the remaining street scape.

- (a) The full construction of New Road 27 (14.5m road reserve) along the north-eastern boundary of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor and City of Ryde DCP 2014 Part 8.5 - Public Civil Works. The new road

shall extend from Waterloo Road to the rear boundary of the development site and include a connection to the road servicing the Macquarie Shopping Centre.

- (b) The intersection of the access road and Waterloo Road to include a pedestrian refuge which is to be designed in accordance with TD11_01a, Roads and Maritime Services' Technical Direction, Pedestrian Refuges.
- (c) Plans demonstrating a Left-in/Left-out configuration at the Waterloo Road access shall be submitted for the interim arrangement. This will require a note stating that this arrangement will be temporary until such time as the New Road 27 is connected between Waterloo Road and Talavera Road.
- (d) Plans demonstrating a Left-in only configuration at the Waterloo Road access shall also be submitted for the final configuration when the New Road 27 is connected between Waterloo Road and Talavera Road.
- (e) The removal of all redundant vehicular crossings and replacement with new kerb and gutter along the Waterloo Road frontage of the development site.
- (f) The replacement of any damaged kerb and gutter along the Waterloo Road frontage of the development site with new kerb and gutter. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Waterloo Road.
- (g) Construction of full width granite footway along the Waterloo Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor. The Shared user path along Waterloo Road frontage is to be reinstated. The signage and linemarking shall be prepared in accordance with the RMS Technical Direction and shall be submitted as part of the signage and linemarking plans to be approved by Council.
- (h) Construction of an elevated pedestrian link and associated escalators from the Waterloo Road frontage of the site through to the Macquarie Centre (the Applicant's portion of it).
- (i) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (j) Staging of the public civil works, if any, and transitions between the stages.
- (k) 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 along with the public domain plans submission. All the requirements of the Public Authority shall be 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".

91. Upgrade of existing Bus Stop and Shelter. The existing bus stop along the Waterloo Road frontage of the development site shall be relocated to a Council approved temporary location prior to commencement of the public domain improvement works. The bus stop and shelter shall be reinstated and upgraded

in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002 and Council's City Works and Infrastructure Directorate.

92. **Pedestrian Link.** An elevated pedestrian link (minimum 4m wide) and associated escalators shall be provided from the Waterloo Road frontage of the site through to the Macquarie Shopping Centre boundary. The paving of the pedestrian link is to be in accordance with Council's requirements. Full construction details demonstrating compliance with Council's Macquarie Park Public Domain Technical Manual are to be submitted to, and approved by Council prior to the issue of the Construction Certificate. The submission shall include the following details:

- (a) Fully dimensioned plans showing the long and cross sections of the pedestrian link, ramps and transitions along the footpath;
- (b) Selection of paving type, colour and dimensions in accordance with Council's requirement;
- (c) Provision of adequate lighting (category P2 according to Australian Standards AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces) for illumination of the pedestrian link to ensure safety and security of the users during night time;
- (d) The pedestrian link shall be accessible for people with disabilities and designed to be provide barrier free access. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council.
- (e) CCTV surveillance camera are to installed in accordance with the requirements of Condition 185.

The pedestrian link shall be constructed by the developer/ owner prior to the issue of Occupation Certificate at no cost to Council. Full public access is to be available at all times over the pedestrian link.

93. **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 submission of plans for the public domain improvements and infrastructure works. The application shall be accompanied by preliminary 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.

94. **Vehicle Footpath Crossings.** To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance 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 (AS2890.1). The crossings shall match the paving style along the frontages of the development site.

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 Construction Certificate.

95. **Waste and Service Vehicle Access.** The access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access for a 11m Council's waste vehicle, as a minimum requirement. The height clearance required is 4.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 11m Council's waste vehicle shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.
96. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
97. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works in the road reserve following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the External 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, during the six (6) months' maintenance period. A bond in the form of a cash deposit or Bank Guarantee of \$200,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
98. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the plans for the public domain works.

99. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.

The CTMP must:-

- i. The CTMP is to be adhered to at all times during the course of the project.
- ii. The applicant is to make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.
- iii. Make provision for all construction materials to be stored on site, at all times.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible. Construction trucks will not be permitted to utilise Byfield Street.
- v. 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.
- vi. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. 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 submitted to Council prior to work commencing on site.
- x. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).
- xi. 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 are to be paid at the time that the Construction Traffic Management Plan is submitted.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended

to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

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

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

- a) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) The reduced height clearance in Basement Level B1 must provide a minimum 2.2m clearance in the basement level. To assure this, the structural details to be submitted with the application for a Construction Certificate must include cross section details all locations underlying significant structural elements which are to clearly depict the 2.2m is achieved. The plans are also to detail (make provision for) the location of service corridors / conduits in this region to ensure services do not encroach into the required height clearance.

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

101. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow in accordance with the plans approved by Council in satisfying the conditions of the deferred commencement, generally in accordance with the plans by Northrop Consulting Engineers (Refer to Project No. 161294 Rev. 4 dated 7 April 2016) subject to any variations marked in red on the approved plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to

the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

This engineer is to prepare the following documentation;

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

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

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

104. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a 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 maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging 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.

105. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by NSW Department – Office of Environment and Heritage and must contain the following information;

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas

- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

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

The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document. No sediment, dust, soil or similar material shall leave the site during construction work.

106. **Structure Engineer Certificate.** A Structural Engineer's design certificate shall be provided to the Principal Certifying Authority confirming the building structure and its foundations are designed in such a way that no building loads are transmitted to the stormwater conduit and that the conduit can be repaired at any time without affecting the stability of the building structure or its foundations.
107. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
108. **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, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate (for above ground works) plans.
109. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of Construction Certificate.

110. **Retaining Walls.** The proposed levels along the western side of the site between the built form and western boundary will necessitate the implementation of retaining walls systems to create a workable interface between the subject site and adjoining Macquarie Centre site. Accordingly, the plans for Construction Certificate are to show a workable design including retaining walls that reflect the proposed finished design levels of the site and existing site levels of the adjacent allotment.
111. **Ventilation of Car park:** The basement car park must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the Construction Certificate.
112. **Waste** .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 any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning;
 - (k) The paving from the garbage room or waste storage area must be moderately graded so that the waste containers can be safely and easily manoeuvred to the collection point.

All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.

- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m

- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
- 240L Bins – width 0.6m, depth 0.8m, height 1.1m

Access to the hard waste area must be provided for collection contractors. . The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate. Suitable details must be clearly shown on the approved plan before the issue of any Construction Certificate.

A separate garbage room must be provided in a convenient location on the premises for the storage of commercial waste.

Final details of the proposed waste storage and handling facilities must be approved by City of Ryde Council in writing before the issue of a Construction Certificate.

113. **Installation of grease trap(s).** A grease trap(s) must be installed if required by Sydney Water Corporation. The grease trap(s) must be located outside the building or in a dedicated grease trap room(s) and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted. Details of any proposed grease trap room(s) must be submitted for approval by the PCA prior to the issue of a Construction Certificate.
114. **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 Construction Certificate.
115. **Pool Fencing.** The pool barriers are 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 Construction Certificate.

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.

116. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,

- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

117. 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.

118. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

119. Notice of Intention to Commence Work – Prior to commencement of the public domain works, a Notice of Intention to Commence Public Domain Works shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits issued for the works.

Note: Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

120. Pre-Construction Dilapidation Report - To ensure Council's infrastructures are adequately protected a pre-construction 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 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 dated and submitted to, and accepted by Council's City Works & Infrastructure Directorate, prior to any work commencing.

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.

121. 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 the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Council's website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Work.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services

for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

- f) **Hoarding Permit** - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) **Skip Bin on Nature Strip** - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

122. Temporary Footpath Crossing. A temporary footpath crossing must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

123. Work Zones and Permits. 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.

DURING CONSTRUCTION

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

124. 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*.

125. Waterloo Road Access – Construction. The access from Waterloo Road will be constructed as Left-in/Left-out until such time as the link through to Talavera Road is completed. If the adjacent Macquarie Shopping Centre private road (New Road 27) is dedicated to Council and the New Road 27 is connected between Waterloo Road and Talavera Road before the new road

works are completed, the applicant must convert the access from Waterloo Road into a left-in only configuration in accordance with the approved plans. This work is to be carried by the applicant at no cost to Council.

126. **Excavation.** 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.
127. **Noise from construction and demolition work.** All acoustic and vibration control measures and treatments nominated in the acoustical assessment report(s), the Construction Noise and Vibration Management Plan as required by Condition 44 and any related project documentation must be implemented during construction. All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.
128. **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.
129. **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 Northrop Consulting Engineers (Refer to Project No. 161294 Rev. 4 dated 7 April 2016) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
130. **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.
131. **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.

132. **Staff and Contractor Parking.** The applicant is to make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.
133. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request
134. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the 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.
135. **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.
136. **Construction materials.** All materials associated with construction must be retained within the site.
137. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with Safework 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.
138. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
139. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide

road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

140. **Tree Retention.** The following trees as identified within the Arboricultural Assessment dated 13.09.2016 prepared by ArborSafe are to be retained and protected: Tree 56, 68, 71, 74, 89, 92, 97, 98, 99, 100, 101, 111, 112, 115, 116, 117, 118, 121, 122, 123, 126, 127, 128, 129, 132, 137, 138, 139, 140, 144, 146, 147, 152, 153, 154, 155, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 174, 183, 184, 185, 186, 187, 188, 189, and 190.
141. **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 in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Assessment prepared by ArborSafe dated 13.09.2016. 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 by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
142. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
143. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
144. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
145. **Canopy Tying.** Where possible tree branches overhanging the construction zones are to be tied back to the main trunk rather than pruned.
146. **Machinery Damage.** Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by

construction equipment. Where there is potential conflict between tree canopy & construction activities, the advice of the Project Arborist must be sought.

147. **Tree Damage.** In the event of any tree being damaged during the construction period, the Project Arborist is to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.
148. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.
149. **Canopy Pruning.** All canopy pruning work required shall be carried out in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees. All pruning work shall be carried out by an experienced Arborist with minimum AQF Level 3 qualifications. No branches of greater than 100mm in diameter should be removed or pruned without further advice from the Project Arborist.
150. **Soil Moisture within TPZ.** Soil moisture levels within all TPZs are to be regularly monitored by the Project Arborist. If temporary irrigation or watering is required within the TPZ, then any above-ground irrigation system is to be installed and maintained by a suitably qualified individual.
151. **Final Assessment of Trees.** At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any occupation certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.
152. **Utility Services.** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
153. **Hold Points during construction – Drainage Works -** Construction inspections shall be required by Council’s Stormwater Engineer for the Council stormwater drainage works at the following hold points: -
 - Upon excavation of trenches shown on the approved drainage drawings.
 - Upon installation of pipes and other drainage structures.
 - Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours’ notice will be required for the inspections.

154. **Hold Points during construction - Public Domain** – Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. 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.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- 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 or construction 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.
155. **Tip Dockets during construction.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
156. **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.
157. **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.
158. **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.

159. **Site Maintenance.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site, must be undertaken.

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.

160. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- Regular maintenance and trimming of shrubs and plantings.
 - 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.
 - 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.
161. **Landscaping.** All landscaping works approved by condition 1(e) are to be completed prior to the issue of any **Occupation Certificate**.
162. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 72785M_02, dated 7 November 2016.
163. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

164. **Sydney Trains.** Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
165. **Public Art and Cultural Plan.** Prior to the issue of the final Occupation Certificate, the approved works contained in the Art and Cultural Plan approved by Condition 62 shall be implemented.
166. **Car Share Provider.** The submission of documentary evidence to Council that an agreement with a car-share provider has been entered into for the twelve (12) car share spaces on site, prior to the issue of any **Occupation Certificate.**
167. **Acoustic Compliance report.** A report from a suitably qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate. The report shall include measurements of at least 10 of the most impacted dwellings and state that the internal and external noise criteria have been met.

Note: Suitably qualified acoustic consultant means a consultant who is eligible to be a member of the Australian Acoustics Society, Institute of Engineers Australia or the Association of Australian Acoustic Consultants
168. **Mechanical Ventilation. Compliance Report.** A report from a professional mechanical services engineer must be submitted to the Principal Certifying authority demonstrating that all dwellings identified as requiring specific mechanical ventilation to meet the requirements of the noise criteria in this Consent comply with the Building Code of Australia and AS1668.2.
169. **Travel Plan.** A revised Framework Travel Plan (FTP) to be submitted to Council detailing the promotion, development, implementation and monitoring of a co-ordinated transport strategy for the building.

The revised Travel Plan is to be amended and provide the additional information as follow:-

- The plan is to clarify where the proposed 20 bicycle spaces for retail employees and visitors are to be provided. If these spaces cannot be provide, the Travel Plan is to be amended accordingly.
- Provide funding details for the various actions, this is to be included in an Action table as per City of Ryde Travel Plan Guidelines showing action/why/who/when/resources.
- Projected mode share for bus and rail has increased due to corresponding decrease in cyclist mode share to 5%. Advise further sustainable travel plan measures to justify the increase in the mode share of bus and rail for employees and residents
- Correct typographical error on Table 1, page 7 in the FTP – Existing Travel Mode Proportions and Future Targets for Residents – update column so that targets refer to residents /employees not staff.
- The workplace Travel Plan Maintenance is to include a travel survey of residents and employees.

The amended FTP is to be submitted and approved by Council's Senior Sustainability Co-ordinator prior to the issue of any Occupation Certificate.

The Framework Travel Plan, once approved by Council, is to be implemented and evidence of implementation is to be submitted to Council.

170. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
171. **Key Worker Apartments.** Twenty one (21) Key Worker apartments as nominated in Annexure 1 of the VPA offer and one parking space for each 2 bedrooms and 3 bedrooms apartments (11 car spaces) are to be transferred to City of Ryde, in accordance with the terms of the Voluntary Planning Agreement referred in the Deferred Commencement Condition 1. The transfer shall occur prior to the issue of any Occupation Certificate and the associated administrative and registration costs where applicable, shall be borne by the Applicant.
172. **New Road 27.** The dedication of a 14.50m wide strip of land to Council for public road along the north-eastern boundary of the site will be required. The dedication shall only be initiated after Council has provided written confirmation of a 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.

173. **RMS Land.** The strip of land required by RMS is to be subdivided into a separate lot and a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council is to be submitted prior to issue of any Occupation Certificate. Associated administrative and registration costs where applicable, shall be borne by the Applicant.

174. **Public Access and Right of Way.** Prior to the issue of the Occupation Certificate, a Right of Way (ROW) shall be created over the elevated pedestrian link and the public plaza area in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

The terms of the Right of Way must ensure that:

- a. The Pedestrian Link is accessible to the Public during the Macquarie Shopping Centre operating hours.
- b. The Pedestrian Link and public plaza will be adequately maintained by the occupier/ owner of the site at all times;
- c. The public plaza is accessible to the Public at all times
- d. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

175. **Public Positive Covenant** - Prior to the issue of any Occupation Certificate for the development, a public positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:

- (i) maintains and repairs at all times, including the provision of lighting and power supply, that area of the subject land that has been designated as the privately owned, publicly accessible pedestrian link and public plaza to a standard commensurate with Council's standards for the maintenance of such facility;
- (ii) maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

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

Prior to the issue of any Occupation Certificate the applicant is to submit to Council a certificate of currency for the above mentioned public liability insurance.

176. **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 installed street lighting.
177. **Compliance Certificate – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Certificate of Compliance - Electrical Work (CCEW) from the Electrical Contractor, and 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.
178. **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.
179. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.
180. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
181. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed 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 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 shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works and Infrastructure Directorate, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, 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 the report will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

182. **Decommissioning of Ground Anchors.** Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

183. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works & Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

184. **Compliance Certificate – External Works.** Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure 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.

185. **CCTV Cameras.** CCTV cameras will be required to be installed throughout the site. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces, pedestrian link and the basement car

parks, including the entry and exit points to the car park. Recordings should be made twenty four (24) hours a day seven (7) days a week.

As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

If requested by police, the applicant is to archive any recording until such time as they are no longer required. Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel. If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

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

186. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. 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 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 an Occupation Certificate.

187. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. A maintenance policy should be established for graffiti to be painted over within two a week of the graffiti.

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

188. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated

locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

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

189. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

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

190. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder 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 an Occupation Certificate.

191. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

192. **Lockable gates.** For security purpose the pedestrian access to the private open space courtyard of Unit G.02 is to include a lockable gate to ensure that access to this area is for the residents only.

193. **Certification of mechanical ventilation work.** Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

194. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

195. **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 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 standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

196. **Stormwater Management – Maintenance program.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, without imposition on the public domain, the applicant is to prepare a drainage system maintenance plan (DSMP) which is to contain;
- (a) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
 - (b) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - (c) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
 - (d) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
 - (e) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

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

197. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the public drainage infrastructure system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- f) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- g) Certification from a suitably qualified 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 works in the public road reserve and public infrastructure located in the property have been completed to Council's satisfaction.

198. 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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

199. **Public Drainage Easement.** A public drainage easement must be registered over any drainage infrastructure which conveys stormwater runoff from the roadway to be dedicated to Council over the development lot not to be dedicated as public roadway. The terms of the easement shall be generally in accordance with Council's DCP Part 8.4 (Title Encumbrances), must be generally located centrally over the asset and a minimum of 2.5m wide. This will warrant a service investigation to be undertaken by a suitably qualified surveyor so as to confirm the exact location of the drainage infrastructure. The terms and definition of the new easement are to be to the satisfaction of Council and registered on the title prior to the release of any Occupation Certificate.
200. **CCTV Inspection.** Prior to the issue of any Occupation Certificate, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network, and any defects in the drainage network identified in the report shall be rectified to Council's satisfaction.
201. **Public Domain Works – WAE.** Prior to the issue of an 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.
202. **Garbage Services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.
203. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas. This indemnity must be submitted to the City of Ryde Council prior to the issue of any Occupation Certificate
204. **Access to Waste Servicing areas.** Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.
205. **Loading Dock Management Plan.** A Loading Dock Management Plan will need to be prepared by the applicant and submitted to and approved by Council prior to the issue of any Occupation Certificate. The Plan will need to demonstrate how safe waste collection will be undertaken without interrupting traffic flow.
206. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by

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

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

207. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.
208. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Letter boxes should be secured in a location that can be accessed by residents only, in this regard lockable mailboxes adjacent to each residential tower lobby are to be provided. The applicant should liaise with Australia Post and develop strategies in relation to security of mail boxes.

Council must be contacted in relation to any specific requirements for street numbering.

OPERATIONAL CONDITIONS

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

209. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the parking allocation as follows;
- A maximum of 688 car parking spaces being provided on site comprising of:
 - A maximum of 587 residential spaces
 - A maximum of 21 commercial (retail) spaces,
 - A minimum of 68 visitor spaces
 - A minimum of 12 carshare spaces,
 - A minimum of 68 bicycle parking spaces and
 - A minimum of 68 motorcycle parking spaces.
210. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).
211. **Vehicle Access – Controlled entry/ boom gate.** To prevent the abuse of visitor parking spaces by retail parking demand, the controlled vehicle entry system must be configured to allow public entry only via an intercom system with the respective tenant. Free access (as in, any member of the public can enter and park in the facility) is not permitted.

212. **Car Share Parking.** To maintain, facilitate and encourage the use of the car share scheme implemented in the development, the following requirements are to be maintained for the ongoing serviceable life of the development;
- All car share spaces must be publicly accessible 7 days of the week, 24 hours of the day.
 - Carshare parking spaces must be clearly designated and linemarked in the development.
 - Must be retained as Common Property by any future strata subdivision of the development lot.
213. **Gym and swimming pool.** The gym and swimming pool located on Level 1 are not to be used for commercial purposes.
214. **Residential Amenity - Noise Limits.** Noise from the gymnasium , swimming pool or any commercial premises shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7.00am. Any amplified music used within the gym shall be limited in volume so as not to cause a disturbance to the amenity of the adjoining residences. Noise insulating materials or construction (such as acoustic rubber matting or paneling) should be installed where ever it is anticipated that activities or the use of plant and equipment may generate a noise disturbance to surrounding premises.
- Within the communal open space area, the playing of amplified music or messages, any spruiking and the likes are not to disturb the amenity of other public and private places.
215. **Public Health Act.** The gymnasium is to be comply with the Public Health Act 2010 and Public Health Regulations 2012.
216. **Swimming Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
217. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
218. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
219. **Wayfinding Signs.** Good way finding signage are to be provided as follows:
- A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.

- Signage also needs to be provided at entry/exit points and throughout the development to assist users. Clear signage should indicate residential, retail and restricted areas.
- Signage also needs to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.
- Signage is to be used to indicate entries and exits. Signs should be clear, legible and useful. The front of the building should have clear signage in regards to street numbers so that emergency services are able to clearly read the numbers. To assist with way finding for emergency services, numbering of street numbers, levels of the building and unit numbers should be clearly displayed.
- Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
- Location maps should be used throughout the complex to indicate to visitors where they are.

220. **Waste Maintenance..** All waste storage areas must be maintained in a clean and tidy condition at all times with clear access to the bins for servicing by the contractor.

Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.

All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

Staff or contractors must be employed to take the recyclable bins from the chute rooms and sort & transfer the materials into the 660L containers provided in the garbage and recycling room ensuring that contaminants are removed.

The Loading Dock Manager will liaise with the waste contractor to ensure that the waste & recycling trucks can access the site in an efficient manner

221. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

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

- c. The transmission of vibration to any place of different occupancy.
222. **Noise Protection.** The external noise levels from the development at the Hotel Inn Express boundary shall not exceed:
- 60 dB(A) Leq(15hr) between 7 am and 6 pm
 - 50 dB(A) Leq(4hr). between 6 pm and 10 pm
 - 45 dB(A) Leq(9hr). between 10 pm and 7 pm
- "Modifying Factor" adjustments for noise characteristics shall be applied in accordance with the EPA Industrial Noise Policy.
- Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.
223. **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*.
224. **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.
225. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
226. **Water circulation, filtration and dosing system** - Any swimming/spa pools and 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).
227. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
228. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
229. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

