

## DRAFT CONDITIONS OF CONSENT

### DEFERRED COMMENCEMENT

**PART 1** - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979.

1. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Applicant must satisfy the following deferred commencement conditions of consent prior to this development consent becoming operative:
  - (a) The Applicant is to enter into a Planning Agreement (as defined pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979) with Council for the delivery of the public benefits as identified within the letter of offer from Urbis on behalf of Yuhu Property (Australia) Pty Ltd, dated 13 January 2018 and in accordance with the terms accepted by Council at its ordinary meeting 27 February 2018 in respect of the offer.
2. Evidence that will sufficiently enable Council to be satisfied as to the compliance of those matters in deferred commencement condition 1(a) above, must be submitted to Council within **twelve (12) months** of the date of determination of this deferred commencement consent, failing which, this deferred development consent **will lapse** pursuant to Section 95(3) of the Environmental Planning and Assessment Regulation 2000.
3. This development consent will not become operative until such time that the Council notifies the Applicant in writing that the requirements of deferred commencement consent condition 1(a) above have been satisfied.
4. Upon Council giving written notification to the Applicant that the deferred commencement condition has 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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Cover	1.6.18	DA 0000 (2)
Location Plan	1.6.18	DA 1002 (1)
Site Plan and Context	1.6.18	DA 1003 (0)
Design Response	1.6.18	DA 1004 (0)
Lower Ground	1.6.18	DA 1100 (5)
Basement 1	1.6.18	DA1101 (4)
Basement 2	1.6.18	DA1102 (4)
Basement 3	1.6.18	DA1103 (4)
Basement 4	1.6.18	DA1104 (3)
Ground Floor – Rowe	1.6.18	DA1201 (7)
Level 1 – Rutledge	1.6.18	DA1301 (7)
Level 2	1.6.18	DA1302 (6)
Level 3	1.6.18	DA1303 (6)
Level 4	1.6.18	DA1304 (6)
Level 5	1.6.18	DA1305 (6)
Level 6	1.6.18	DA1306 (6)
Level 7	1.6.18	DA1307 (6)
Level 8	1.6.18	DA1308 (6)
Level 9	1.6.18	DA1309 (6)
Level 10	1.6.18	DA1310 (6)
Level 11	1.6.18	DA 1311 (6)
Level 12	1.6.18	DA1312 (6)
Level 13	1.6.18	DA1313 (6)
Roof Level	1.6.18	DA1401 (3)
Elevation – Rowe Street	1.6.18	DA1501 (4)
Elevation – Rutledge Street	1.6.18	DA 1502 (4)
Elevation – West Parade	1.6.18	DA 1503 (3)
Elevation – Trelawney Street	1.6.18	DA 1504 (4)
Laneway Section – East	1.6.18	DA 1601 (2)
Laneway Section – West	1.6.18	DA 1602 (2)
East-west section (south)	1.6.18	DA1603 (4)
East-west section (north)	1.6.18	DA1604 (2)
Internal street section (west)	1.6.18	DA1605 (3)
Internal street section (east)	1.6.18	DA1606 (3)
Accessible Units 1	1.6.18	DA1901 (2)
Accessible Units 2	1.6.18	DA1902 (2)
Accessible Units 3	1.6.18	DA1903 (2)
GFA 1	1.6.18	DA1904 (4)
GFA 2	1.6.18	DA1905 (4)
Apartment Schedule	10.9.18	DA1906 (4)
Bedroom Schedule	13.8.18	DA1907 (1)
Storage Schedule	10.9.18	DA1908 (3)
Building separation Plan – Level 1	1.6.18	DA1910 (3)
Building separation Plan – Level 2	1.6.18	DA1911 (3)
Building separation Plan – Level 4	1.6.18	DA1912 (3)
Building separation Plan – Level 5	1.6.18	DA1913 (3)

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Building separation Plan – Level 8	1.6.18	DA 1914 (3)
Universal Units	1.6.18	DA1923 (1)
Materials finishes board		DA 6001 (0)
Perspectives – Rowe Street		DA 8002 (1)
Perspectives – Rutledge Street		DA 8003 (0)
Perspectives – The Street		DA 8004 (1)
Perspectives – The Street from Rutledge		DA 8005 (1)
Perspectives – The Laneway-Market Hall		DA 8006 (0)
Landscape Plan	4.6.18	Plan 1-10 (G)

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

(a) Revised ramp access from Trelawney Street

- (i) Prior to issue of the relevant Construction Certificate, detailed architectural plans are to be submitted to, and approved by Council, which provide for a revised ramp design from Trelawney Street and incorporates the retention of the existing access to 196-198 Rowe Street, Eastwood.
- (ii) Notwithstanding condition 1(a), the applicant may obtain a written consent to demolish and modify the ramped access from Trelawney Street from the neighbouring property owners. If the written consent(s) are obtained, the applicant shall submit those written consent(s) to Council for prior to issue of a relevant Construction Certificate.

(b) Parking facilities and secure storage must be provided for electronic scooters used by people with disabilities. These facilities should be generally in accordance with AS2890.6.

(c) Provide signage to Council's satisfaction indicating the location of bicycle parking and bicycle facilities for the retail/commercial component of the development.

(d) Small car spaces proposed must comply with AS 2890.1 2004 (at least 2.3m wide and 5.0m long).

(e) Building separation (window treatment)

- (a) As there are opposing openings with reduced separation, highlight windows are required to the southern bedroom windows to Units BB503, BB603 and BB703;
- (b) Due to reduced separation, the dining room window to Unit BA0507 or AA0504 must be provided with a privacy screen; and

- (c) As there are opposing openings with reduced separation between DA and AA, the lounge room opening to DA505 shall be provided with a highlight window.
- (f) The 3 bedroom windows in units CB806, CB906, CB1006, CB1106, CB1206 and CB1306 are to be provided with windows in accordance with Part 4D of the Apartment Design Guide.

The above treated must be demonstrated on plans prior to the issue of the construction certificate.

2. **Voluntary Planning Agreement** - Pursuant to Section 4.17(1)(a) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Yuhu Property (Australia) Pty Ltd and that relates to the development application the subject of this consent required under deferred commencement condition 1(a), must be lodged for registration on the title of the property in accordance with the terms of the Voluntary Planning Agreement.
3. **Compliance with Geotechnical report.** All works are to be carried out in full compliance with the recommendations contained in the J&K Geotechnical Investigation Report dated November 2007.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 739803\_04 dated 18 June 2018.
6. **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”.
7. **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.
8. **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.
9. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

10. **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.
11. **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.
12. **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.
13. **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.
14. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **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 commencement of any work, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Council's website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Work.
  - a) **Road Use Permit** - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) **Work Zone Permit** - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
  - d) **Elevated Tower, Crane or Concrete Pump Permit** - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

- e) **Crane Airspace Permit** - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) **Hoarding Permit** - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) **Skip Bin on Nature Strip** - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

16. **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:

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

In this regard 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 also be made for the installation of kitchen exhaust systems to the proposed food premises.

17. **Medical Centre.** The medical centre is to be constructed and fitted out in accordance with the following:

- A hand basin fitted with hands-free taps and supplied with hot and cold running water through a common spout must be provided in a readily accessible location in each consulting room.
- The floors of all procedure rooms must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.
- All work surfaces in procedure rooms must be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

18. **Drainage Issues.** The applicant shall construct the basement car park crest levels in accordance with the Flood Protection response letter addressed to City of Ryde, dated 30 October 2017 and prepared by Calibre Consulting. The minimum driveway crest levels provided in Table 4.3 of this letter shall be strictly followed.
19. **Drainage Issues.** All proposed Pit internal dimensions and construction shall comply with the relevant Australian Standards in particular; AS3500.3.
20. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
21. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
22. **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.
23. **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.
24. **Archaeology.** As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

25. **RMS.** Roads and Maritime has previously acquired or vested a strip of land for road along the Rutledge Street frontage of the subject property, as shown by blue colour or grey colour on the aerial photograph in the RMS letter dated 9 July 2018. Therefore, all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Rutledge Street boundary.
26. **Sydney Trains.** During all stages of the development, environmental legislation and regulations will be complied with.
27. **Sydney Trains.** During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the rail/way corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
28. **Sydney Trains.** During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
29. **Sydney Trains.** Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
30. **Connection by gravity flow** - All residential and commercial premises must be connected to the sewerage system by gravity flow.
31. **Section 68 approval** – Where it is proposed to hold and pump sewage from any facilities in the basement an application must be submitted to Council for approval under Section 68 of the Local Government Act 1993.
32. **Internal Noise Levels** – The internal noise levels inside the building must comply with the criteria specified in the DA Acoustic Assessment report prepared by ARVP Pty Ltd.
33. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
34. **Construction of walls** - The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
35. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems in all proposed food premises. This must include sufficient shafts to allow each shop to discharge kitchen exhaust air above roof level.



36. **Water circulation, filtration and dosing system** – The swimming pool must be equipped with an effective water circulation system, water filtration system and automatic disinfectant dosing system.
37. **Swimming Pool Wastewater** – All wastewater from the swimming pool must be drained to the sewerage system.
38. **Mechanical ventilation of loading docks** – All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: The use of mechanical ventilation and airconditioning in buildings – Mechanical ventilation in buildings.
39. **Drainage of loading dock area** - The loading dock area must be graded to grated drains or collection sumps located within the roofed area and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation. All surface water from the driveway and uncovered paved areas must be collected and drained to Council's storm water drainage system.
40. **Access for cleaning drains in loading dock** – All drains within the loading dock must be conveniently located to allow access for cleaning purposes.
41. **Drainage of carwash bay** - The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation.
42. **Bunding of above ground storage tanks** - All above ground liquid storage tanks must be bunded to prevent the escape of spills or leaks.
43. **Construction of tank bunds** - All tank bunds must be designed and constructed in accordance with the following requirements:
  - (a) The bund must have a capacity of at least 110% of the largest tank plus the volume displaced by any additional tanks within the bunded area.
  - (b) The walls and floor of the bund must be constructed of materials impervious to the contents of any container within the bund and be structurally adequate to contain any liquid spilled within the bund.
  - (c) A collection sump must be provided in the floor of the bund to facilitate the removal of liquids and the floor of the bund graded to the sump.
  - (d) Drain valves must not be provided in the bund.
  - (e) Pipework from the enclosed tanks and any associated pumps must pass over the bund walls.
  - (f) Hose couplings for tanks enclosed within the bund must be located so that leaks or spills are contained within the bund.
  - (g) The bund must be roofed where practicable to prevent the entry of rainwater.

44. **Storage of hazardous substances** - The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*.
45. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
46. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
47. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
48. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
49. **Installation, operating and maintenance requirements** - All 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*.
50. **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*.
51. **Registration of water-cooling systems** - All water-cooling systems 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.
52. **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.

## **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.

53. **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.
54. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
55. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
56. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
57. **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.
58. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
59. **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.

60. **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.
- (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) Specify that, due to the proximity of the site adjacent to Eastwood Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- (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 measures.
- (viii) 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.
- (ix) 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.
- (x) Specify spoil management process and facilities to be used on site.
- (xi) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- (xii) The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s DTMP checklist. A copy of Council’s DTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of DTMP.
- (xiii) 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 to the site.

61. **Implementation of Demolition Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
62. **Salvage of materials and building elements.** Eastwood Masonic Temple (186 Rowe Street, Eastwood). Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.
63. **Photographic Archival Recording.** Eastwood Masonic Temple (186 Rowe Street, Eastwood) Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council. The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Division of the Office of Environment and Heritage (OEH). One complete copy of the Photographic Archival Recording shall be submitted to Council and to the satisfaction of Council's Heritage Advisor. The minimum requirements for the Photographic Archival:
  - A brief report or introduction which explains the purposes of the Photographic Archive Recording and gives a brief description of the subject site as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
  - Measured plans of the nominated building at 1: 100 scale;
  - A site plan of the nominated building at min 1: 200 scale;
  - Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
  - The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
  - Catalogue sheets, photographic plan, supplementary maps;
  - Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be

processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;

- One full set of 1 0.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

## 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 relevant 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.

64. **Level 1 Open Space.** The open space area at Level 1 described as the 'Hanging Garden' is to be dedicated entirely as a 'resident only' communal open space with no public access available and is to include the following:
- a) **Soil Depth Over Structures.** Where planting is proposed over a structure, including Level 1 Hanging Garden, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Apartment Guide by NSW Department of Planning and Environment. Information verifying that the development complies with these requirements to be provided on the relevant Construction Certificate plans.
  - b) **Irrigation.** An automatic watering system is to be supplied to all landscape areas including Level 1 Hanging Garden, common areas and public spaces as well as to the balcony planters and cascading planters to ensure adequate water is available to vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of the relevant Construction Certificate.
  - c) **Landscape Implementation, Maintenance and Management Plan.** To provide for the implementation, management and maintenance of the

proposed landscaping arrangements, a Landscape Implementation, Maintenance and Management Plan is to be prepared by a registered landscape architect and submitted prior to the issue of any Occupation Certificate. This plan is to include measures to ensure the landscape design is implemented in full without any diminution of the design intent either at installation or into the future through poor management and maintenance.

65. **Level 1 Open Space Design.** The design of the Level 1 open space area is to be modified to include additional facilities allowing a range of activities for residents of the development. The design of the space should aim to meet the objectives of Part 3D of the Apartment Design Guide. Details of compliance are to be submitted with the plans for a relevant Construction Certificate.

66. **Tree Planting Level 2 & 6.** The communal open spaces on Level 2 & 6 are to include raised planters of sufficient depth and volume to enable the provision of small-medium canopy trees. The minimum number of trees to be provided is as follows:

Level 2: Eight {8} trees

Level 6 {Building BA}: six {6} trees

Level 6 {Building DB}: four {4} trees

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

67. **Lighting Design.** A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers Level 01/ open space areas within the site. All lighting is to comply with the relevant Australian Standards. Details of compliance are to be submitted with the plans for a relevant Construction Certificate.
68. **Wind.** The development is to comply with all recommendations of the Wind Environment Study (WD135-01F02(REV0) prepared by Windtech dated 19 July 2016. Details are to be submitted on the relevant Construction Certificate plans.
69. **Reflectivity.** The development is to comply with all recommendations of the Solar Light Reflectivity Analysis (WD135-01F03(REV0) prepared by Windtech dated 21 July 2016. Details are to be submitted on the relevant Construction Certificate plans.
70. **Public Art.** The applicant shall provide a Final Concept Plan for approval by Council. The provision of Final Concept Plan is to satisfy the City of Ryde that the public art is being developed according to the Art Plan Intent Proposal, and the public art commitments are being fulfilled. The Final Concept Plan shall reflect or approximate what appears in the Art Plan Intent Proposal. At a minimum the Final Concept Plan submitted for additional approval should be developed to a stage that includes:

- Information on how the proposed artwork captures local culture and heritage in a way that celebrates local identity and contributes to the creation of distinctive neighbourhoods and a sense of place
- A statement on how the artwork encourages artistic excellence, originality, creative and innovative design and use of form, technique and materials
- How it will be integrated into the site and specific surrounds. Must include information on scope and scale of the proposed works
- Details of the qualified and experienced arts professionals undertaking the works
- Indicate fabrication processes and materials that will be used, giving attention to durability, longevity and address any potential public safety issues.
- A program for further design development and installation integrated with the construction program for the development
- A verification statement by the arts professional supporting the Final Art Plan

The Public Art Plan is to be approved by Council prior to the issue of any Construction Certificate for the above ground works.

71. **Geotechnical Report.** Prior to issue of the relevant Construction Certificate a more comprehensive report that includes a number of cored bore holes extended to below probable founding depths for footings and piers used on the retention systems (i.e. approximately RL 50 maximum) will be required.
72. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,121,584.22
Open Space & Recreation Facilities	\$2,827,894.80
Civic & Urban Improvements	-
Roads & Traffic Management facilities	\$116,328.53
Cycleways	\$78,277.83
Stormwater Management Facilities	\$239,930.74
Plan Administration	\$21,094.81
The total contribution is	\$4,405,110.92

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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



The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

73. **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 relevant **Construction Certificate**.
74. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the relevant **Construction Certificate**.
75. **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 relevant **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
76. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of a **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
77. **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 a **Construction Certificate**.
78. **Sydney Water – Building Plan Approval.** The proposed Construction Certificate plans must 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. go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
79. **Road and rail noise/vibration.** The development must be designed and constructed to meet the road traffic noise levels and rail noise and vibration levels of the criteria identified in the following provisions:
  - Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*; and
  - Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).

Written endorsement of compliance with these requirements must be obtained from a suitably qualified person and submitted with the relevant Construction Certificate.

80. **Waste.** If there are any changes to the original DA plans stamped and approved by Council, these have to be approved by the Waste Department at the City of Ryde Council before the issue of a relevant Construction Certificate to ensure the waste collection is not affected.
81. **Waste.** 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.
- 660L Bins - width 1.3m, depth 0.8m , height 1.3m
  - 240L Bins - width 0.6m, depth 0.8m, height 1.1 m
  - 1100L bins – width 1.4m, depth 1.1m, height 1.4m.
82. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
  - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
  - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
  - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
  - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
  - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
  - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
  - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
  - (i) The room must be provided with adequate artificial lighting; and
  - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
- Details are to be provided on the relevant Construction Certificate plans to verify compliance with this condition.
83. **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 an application to Council's City Works Directorate, and approval obtained 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:

- (a) Advice being provided to the relevant Public Utility Authorities of the proposed anchoring.
- (b) the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the application, and
- (c) the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

84. **Public domain improvements** - The public domain is to be upgraded in West Parade Street, Rutledge Street and Rowe Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 3 - Eastwood. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Eastwood Street Tree Master Plan. The designated species are "Acer negundo" (Box Elder) for Rowe Street and West Parade, and "Angophora floribunda" (Rough-barked Apple) for Rutledge Street.
- (c) All upgrade works at the Rowe Street Plaza referred to in the VPA as required by deferred commencement condition 1(a).

**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.

- (d) All telecommunication and utility services are to be placed underground along the Rowe Street, West Parade and Rutledge Street 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.

- (e) 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 a minimum vehicular luminance category V5 and pedestrian luminance category P2 along West Parade and vehicular luminance category V3 and pedestrian category P2 along Rutledge Street.

Subject to design, it is expected that six new street lights on multi-function poles (MFP) will be required along the Rutledge Street frontage and four new street lights on MFP's will be required along the West Parade frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 3 – Eastwood. The consultant shall liaise with Council's City Works 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 Directorate 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 Directorate.

- (f) All publicly accessible pedestrian areas along Rowe Street Plaza and through the new development will need new Public Spaces lighting, designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with a minimum pedestrian category P2. All luminaires are to be LED with dimmable controls. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's City Works Directorate.

- 85. **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.

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 Directorate prior to the issue of the relevant 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, existing and proposed signage and line-marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed road and footpath works into the remaining street scape.

The Applicant must submit, for approval by Council as a Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction.
- (b) The construction of new kerb and gutter along the West Parade and Rutledge Street frontages of the development site.
- (c) Construction of full width pedestrian footway along the Rowe Street, Rutledge Street and West Parade frontages of the development site. The pavement of the footway is to be designed according to the requirements of the Public Domain Technical Manual, Section 3 – Eastwood and **the revised technical standards** as advised by Council's City Works Directorate.
- (d) The reconstruction of existing kerb ramps with the recommended (by Council) pavement type.
- (e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (f) Signage and line-marking details.
- (g) Staging of the public civil works, if any, and transitions between the stages.
- (h) 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 buildings.
- 2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 3. 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*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
- 4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

86. **Pedestrian Links** – The paving of the pedestrian links is to be designed according to the requirements of the Public Domain Technical Manual, Section 3 – Eastwood

and the revised technical standards as advised by Council's City Works Directorate. Full construction details demonstrating compliance with Council's standards for Eastwood are to be submitted to, and approved by Council prior to the issue of the relevant Construction Certificate. The submission shall include the following details:

- (a) Fully dimensioned plans showing all relevant dimensions of the pedestrian links;
- (b) Election 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 footpath to ensure safety and security of the users during night time;
- (d) The pedestrian links shall be accessible for people with disabilities. Adequate details and certification demonstrating compliance with Disability Discrimination Act and applicable accessibility legislation is to be submitted for approval by Council.
- (e) The pedestrian links shall be constructed by the developer/ owner at no cost to Council. Public access is to be provided to pedestrian links. A plan showing the location of public access to pedestrian links and the times when the public have access to the pedestrian links is to be provided to Council prior to the issue of the relevant Construction Certificate.

87. **Driveway Access and Boundary Alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the relevant Construction Certificate. The application shall be accompanied by preliminary engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the detail design plans for the public domain improvements and infrastructure works, and 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.

88. **Vehicle Footpath Crossings** – To protect the footpath from damage resulting from the vehicular traffic, the footpath crossing/s 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 relevant Construction Certificate.

89. **Public Domain Works – Defects Security Bond** - To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability 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 twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee in the amount of \$200,000 shall be lodged with the City of Ryde prior to the issue of the relevant 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 twelve (12) months defects liability period.
90. **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 issue of the plan approval, prior to such 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 design plans for the public domain works.

91. **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 relevant **Construction Certificate**.
92. **Disabled access:** Prior to the issue of the relevant **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
93. **Adaptable Units:** A total of 49 adaptable units 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 relevant Construction Certificate plans. Prior to the issue of the relevant Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
94. **Design verification:** Prior to the issue of the relevant 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* as were in effect at the time of the lodgement of the development

application. This condition is imposed in accordance with Clause 143A of the *Environmental Planning and Assessment Regulation 2000*.

95. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the relevant **Construction Certificate**.
96. **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.
97. **Sight distances.** To ensure that there is adequate sight distance along the footway region for vehicles emerging from the Rutledge Street vehicle access, a sight distance splay must be provided on the eastern side of the vehicle access. The splay must be no less than 2m from vehicle access opening at the edge of the pedestrian path of travel (footway) and no less than 2.4 back into the property along the driveway. This is required to maximise pedestrian safety at the vehicle access point.
98. **Trelawney Street access ramp.** The Trelawney Street access ramp must be graded such to provide a crest at the vehicle entry point located at the rear of 196 to 198 Rowe Street. This is to ensure that there is a minimum level of stormwater runoff directed to the basement levels, as well as prevent the inadvertent discharge of stormwater runoff to adjoining properties who have vehicle access to the driveway.
99. **Traffic Calming Measures.** The exit ramp which emerges from the northern side of the basement garage to the Trelawney Street access ramp must incorporate traffic calming measures (eg speed hump, ripple markings, necking) prior to the point of intersection given the limited sight distance available (potentially further restricted by development of the neighbouring lot) to approaching traffic and pedestrians.
100. **Traffic.** The parking area on basement level 1 will be primarily accessed via a single access aisle located at the base of both vehicle entry ramps, between the Service Lift and Resident Bin Lift (reference J14 on the architectural plans). To ensure there is safe



and efficient vehicle flow at this point, the adjoining parallel space is to be deleted and a column on the intersection shifted to enable the throat of the entry to be widened to a minimum 8m width. Linemarking, traffic control measures and delineation of traffic movements are to be implemented at the intersection to assist this.

101. **Service Vehicles.** To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path. It is particularly noted that the boundary alignment levels at the entry from West Parade must be elevated to satisfy the flood protection requirements and that these required levels be noted on the driveway profile.
102. **Traffic.** Parking spaces located at the end of and aligned with access aisles (refer to G16 on architectural plans - basement level 1) must either have access to a turning bay or be deleted, so as to prevent drivers emerging from the spaces having to perform excessive reverse manoeuvres or multi-point turns to exit the area in a forward manner.
103. **Traffic.** The allocated resident visitor disabled spaces on basement levels 3 & 4 must be relocated in close proximity to lift access points so as to ensure such users have adequate accessibility.
104. **Traffic.** All disable parking spaces are to have an adjoining shared area which is free of obstructions as par AS2890.6. In this respect, the plans are to be amended to relocate columns to ensure these areas are provided.

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

105. **Vehicle Turntable.** To ensure the safe and efficient operation of the vehicle turntable in the loading bay area, the design and implementation of the system must comply/ implement the following requirements;
  - a) Provide a clear, visual guidance by way of signage, on the operation of the devices for users unfamiliar with the device. This is to include the means of operation as well as anticipated operating times and mechanisms.
  - b) Clearly advise on any safety mechanisms or procedures in the operation of the devices.
  - c) The proposed vehicle turntable must have a minimum 1 metre clearance beyond the swept path of the largest design vehicle centred on the turntable (note the radius of the swept path is likely to be the distance from the geometrical centre of the vehicle to an extreme corner). This is to ensure there is adequate clearance provided for vehicles on the turntable whilst in operation. This clearance is to be linemarked to ensure drivers/ pedestrians in the garage area are aware of the turning path and prevent the storage of goods / materials in this region. The turntable controls / control pad must be

located in close proximity to the turntable and are to be clearly marked and visible from the turntable. Controls are to include an emergency stop button, rotation control and a programmed/ defined turning movement designed to facilitate manoeuvring a vehicle from the typical approach to the typical exit, operated with a single button.

- d) A maintenance number is to be listed on the control panel area so as to minimise the downtime should the device breakdown.

Plans, documentation and certification demonstrating compliance with these requirements must be submitted for the approval of the Accredited Certifier prior to the release of the relevant Construction Certificate. All measures must be implemented on completion of the development prior to the issue of the relevant Occupation Certificate.

106. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage network, generally in accordance with the plans by Calibre Consulting Pty Ltd. (Refer to Job No. 15-003643 Dwgs C0-00 to C0-02 Iss. (B), C2-00 to C2-02 Iss (D) and C4-30 (E), C4-31 (C), C4-32 (B), C4-33 (B) and C4-60 (E)) subject to any variations marked in red on the approved plans and noted following;

- The Trelawney Street access ramp must incorporate a crest at the point of entry to the rear of 196 to 198 Rowe Street so as to minimise the degree of stormwater runoff entering basement levels and prevent the inadvertent discharge of stormwater to neighbouring property.
- All discharge outlets to OSD storage “F” must have a conical / cylindrical trash screen over the outlet so as to prevent blockage. The screen is to be designed to be easily maintained in future. Each of the outlets must also be accessible by a sealed (or grated) manhole located over each point, enabling access to each for maintenance purposes.
- A defined failure mode is to be provided for the central courtyard area, ensuring that any excessive surface runoff is safely directed back to Rowe Street, mindful of the requirement for a raised platform is also to be required around the access to the lower ground floor level, so as to ensure it is adequately protected from inundation from flood waters.
- Connection to and modification of public drainage infrastructure will require approval by Council’s City Works & Infrastructure in accordance with the Roads Act.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system having design parameters corresponding to those specified in the document “*Eastwood Shopping Centre – Stormwater Management Report*” by Calibre Consulting Pty Ltd. dated 31 March 2017. Any variations to these attributed to changes to the built hardstand area or reconfiguration of catchments, must be in accordance with Council’s DCP requirements for onsite detention, must be validated by DRAINS analysis and clarified in the certification of the system at the completion of works.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties. Rising Mains are to discharge to rainwater storage tanks where possible.

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

This engineer is to prepare the following documentation;

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

- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
- Is in accordance with the recommendations of the approved Geotechnical Report.

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

108. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely all private lots adjoining the site. A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the relevant Construction Certificate.
109. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a relevant Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by 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.
- Obtain approval and comply with any related conditions for connection of the dewatering system to the public drainage infrastructure to West Parade as per Section 138 of the Roads Act.

110. **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.

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

The CTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.
- 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 are not permitted unless approved by Council's Public Works.
- v. Specify that, due to the proximity of the site adjacent to Eastwood Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).

- 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. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s CTMP checklist. A copy of Council’s CTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of CTMP.
- xiii. 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 to the site.

112. **Waste and Service Vehicle Access.** 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 of 19.0m articulated vehicles. The height clearance required is 4.5m, measured from the floor level to any overhead structures such as pipes. Plans showing the ramp grades, transitions and height

clearance and swept path diagrams of design vehicles shall be submitted to and approved by Council's Traffic Engineer prior to the issue of the relevant Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

113. **Stormwater.** Detailed design shall be carried out in accordance with Australian Rainfall and runoff, and shall be undertaken by a qualified hydraulic engineer as indicated in of Council's Stormwater and Floodplain Management Technical Manual Section 5.4 for any drainage system to be constructed in Council controlled land. Long sections through the stormwater pits and pipes is to be submitted to and approved by council prior to the issue of the relevant Construction Certificate.
114. **BASIX Details to be included on the relevant Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
115. **Detailed site investigation** – A detailed site investigation must be carried out following demolition of the existing buildings and a copy of the site investigation report must be submitted for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

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

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

117. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
118. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:

- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;

- (b) any relevant guidelines published by the NSW Environment Protection Authority; and
- (c) any council policy or development control plan relating to the remediation of land.

119. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
120. **Detailed Acoustic Assessment** – A detailed acoustic assessment detailing the measures required to achieve the specified internal noise levels must be submitted with the plans and specifications for the relevant Construction Certificate. In particular, the report must assess the potential for noise intrusion impacts from the loading dock and gymnasium. In respect to the gymnasium the report is to consider the construction of the building, the type of padding on the floor, the equipment to be installed and the activities to be carried out.
121. **Pool Plant Details** - Details of the proposed pool plant must be submitted for approval with the application for the relevant Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the pool plant complies with the conditions of this Consent.
122. **Bund details** - Details of the proposed tank bunds must be submitted for approval with the application for the relevant Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the tank bunds complies with the conditions of this Consent.
123. **Plans to be endorsed by accredited consultant** - Where the storage of hazardous substances is proposed a set of plans endorsed by a WorkCover Authority accredited consultant must be submitted with the application for the relevant Construction Certificate.
124. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the relevant Construction Certificate. All grease traps located inside the building must be located in a dedicated grease trap room. Safe easy access must be provided for servicing the grease traps. Access through areas where exposed food is handled or stored is not permitted.
125. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the commercial tenancy (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 relevant **Construction Certificate**.
126. **RMS.** The proposed deceleration lane shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be



submitted to Roads and Maritime for consideration and approval prior to the release of the relevant Construction Certificate by the Principal Certifying Authority and commencement of road works. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

127. **Sydney Trains.** An acoustic assessment is to be submitted to Council and Sydney Trains prior to the issue of the relevant Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines", and how the proposed development will impact on the Rail Corridor.
128. **Sydney Trains.** Prior to the issue of the relevant 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 the relevant Construction Certificate.
129. **Sydney Trains.** If a crane is to be used at any stage of the proposed works, the following condition applies:
  - (a) Prior to the issuing of the relevant Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
130. **Storage of commercial wastes** - A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes. This room must be separate from the residential garbage room with separate access doors and locking systems. Details are to be provided on the relevant Construction Certificate plans to verify compliance with this condition.
131. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of the relevant Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:
  - (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

## **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of demolition, excavation, or building work the relevant conditions (as applicable to the scope of the Construction Certificate) in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

### **132. 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.

133. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

134. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

135. **Work Zones and Permits.** Prior to commencement of the relevant works, 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.

136. **Notice of Intention to Commence Public Domain Works** – 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 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 be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required 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.

137. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

138. **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 Directorate, prior to any work commencing.

All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.

139. **Temporary Footpath Crossing** - A temporary footpath crossing, if required, 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.

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

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by

Roads and Maritime. Details and any enquiries should be forwarded to Mr Suppiah Thillai at [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au) or Phone at 8849 2114.

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

141. **RMS.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system in Rutledge Street are to be submitted to Roads and Maritime for approval, prior to the commencement of any works to the stormwater drainage system in Rutledge Street.

Details should be forwarded to: [Suppiah.Thillai@rms.nsw.gov.au](mailto:Suppiah.Thillai@rms.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

142. **Sydney Trains.** The Applicant shall provide a Geotechnical Engineering report to Sydney Trains for review by Sydney Trains Geotechnical section prior to the commencement of works. 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.
143. **Sydney Trains.** Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.
144. **Sydney Trains.** 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.
145. **Reinstatement of Bus Stop** – The existing bus stop along the Rutledge Street 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 shall be reinstated in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.

## 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
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requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

146. **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*.
147. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
148. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) 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.
  - (f) Complaints management procedures.
149. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
150. **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.
151. **Construction materials.** All materials associated with construction must be retained within the site.
152. **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.
153. **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.

154. **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".

155. **Inspections of Stormwater Drainage Works.** Construction inspections shall be required by Council's Stormwater Engineer for the Council storm water drainage works at the following hold points:

- a) Upon excavation of trenches shown on the approved drainage drawings.
- b) Upon installation of pipes and other drainage structures.
- c) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit.

156. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.

157. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the relevant Construction Certificate application.

158. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

159. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the relevant Construction Certificate version of the Stormwater Management Plan by Calibre Consulting Pty Ltd. (Refer to Job No. 15-003643 Dwgs C0-00 to C0-02 Iss. (B), C2-00 to C2-02 Iss (D) and C4-30 (E), C4-31 (C), C4-32 (B), C4-33 (B) and C4-60 (E)) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

160. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures generally in accordance with the approved plan by Calibre Consulting Pty Ltd. (Refer to Job No. 15-003643 Dwgs C1-10 Iss. (B) & C1-15 Iss (B)) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document. Any pumping of water to the public inground drainage system must be undertaken in accordance with the conditions concerning the preparation and implementation of a Site Dewatering Plan.
161. **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 relevant 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.
162. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the relevant 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.
163. **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.
164. **Hold Points during construction – Drainage Works -** Construction inspections shall be required by Council’s Stormwater Engineer for the drainage works in Council controlled land at the following hold points: -
- Upon excavation of pipeline trenches and other drainage structures prior to backfilling.
  - Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
  - After the completion of all pits, and connection points.

An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection. Work is not to proceed until the works are inspected and approved by Council in writing.

165. **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 Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. 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.

- 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.

166. **Waste Management.** 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.

167. **Maintenance of site and surrounding area.** 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.

168. **CCTV Cameras:**

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the 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 and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

- b) As a minimum, CCTV cameras at entry and exit points including the car park entry/exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
- c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

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

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- Sensor lighting should be installed into areas that may be areas of concealment.
- All outdoor public spaces should be well lit to ensure safety during the hours of darkness.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.

170. **Access control:** The following measures shall be addressed in the fit out of the building:

- a) All areas should be fitted with doors that comply with Australian Design Standards.
- b) The locks fitted to the doors should be of a high quality and meet the Australian design standards.
- c) Any glass within these doors should be laminated to enhance the physical security of the doors.
- d) Access control should be set in place to exclude unauthorized access to restricted areas.

- e) Access should be restricted to residents only to the lifts and stairs leading to the apartments.
- f) Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- g) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- h) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- i) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit
- j) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- k) Mail theft is an emerging crime in the Sydney Metropolitan area and as such letterboxes should be secured in a location that can be accessed by residents only. Having the letter box opening where mail can be inserted by Australia Post on the external area of the buildings, but having access to the rear of the letter box where you retrieve the mail on the internal side of the building is strongly recommended. The access to the mail area on the internal side of the building should be through a type of secured “mail room” which is accessed by a type of swipe card system or similar.
- l) The basement car parking areas have some type of security gate or security roller shutter that can be closed to prevent people loitering in the car park and to prevent crimes such as malicious damage, stealing, assaults and sexual assaults. If possible residential parking should only be able to be accessed by residents. A security roller door or similar should be used to restrict access by non-residents.
- m) It is recommended that if there are secure storage facilities for individual units in the basement car park that these facilities have good quality locks and ideally would be of a type that people cannot see into.

171. **Prevention of graffiti.** To assist in the prevention of graffiti, consideration should be given to the use of graffiti resistant materials to assist in the quick removal of any graffiti.

172. **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.

173. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

174. **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 Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
175. **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.
176. **Recyclable wastes** - All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
177. **Implementation noise control measures** - All noise and vibration control measures nominated in the detailed acoustic assessment and any related project documentation must be implemented.
178. **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.

#### **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.

179. **Public Benefit Works.** All public benefit as identified in the VPA referred to in deferred commencement condition 1(a) are to be completed to Council's satisfaction prior to the issue of any Occupation Certificate.
180. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 739803\_04 dated 18 June 2018.
181. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the any **Occupation Certificate**.

182. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

183. **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.
184. **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 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.
185. **Vehicle Turntable - Positive Covenant.** 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 vehicle turntable system. For reasons related to traffic safety and efficient vehicle access, it is crucial the unit operate throughout the life of the development. The terms of the instrument are to be generally in accordance with the general terms as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a compliance certificate required by the condition "*Compliance Certificates – Engineering*" related to the vehicle turntable.
186. **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.

187. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) 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.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (d) 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.
- (e) 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.
- (f) 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.

188. **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) Certification from a qualified and practising Traffic Engineer that the vehicle turntable has been implemented as designed and in accordance with the requirements of the condition labelled "*Vehicle Turntable*" and installed in accordance with the manufacturers requirements/ endorsement.
- c) Certification from a qualified and practising Hydraulic Engineer that the development works have been completed in accordance with the flood protection and mitigation measures stipulated in conditions related to flooding and overland flow protection, particularly that the finished floor levels and crest thresholds necessary for flood protection have been implemented in accordance with the approved flood advice.
- d) 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.
- e) 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.
- f) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- g) 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).
- h) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- i) 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.

- j) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

**189. 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).

**190. Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the pedestrian links 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 Links are accessible at all times to the Public;
- b) The Pedestrian Links will be adequately maintained by the occupier/ owner of the site at all times;
- c) The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

**191. 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 that area of the subject land that has been designated as the privately owned, publicly accessible pedestrian links, 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.

192. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works, including works within the publicly accessible pedestrian links, shall be completed to Council's satisfaction, in accordance with the approved public plans and at no cost to the Council, prior to the issue of any Occupation Certificate.
193. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.
194. **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.
195. **Compliance Certificates – 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.
196. **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.
197. **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.
198. **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.

199. **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 Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and 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 shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

200. **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.
201. **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 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.
202. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have been dilapidated as a result of the development 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.

203. **Compliance report (acoustic)-** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
204. **CCTV Report.** Prior to the issue of an Occupation Certificate the Council shall be provided with an electronic closed circuit television report (good quality camera CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network on the road. Any defects in the drainage network identified in the report shall be rectified to Council's satisfaction
205. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
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 if the proposal requires change in existing parking conditions and hence, 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. **Loading Dock Management Plan.** A Loading Dock Management Plan shall 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 loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic. Vehicle queuing on public road(s) will not be permitted.
209. **Works-as-executed drawing for basement.** Works-As-Executed Drawings prepared by a registered surveyor showing all basement car park crest levels shall be submitted to the Principal Certifying Authority accompanied by a certificate from a suitably qualified stormwater engineer confirming the basement car park crest levels were constructed in accordance with the Flood Protection response letter addressed to City of Ryde, dated 30 October 2017 and prepared by Calibre Consulting prior to the issue of an Occupation Certificate.
210. **Works-as-executed drawing for the drainage system.** Full works-as-executed plans for any drainage system in Council controlled land, prepared and signed by a registered surveyor, shall be submitted to and accepted by council. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and

location for the drainage structures and works prior to the issue of an Occupation Certificate.

211. **Certification for self-closing flood protection barriers.** A certificate from a suitably qualified engineer and the manufacturer shall be submitted to the Principal Certifying Authority that the self-closing flood protection barriers at the driveway crest of the driveway off Rowe Street has been constructed in accordance with the design plans and manufacturer's recommendations prior to the issue of an Occupation Certificate.
212. **Positive Covenant.** A positive covenant shall be created for the self-closing flood protection barriers at the driveway crests (in accordance with the Flood Protection response letter addressed to City of Ryde, dated 30 October 2017 and prepared by Calibre Consulting), under Section 88E of the Conveyancing Act 1919 prior to the issue of an Occupation Certificate. This is to place a restriction on the title that the self-closing flood protection barriers at the driveway crest of the driveway off Rowe Street will be suitably maintained to ensure smooth operation during a flood event and to prevent future modification or alteration without the written consent of Council. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at Land & Property Information NSW. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.
213. **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.
214. **Access to waste collection rooms.** 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. All access from the waste & recycling storage and bulky waste storage rooms must be on the same level with no steps or uneven surfaces.
215. **Onsite Waste Collection – Positive Covenant.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and any amendments undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7. The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the release of any Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this.

216. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
217. **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 as were in effect at the time of the lodgement of the development application. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulations 2000*.
218. **Noise compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the specified internal noise levels must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
219. **RMS.** Proposed deceleration lane could be constructed within the existing road reserve in Rutledge Street. However a 3.5 metre wide strip of land (as per the attachment) shall be dedicated as public road. This land should be registered as a separate lot and dedicated at no cost to Roads and Maritime.

## **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.
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220. **Hours of operation.** The hours of operation are to be restricted to:
- Supermarket Monday to Sunday 6.00am to midnight
  - Retail premises (shops, restaurants) Monday to Sunday 6.00am to midnight
  - Medical Centre Monday to Sunday 7.00am to 9.00pm
  - Commercial premises Monday to Sunday 6.00am to 10.00pm
  - Gymnasium Monday to Sunday 6.00am to 10.00pm.
- Note: Any request for an extension of the hours must be accompanied by a report to verify that the use will not have any impacts on any other use within the development.
221. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

222. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
223. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
224. **Clinical wastes** - The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.
225. **Used sharps** - Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 'Non-reusable containers for the collection of sharp medical items used in health care areas' or AS 4261-1994 'Reusable containers for the collection of sharp medical items used in health care areas' and be securely sealed with a lid before disposal.
226. **Non-sharps clinical wastes** - Non-sharps clinical wastes must be placed in a dedicated waste container with a yellow plastic liner clearly labelled 'contaminated waste'.
227. **Storage of clinical wastes** - All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
228. **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.
229. **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.
230. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
231. **Waste Collection.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor.
232. **Signage in bin area.** 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
233. **Waste Collection.** Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.

234. **Waste Collection.** Staff or contractors must be employed to transfer the recyclable materials from the 240L bins into the 660L bins provided for servicing.
235. **Waste Collection.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
236. **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*.
237. **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.
238. **Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
239. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
240. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
241. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
242. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
243. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.

244. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- Maximum of 452 residential spaces
  - Minimum of 47 visitor spaces (contained on basement levels 3 & 4)
  - Minimum 494 retail (accommodating parking for the gym & medical centre) spaces.
  - Minimum 14 commercial spaces on basement level 3
  - Minimum 30 staff parking spaces on basement level 3
  - Minimum 37 bicycle parking spaces for residents
  - Minimum 56 public bicycle spaces (suitable for retail/ commercial customers).
245. **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).
246. **Drainage.** An Operational Management and Maintenance Report is required to be submitted to the Principle Certifying Authority **prior to the issue of an Occupation Certificate** to provide an outline of the proposed long term operational management and maintenance requirements of the self-closing flood protection barriers at the driveway crest of the driveway off Rowe Street on the site. A schedule or timetable for the proposed regular inspection and monitoring of the devices, maintenance techniques, reporting and record keeping requirements and associated rectification procedure shall be included in the report. This operational manual is to include certification from the manufacturing company.
247. **Public Art.** Photo documentation of the completed artwork will be a requirement of Occupation Certificate.
248. **Radiation apparatus used in diagnostic imaging** - All radiation apparatus used in diagnostic imaging must comply with the requirements of the Radiation Control Act 1990 and Radiation Control Regulation 2013.
249. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.

## **ADVISORY NOTES**

### **Health Inspection Services:**

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

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).