
Project Approval

Section 75J of the Environmental Planning & Assessment Act 1979

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the Project Application referred to in schedule 1, subject to the conditions in schedule 2 and the Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission

Member of the Commission

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Sydney

2012

SCHEDULE 1

PART A: PARTICULARS

Application No.: MP10_0113

Proponent: Stamford Property Services Pty Ltd

Approval Authority: Minister for Planning & Infrastructure

Land: 110 -114 Herring Road, Macquarie Park
(Lot 1 DP 780314)

Project: Mixed use residential, retail and commercial development incorporating:

- demolition and excavation;
- four residential buildings retail and commercial floor space;
- basement car parking;
- landscaping and public works around the buildings, including lift and stairs to Epping Road
- publicly accessible open space and through site links; and
- road works.

NOTES RELATING TO THE DETERMINATION OF MP NO. 10_0113

Responsibility for other approvals/ agreements: The Proponent is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals: The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000 (as amended)*.

Legal notices: Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

In this approval the following definitions apply:

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means means advisory information relating to the approved development but do not form a part of this approval.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Ryde City Council
CPI	means Consumer Price Index.
Department	means the Department of Planning and Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by JBA and dated May 2010.
Minister	means the Minister for Planning and Infrastructure.
MP No. 09_0217	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report/ Response to submissions prepared by Urbis dated February 2012.
Proponent	means Stamford Property Services Pty Ltd or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
RMS	Roads and Maritime Services Division, Department of Transport or its successor
SWC	Sydney Water Corporation

End of Schedule 1

SCHEDULE 2

TERMS OF APPROVAL

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

- (1) Project Approval is granted to the development as described below;
- (a) demolition and excavation;
 - (b) four residential buildings (Buildings H, W, C and Y), retail and commercial floor space;
 - (c) basement car parking;
 - (d) landscaping and public works around buildings, including lift and stairs to Epping Road;
 - (e) publicly accessible open space and through site links;
 - (f) road works.

A2 Development in Accordance with Plans and Documentation

The Development shall be undertaken in accordance with the Environmental Assessment, except where amended by the Preferred Project Report and Response to PPR submissions including all associated documents and reports; the Statement of Commitments prepared by Urbis Pty Ltd; and the following drawings:

Architectural Drawings prepared for the Preferred Project Report by AJ+C			
Drawing No.	Revision	Name of Plan	Date
DA0000	D	Cover Sheet	24.02.12
DA0001	B	Location Diagram	09.12.11
DA0100	B	Staging Diagrams	09.12.11
DA1001	B	Context Plan (Part A)	24.02.12
DA1002	B	Context Plan (Part B)	24.02.12
DA2001	C	Level B1 Plan	24.02.12
DA2002	C	Level B2 Plan	24.02.12
DA2003	C	Level B3 Plan	24.02.12
DA2100	C	Ground Level Plan	24.02.12
DA2101	C	Level 1 Plan	24.02.12
DA2102	C	Level 2 Plan	24.02.12
DA2103	C	Level 3 Plan	24.02.12
DA2105	C	Level 5 Plan	24.02.12
DA2106	C	Level 6 Plan	24.02.12
DA2107	C	Level 7 Plan	24.02.12
DA2108	C	Level 8 Plan	24.02.12
DA2109	C	Level 9 Plan	24.02.12
DA2110	C	Level 10 Plan	24.02.12

DA2111	C	Level 11 Plan	24.02.12
DA2112	C	Level 12 Plan	24.02.12
DA2113	C	Level 13 Plan	24.02.12
DA2115	C	Level 15 Plan	24.02.12
DA2116	C	Level 16 Plan	24.02.12
DA2117	C	Level 17 Plan	24.02.12
DA2118	C	Level 18 Plan	24.02.12
DA2119	C	Level 19 Plan	24.02.12
DA2120	C	Level 20 Plan	24.02.12
DA2121	C	Level 21 Plan	24.02.12
DA2122	C	Level 22 Plan	24.02.12
DA3100	C	South Elevation Epping Rd	24.02.12
DA3101	C	North Elevation	24.02.12
DA3102	C	East Elevation – Herring Rd West Elevation	24.02.12
DA3110	C	Section 1	24.02.12
DA3111	C	Section 2	24.02.12
DA3122	C	Section 3 Section 4	24.02.12
DA3113	C	Section 5	24.02.12
DA3120	B	Elevation – West Part A Proposed and Existing	24.02.12
DA3121	B	Elevation – West Part B Proposed and Existing	24.02.12
DA3122	B	Section 1 Part A Proposed and Existing	24.02.12
DA3123	B	Section 1 Part B Proposed and Existing	24.02.12
DA3124	B	Section 2 Part A Proposed and Existing	24.02.12
DA3125	B	Section 2 Part B Proposed and Existing	24.02.12
DA3126	B	Section 3 Part A Proposed and Existing	24.02.12
DA3127	B	Section 3 Part B Proposed and Existing	24.02.12
DA3128	B	Section 4 Part A Proposed and Existing	24.02.12
DA3129	B	Section 4 Part B Proposed and Existing	24.02.12
DA 3130	B	Section 5 Part A	24.02.12

		Proposed and Existing	
DA3131	B	Section 5 Part B Proposed and Existing	24.02.12
DA3132	B	Section 6 Part A Proposed and Existing	24.02.12
DA3133	B	Section 6 Part A Proposed and Existing	24.02.12
DA4100	B	Detailed Elevation Sheet 1	24.02.12
Landscape Plans prepared for the Preferred Project Report by Oculus			
Drawing No.	Revision	Name of Plan	Date
		Illustrative Master Plan	24.02.12
		Illustrative Landscape Sections Section A & B	24.02.12
		Illustrative Landscape Sections Section C & D	24.02.12
		Illustrative Landscape Sections Section E, F & G	24.02.12
		Illustrative Landscape Sections Section H	24.02.12
		February 2012 Scheme: Public Space Diagram	24.02.12

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and,
- (2) otherwise provided by the conditions of this approval.

A3 Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A4 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

A5 Lapsing of Approval

Approval of the Project Application shall lapse 5 years after the determination date in Part A of Schedule 1 unless work has commenced on the project.

End of Part A

PART B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

B1 Design Modifications

In order to improve amenity for adjoining properties and future residents, the design of the proposed development should be amended as follows:

Height

- (a) The height of Building C shall be reduced from 15 storeys (RL122.25m) to a maximum of 13 storeys (RL116.25m);
- (b) The 13 storey portion of Building W (RL115.05 m) shall be reduced to 11 storeys (RL105.95).

Open Space

- (c) The central park shall provide a minimum of 1,665m² publicly accessible open space and through site links; and

Design

The street to ground level wall of Building H, on both street frontages of the north eastern and north western elevation shall be amended to reduce the blank rendered/painted wall effect and to provide greater articulation and visual interest. Consideration should be given to changing balustrade materials to reduce the height of the wall.

Car Parking

The provision of on-site car parking shall be in accordance with the following rates:

- 0.6 spaces per 1 bedroom apartment;
- 0.9 spaces per 2 bedroom apartment;
- 1.4 spaces per 3 bedroom apartment;
- 1 space per 5 for visitors; and
- 1 space per 40m² of commercial GFA;

[Note: the number of basement car parking levels may be reduced in accordance with the reduction in parking provisions].

Street Network

RMS does not provide concurrence to use Epping Road as an exit from the site. The new road along the north western boundary shall be blocked off at Epping Road and an appropriate turning circle is to be provided to the satisfaction of Council.

Amended plans demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of Construction Certificate.

B2 Compliance with the Building Code of Australia (BCA)

Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation* in relation to the requirements of the *Building Code of Australia* (BCA).

B3 Monetary Contributions

B3 Monetary Contributions

Following receipt of the approval of the Director-General for the amended plans required by Condition B1, the approved plans must be submitted to Council so that it may calculate the required Section 94 Contributions (in accordance with the City of Ryde's Section 94 Contributions Plan). The contributions are to be paid to Council prior to the determination of a Construction Certificate.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No. 5206.0) on the basis of the contribution rates that are applicable at time of payment.

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Council accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations.

B4 Long Service Levy

Prior to the issue of the Construction Certificate, receipt of payment to the Long Service Payments Corporation in accordance with Section 34 of the Building Construction Industry Payments Act 1986 must be presented to the Certifying Authority.

B5 Details of Materials, Colours and Finishes

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours, shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

B6 Reflectivity

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B7 Outdoor Lighting

- (1) All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (2) The Proponent will ensure that adequate lighting is provided to proposed pedestrian through site links on the application site.

B8 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B9 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Department.

B10 Construction Management Plan

Prior to the issue of a Construction Certificate, the Construction Management Plan shall be updated and submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) noise and vibration management (see also **B13** below),
- (4) waste management (see also **B14** below),
- (5) traffic management (see also **B15** below),
- (6) erosion and sediment control (see also **B18**),
- (7) flora and fauna management; and
- (8) stormwater management.

The Proponent shall submit a copy of the approved plan to the Department and Council.

B11 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted traffic volumes, types and routes, and
- (4) pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to the Department and Council prior to commencement of a Construction Certificate.

[note: no access to Epping Road is granted by RMS]

B12 Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate, the Noise and Vibration Management Plan shall be updated and shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) identification of the specific activities that will be carried out and associated noise sources,
- (2) identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) the construction noise objective specified in the conditions of this approval,
- (4) the construction vibration criteria specified in the conditions of this approval,

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- (5) determination of appropriate noise and vibration objectives for each identified sensitive receiver,
 - (6) noise and vibration monitoring, reporting and response procedures,
 - (7) assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
 - (8) description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
 - (9) justification of any proposed activities outside the construction hours specified in the conditions of this approval.
 - (10) construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
 - (11) procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
 - (12) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Proponent shall submit a copy of the approved plan to the Department and Council prior to commencement of a Construction Certificate.

B13 Construction Waste Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with City of Ryde Council's Development Control Plan 2010. The Proponent shall submit a copy of the plan to the Department and Council prior to commencement of a Construction Certificate.

B14 Tree Management Plan

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Tree Management Plan prepared by a suitably qualified person in accordance with the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated February 2011 and in accordance with City of Ryde Council's Development Control Plan 2010.

B15 Lighting Plan

A detailed plan prepared by a suitably qualified lighting engineer must be submitted to Council for approval prior the issue of a Construction Certificate.

All lighting in public domain areas is to comply with the City of Ryde Council's DCP 2010 requirements and Australian Standard AS1158 for Street Lighting Applications.

The lighting plan should include, lighting designs, supported by luminance calculations and luminance plots, and is to be of a high standard and Energy Australia compatible.

B16 Erosion and Sedimentation Control

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B17 Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads. The

report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to Council and the Department.

B18 Road Design

Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Council and the RMS. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to Council and the Certifying Authority prior to the issue of a Construction Certificate.

NB: This condition needs to be modified if road works require s138 approval under the Roads Act 1993 by the road authority (Council).

B19 Number of Bicycle Spaces

The proposal is to provide one bicycle space for every apartment. Bicycle parking should:

- (a) be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities;
- (b) ensure that potential conflicts with vehicles are minimised;
- (c) be secure and located undercover with easy access from the street and building entries;
- (d) be located in accordance with Safar by Design principles;
- (e) end of trip facilities accessible to staff (including at least 1 shower and change room in all commercial and retail developments; and
- (f) provide secure bicycle storage in all residential developments.

Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B20 Number of Loading Bays

The development is to provide loading bays for the development in accordance with Council's DCP 2010 . Details of the loading arrangements shall be submitted to the satisfaction of Council and the Certifying Authority prior to the issue of a Construction Certificate.

B21 Car Park and Service Vehicle Layout

- (1) Plans are to identify the following traffic and parking details:
 - (a) all vehicles should enter and leave the subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the subject Site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
 - (b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;
 - (c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
 - (d) All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
 - (e) The swept path of the longest vehicle (including garbage trucks) entering and exiting the Subject Site, as well as manoeuvrability through the Subject Site, shall be in accordance with AUSTROADS;
- (2) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

B22 Car Share Spaces

Details of the car share arrangements are to be submitted to the Certifying Authority prior to the issue of a construction certificate. A total of 3 car share spaces are to be provided for the development.

B23 *Basement Storage*

The development is to provide dedicated storage within the basement car park at the following rates:

- studio apartments 6m³
- one-bedroom apartments 6m³
- two bedroom apartments 8m³
- three plus bedroom apartments 10m³

The basement storage shall not compromise safety or natural ventilation, and it shall not be excluded from FSR calculations.

B24 *Mechanical Ventilation*

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B25 *RMS Requirements*

- (1) RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- (2) The Proponent may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. The WAD will need to be executed prior to RMS's assessment of the detailed civil design plans.
- (3) The development shall be acoustically designed to meet appropriate internal noise requirements through property setbacks, site and architectural treatments. Noise walls are not supported by RMS as noise mitigation.
- (4) The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirement, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2809.2 – 2002 for heavy vehicle usage;
- (5) Provision for building maintenance vehicles and removalists shall be provided on site;
- (6) All vehicles shall be wholly contained on site before being required to stop;
- (7) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Epping Road;
- (8) A construction Traffic Management Plan detailing contractor vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate (see **B15** above); and
- (9) All works associated with the proposed development shall be at no cost to RMS.

B26 *Landscape Plan*

The Proponent shall submit detailed landscape plan to the Certifying Authority for approval prior to the issue of a Construction Certificate.

B27 *NatHERS Rating – Multi-Unit Housing*

The following NatHERS rating requirements shall be complied with:

- (1) an average rating for all dwellings of 4 stars or better,
- (2) at least 20% of all dwellings shall achieve better than 4.5 stars,
- (3) at least 80% of all dwellings shall achieve better than 3.5 stars, and
- (4) no apartment shall achieve less than 3 stars.

Prior to the issue of a Construction Certificate, the Proponent shall submit to the Certifying Authority a NatHERS certificate, prepared by an accredited NatHERS assessor, demonstrating compliance with the requirements of this condition.

B28 BASIX Certificate requirements

Prior to the issue of a Construction Certificate details BASIX Certificate should be obtained and submitted to the Certifying Authority to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the Certifying Authority.

B29 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B30 Sydney Water Requirements

- (1) The 100mm and 150mm drinking water mains need to be upsized prior to the issue of a Construction Certificate;
- (2) The Existing 150mm wastewater mains need to be upsized prior to the issue of a Construction Certificate;
- (3) An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of a Construction Certificate/certification of Crown Building works.
- (4) The Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- (5) Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

B31 Storage and Handling of Operational Waste

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of City of Ryde Development Control Plan 2010. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B32 Stormwater and Drainage Works Design

Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Ryde City Council shall be submitted to the certifier prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

B33 Compliance Report

Prior to the issue of a Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

B34 GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Buildings H, W, C and Y at the subject site approved by this major project does not exceed 25, 083m². Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Commencement of Works

Demolition, excavation, clearing, construction, subdivision or associated activities must not commence until a Construction Certificate has been issued for the proposed development pursuant to the *Environmental Planning and Assessment Act, 1979*.

C2 Commencement

The erection of a building / subdivision works in accordance with this development consent must not be commenced until:

- (1) Detailed plans and specifications have been endorsed with a Construction Certificate (by the consent authority or an accredited certifier), and
- (2) The person having benefit of the Development Consent has appointed a 'principal certifying authority', and has notified the consent authority and the Council (if Council is not the consent authority) of the appointment, and
- (3) The person having benefit of the development consent has given at least 2 days notice to the Council of their intention to commence the development works the subject of this consent.

C3 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

C4 Contact Telephone Number

Prior to the commencement of the works, the Proponent shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C5 Demolition, Excavation and Construction Management

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

C6 Notice to be Given Prior to Excavation

The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C7 *Soil Sampling*

Prior to the commencement of excavation work, further soil sampling should be undertaken in accordance with the Preliminary Phase 1 Contamination Assessment prepared by Douglas Partners, dated February 2012 to the satisfaction of the Certifying Authority.

- (1) Sampling should be undertaken beneath the on-ground floor slabs and soil checked for pesticides (OCP);
- (2) Prior to the off-site disposal of any excavated surplus material, the preliminary waste classifications of filling and Virgin Excavated Natural Materials should be confirmed by a qualified environmental consultant in accordance with NSW DECC Waste Classification Guidelines (2008);
- (3) Should any visual or olfactory indicators of contamination (e.g. asbestos) be identified during early civil works (i.e. earthworks) DP should be contacted for further assessment; and
- (4) Any imported fill material should be VENM which is to be accompanied by a validation certificate / report verifying the VENM status of the material.

C8 *Removal of Hazardous Materials*

Any hazardous materials found on site shall be removed disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.

C9 *Structural Details*

Prior to the commencement of construction, the Proponent shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the development consent, and
- (3) drawings and specifications comprising the Construction Certificate.

C10 *Compliance Report*

Prior to the commencement of works, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

PART D - DURING CONSTRUCTION

D1 *Hours of Work*

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 5:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 12:00 midday, Saturdays;

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- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (4) the delivery of materials is required outside these hours by the Police or other authorities; and
- (5) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

D2 Erosion and Sediment Control

All erosion and sediment control measures, as designed in accordance with Condition **B16**, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D3 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D4 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority certifying that structural works are in accordance with the approved development application.

D5 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

D6 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D7 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D8 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D9 Protection of Trees – Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D10 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D11 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

D12 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6841-1:1985 Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D13 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

D14 Construction Noise Management

- (1) The construction noise objective for the Project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by:
 - (a) For the first four weeks of the construction period, not more than 20dB(A);
 - (b) From the 5th week to the 26th week (inclusive) of the construction period, not more than 10dB(A); and
 - (c) For construction periods greater than 26 weeks, not more than 5dB(A).
- (2) Background noise levels are those identified in Environmental Impact Statement or otherwise identified. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.
- (3) Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with a Construction Noise and Vibration Management Plan, approved by the Director-General.
- (4) If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.
- (5) The Proponent shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9.00 am to 12.00 pm, Monday to Friday; and
 - (b) 2.00 pm to 5.00 pm Monday to Friday.
- (6) Wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where outlined in a Construction Noise and Vibration Management Plan approved by the Director-General.
- (7) Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.

D15 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW *Heritage Act 1977* may be required before further works can continue in that area.

D16 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

D17 Water Conservation

Water saving showerheads shall be fitted to all showers within the development to reduce water consumption and promote energy efficiency.

D18 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Certifying Authority.

D19 Compliance Report

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this Part.

D26 Accessibility

The buildings must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on Construction Certificate drawings.

D27 Asbestos work

- (1) All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
- (2) All asbestos wastes must be segregated from other wastes and stored in a secure area in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (3) All asbestos wastes, including used asbestos cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.

D30 Work-as-Executed Plan

To ensure stormwater drainage works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council prior to issue of Occupation Certificate. The W.A.E plans is to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plan.

PART E - PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

E1 Access

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

E2 Services

Documentary easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the *Conveyancing Act 1919*.

E3 Car parking restrictions

The on-site car parking spaces, exclusive of service spaces, are not to be used by those other than an occupant or tenant of the subject buildings. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

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- (1) restrictive covenant placed on title pursuant to Section 88B of the *Conveyancing Act, 1919*,
 - (2) restriction on use under Section 68 of the *Strata Schemes (Leasehold Development) Act, 1986* to all lots comprising in part or whole car parking spaces, and
 - (3) sign visible at exits (excluding fire stairs and individual unit entries) from car parking areas.

These requirements are to be made to the satisfaction of Council. All costs associated with the above requirements are to be borne solely by the Proponent.

E4 Travel Access Guide / Green Travel Plan

Prior to the occupation of any building on site, the Proponent shall provide details of any Travel Access Guide (TAG)/Green Travel Plan to the satisfaction of the Certifying Authority.

E5 Car Share Scheme

Prior to the occupation of any building the Certifying Authority must be satisfied that the Car Share Scheme has been implemented and is operational.

E6 Dedication of Affordable Housing to Council

Prior to the occupation of any building the Proponent shall dedicate at least two affordable housing units to Council. The housing units shall comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and be approved by Council prior to dedication. Should the proponent and Council not be able to agree on the suitability of apartments to be dedicated, the Director General will intervene.

E7 Part 4A Certificate

Prior to the registration of final subdivision plan in the Office of the Registrar-General, a Part 4A certificate shall be obtained under section 109D(1)(d) of the *Environmental Planning and Assessment Act 1979*.

PART F - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

F2 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the Certifying Authority.

F3 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

F4 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the Certifying Authority, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

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- (1) The Building Code of Australia;
 - (2) Australian Standard AS1668 and other relevant codes;
 - (3) The development approval and any relevant modifications; and,
 - (4) Any dispensation granted by the New South Wales Fire Brigade.

F5 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F6 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F7 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the Certifying Authority evidence that all easements required by this approval, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

F8 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

The Section 73 Certificate must be submitted to the Certifying Authority prior to occupation of the development or release of the plan of subdivision.

F9 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

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- (2) The report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must:
- (a) Compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition B
 - (b) Have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Director and Council.

PART G - POST OCCUPATION

G1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G3 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G4 Hours of Operation

The hours of operation for each retail operation shall be determined by Council in relation to their specific use.

G5 Noise Control – Plant and Machinery

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

G6 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

G7 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G8 External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

G9 Compliance Report

The Proponent, or any party acting upon this approval, shall submit to the Department a three monthly report addressing compliance with all relevant conditions of this Part.

ADVISORY NOTES

AN1 Further Approvals

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- (1) Shop fit-out - the Proponent shall seek development consent prior to occupation and use of individual tenancies. Development applications for food premises shall comply with the requirements of AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003 and Food Safety Standards.
- (2) The Proponent shall obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the *National Code for the Construction and Fitout of Food Premises*. The Proponent shall provide evidence of receipt of the certificate to the satisfaction of the Certifying Authority prior to the occupation of the building(s) or commencement of the use.

AN2 Sydney Water

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the Certifying Authority prior to the occupation of the development or release of the linen plan.

AN3 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) the certifying authority before release of the Construction Certificate,
- (2) the approval authority before the release of the subdivision certificate, and
- (3) the principal certifying authority prior to occupation.

AN4 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance

with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN5 Compliance with Building Code of Australia

The Proponent is advised to consult with the Certifying Authority out any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN6 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN7 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with City of Ryde Development Control Plan 2010, and
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

AN8 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN9 Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN10 Construction Inspections

Compliance certificate/s shall be issued by the Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

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- (1) Foundations,
 - (2) Footings,
 - (3) Damp proof courses and waterproofing installation,
 - (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
 - (5) Structural beam and column framing,
 - (6) Timber wall and roof framing, and
 - (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN11 Noise Generation

Any noise generated during the construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN12 Excavation – Aboriginal Objects

Should any Aboriginal objects be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN13 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN14 Compliance with Conditions

The Proponent will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by MP09_0218 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the issuing of Strata Plan of Subdivision.

AN15 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the *Protection of the Environment Operations Act 1997*, or exceed approved noise limits for the site.

AN16 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy for street numbering, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN17 Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work; and

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- (2) management of waste,

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN18 Temporary Structures

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

AN19 Place of Public Entertainment

An approval from the Council under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the Certifying Authority prior to the occupation of the building(s) or commencement of the use.

AN20 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN21 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN22 Roads Act, 1993

A separate application shall be made to RMS for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or

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- (3) remove or interfere with a structure, work or tree on a public road, or
 - (4) pump water into a public road from any land adjoining the road, or
 - (5) connect a road (whether public or private) to a classified road.

(1) Asbestos Removal

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

(2) Road Closure

A temporary road closure permit is to be obtained by Council/RMS prior to the closure of any roads.

End of Schedule 2

SCHEDULE 3

REVISED STATEMENT OF COMMITMENTS

Source: PPR dated February 2012

Prepared by: Urbis Pty Ltd

Draft Statement of Commitments

In accordance with the Director-General's Preferred Project Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The following are the commitments made by Stamford Property Services Pty Ltd to manage and minimise potential impacts arising from the Preferred Concept Plan and Stage 1 Project Application. As this is an integrated application, the draft Statement of Commitments for the Stage 1 Project Application and the future Stage 2 Development Application are set below.

Subject	Commitments	Approved by Whom	Timing
Concept Plan and Stage 1 Project Application			
Approved Project	Development on the site will be implemented in accordance with the Concept Plan entitled 'Part 3A submission' prepared by AJ + C Architects and dated 24 February 2012.	Department of Planning.	No timing. General Statement of Commitment
	Stage 1 will be implemented in accordance with the Project Application Plans entitled 'Part 3A submission' prepared by AJ + C Architects and dated 24 February 2012	Department of Planning.	No timing. General Statement of Commitment
Approved Floor Space	The total floor area of the development shall generally be in accordance with the approved Concept Plan and shall not exceed 52,060m ² . The development shall contain a minimum 1,210m ² non-residential land uses.	Department of Planning.	No timing. General Statement of Commitment
Apartment Mix / Accessibility	Approval is granted for a Stage 1 apartment mix of: <ul style="list-style-type: none"> - Maximum 49% one bedroom apartments; - Minimum 42% two bedroom apartments; - Minimum 9% three + bedroom apartments. 	Department of Planning.	No timing. General Statement of Commitment
	In order to ensure flexibility and options to live close to work, 33 SOHO apartments will be provided across the development site.	Department of Planning.	No timing. General Statement of Commitment
	10% of apartments will be provided as Class C adaptable units across the development site.	Department of Planning.	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
Parking	Approval is granted for a maximum number of 746 parking spaces.	Department of Planning.	No timing. General Statement of Commitment
Road Access and Traffic	<p>In accordance with the recommendations of the Traffic Report prepared by Traffix and dated January 2011, a Travel Plan will be prepared which addresses:</p> <ul style="list-style-type: none"> Local bus stop locations; Bus and rail timetables; Location of taxi ranks in the locality; Location of local services within walking distance such as convenience stores, supermarkets and other retail related areas; Location of car share vehicles; and Local cycle routes including the City of Ryde cycle map. 	Department of Planning.	Prior to the issue of a Stage 1 Construction Certificate
	The proponent commits to consulting with a car share operator such as Go Get to determine the feasibility of a car share scheme on-site.	-	Outcome of consultation submitted with Stage 2 Development Application.
Flora and Fauna and Tree Management	<p>In accordance with the Flora and Fauna Assessment prepared by Total Earth Care dated December 2010 and the Arborist Report prepared by Earthscape Horticultural Services dated February 2011, the following will be implemented:</p> <ul style="list-style-type: none"> Removal of trees should be offset with the revegetation of the Epping Road setback buffer zones and removal of exotic species from the site; Any landscaping or revegetation works are to incorporate locally indigenous native plant species, including those that are characteristic of STIF; The protection measures as recommended with the 	Department of Planning.	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	<p>Arborist's Report prepared by Earthscape Horticultural Services;</p> <ul style="list-style-type: none"> • Temporary fencing is to be installed around the construction area and machinery or materials storage areas to eliminate the potential for accidental damage to the STIF remnants and all retained trees on the site during construction works; • Native trees or limbs of trees that are removed as part of the clearing for the current proposal should be mulched and used on site in rehabilitation or landscaping works, for temporary sediment and erosion control during construction, or as habitat features in any restoration works; • Implementation of the Tree Management Plan; and • Planting of 20 new trees capable of attaining a height of thirteen metres at maturity. 		
Structural Adequacy	<p>The Structural design will be in accordance with:</p> <ul style="list-style-type: none"> • AS / NZS1170.0 – 2002 General Principles; • As / NZS1170.1 – 2002 Permanent, Imposed and Other Actions; • AS / NZS1170.2 – 2002 Wind Actions; • AS3600 – 2009 Concrete Structures; • AS3700 – 2001 Masonry; • AS4100 – 1998 Steel Structures; • AS1720.1 – 1997 Timber Structures; and • BCA – 2009 Building Codes of Australia. 	The relevant consent authority at the relevant stage	<p>No timing.</p> <p>General Statement of Commitment</p>

Subject	Commitments	Approved by Whom	Timing
Construction, Waste and Traffic Impacts	Works will be carried out in accordance with the recommendations of the preliminary Construction Management Plan and Waste Management Plan prepared by Stamford Property Services and dated January 2011, and the preliminary Construction Traffic Management Plan prepared by Traffix and dated January 2011.	Department of Planning	No timing. General Statement of Commitment
	A detailed Construction Management Plan, Waste Management Plan and Construction Traffic Management Plan will be prepared and submitted when a builder is appointed and Construction Certificate documentation prepared. Further consultation regarding construction access will be undertaken with the RTA and Council prior to the completion of these Plans.	The relevant consent authority at the relevant stage.	Prior to issue of Construction Certificate.
Soil and Water Management	Details of the easement recommended in the Civil Engineering Design Report prepared by Meinhardt and dated January 2011 will be provided to the Department of Planning prior to the issue of a Stage 1 Construction Certificate.	To be negotiated with adjoining landowners	Prior to issue of a Stage 1 Construction Certificate.
	<p>The stormwater and drainage network will be in accordance with the Civil Engineering Design Report prepared by Meinhardt and dated January 2011. Stormwater drainage infrastructure will be designed in accordance with:</p> <ul style="list-style-type: none"> • AS3500.3; • City of Ryde Council's specifications; • The Concrete Pipe Association of Australia Guidelines; and • The Australian Rainfall and Runoff (ARR) publication. 	Department of Planning	No timing. General Statement of Commitment
	A bulk earthworks model will be provided with the Construction Certificate documentation for each stage, indicating the final cut and fill volumes.	The relevant consent authority at the relevant stage.	Prior to issue of Construction Certificate.
Environmentally Sustainable Development	Residential development will need to meet the BASIX energy consumption benchmark with a target of achieving a 4 star Green Star rating. A further ESD	No timing.	No timing.

Subject	Commitments	Approved by Whom	Timing
	statement will be submitted with the Stage 2 DA.		General Statement of Commitment
Infrastructure and Services	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider requirements.	Relevant Service Provider	No timing. General Statement of Commitment
Public Benefits	Public benefits provided to the wider community will include public access (provided by a covenant on the title) to communal open space areas and a proposed meeting room on-site.	Department of Planning	No timing. General Statement of Commitment
Residential Amenity	<p>The proponent commits to provide:</p> <ul style="list-style-type: none"> • A residential swimming pool; • Residents gym; • Provision of a herb/vegetable garden, the design of which will be detailed in the Stage 1 landscape plans, prior to the issue of a Construction Certificate; • Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every residential purchaser; and • Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every 100m² of non-residential GFA. • A community meeting room for occupiers of the development privately managed. 	Department of Planning	No timing. General Statement of Commitment
WSUD	<p>WSUD measures for both stages will be in accordance with the Integrated Water Management Plan prepared by AECOM and dated January 2011:</p> <ul style="list-style-type: none"> • Rainwater harvesting for non-potable reuse including toilet flushing, clothes washing and irrigation; and • Harvested rainwater will be treated via a gross pollutant trap to remove suspended solids 	Department of Planning	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
	<p>prior to discharge into the rainwater tank.</p> <p>In addition, the gross pollutant trap and rain gardens will be designed for the Treatable Flow Rate.</p>		
	<p>Water efficient fixtures and fittings including 4 WELS star rating dual flush toilets, 6 / 5 WELS star bathroom taps and 3 WELS star shower heads are being considered to meet GBCA targets.</p>	<p>Department of Planning</p>	<p>No timing.</p> <p>General Statement of Commitment</p>
<p>Geotechnical and Contamination</p>	<p>Works will comply with the recommendations of the Geotechnical Investigation and Waste Classification of InSitu Materials Report prepared by Douglas and Partners and dated January 2011, and the Preliminary Contamination Assessment prepared by Douglas and Partners and dated February 2011. The proponent commits to:</p> <ul style="list-style-type: none"> • Carry out filling in accordance with the report; • Undertake regular inspection by a geotechnical engineer following each progressive lift in excavation; • All load bearing foundations inspected and spoon tested by an experienced geotechnical engineer or engineering geologist; • Preparation of a dilapidation survey of adjacent buildings prior to and at the completion of bulk excavation works; • Once the site has been stripped of fill and excavated soils are stockpiled on site, an environmental scientist or engineer will inspect the site to confirm the classification of fill as General Solid Waste; • Fill classified as General Solid Waste will only be transported to a facility licensed to accept General Solid Waste; and • The preliminary classification of natural soils as VENM will be 	<p>Department of Planning</p>	<p>No timing.</p> <p>General Statement of Commitment</p>

Subject	Commitments	Approved by Whom	Timing
	confirmed subject to an inspection once all filling has been removed.		
	Final or detailed design of retaining walls will be undertaken using an interactive computer software program such as WALLAP or FLAC during the progressive stages of wall construction, anchoring and bulk excavation.	Department of Planning	Prior to issue of Construction Certificate.
Building Regulations	Where non-compliances with the BCA, Alternative Solutions will be employed to address these matters.	PCA	All Alternative Solutions will be developed for approval prior to the issue of a Construction Certificate.
Erosion and Sediment Control	An Erosion and Sediment Control Plan measures outlined in the Meinhardt Civil Engineering Design Report and dated January 2011 will be incorporated into a detailed Erosion and Sediment Control Plan.	PCA / Relevant Consent Authority for each stage	Prior to issue of Construction Certificate.
Landscaping	Landscaping and public domain works on the site will be implemented in accordance with the Landscape Plans entitled 'Macquarie Village Stage 1' prepared by oculus and dated 9 December 2011. A further detailed landscape plan in accordance with the principles of the approved Concept Plan will be submitted prior to issue of a Construction Certificate for each stage.	The relevant consent authority at the relevant stage.	With the relevant PA / DA and prior to issue of CC.
Acoustic	Glazing will be provided in accordance with the recommendations of the Acoustic Report dated January 2011 and letter dated 24 November 2011.	PCA	On plans, prior to the issue of a Construction Certificate for each stage.
	<p>The following noise attenuation measures will be adopted for future retail/commercial tenancies as outlined in the Noise Impact Assessment prepared by Acoustic Logic and dated January 2011 and letter dated 24 November 2011:</p> <ul style="list-style-type: none"> Locating seating below awnings and overhangs to limit noise impact to residence above; 	Ryde City Council	Details submitted with the Stage 2 Development Application

Subject	Commitments	Approved by Whom	Timing
	<ul style="list-style-type: none"> Limit the number of seats within the courtyard; Locating external areas where noise transmission is limited; and Limit deliveries and waste removal to day time hours. 		
	<p>A detailed construction noise and vibration plan will be developed once construction programs have been developed further. The noise and vibration plan will be developed in accordance with the following:</p> <ul style="list-style-type: none"> Australian Standard AS2436:1981 "Guide to noise control on construction, maintenance and demolition sites"; and DECCW – "Interim Construction Noise Guideline". 	The relevant consent authority at the relevant stage.	Prior to the issue of Construction Certificate.
Wind	<p>The following recommendations of the Wind Report prepared by Vipac dated January 2011 will be implemented:</p> <ul style="list-style-type: none"> Plantation on the Epping Road, Herring Road and north-eastern boundary as per the approved landscape plans; Balconies to the south facades; Use of balustrades and diving screens; and Balconies or equivalent surface roughness features to the façade between Buildings Y and M as well as between Buildings M and D. 	The relevant consent authority at the relevant stage.	Provided on Project/Development Application plans
	The effectiveness of wind control mechanisms will be validated prior to the issue of a Construction Certificate.	PCA or the relevant consent authority.	Prior to the issue of a Construction Certificate.
Public Art	A detailed Public Art Plan will be prepared by a suitably qualified Public Art Consultant.	Ryde City Council	To be submitted with the Stage 2 Development Application

Subject	Commitments	Approved by Whom	Timing
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	The relevant consent authority at the relevant stage.	During construction
Dedication of Type 3 Roads	The proponent will construct Type 3 Roads proposed within the northern and eastern boundaries of the property and will be designed and constructed by the proponent in accordance with relevant Australian Standards, and dedicated to Council as Local Roads, that will be owned and maintained by Council in perpetuity. Secondary internal roads will remain part of the site, being owned and maintained by the Owner's Corporation. This commitment is however contingent on achieving the scale of development proposed in the Concept Plan and Project Application.	Ryde City Council	To be dedicated to Council prior to the issue of the Occupation Certificate for the final building of Stage 1.
Affordable housing	The proponent will dedicate 2 appropriately sized and located dwelling units within Stage 1 of the development to be administered as Affordable Housing	Department of Planning/Ryde City Council	To be dedicated with Stage 1
Public Access	The provision of a staircase and lift along Epping Road to allow access to the existing bus stop on Epping road.	Department of Planning/City of Ryde	To be dedicated with Stage 1
Upgrade of Bus Shelter	To facilitate the upgrade of the existing bus shelter on Epping Road.	Department of Planning/City of Ryde	At the completion of Stage 1.
Development contributions	Appropriate contributions, commensurate with each stage, will be payable prior to the issue of a Construction Certificate for that stage in accordance with the City of Ryde Section 94 Development Contributions Plan 2007.	City of Ryde	Prior to issue of Construction Certificate for Stage 1 and 2