

# Project Approval

## Section 75 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 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.

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

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Sydney

2012

### SCHEDULE 1

#### PART A: PARTICULARS

<b>Application No.:</b>	MP09_0219
<b>Proponent:</b>	Holdmark Property Group
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	41 Belmore Street, Ryde Part Lot 1 DP 1072555
<b>Project:</b>	3 to 13 storey residential flat building development incorporating basement car parking, communal open space and a publicly accessible foreshore link

## **PART B: NOTES RELATING TO THE DETERMINATION OF MP09\_0219**

### **Responsibility for other approvals / agreements**

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

### **Appeals**

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

### **Legal notices**

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

## PART C — DEFINITIONS

In this approval:

**Act** means the *Environmental Planning and Assessment Act 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Council** means City of Ryde Council

**Department** means the Department of Planning & Infrastructure or its successors.

**Director General** means the Director General of the Department or his nominee.

**Environmental Assessment** means the Environmental Assessment prepared by Robertson + Marks Architects and PLACE Design Group, Revision C and dated 7 January 2011.

**FFL** means finished floor level

**GFA** means gross floor area.

**Minister** means the Minister for Planning & Infrastructure.

**MP No. 09\_0219** means the Major Project described in the Proponent's Preferred Project Report.

**Preferred Project Report (PPR)** means the Preferred Project Report and Response to Submissions prepared by Robertson + Marks Architects and PLACE Design Group, Revision C and dated July 2012.

**Proponent** means Holdmark Property Group or any party lawfully acting upon this approval.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Regulation** means the Environmental Planning and Assessment Regulation 2000 (as amended).

**Subject Site** has the same meaning as the land identified in this Schedule.

**End of Schedule 1**

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## SCHEDULE 2

### TERMS OF APPROVAL

#### PART A - ADMINISTRATIVE CONDITIONS

##### Development Description

- A1 Development approval is granted only to carrying out the development described in detail below:
- Construction of two attached residential flat buildings between 3 and 13 storeys in height;
  - basement car parking over three levels;
  - landscaped communal open space between the two buildings;
  - a new landscaped publicly accessible foreshore link from Hamilton Crescent to Rothesay Avenue;
  - stormwater and infrastructure/utility works.

##### Development in Accordance with Plans and Documentation

- A2 The development shall be undertaken generally in accordance with:
- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
  - the Draft Statement of Commitments prepared by Robertson + Marks Architects; and
  - the following drawings:

<b>Architectural Drawings prepared for the Preferred Project Report by Robertson + Marks (Job No. 10068-2)</b>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A101/7	7	Basement Plan	31.07.2012
A102/6	6	Upper Basement Plan	31.07.2012
A103/7	7	Lower Ground Floor Plan	31.07.2012
A104/5	5	Ground Floor Plan	31.07.2012
A105/5	5	Level 1 Floor Plan	31.07.2012
A106/5	5	Level 2 Floor Plan	31.07.2012
A107/5	5	Level 3 Floor Plan	31.07.2012
A108/4	4	Level 4 Floor Plan	31.07.2012
A109/2	2	Level 5 Floor Plan	31.07.2012
A110/2	2	Level 6 Floor Plan	31.07.2012
A111/2	2	Level 7 Floor Plan	31.07.2012
A112/2	2	Level 8 Plan	31.07.2012
A113/2	2	Level 9 Plan	31.07.2012
A114/2	2	Level 10 Plan	31.07.2012

A115/2	2	Level 11 Plan	31.07.2012
A117/2	2	Roof Plan	31.07.2012
A118/4	4	Rothsay Avenue Elevation	31.07.2012
A119/4	4	Belmore Street Elevation	31.07.2012
A120/4	4	Hamilton Crescent Elevation	31.07.2012
A121/5	5	New Foreshore Link Elevation	31.07.2012
A122/4	4	Sections	31.07.2012
A123/4	4	Sections	31.07.2012
A132/2	2	Adaptable Apartments	07.05.2012
A133/2	2	Adaptable Apartments	07.05.2012

except for:

- 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
- otherwise provided by the conditions of this approval.

### **Inconsistencies Between Documents**

A3 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.

### **Prescribed Conditions**

A4 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.

### **Compliance with Building Code of Australia**

A5 All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

### **Lapsing of Approval**

A6 This approval shall lapse 5 years after the determination date shown in this Instrument of Approval, unless the development has been physically commenced.

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**End of Part A**

## **PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **Detailed Drawings**

- B1 Detailed construction drawings, specifications, and other supporting documentation required for a Construction Certificate are to be in accordance with the terms of this Project approval and comply with the requirements of the Building Code of Australia.

### **Design Modifications**

- B2 Prior to the issue of the first Construction Certificate, plans and specifications demonstrating compliance with the following shall be submitted and approved by the Director General.

(a) Built form modifications as follows:

- (i) deletion of 1 storey (Level 6) from the north-eastern block (all apartments accessed by Lobby 4) on Belmore Street;
- (ii) deletion of 2 storeys (Level 4 and 5) from the mid-block (all apartments accessed by Lobby 5) on Belmore Street;
- (iii) deletion of 2 storeys (Levels 3 and 4) from the south-eastern block (all apartments accessed by Lobby 6) on Belmore Street;
- (iv) provision of a minimum setback of 10 metres to Levels 2, 3 and 4 behind the façade of the 5 levels below to Rothesay Avenue;
- (v) deletion of below ground level apartments GF-14 and GF-15 fronting Hamilton Crescent;
- (vi) provision of a minimum 18 metres separation between the north and north-eastern blocks (accessed by Lobbies 3 and 4) on Levels 3, 4 and 5;
- (vii) provision of light wells/sky lights to all apartments on the uppermost levels of the building which do not achieve 2 hours solar access to living rooms;
- (viii) increased setback of the basement, upper basement and lower ground floor levels to be consistent with the ground floor setback from the Hamilton Crescent boundary and provide a deep planting zone within the setback;

(b) parking for the development at the following rates:

- (i) 0.6 space per 1 bedroom apartment;
- (ii) 0.9 space per 2 bedroom apartment;
- (iii) 1.4 spaces per 3 bedroom apartment;
- (iv) 1 visitor space per 5 apartments;
- (v) 1 secure bicycle locker per 10 car parking spaces (in addition to outdoor bicycle racks); and

- (c) provision of increased sill heights (minimum of 1.5 metres above the FFL of the apartment) to north-east facing living areas and bedrooms of Apartment 4-06 and south-west facing bedrooms of Apartment 3-18.

Written evidence of the Director General's approval of amended plans satisfying the above shall be provided to the Certifying Authority.

### **Detailed Landscape and Public Domain Plan**

- B3 A detailed landscape and public domain plan shall be prepared by an appropriately qualified landscape architect and approved by Council prior to issue of the relevant Construction Certificate. The detailed plan shall incorporate the following:

- (a) dense landscape screening to all facades of basement parking areas which protrude above ground level;

- (b) suitable landscape screening of the substation, which may include:
  - planting within the substation site in consultation with Ausgrid;
  - planting within the road reserve in consultation with Council; and/or
  - planting on the subject site;
- (c) suitable plantings within the Hamilton Crescent setback utilising the deep soil zone below;
- (d) level area/s for bin collection from the street;
- (e) all street trees, landscaping, paving, street furniture, street lighting and bollards within the public domain shall be in accordance with Council's Public Domain Manual;
- (f) where soft landscaping is proposed within the public domain, the proponent must ensure that species health is guaranteed for a minimum of two (2) years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within two (2) years of planting must be replaced by the proponent with a specimen of a similar size and maturity;
- (g) where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code; and
- (h) outdoor furniture and fixtures within the communal open space areas to allow passive recreational use of this space.

## **BASIX**

- B4 The proponent is to obtain new BASIX and ABSA Certificates for the development as amended by Condition B1 and B3. The requirements and commitments provided in the BASIX Certificate are to be incorporated into the Construction Certificate plans for the development.

## **Colours/Materials**

- B5 An amended schedule of colours/materials shall be selected to provide improved light reflection, while minimising glare, through the development.

## **Remediation of Land**

- B6 A site validation report shall 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 residential use.

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.

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 residential use, without the need for further remediation.

## **Notice of Remediation Work**

- B7 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*.

## Groundwater Contamination, Salinity and Acid Sulphate Soils

- B8 The proponent is to engage a suitably qualified environmental consultant to undertake an assessment, including on site sampling and testing, to determine the presence of any groundwater contamination, salinity and/or acid sulphate soils prior to issue of a Construction Certificate. The assessment should identify any measures to remediate any groundwater contamination and construction measures in response to any salinity or acid sulphate soils.

## Section 94 Contribution

- B9 A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of a Construction Certificate.

A	B
Community and Cultural Facilities	\$628,549.41
Open Space and Recreation Facilities	\$1,547,357.07
Civic and Urban Improvements	\$526,287.63
Roads and Traffic Management Facilities	\$71,790.77
Cycleways	\$44,840.64
Stormwater Management Facilities	\$142,533.38
Plan Administration	\$12,091.67
<b>The total contribution is</b>	<b>\$2,973,450.57*</b>

*\*The contribution has been calculated on the basis of 246 apartments (47 x 1 bedroom, 164 x 2 bedroom and 35 x 3 bedroom) as shown on the approved plans listed in Condition A2. The total contribution may be adjusted in accordance with the changes to the overall apartment numbers and/or mix as a result of the modifications required by Condition B1.*

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

The above amounts are current at the date of this approval, and are subject to quarterly adjustments for inflation on the basis of the contribution rates that are applicable at the 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.

## Flooding

- B10 The proponent shall engage a suitably qualified flooding engineer to prepare and submit flood modelling in a format accepted by Council for its approval to verify the adopted flood levels for the development. Construction certificate plans/drawings must demonstrate that all residential floors and entrances to basement parking are located a minimum 300 mm freeboard above the 100 year flood level to the satisfaction of Council.

Should any amendment to the levels shown on the approved plans be required as a result of the above requirements this must be accommodated within the approved building heights.



### **Flood Evacuation Plan**

- B11 The proponent shall engage a suitably qualified flooding engineer to provide an assessment on the flooding implications for the development and the necessity to prepare and implement a flood evacuation plan. If such a plan is required, it must be prepared and approved by Council prior to the issue of a Construction Certificate.

### **Stormwater Drainage**

- B12 Stormwater drainage from the development shall be designed to connect into Council's existing system in accordance with Council's requirements. In this regard, an amended Stormwater Drainage Plan shall be submitted to Council for approval prior to issue of a Construction Certificate.

### **Council Inspections**

- B13 A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made before the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee shall be paid to Council prior to the issue of the relevant Construction Certificate.

### **Damage Security**

- B14 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 (category: other buildings with delivery of brinks or concrete or machine excavation).

### **Payment of fees**

- B15 The following fees must be paid to Council in accordance with Council's Management Plan:
- (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

### **Long Service Levy**

- B16 Documentary Evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Levy Payments Act 1986 is to be received prior to the issuing of the Construction Certificate.

### **Fees**

- B17 The proponent is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the Construction Certificate.

### **Waste Management Plan**

- B18 A Construction Waste Management Plan which provides details of specific strategies to salvage and recycle a minimum of 80% of used and unused construction materials shall be submitted to and approved by the Certifying Authority prior to issue of the Construction Certificate.

All materials excavated from the site (fill or natural) shall be classified in accordance with the Protection of the Environment Operations Act 1997 and the NSW Department of Environment, Climate Change & Water (2008) Waste Classification Guidelines prior to the material being disposed to an approved landfill or to a recipient site.

- B19 An Operational Waste Management Plan shall be prepared in accordance with Ryde Development Control 2010 Part 7.2 Waste Management and Minimisation. The plan must also provide for the separation of recyclables from general waste.

### **Garbage and Recycling Storage Rooms**

- B20 Garbage and recycling bins must be stored on site within the basement in accordance with Council's *Standard Requirements for the Construction of Garbage and Recycling Cart Storage Areas*.

All garbage rooms must be constructed in accordance with the following requirements:

- (a) 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.
- (b) The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.
- (c) 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.
- (d) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.
- (e) 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.
- (f) 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.
- (g) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
- (h) The room must be provided with adequate artificial lighting.
- (i) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details confirming the size and construction details are to be submitted with the Construction Certificate.

### **Waste/Recycling Collection**

- B21 Sufficient waste and recycling bins are to be provided for the development in consultation with Council. The number and frequency of bin collection is to be approved by Council prior to issue of the relevant Construction Certificate.

### **Car Park Ventilation Details**

- B22 The basement car park must be provided with an adequate system of permanent ventilation or an approved system of mechanical ventilation. Details of the proposed method of ventilating the basement car park must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. The car park exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.

## **Mechanical Ventilation Details**

- B23 Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation. Details of all proposed mechanical ventilation systems must be submitted to the Certifying Authority for approval with the application for the relevant Construction Certificate. Such details must include:
- (a) Certified plans of the proposed work, with an alterations coloured to distinguish between new and existing work;
  - (b) A site survey showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
  - (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
  - (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

## **Disabled Access**

- B24 The recommendations of the Access Review undertaken by Morris-Goding Accessibility Consulting (Reference Final v7) dated 6 August 2012 are to be incorporated into the relevant Construction Certificate drawings including:
- (a) an accessible path of travel to lobby 2 from Rothesay Avenue;
  - (b) provision of a clear width of 850mm to garbage holding room doors;
  - (c) maximum ramp gradient of 1:14 for all access to garbage areas; and
  - (d) provision of a hardstand letterbox area adjacent to lift lobby areas with 1550mm circulation area.

Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate drawings fully comply with Australian Standard AS1428 and Development Control Plan 2010 – Access for People with Disabilities. The report is to be provided to the Certifying Authority and Council.

## **Adaptable Units**

- B25 Adaptable residential units for disabled persons are to be provided to no less than 10% of the total number of units. Each adaptable unit is to be nominated on the relevant Construction Certificate drawings and:
- (a) be designed in accordance with AS4299 – 1995 Adaptable Housing;
  - (b) be provided with an accessible car space with a minimum height clearance of 2.5 metres and is located with easy access to lift access to the respective apartment; and
  - (c) comply with the recommendations of the Access Review undertaken by Morris-Goding Accessibility Consulting (Reference Final v7) dated 6 August 2012.

## **Design Verification**

- B26 Prior to a Construction Certificate being issued with respect to this development, the 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 approval relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

## **Wind Tunnel Testing**

- B27 Prior to the relevant Construction Certificate being issued, the Certifying Authority is to be provided with written documentation of wind tunnel testing undertaken which confirms that a minimum of 60% of apartments achieve natural cross ventilation, or equivalent natural ventilation conditions, in accordance with the Residential Flat Design Code.

## **Service Infrastructure/Utilities**

- B28 All new 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.

## **Driveway Grades**

- B29 The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of approval. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping.

## **Road Works**

- B30 Prior to issue of a Construction Certificate, the proponent shall submit detailed plans and specifications to Council for approval of:
- (a) Nancarrow Avenue extension;
  - (b) Nancarrow Avenue Area Traffic Management (LATM) measures and all road reserve upgrades including pedestrian footpaths and cycleways; and
  - (c) implementation of left-in / left-out arrangement at Belmore Street / Hamilton Crescent intersection.

Note: The detailed design of the above works is required as part of this development. The works are required to be completed by the proponent prior to occupation of the second stage of the development pursuant to the Concept Plan (excluding Stage 5).

## **Services**

- B31 All existing and new utility services and adjustments to those services including overhead power supply and communication cables located in the adjacent Public Road reserve verge are to be placed and/or relocated underground for the full length of the road reserve frontages of the development site at the full cost to the developer.

## **Car Parking**

- B32 All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and headroom clearances etc shall comply with AS 2890.1- 2004 and AS 2890.2-2002 where applicable to ensure all vehicles using the site can enter and leave in a forward direction.

## **Dilapidation Report**

B33 A dilapidation report on existing public infrastructure in the vicinity of the proposed development is to be prepared and submitted to the Certifying Authority. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.

- (a) Road pavement
- (b) Kerb and gutter
- (c) Constructed footpath.
- (d) Drainage pits.
- (e) Traffic signs
- (f) Any other relevant infrastructure

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

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Council.

## **Excavation**

B34 The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties. The proponent shall:-

- (a) seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.

The above matters shall be completed prior to the issue of the Construction Certificate. All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The proponent must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

## **Road Anchors**

B35 Where road anchors are determined necessary to support the proposed excavation, detailed structural plans indicating the required number of road anchors proposed shall be submitted to Council along with payment of anchors fee as per Council's Management plan.

## **Traffic Management Plan**

B36 To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction certificate where the works affect the public road reserve.

The TMP shall be prepared in accordance with Australian the RMS' Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials

storage, hours of operation, access arrangements, handling and deliveries including construction traffic parking. Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

The TMP must also include the requirement that all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

### **Soil and Water Management Plan**

B37 A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual *"Managing Urban Stormwater, Soils and Construction"* prepared by the Department of Housing. This is to be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the SWMP:

- (a) Existing and final contours;
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading;
- (c) Location of all impervious areas;
- (d) Location and design criteria of erosion and sediment control structures including sediment collection basins;
- (e) Location and description of existing vegetation;
- (f) Site access point/s and means of limiting material leaving the site;
- (g) Location of proposed vegetated buffer strips;
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes);
- (i) Location of stockpiles;
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas;
- (k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground;
- (l) Procedures for maintenance of erosion and sediment controls;
- (m) Details for any staging of works; and
- (n) Details and procedures for dust control.

### **ESD measures**

B38 The Construction Certificate Plan are to include ESD measures in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development must comply with the stretch target.

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**End of Part B**

## **PART C – PRIOR TO CONSTRUCTION**

### **Construction Certificate Required**

- C1 A Construction Certificate shall be obtained before commencing building work. Building work means any physical activity involved in the construction of a building (with the exception of demolition work). This definition includes the installation of fire safety measures.

### **Notify Council of Intention to Commence Works**

- C2 In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the project approval shall appoint a Certifying Authority and give at least 2 days notice to Council, in writing, of the persons intention to commence the erection of the building.

### **Site Signage**

- C3 A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:
- (a) that unauthorised entry to the work site is prohibited;
  - (b) the excavator's and / or the demolisher's and / or the builder's name;
  - (c) contact phone number for any questions/complaints including an after hours emergency number;
  - (d) licence number;
  - (e) approved hours of site work; and
  - (f) name, address and contact phone number of the Certifying Authority (if other than Council)
- ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

- C4 The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to Council. NB: Should changes be made for the carrying out of the work Council must be immediately informed.

### **Other Approvals**

- C5 The proponent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

### **Security Fencing**

- C6 Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition/construction.

### **Suitable Screens**

- C7 Suitable screens and/or barricades shall be erected during demolition and building work and where required by the certifying authority to reduce the emission of noise, dust, water effluent or other matter from the site.

### **Vehicle Footpath Crossings**

- C8 Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

#### **Suitable Footpath Crossing Provided**

- C9 Adequate provision is to be made to ensure that a suitable footpath crossing is provided to the site so as to allow safe pedestrian access along the footpath area AT ALL TIMES.

#### **Toilet Facilities**

- C10 Toilet and hand washing facilities must be provided for workers in accordance with the Code of Practice: Amenities for Construction Work (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.

#### **Access to Site**

- C11 During excavation and construction, access to the site is to be available in all weather conditions, and stabilised to prevent vehicles tracking soil materials onto public roads.
- C12 During excavation and construction, wash down and shaker areas are to be provided with facilities for the collection and treatment of waste water.

#### **Sediment and Erosion Control**

- C13 The proponent shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

#### **Compliance Certificate**

- C14 A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1 Construction Activities.

#### **Protection of Underground Services**

- C15 Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.

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**End of Part C**



## **PART D – DURING CONSTRUCTION**

### **Hours of Work**

- D1 All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.

### **Inspections**

- D2 The person having the benefit of this approval is required to notify the 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*.

### **Surveyor Check of the Building**

- D3 In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following: -

- a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- c) prior to placement of concrete at each floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- d) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary; and
- e) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.

Progress certifications in response to points (a) through to (e) shall be provided to the Certifying Authority and Council at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

### **Demolition and Construction vehicles**

- D4 All demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping.

### **Covering of Loads**

- D5 All vehicles transport demolition materials from the site must have their loads covered.

### **Mud and Debris from Vehicles**

- D6 All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.

### **Removal of Mud and Debris from Roadway**

- D7 Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming).

### **Building and Demolition Material**

- D8 No building or demolition material is to be placed on any public road, footpath, park or any Council owned land.

### **Hoardings**

- D9 Where the site adjoins a public thoroughfare, the common boundary must be fenced with a hoarding. All hoardings must be constructed of solid materials and be at least 1.8 metres high. Hoarding should also comply with the requirements of Part 4.4, provision 3.10 – Hoardings of the Ryde DCP 2010.

### **Stormwater Quality**

- D10 Only unpolluted water is to be discharged to Council's stormwater drainage system.

### **Noise**

- D11 The L10 noise level measured for a period of not less than 15 minutes while work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

### **Surplus Excavated Material**

- D12 All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site. No fill is to be placed above the natural ground level, unless approved by this approval.

### **Recyclable Wastes**

- D13 All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.

### **Transportation of Wastes**

- D14 All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility in for those wastes. Copies of the disposal dockets must be kept by the proponent for at least 3 years and be submitted to Council on request.

### **Disposal of Asbestos Wastes**

- D15 All asbestos wastes, including uses asbestos-cement sheeting (i.e. fibro) must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive asbestos waste.

### **Concrete Waste**

- D16 Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

### **Contaminated Soil**

- D17 All potentially contaminated soil excavation soil excavated from the site must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999) before being transported from the site.

### **Discovery of Additional Information**

- D18 Council and the Certifying Authority must be notified as soon as practicable if any information is discovered during works that has the potential to alter previous conclusions about site contamination.

### **Further Contamination Requirements**

- D19 If any additional information is discovered above site contamination, the proponent must comply with any reasonable requirements of Council.

### **Work within a Public Road**

- D20 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 AS 1742.3-1996 "Traffic Control Devices for Work on Roads".

### **Design and Construction Standards**

- D21 All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999* and *City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.

### **Service Alterations**

- D22 All mains, services, poles, etc., which require alteration shall be altered at the proponent's expense.

### **Restoration**

- D23 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.

### **Road Opening Permit**

- D24 The proponent 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) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

### **Glazing Reflectivity**

- D25 All external glazing is to have a maximum reflectivity of 20%.

### **Sight Lines**

- D26 The required sight lines to pedestrians and other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials.

### **Tree Protection**

- D27 The four Hills Fig trees to be retained in the Rothesay Avenue frontage shall be protected within a Tree Protection Zone for the entire duration of construction works in accordance with the Tree Protection Specifications outlined in Appendix E and F of the *Arboricultural Impact Assessment* prepared Redgum Horticultural Consultants (Ref No. 5145) dated 24 September 2010.
- D28 No activities, storage or disposal of materials shall take place within the tree protection zone.

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**End of Part D**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **Occupation Certificate**

- E1 An Occupation Certificate must be obtained from the Certifying Authority and a copy furnished to Council in accordance with Clause 151 of the *Environmental Planning and Assessment Regulation 2000* prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

### **Development in Accordance with Conditions of Approval**

- E2 All parking (including accessible, motorcycle, bicycle and car share spaces), landscaping, lighting, public domain works, foot paving, signposting, security measures, drainage and road works shall be provided in accordance with the conditions of approval prior to issue of the relevant Occupation Certificate.

### **Fire Safety Certificate**

- E3 A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Certifying Authority and Council for all items listed in the Fire Safety Schedule forming part of this approval for prior to any approval for occupancy/partial occupancy being granted.

### **Design Verification**

- E4 Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Certifying Authority is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

### **Certification of Mechanical Ventilation Work**

- E5 A Mechanical Services Completion and Performance Certificate from a suitable qualified practising mechanical engineer certifying that all new mechanical ventilation systems have been installed in accordance with the approved plans and specifications and comply with the *Building Code of Australia*, the *Public Health Act 1991* and any relevant conditions of approval must be submitted to the Certifying Authority before the issue of an Occupation Certificate.

### **Landscape Maintenance Plan**

- E6 A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- (a) Regular maintenance and trimming of shrubs and plantings
  - (b) Shrubs and plantings be appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas.
  - (c) All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.

## Lighting

- E7 All lighting is to comply with the following requirements:
- (a) Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards. Basement lighting is to comply with Australian Standard AS1680.2 and 28890.1:2004. Lighting is also to be provided on the underside of the building entry awning.
  - (b) A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
  - (c) reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park walls and ceilings are to be painted a light colour.
  - (d) Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, the public outdoor court and communal gardens.
  - (e) Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

## Safety and Warning Signage

- E8 The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:
- (a) *'Warning: These premises are under constant surveillance'* and *'Warning: Trespassers will be prosecuted'* signs are to be displayed the building entrances.
  - (b) Signage outlining any applicable restrictions in private communal spaces.
  - (c) Way finding signage in basement car parking levels to locations including residential parking, residential visitor's parking, commercial parking, lifts and exits.
  - (d) *'These doors are to be used for emergency purposes only'* on fire exit doors.

## Site Maintenance Plan

- E9 A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including security communications devices, card readers) and lighting, lighting and signage.

## Fire Exit Doors

- E10 Fire exit doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. Fire exit doors directly accessible from the public domain are to be fitted with metal covering plates to prevent forced entry and manipulation of locks.

## Balcony Doors and Unit Windows

- E11 Balcony doors to units are to be fitted with single cylinder locksets and all units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

## Video Intercom

- E12 A video intercom system providing remote door operation is to be installed at the residential building entrances. The video intercom system is to include night time lighting and should allow electronic access control, which allows residents to allow access from units. Residents should be able to communicate and identify persons prior to admitting them into the development.

### **Lift Access and Security**

- E13 Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.

### **Car Parking Security**

- E14 Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

### **Communal Open Space Security**

- E15 Electronic access controls are to be installed at the entry to the communal open space from Rothesay Street.

### **BASIX**

- E16 Prior to the issue of the Occupation Certificate, the 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 Certifying Authority verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
- E17 Within 2 days of issuing a final Occupation Certificate, the Certifying Authority is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP&A Regulation 2000. The Certifying Authority is to refer to the BASIX Completion Receipt tool at [www.basix.nsw.gov.au/administration/login.jsp](http://www.basix.nsw.gov.au/administration/login.jsp) in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the Certifying Authority file.

### **Compliance Certificates – Engineering**

- E18 To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Certifying Authority shall ensure the following will be met.
- Compliance Certificate should be obtained from an accredited certifier Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
  - Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
  - Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage 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.
  - Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.

- Compliance Certificate shall be obtained from Council confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council's satisfaction

Please be advised that all Compliance Certificates issued by Council are subject to the payment of an inspection fee in accordance with Council's schedule of fees if Council is not the appointed Certifying Authority.

### **Drainage Construction**

E19 The stormwater drainage on the site is to be constructed in accordance with the plans/details approved by Council in accordance with Condition B12.

### **Reconstruct Kerb, Gutter, Road Pavement and Footpaths**

E20 Prior to the issue of an Occupation Certificate, the proponent shall reconstruct kerb, gutter and half the road pavement including any necessary associated works adjoining to the full frontage of the development site at Belmore Street, Rothesay Street and Hamilton Crescent shall be reconstructed in accordance with Council's approved drawings, conditions and specifications.

E21 Prior to issue of an Occupation Certificate, the proponent shall provide all landscaping, street trees, pedestrian pathways accessible for all persons, street lighting, and any necessary street furniture or other infrastructure as included on the approved public domain plans.

### **Services**

E22 Prior to issue of an Occupation Certificate, all existing and new utility services are to be placed and/or relocated underground for the full length of the road reserve frontages of the development site.

### **Damage to Adjoining Properties**

E23 All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of a final Occupation Certificate, a certificate is to be prepared to the effect that no damage has resulted to adjoining premises, and is to be provided to Council and the Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

### **Easement in Gross**

E24 Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass, use and enjoy the publicly accessible foreshore link to the west of the building is to be registered over the land in favour of Council. The terms of the easement are to be approved by Council.

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**End of Part E**



## **PART F – DURING OPERATIONS/ POST COMPLETION**

### **Fire Safety Statement**

- F1 A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.

### **Offensive Noise**

- F2 The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

### **Noise and Vibration from Plant**

- F3 Unless otherwise required by any other condition of this approval, 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.

### **Residential Bins**

- F4 All residential bins will be required to be brought out to the street for servicing by either a cleaner or caretaker. The bins are to be provided in the street so that they do not impede pedestrian access or vehicular access in the street.

### **Storage and Disposal of Wastes**

- F5 All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

### **Cleanliness of Garbage Containers**

- F6 The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).

### **Maintenance of Waste Storage Areas**

- F7 All waste storage areas must be maintained in a clean and tidy condition at all times.

### **Vehicular Entry and Exit**

- F8 All vehicles shall enter and leave the site in a forward direction.

### **Vehicular Entry**

- F9 All vehicles should be wholly contained on site before being required to stop.

**Lighting**

- F10 The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

**Loading and Unloading**

- F11 All loading and unloading in relation to the premises is to take place wholly within the property.

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**End of Part F**

## **ADVISORY NOTES**

### **Compliance Certificate, Water Supply Authority Act, 2000**

AN1 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:

- (a) the Certifying Authority before release of the Construction Certificate,
- (b) the approval authority before the release of the subdivision certificate, and
- (c) the Certifying Authority prior to occupation.

### **Requirements of Public Authorities for Connection to Services**

AN2 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.

### **Compliance with Building Code of Australia**

AN3 The proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

### **Disability Discrimination Act**

AN4 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.

### **Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

AN5 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.

### **Sydney Water**

AN6 An application will need to 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) will need to be produced to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. The Section 73 Certificate will need to be submitted to the Certifying Authority prior to the occupation of the development or release of the linen plan.


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**End of Schedule 2**

**SCHEDULE 3**  
**Proponent's Statement of Commitments**

### 3. Stage 1 Project Draft Statement of Commitments

The Draft Statement of Commitments details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the Stage 1 Project. The mechanics of how and when these commitments will be delivered will be subject to ongoing consultation.

SUBJECT	DESCRIPTION OF COMMITMENT
<b>Concept Plan Approval Conditions</b>	The proponent will ensure that all relevant parties engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 09_0216 (the Concept Plan)
<b>Landscaping</b>	Prior to commencement of construction of Project or Development Applications within the Stage 1 Project site detailed documentation and specifications will to be prepared for all landscape works and open space improvements for approval of the Principal Certifying Authority.
<b>Adaptable Housing</b>	The Proponent commits to 10% of apartments within the Stage 1 Project site being designed to be accessible. Pathways from development to communal areas and car parking will also to be designed to be accessible.
<b>Publicly accessible open space</b> 	<p>As detailed on the submitted architectural and landscape plans for the Stage 1 Project, the Proponent commits to providing part of a new, publicly accessible pedestrian link parkland within the Stage 1 Project site that will be owned and maintained by the owners' corporation. This new publicly accessible parkland in the Stage 1 Project includes:</p> <p><b>The substantial portion of the New Foreshore Link Parkland to be provided in the Stage 1 Project as identified in the submitted Concept Plan and the Stage 1 Project Preferred Project Report Landscape Report at Annexure 3.</b></p> <p>This new parkland provides a new pedestrian link between the foreshore reserve and the future Nancarrow Ave road link above and will be constructed as part of the Stage 1 Project. This new parkland will include areas of informal seating and passive recreation.</p> <p><i>Landscape Design Principles</i></p> <ul style="list-style-type: none"> <li>• Turf and paved plazas respond directly to the architectural alignments for a seamless transition between landscape and residential building</li> <li>• Structured planting and specimen shade trees frame spaces</li> <li>• Open lawn platforms provide areas for relaxation</li> <li>• Furniture elements will match the bold, simple lines of the design and contrast with the textures of the planting palette</li> <li>• Moving water bodies provide associated relaxation and acoustic benefits</li> <li>• Existing fig trees are retained to Rothesay Avenue with manicured lawn understorey</li> <li>• Streetscape trees reinforce the defined Streetscape character</li> </ul>

<b>Stormwater Management</b>	The Proponent commits to undertake all stormwater works in accordance with the Stormwater Management Plans prepared by Cardno which accompany the Preferred Project Report.
<b>Noise</b>	The Stage 1 Project is to comply with the relevant acoustic standards and controls contained in the BCA and recommendations of the Acoustic Report, prepared by Acoustic Logic which accompany this Preferred Project Report.
<b>Construction Management</b>	<p>Prior to commencement of construction of the Stage 1 Project a Construction Management Plan will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority prior to any new building work within the Stage 1 Project site.</p> <p>All construction materials, vehicles, waste and the like will be stored within the site.</p> <p>All demolition and all construction and associated work will be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.</p> <p>Prior to commencement of construction within the Stage 1 Project site a Traffic Management Plan (TMP), which addresses construction access and egress to the site, including vehicle routes and parking for workers, staging and timing of construction of internal road network and other relevant issues, will be prepared and submitted to the satisfaction of Principal Certifying Authority. The TMP will be prepared in accordance with the RTA's guidance on TMP's.</p>
<b>Utilities</b>	<p>A Section 73 Certificate from Sydney Water will be obtained as required.</p> <p>All existing aerial services (including low voltage Energy Australia electricity and subscriber television services) along the frontage of the Stage 1 Project site are to be relocated underground prior to the occupation of the development stages. The cost of this work is to be borne by the developer.</p> <p>Documentary evidence will be obtained from Energy Australia to confirm that they have been consulted and that their requirements have been met by the Stage 1 Project.</p>
<b>Environmental Management Plan</b>	<p>Prior to commencement of construction of Project or Development Applications within the Stage 1 Project site, a development Stage-specific Environmental Management Plan (EMP) will be prepared and submitted to and approved by the Principal Certifying Authority. The EMP will comprise:</p> <ul style="list-style-type: none"> <li>a. Hours of construction work</li> <li>b. Sediment and Erosion Control;</li> <li>c. Waste Management;</li> <li>d. Noise and Vibration Management;</li> <li>e. Air Quality and dust control;</li> <li>f. Use of cranes, plant and machinery</li> <li>g. Use of ladders, tapes, scaffolding and plant /machinery of conductive material</li> <li>h. Excavation and boring</li> <li>i. Plant and vehicle movements including - ingress and egress of vehicles to the site, loading and unloading, including construction zones, transportation of material, including contaminated material, predicted traffic volumes, types and routes</li> <li>j. TMP;</li> <li>k. Piling, sheet piling, batter and anchors</li> </ul>
<b>Waste Management</b>	Prior to commencement of construction of all Project or Development Applications within the Stage 1 Project site, a Waste Management Plan will be prepared for approval by the Principal Certifying Authority which includes demonstration that the subject site is capable of being serviced by the City of Ryde Council's waste vehicles.
<b>Sustainable Travel Plan</b>	Prior to the issue of Occupation Certificates for any habitable areas within the Stage 1 Project site, a Sustainable Travel Plan is to be submitted and approved by the Principal Certifying Authority. This Transport Plan is to be consistent with the Shepherds Bay Renewal Concept Plan sustainable Travel Plan.

Ground water	<p>As required by the NSW Office of Water:</p> <p>Groundwater: Licences under Part V of the Water Act 1912 are required for the works for the purposes of temporary dewatering as part of the proposed construction.</p> <p>General and Administrative Issues</p> <ol style="list-style-type: none"> <li>1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction watering.</li> <li>2. Pumped water (tailwater) shall not be allowed to discharge off-site (eg. adjoining roads, stormwater system, sewerage system etc) without the controlling authorities approval and/or owners consent.</li> <li>3. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and property maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.</li> <li>4. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.</li> <li>5. Suitable documents are to be supplied to the NSW Office of Water of the following: <ol style="list-style-type: none"> <li>a) a report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.</li> <li>b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.</li> <li>c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.</li> <li>d) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.</li> </ol> </li> </ol>
	<ol style="list-style-type: none"> <li>e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> </ol> <p>Specific Conditions</p> <ol style="list-style-type: none"> <li>1. The design and construction of the structure must preclude the need for permanent dewatering.</li> <li>2. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (ie a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitable qualified professional.</li> <li>3. Construction methods and material used in and for construction are not to cause pollution of the groundwater.</li> <li>4. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.</li> <li>5. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.</li> <li>6. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The methods of disposal of pumped water (ie street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.</li> <li>7. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing: <ol style="list-style-type: none"> <li>a) The treatment to be applied to the pumped water (tailwater) to remove any contamination.</li> <li>b) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.</li> </ol> </li> </ol>