

# Project Approval

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

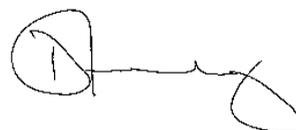
As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) approve the Project Application referred to in schedule 1, subject to the conditions in schedule 2 and the Statement of Commitments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

Sydney 26 September 2012

### SCHEDULE 1

#### PART A: PARTICULARS

<b>Application No.:</b>	MP10_0113
<b>Proponent:</b>	Stamford Property Services Pty Ltd
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	110 -114 Herring Road, Macquarie Park (Lot 1 DP 780314)
<b>Project:</b>	Mixed use residential, retail and commercial development incorporating: <ul style="list-style-type: none"><li>• demolition and excavation;</li><li>• four residential buildings retail and commercial floor space;</li><li>• basement car parking;</li><li>• landscaping and public works around the buildings, including lift and stairs to Epping Road</li><li>• publicly accessible open space and through site links; and</li><li>• road works.</li></ul>

## 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:

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means means advisory information relating to the approved development but do not form a part of this approval.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means City of Ryde Council
<b>CPI</b>	means Consumer Price Index.
<b>Department</b>	means the Department of Planning and Infrastructure or its successors.
<b>Director-General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by JBA and dated May 2010.
<b>Minister</b>	means the Minister for Planning and Infrastructure.
<b>MP No. 10_0113</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report/ Response to submissions prepared by Urbis dated February 2012.
<b>Proponent</b>	means Stamford Property Services Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
<b>RMS</b>	Roads and Maritime Services Division, Department of Transport or its successor
<b>SWC</b>	Sydney Water Corporation

**End of Schedule 1**

## SCHEDULE 2

### TERMS OF APPROVAL

#### PART A - ADMINISTRATIVE CONDITIONS

##### **A1 Development Description**

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 Proposed and Existing	24.02.12
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
<b>Landscape Plans prepared for the Preferred Project Report by Oculus</b>			

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 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**

The central park shall provide a minimum of 1,665m<sup>2</sup> 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 40m<sup>2</sup> of commercial GFA;

[Note: the number of basement car parking levels shall 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 Certifying Authority prior to the issue of any 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**

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 for above ground works.

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.

### **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 for above ground works.

### **Indexing**

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

### **B4 Security Bond and Enforcement Levy**

- (1) A Security Bond for an amount determined by Council and based on the value of the proposed new roads on site shall be deposited with Council prior to the issue of a Construction Certificate for the satisfactory completion of:
- (a) Herring Road maintenance
  - (b) New local roads through the development site
  - (c) Construction of stormwater and any other infrastructure within the road reserve of the proposed new roads.

Part of the Bond (being 75%) shall be redeemed following certification by the PCA of the practical completion of the work with the remainder (being 25%) being released following a satisfactory 6 month maintenance period following practical completion of the works.

- (2) An Enforcement Levy is to be paid to Council on lodgement of a Construction Certificate application in accordance with the requirements of Council's Management Plan (Scheduled Fees)

### **B5 Long Service Levy**

Prior to the issue of a 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.

### **B6 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 for above ground works.

### **B7 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 for above ground works.

### **B8 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 for above ground works.
- (2) The Proponent will ensure that adequate lighting is provided to proposed pedestrian through site links on the application site.

### **B9 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 for each relevant stage, a

certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

### **B10 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.

### **B11 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 **B12** below),
- (6) erosion and sediment control (see also **B17**),
- (7) flora and fauna management; and
- (8) stormwater management.

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

### **B12 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]

### **B13 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,
- (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.

#### **B14 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.

#### **B15 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 City of Ryde Council's Development Control Plan 2010.

#### **B16 Lighting Plan**

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

All lighting in public domain areas is to comply with the Macquarie Park public Domain Technical Manual 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.

#### **B17 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 a Construction Certificate.

#### **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 and approved by Council, prior to the issue of a Construction Certificate for above ground works.

**NB:** This condition needs to be modified if road works require s.138 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 maneuverability through the Subject Site, shall be in accordance with AUSTRROADS;
- (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 Council and 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 Storage**

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

- studio apartments 6m<sup>3</sup>
- one-bedroom apartments 6m<sup>3</sup>
- two bedroom apartments 8m<sup>3</sup>
- three plus bedroom apartments 10m<sup>3</sup>

Basement storage shall not compromise safety or natural ventilation.

### **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 **B11** 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 for any above ground works.

**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 for above ground works, 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 for above ground works a BASIX Certificate shall be obtained and submitted to the Certifying Authority to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings. The BASIX certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

**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.
- (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](http://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 storm water drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Ryde City Council shall be submitted to the certifier and approved by Council 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.

## **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 for each relevant stage 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 for each relevant stage (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;
- (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 **B17**, 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 6472-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 5<sup>th</sup> week to the 26<sup>th</sup> 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 Certifying Authority.
- (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 Work-as-Executed Plan**

To ensure storm water 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.

**D20 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.

**D24 Dedication of Affordable Housing to Council**

Prior to the release of an interim or final occupation certificate for any building (or as otherwise agreed by Council) 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. Identification of the units shall be agreed with Council prior to the release of any Construction Certificate for the first stage of the development. Should the proponent and Council not be able to agree on the suitability of apartments to be dedicated, the Director General will intervene.

**D21 Asbestos work**

- a) 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.
- b) 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.
- c) 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.

**D22 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.

## **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:

- (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 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 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:

- (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.

### **F4 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.

### **F5 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.

### **F6 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.

### **F7 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](http://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.

**F8 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.

**F9 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.

**F10 GFA Certification**

Upon completion of the building works, 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, 083m<sup>2</sup>. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a final Occupation Certificate.

**F11 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.
- (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 at the time of development consent.

### **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 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.

### **G7 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

## 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 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.

### **AN3 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.

### **AN4 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:

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.

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.

### **AN5 Movement of Trucks Transporting Waste Material**

The Proponent shall notify the RMS 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.

**AN6 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:

- (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.

**AN7 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.

**AN8 Compliance with Conditions**

The Proponent will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by MP10\_0113 and of compliance (or a Compliance Certificate) with the conditions of that approval, prior to the issuing of Strata Plan of Subdivision.

**AN9 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.

**AN10 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
- (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.

**AN11 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.

**AN12 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.

### **AN13 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.

### **AN14 Road Closure**

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

### **AN15 Asbestos Removal**

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

### **AN16 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
- (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.

**End of Schedule 2**

**SCHEDULE 3**

**REVISED STATEMENT OF COMMITMENTS**

Source: PPR dated February 2012

Prepared by: Urbis Pty Ltd