

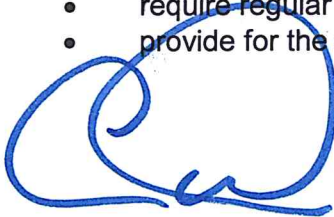
# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I grant development consent to the development 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 including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Chris Wilson  
Executive Director  
Infrastructure and Industry Assessments

Sydney

18 December

2014

### SCHEDULE 1

<b>Application No.:</b>	SSD 6256
<b>Applicant:</b>	UrbanGrowth NSW
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Delhi Road and M2 Motorway, North Ryde (Lot 4 DP 1131714 and Lot 160 DP 1136651)
<b>Approved Development:</b>	Subdivision and public domain works, including: <ul style="list-style-type: none"><li>• demolition of existing structures on the site and removal of 43 trees;</li><li>• construction of a new road;</li><li>• subdivision of two existing lots into three lots (two development lots and a road reserve); and</li><li>• civil, landscaping and infrastructure works.</li></ul>

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Consent holder or person with the benefit of the development consent
Application	The development application and the accompanying drawings plans and documentation described in Schedule 1
BCA	Building Code of Australia
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes (Freehold Development) Act 1973</i> and <i>Strata Schemes (Leasehold Development ) Act 1986</i>
Council	City of Ryde Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
Minister	Minister for Planning, or nominee
OEH	Office of the Environment and Heritage
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements.
RMS	Roads and Maritime Services
Site	Land referred to in Schedule 1
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate)
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

#### TERMS OF CONSENT

- A2. The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6256;
  - b) the conditions of this consent; and
  - c) the following drawings, except:
    - i) for any modifications which are Exempt' or Complying Development;
    - ii) as otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by Robert bird Group Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
C0-00	2	Cover Sheet	17.02.14
C0-01	4	Draft Plan of Subdivision Lot 4 DP 1131714 & Lot 160 DP 1136651	17.02.14
C0-05	1	Survey Plan	14.02.14
C0-06	2	Demolition Plan	17.02.14
C1-01	3	Erosion & Sediment Control Plan	13.03.14
C1-10	2	Erosion & Sediment Notes & Details	17.02.14
C2-01	2	Bulk Earthworks Plan	17.02.14
C2-02	1	Civil Works Plan – ECRL Reserve Zones	14.02.14
C3-02	5	Site Layout & Grading Plan	27.08.14
C3-03	2	Swept Path Analysis Plan	17.02.14
C3-15	2	Typical Road Cross Sections	17.02.14
C5-01	2	Signs and Linemarking Plan	17.02.14
C6-01	3	Stormwater Drainage Plan	13.03.14
C6-50	2	Stormwater Catchment Plan	17.02.14
C9-01	3	Combined Services Layout Plan – Concept Servicing Strategy	13.03.14
C10-01	2	Landscaping Plan	17.02.14

- A3. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.
- A4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- a) any plans, reports or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these documents.



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### **LIMITS ON CONSENT**

- A5. This consent will lapse five years from the date the consent is to operate from unless the works associated with the application have been physically commenced.

### **PRESCRIBED CONDITIONS**

- A6. The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

### **LONG SERVICE LEVY**

- A7. For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### **LEGAL NOTICES**

- A8. Any advice or notice to the consent authority shall be served on the Secretary.

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## **PART B PRIOR TO COMMENCEMENT OF WORKS**

### **NOTICE OF COMMENCEMENT OF WORKS**

- B1. The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of works on the Site.

### **DEMOLITION**

- B2. 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.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

- B3. Prior to the commencement of any works on the subject site, a comprehensive Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004)*. The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include and be in accordance with the following:
- a) hours of work as per Condition C1 of this consent;
  - b) 24 hour contact details of site manager;
  - c) CEMP plans and considerations as outlined in the EIS and the Response to Submissions;
  - d) CEMP plans and considerations as referenced in the mitigating measures;
  - e) procedures to be undertaken in order to stop heavily sediment laden water from entering the stormwater system during storm events;
  - f) an unexpected finds protocol for any contaminated items found during demolition or construction works; and
  - g) clarification as to the frequency with which environmental audits identified in the CEMP will be undertaken.

The CEMP must not include works that have not been explicitly approved in the development consent and in the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The Applicant shall submit a copy of the CEMP to the Secretary and to Council, prior to commencement of work.

### **UTILITY SERVICES**

- B4. An application shall be made to Sydney Water for a Compliance Certificate under the *Sydney Water Act 1994* prior to commencement of works.

Note: The application must be made through an authorised Water Servicing Coordinator. Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92 for assistance.

- B5. Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in relation to any required relocation and/or adjustment of the services affected by the construction approved in this consent.



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## **SOIL AND WATER MANAGEMENT**

- B6. A Soil and Water Management Plan, and is to be prepared and implemented prior to construction in accordance with *Managing Urban Stormwater – Soils & Construction (Landcom 2004)*. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works.
- B7. Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction March 2004*. Details are to be submitted to the satisfaction of the Certifying Authority prior to commencement of works.

## **STORMWATER AND DRAINAGE WORKS DESIGN**

- B8. Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with this consent, and subject thereto, the requirements of City of Ryde Council shall be submitted to Council for approval prior to commencement of works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

## **DEHLI ROAD / ROAD 38 INTERSECTION**

- B9. Prior to the commencement of construction of any road works associated with the Delhi Road / Road 38 intersection, the Applicant is to provide details, including design, detectors, phasing and cycle times, to RMS for their review and approval under the *Roads Act 1993*

## **ROAD DESIGN**

- B10. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to Certifying Authority (for Station Street and Road 38 North) and RMS (for Delhi Road) for approval prior to commencement of works. The plans shall include the following:
- a) kerb and gutter, stormwater drainage, road pavement including traffic facilities (roundabouts, median islands, etc) and paved footpaths in accordance with the approved plans referred to in Condition A2 and the relevant construction requirements of Council;
  - b) a paved footpath along the full length of the eastern side of Road 38 as shown in the approved Site Layout and Grading Plan prepared by Robert Bird Group (Drawing No C3-02 Revision 5 dated 27.08.14); and
  - c) deletion of the island at the intersection of Trinity Road and Road 38 and replacement with appropriate line marking to allow right turn bus only movements from Trinity Road into Road 38.

## **WORKS IN ROAD RESERVE**

- B11. Separate approval must be obtained prior to commencement of any works within a Council or RMS road reserve. Design plans must be submitted to and approved by the appropriate authority prior to commencement of works.

## **PUBLIC DOMAIN**

- B12. In order to provide a safe and secure public domain and for ease of maintenance of the public domain, the following details are to be submitted, to the satisfaction of Council:
- a) evidence that street lights and surfaces are generally in accordance with this consent and Council's Public Domain Technical Manual;
  - b) adequate pedestrian level lighting provided to walkways; and
  - c) all vegetation alongside pedestrian networks are to have high canopies or be low in height to maximise surveillance.

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## **STREET LIGHTING**

- B13. Street Lighting plans shall be approved by Council prior to the commencement of construction and shall comprise of Multi-Function Poles and be compatible with the Council's Public Domain Technical Manual.

## **LANDSCAPE PLAN**

- B14. Prior to the commencement of landscaping works, a detailed Landscape Plan is to be prepared and approved by Council addressing the following:
- a) the street trees shall be in accordance with Council's Street Tree Master Plan and should take into account and not compromise the levels of lighting from street lights;
  - b) a materials palette for landscaping infrastructure including pavement and pavement treatments; and
  - c) the design and materials of any landscape furniture, lighting, landscape infrastructure and structures.

The surface of any material used or proposed to be used for the paving of public areas must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

## **TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN**

- B15. Prior to the commencement of any works on the subject site, a Construction Traffic and Pedestrian Management Plan (CTMP) is to be prepared, by a suitably qualified person, in consultation with RMS and Transport for NSW. The CTMP is to be submitted to the RMS and the Certifying Authority for approval.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of construction vehicles to the subject site;
- b) hours of work;
- c) predicted construction traffic volumes, types and routes;
- d) pedestrian and traffic management methods;
- e) signage outlining any temporary changes to vehicular access arrangements;
- f) traffic impacts of the construction works on the local area and State Road network; and
- g) methods to minimise the impact of construction traffic.

The Applicant shall submit a copy of the final CTMP to the Council, prior to the commencement of work.

## **WASTE MANAGEMENT PLAN**

- B16. Prior to the commencement of any works on the subject site, a Construction Waste Management Plan prepared by a suitably qualified person shall be submitted to the Certifying Authority for approval. The Plan shall demonstrate compliance with the relevant legislation, codes, standards and guidelines and address, but not be limited to, the following matters:
- a) recycling of demolition materials including concrete;
  - b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air;
  - c) disposal of hazardous waste to an approved waste disposal facility.

The Applicant shall submit a copy of the Plan to Council, prior to commencement of work.



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## CONSTRUCTION NOISE MANAGEMENT PLAN

- B17. Prior to the commencement of construction activities, a detailed Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The Plan shall include, but not be limited to:
- a) identification of each work area, site compound and access route (both private and public);
  - b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes;
  - c) identification of all potentially affected sensitive receivers;
  - d) the construction noise objectives identified in accordance with the *Interim Construction Noise Guidelines* (DECC 2009);
  - e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d);
  - f) where the objectives are predicted to exceed an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
  - g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers;
  - h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
  - i) measures to monitor noise performance and respond to complaints.

The CNVMP should also include demolition methods that do not require the use of rock breakers or other similar high noise generating equipment, such as rock (or concrete) splitting of building sections for transport and break up off site, unless not feasible and reasonable. Where rock breakers or other high noise generating equipment are to be used such that the appropriate criteria are exceeded, the hours of operation for high noise generating equipment must include respite periods.



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## **PART C DURING CONSTRUCTION**

### **HOURS OF WORK**

- C1. The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:
- a) between 7.00 am and 7.00 pm, Mondays to Fridays inclusive;
  - b) between 8.00 am and 4.00 pm, Saturdays;
  - c) no work on Sundays and public holidays; and
  - d) works may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
    - iii) variation is approved in advance in writing by the Secretary or her nominee.
- C2. The Applicant 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;
  - b) 2.00 pm to 5.00 pm Monday to Friday; and
  - c) 9.00 am to 12.00 pm, Saturday.

### **EROSION AND SEDIMENT CONTROL**

- C3. All erosion and sediment control measures, 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.

Soil and water management controls are to be inspected daily and all necessary repairs and maintenance undertaken.

### **DISPOSAL OF SEEPAGE AND STORMWATER**

- C4. Any seepage, groundwater or rainwater collected on-site during construction, must be either re-used or disposed of, so as not to cause pollution. Seepage, groundwater or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### **PROTECTION OF TREES**

- C5. No street trees are to be trimmed or removed unless it forms a part of this Development Consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.
- C6. 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.

### **CONSTRUCTION NOISE MANAGEMENT**

- C7. The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan.

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- C8. 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 management levels.
- C9. 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 the CEMP.
- C10. 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.

### **VIBRATION CRITERIA**

- C11. Vibration caused by construction at any residence or structure outside the site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
  - b) 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; and
  - c) vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

These limits apply unless otherwise outlined in the Construction Noise and Vibration Management Plan, submitted to the Certifying Authority.

### **HOARDING REQUIREMENTS**

- C12. The following hoarding requirements shall be complied with:
- a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
  - b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **APPROVED PLANS TO BE ON-SITE**

- C13. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### **SITE NOTICE**

- C14. The following details are to be displayed on signs erected along the frontages of the site:

A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of development details including, but not limited to the details of the Builder and Certifying Authority.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) 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;
- b) the notice is to be able to be read by the general public;
- c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;



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- d) 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
  - e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

#### **WORK COVER REQUIREMENTS**

C15. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

#### **BELOW GROUND (SUB-SURFACE) WORKS – NON-ABORIGINAL RELICS**

C16. If any new archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch 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.

#### **DISCOVERY OF ABORIGINAL HERITAGE**

C17. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

#### **TRAFFIC CONTROL**

C18. All vehicles should enter and leave the site in a forward direction.

#### **ASBESTOS REMOVAL**

C19. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

#### **SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

C20. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made an accredited Site Auditor to determine the procedures to be followed to make the site safe including any remediation. Details are to be forwarded to the Secretary for information.

#### **SYDNEY TRAINS**

C21. No excavation greater than two metres in depth within the Sydney Trains rail tunnel and station 1<sup>st</sup> and 2<sup>nd</sup> protection reserves shall be undertaken without the approval of Sydney Trains.

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## **PART D PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

### **PART 4A CERTIFICATE**

- D1 A Part 4A Subdivision Certificate shall be obtained under section 109D(1)(d) of the EP&A Act in respect of the subdivision.

### **PAYMENT OF BONDS**

- D2 Prior to the issue of a subdivision certificate, a \$50,000 maintenance bond is to be lodged with Council as security for the cost of making good any defects in the works approved in this consent which become apparent within 12 months of the registration of the plan of subdivision.

### **UTILITIES COMPLIANCE CERTIFICATE**

- D3 Prior to the issue of a subdivision certificate, a section 73 Compliance Certificate under the Sydney Water Act 1994 shall be provided to the Certifying Authority showing that the development has met the detailed requirements of the relevant water supply authority.
- D4 Prior to the issue of a subdivision certificate written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.
- D5 The sewerage reticulation system (including any main, sewerage pump stations and overflow structures) must be completed to the standard necessary to ensure that it would not compromise Sydney Water Corporation's requirements.

### **COMPLIANCE WITH CONSENT**

- D6 Prior to the issue of a subdivision certificate, the Certifying Authority shall ensure that the approved works have been satisfactorily completed in accordance with the requirements of this consent and any remedial works required to be undertaken have been satisfactorily completed.

### **POST-CONSTRUCTION DILAPIDATION REPORT**

- D7 Prior to the issue of a subdivision certificate, the Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Council.
- D8 The cost of repairing any damage caused to Council or other public authority's or utility provider's assets in the vicinity of the site as a result of works associated with the approved development is to be met in full by the Applicant prior to the issue of a subdivision 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.

### **WORKS AS EXECUTED PLANS**

- D9 Prior to the issue of a subdivision certificate, the following compliance documentation shall be submitted to the Certifying Authority and to Council, where Council is not the Certifying Authority:
- a) Works As Executed (WAE) drawings for all civil works. The WAE drawings shall be marked in red on copies of the stamped construction drawings and signed, certified and dated by a registered surveyor or the design engineer.



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- b) CCTV footage to Council's requirements and a report for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Council.
  - c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
  - d) Documentation for all road pavement materials used demonstrating compliance with this consent and Council's construction specifications.
  - e) A geotechnical report certifying that all earthworks and road formations have been completed in accordance with AS 3798 and Council's construction specifications.
  - f) Structural engineer's construction certification of all structures.

## **SECTION 88B RESTRICTIONS**

- D10 Prior to the issue of a subdivision certificate, any required restrictive covenants and easements shall be created under section 88B of the *Conveyancing Act 1919*.
- D11 All section 88B restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Council.

## **ROADS**

- D12 Road names are to be approved by Council.
- D13 Prior to the issue of a subdivision certificate, details of all regulatory/advisory line marking and signage, including appropriate signage for the shared zone in Station Street, shall be lodged with Council and approved by the Local Traffic Committee. All signage is to be installed prior to issue of a subdivision certificate.
- D14 Prior to the issue of a subdivision certificate, street signs are to be erected at road intersections.
- D15 All works/regulatory signposting associated with the development shall be at no cost to the relevant roads authority.

## **PUBLIC DOMAIN ASSETS**

- D16 Prior to the issue of the subdivision certificate the public domain assets consisting of all public internal roads, shall be landscaped and embellished in accordance with the approved landscape plans and details.

## **DEDICATION TO COUNCIL**

- D17 Prior to the issue of a subdivision certificate, the Applicant shall submit to Council a plan listing all assets being dedicated to Council including all public roads and associated infrastructure.

The public domain assets shall be dedicated to Council free of cost as part of the relevant subdivision certificates.

## **MAINTENANCE AND MONITORING**

- D18 A Maintenance Plan is to be prepared that supports the Stormwater Management Report submitted with the application. The Plan is to address the ongoing maintenance of the water quality treatment devices to be installed in the public domain in consultation with Council. The Plan is to include, but not be limited to:
- a) a maintenance manual for the preferred treatment devices;
  - b) a recommended maintenance schedule; and
  - c) monitoring program to assess ongoing performance.

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## ADVISORY NOTES

### APPEALS

AN1 The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

### OTHER APPROVALS AND PERMITS

AN2 The Applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding 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*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### TEMPORARY STRUCTURES

AN4 An approval under *State Environmental Planning Policy (Temporary Structures) 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.

AN5 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) 2007* to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

AN6 This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/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

AN7

- a) 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.
- b) This application has been assessed in accordance with the New South Wales EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities 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.