

ATTACHMENT 1

PROPOSED CONDITIONS OF CONSENT (52-80 Rowe Street)

GENERAL

1. Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

PLAN NUMBER	DESCRIPTION	Date and Revision
Sk20b	Basement 3	23.07.2010
SK21b	Basement 2	23.07.2010
SK22a	Basement 1	05.07.2010
Sk23c	Level 1	07-10-2010
SK24b	Level 2	23.07.2010
Sk25b	Level 3	20.07.2010
Sk26b	Level 4	20.07.2010
Sk27d	Level 5	19.07.2010
Sk28b	Elevations	23.07.2010
Sk29c	Sections	12.10.2010
Sk30b	Roof Plan & Height	07.10.2010
001846/TM Sheet 1-2 Issue 'D'	Landscape Concept	16.10.2008
001846/TM Sheet 2- 2	Landscape Detail	18.10.2008
C01-C		17.08.2009
C02-C		17.08.2009
C03-C		17.08.2009
C04-A		17.08.2009
C05-A		17.08.2009
C06-D		13.10.2010
C07-D		13.10.2010
4014 Rev A	Acoustic Report/recommendations	3 August 2010.
219505M_03	BASIX Certificate	2 August 2010

2. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.

- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. The applicant may apply to the Council or an accredited certifier for the issuing of a Construction Certificate and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).

5. **BASIX:** The development is to be carried out in compliance with BASIX Certificate No. 219505M_03 dated 2 August 2010.
6. Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
7. **Excavations and backfilling**
- a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

8. **Retaining walls and drainage**

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
- b) adequate provision must be made for drainage.

9. **Support for neighbouring buildings**

If the soil conditions require it:

- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i) must preserve and protect the building from damage, and
 - ii) if necessary, must underpin and support the building in an approved manner, and

- iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.
- c) In this clause, "allotment of land" includes a public road and any other public place.

10. Protection of Public Places

- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

11. Telephone Installations

Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.

12. Australia Post

Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.

13. Waste Management Plan - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

Council's DCP 2010, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

14. Security grilles: The shop front may incorporate only see-through security grilles or translucent barriers to ensure maximum light is transmitted to footpath areas. Metal or roller shutter doors are not permitted. Development consent is required for any security grilles or translucent barriers.

15. Signage not included: No approval has been granted for any signage or signage zones on the external elevations of the building. Any signage will require the submission of a new development application and must demonstrate how the

signs are of a size and proportion which will complement the scale of the existing façade and comply with Council's Development Control Plan.

16.Future Commencement of Retail Use: Separate development applications must be submitted to Council for commencement of retail uses/ fitout on the site.

17.Colour Scheme: The development materials, colours and finishes must be in accordance with the colour scheme submitted on a photomontage submitted with the application and be generally in accordance with the following:

- Walls – Partly face brick / partly rendered painted brick and glazed features.
- Windows – Pre-finished powder coated aluminium.
- Roofs – Colourbond steel flat roof.
- Balustrades – Pre-finished powder coated aluminium with glazed in-fills.

18.Energy Efficiency: The following energy efficiency measures must be adopted for the retail part of the building:

- (a) Where a hot water system is proposed, it must achieve a minimum 3.5 Star rating. The energy rating of the hot water system should be visible on the product at the place of purchase.
- (b) The use of electrical appliances such as dishwashers, refrigerators, freezers and washing machines are to be provided with a minimum star of 3.5.
- (c) The development is to incorporate energy-efficient lighting, motion detectors and dimmers.
- (d) AAA or AAAA rated fittings and fixtures are to be used to ensure high levels of water efficiency. Where fittings cannot be AAA or AAAA, self-regulating flow restrictors will be provided on the supplies to limit the discharges to levels equivalent to AAA ratings.

20.Road Traffic Noise Intrusion: The development is to incorporate all of the recommendations contained in the Road Traffic Noise Intrusion Report referenced 4014 Rev A, prepared by Day Design Pty Ltd and dated 3 August 2010.

Access and RTA Conditions

21.Signposting: All works / regulatory signposting associated with the proposed development are to be carried out at no cost to the RTA.

22.RTA: The design and construction of the proposed driveway and gutter crossing off First Avenue shall be in accordance with AS2890.1-2004 and the RTA's requirements (ie a minimum of 5m wide with 1m splays at the kerb line). Details of these requirements could be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta Ph:8849 2144.

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of a construction certificate by Council and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.

- 23.**Entry & Exit:** The entry and exit driveway on First Avenue is to be splayed and channelised to physically restrict vehicular movements in to and out of the development to left in/left out only. The existing footpath may need to be redesigned and relocated so that it is positioned clear of the channelisation to provide adequate sightlines for vehicles entering and existing the site and for pedestrians.
- 24.**Sight Distance:** Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of First Avenue.
- 25.**RTA:** A Road Occupancy License should be obtained from the RTA for any works that may impact on traffic flows on First Avenue during construction activities.
- 26.**Works to be contained on site:** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site from Rowe Street. A construction zone will not be permitted on First Avenue.
- 27.**RTA Drainage:** The post development storm water discharge from the subject site into the RTA drainage system must not exceed the pre-development application discharge.

Should the post development stormwater discharge exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Traffic Authority
P O Box 973
Parramatta CBD NSW 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regards to the civil works requirement please contact the RTA's Project Engineer, External Works Ph 88492114 or Fax: 88492766.

- 28.**Separate Car parking:** The proposed residential car parking area on Rowe Street site is to be clearly segregated from the retail and commercial car parking area.
- 29.**The loading dock** is to be segregated from general car parking areas within the development and is to be used by all vehicles and unloading goods for the retail and commercial component of the development.
- 30.**Loading Dock Management Plan:** An appropriate loading dock management plan should be prepared to ensure safety and minimise traffic conflict and address

the impacts associated with loading/ unloading in relation to (but not be limited to) the following:

- i. ensure that the loading dock and its access can satisfactorily accommodate the maximum number of medium and heavy vehicles likely to use the loading dock at the same or different times.
- ii. It should also address the issue of where service vehicles are to park should the loading dock be fully occupied.
- iii. The plan shall restrict the operational hours of the loading dock to early morning and late evening to minimise conflict between passenger vehicles and semi trailers using the site.
- iv. A suitably sized space shall be designated on site for the safe loading and unloading of furniture removalist truck without impeding on traffic flows.
- v. Placement of markings and signage to avoid confusion provide clear instructions/ directions.

31.Loading Dock Implementation: The implementation of the above Management Plan should ensure that the roller door to the loading dock is kept closed when not in use. Adequate signage should be put in place to ensure that the loading dock area is clearly identified and is not mistaken as additional car parking.

NSW Police – (Safer By Design) Conditions

32.Car Park Lighting: All car park lighting is to be designed, installed and maintained to Australian Standard AS1680.2.1 - 1993: Interior Lighting Circulation Spaces and Other General Areas. To this effect, ceilings, columns and other vertical structures (including columns and pipes) should be painted white.

33.Pedestrian Lighting: The lighting of pedestrian pathways and communal open space within the development shall be designed, installed and maintained to Australian Standard AS1158.3.1 – 1999: Road Lighting Pedestrian Area (Category P) Performance and Installation Design Requirements. Areas besides thoroughfares should be evenly lit to avoid concealment or entrapment opportunities. The same is applicable to public clotheslines, communal courtyards and letterbox areas.

34.Security Lighting: Where security lighting is provided within the development, it should not illuminate observers or vantage points. Light should be projected outwards towards pathways and gates, not towards windows and doors. Passing motorists, police and pedestrians will be the likely observers.

35.Surveillance Equipment: Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Cameras are to be installed in and around the business to maximise surveillance opportunities. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.

36.Graffiti: All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. All surfaces on the street frontages that are not glass should use graffiti resistant paints and / other surfaces that discourage

graffiti. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.

37.**CCTV:** CCTV must be used throughout the shopping complex, paying particular attention to the internal areas of the shopping centre, especially entry and exit points. CCTV must also be used around the loading dock area and car park entry and exit points.

38.**Security mirrors** are to be installed within corridors on blind corners.

39.**Signage:** The following signage is to be incorporated into the final development:

- Clear, legible and useful signage is to be used to indicate entrances and exits to both the building and car park areas.
- A street sign should be displayed at the front of the development to comply with the Local Government Act, 1993, Section 124, Order No. 8.
- Signage needs to be provided at entry / exit points and throughout the development to identify the separation between the commercial / retail area and the residential area and warn of potential prosecution if trespassing takes place.
- Signage needs to be provided within the car park to provide way-finding to users of these areas.
- Signage needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.
- Clear signage identifying where the loading dock is located should be erected at the street entry, and it should prohibit unauthorised entry.
- Car park signage is to be erected in the car parks and near entry and exit points, detailing security measures and reminding people to lock their vehicles and remove valuables from their vehicles.

40.**Clear Glazing:** All windows to the street frontage are to have clear glazing.

41.**Lighting.** Australia / New Zealand Lighting Standard 1158 – Carparks must be used throughout the development. Lighting for all other internal areas is to meet the standards of AS1158 and AS1680. Ground level entrances to upper level dwellings should be unobstructed and well lit.

42.**Intercom** facilities are to be incorporated into the pedestrian entry / exit points to the residential component of the development, to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock should be incorporated into the design of each of the pedestrian entry / exit points to enable emergency services to access the development.

General Engineering Conditions

43.**Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.

44. Service Alterations. All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

45. Restoration. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

46. Road Opening Permit. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

General Environmental Health Conditions

47. Construction and fit-out of food premises - The construction and fitout of all new food premises, and renovations or alterations to any existing food premises, must comply with the requirements of:

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

48. Construction of walls - The walls of the of all food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.

49. Storage of garbage and recyclable materials - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.

50. Construction of garbage rooms - All garbage rooms must be constructed in accordance with the following requirements:

- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

51. Access for waste collection vehicles - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

52. Ventilation of rooms - Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.

53. Ventilation of carpark - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

54. Provision for installation of kitchen exhaust systems - Adequate provision must be made for the installation of kitchen exhaust systems to any proposed food premises.

55. Exhaust Hoods - Exhaust hoods must be provided over cooking equipment where required by the *Building Code of Australia*, and over any dishwasher or other washing or sanitising equipment that is likely to cause steam to collect on the walls or ceiling.

56. Fresh air intake vents - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

57. Exhaust air discharge vents - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

58. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.
59. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary and at least 8 metres from any cooling tower.
60. **Regulated systems** - All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
61. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
62. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a specially constructed grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
63. **Construction of grease trap rooms** - All grease trap rooms must be constructed in accordance with the following requirements:
- (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours;
 - (b) The room must be fitted with an air-tight (e.g. coolroom type) door;
 - (c) The room must be vented in accordance with Australian/New Zealand Standard AS/NZS 3500.2:2003 *Plumbing and drainage – Sanitary plumbing and drainage* or be provided with an approved system of mechanical ventilation;
 - (d) The room must be provided with intrinsically safe artificial lighting; and
 - (e) A hose cock with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.
64. **Noise and vibration from plant and equipment** - Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

CONDITIONS PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

65. **Section 94 Contribution:** A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the Construction Certificate.

A	B
Community & Cultural Facilities	\$231,941.90
Open Space & Recreation Facilities	\$381,300.41
Civic & Urban Improvements	\$252,252.81
Roads & Traffic Management Facilities	\$52,220.56
Cycleways	\$21,500.27
Stormwater Management Facilities	\$82,848.57
Plan Administration	\$5,772.79
The total contribution is	\$1,027,837.31

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

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.

66. **A security deposit** (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.

67. An **Enforcement levy** is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).

68. **Long Service Levy:** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.

69. **Street Alignment Levels:** The applicant is to apply to Council, pay the required fee, and have issued street alignment levels by Council prior to the issue of the **Construction Certificate**.

70. Documentary evidence of compliance with Conditions 65, 66, 67, 68 & 69 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.

71. **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 Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

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

72. **Mechanical Ventilation:** The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority **prior to commencement of any mechanical services work**.

To enable certification, the mechanical ventilation documentation prescribed below must be submitted to the Principal Certifying Authority:

- a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - i) Supply Air Ducts, Shafts and Fans - Blue
 - ii) Return Air Ducts, Shafts and Fans - Pink
 - iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - v) Mixing Boxes and Conditions - Yellow
 - vi) Fire Dampers and Electric Heaters - Red

- c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of **Attachment M1**, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a set of the certified drawings must be submitted to Council;
- e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

73. **Prior to a Construction Certificate** being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification Statement from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.

74. A **"Fire Safety Schedule"** must be provided prior to issue of the **Construction Certificate**; specifying the fire safety measures (both current and proposed) to be implemented in the building premises. The fire safety schedule must deal with the **whole** of the building (not merely part of the building to which this development consent relates), in accordance with Clause 168 - Environmental Planning & Assessment Regulation 2000.

75. A **site works plan** indicating compliance with Council's DCP 2006, Part 8.1 – Construction Activities, in relation to:

- a) sedimentation and pollution controls;
- b) tree preservation and protection measures;
- c) security fencing;
- d) builder's identification signage and demolition in progress signage; and
- e) provision of site toilets

to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.

76. The **Construction Certificate** plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.

77. **Substations**: All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. The electrical substations adjacent to Rowe Street are to be designed so that they are suitably screened and will not detract from the streetscape. Details of all

service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.

78. **Bicycle Parking Commercial:** The bicycle parking area on basement 2 is to be provided for the retail and commercial uses. This space is to include lockers and secure storage for the bicycles. Details are to be submitted on the Construction Certificate plans. A minimum of 24 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS 2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site.
79. **Bicycle Parking Residential:** A minimum of 24 bicycle parking rails or lockers are to be provided for the residential component of the development.
80. **High Quality Finish:** The vehicular entry to Rowe Street is to have high quality finishes to the walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.
81. **Glare:** Prior to the issue of a Construction Certificate, a report is to be prepared from an appropriately qualified person to verify that the Rowe Street building and facades will not cause any reflections that would cause either disability glare for passing motorists or unacceptable discomfort glare for passing pedestrians. A copy of this report is to be provided to the PCA and Council (if Council is not the PCA).
82. A **dilapidation survey** is to be undertaken for all properties adjoining the site. The dilapidation survey shall be carried out prior to any work commencing on the site. A copy of the survey (and if applicable any evidence of the refusal of property owners to grant access for the purposes of conducting the survey) shall be submitted to Council. The applicant shall, at their own cost, rectify any damage caused to other properties during construction of the proposal.
83. **Window Sills:** To ensure adequate building separation and privacy, the kitchen window in units F6 – F11 are to be high sill windows. The living room window on the western elevation of unit 10 is also to be a high sill window. Details are to be submitted on the Construction Certificate.
84. **Accessibility:** Prior to the issue of the Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate drawings fully comply with Development Control Plan 2006 Part 9.2 Access for People with Disabilities. This report is to be provided to the PCA and Council (if Council is not the PCA).
85. **Disabled access** is to be provided to all aspects of the individual tenancies. Where necessary, internal vertical lifts are to be provided.
86. **Disabled Parking:** A total of 8 parking spaces in the retail area are to be wide-bay spaces for people with a disability. The width of these spaces is to be a minimum of 3.6 metres and a vertical clearance of 2.55 metres.

87. Public Domain Plan: The public domain in Rowe Street and First Avenue is to be completed in accordance with the Concept Landscape Plan and must include tree planting, paving, street lighting and street furniture. A public domain plan is to be prepared by the applicant in consultation with Council's Urban Landscape Architect and submitted to Council for approval prior to the issue of a Construction Certificate. The plan must include additional tree planting along the Rowe Street and First Avenue frontage in accordance with the Draft Public Domain Technical Manual. The suggested trees are Box Elder on Rowe Street frontage at suitable intervals and Rough Barked Apple along the First Avenue frontage. Alternatively, a monetary contribution is to be paid to Council for equivalent works to be undertaken by Council. The monetary contribution is to be to the satisfaction of the Group Manager Public Works.

88. Undergrounding of Cables: All telecommunications and utility services are to be undergrounded. This work is to be completed by the applicant to Council's satisfaction. Prior to the works commencing, discussions are to occur with Council to identify the scope of the required works. Alternatively, a contribution for the equivalent works as determined by the Group Manager – Public Works is to be paid to Council to enable Council to undertake this work. This work is to be coordinated with the public works program.

Engineering Conditions Prior to Construction Certificate

89. Maintenance Bond. To ensure satisfactory performance of the completed external works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. **A bond in the form of a cash deposit or Bank Guarantee of \$30,000 shall be lodged with Council prior to issue of the Construction Certificate to guarantee this requirement will be met.** The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period

90. Drainage Security Deposit. The applicant shall lodge with Council a security deposit of \$4,000 prior to the issue of the Construction Certificate to ensure the Positive Covenant has been prepared and registered with the lands and Property Information Office in relation to the maintenance of the OSD system. Refund of this security deposit will be made upon submission of certification from the Principal Certifying Authority confirming the site drainage works have been completed satisfactory and that the On-site detention Positive Covenant has been successfully lodged with the Department of Lands.

91. Hoarding Fees. In accordance with Council's Management Plan a fee shall be paid to Council for the erection of a protective hoarding along the affected street frontage of the property. The fee is based on Council's Management Plan and is valid for a period of 6 months from the date of payment. If Council's footpath is

utilised for a longer period an application shall be made to Council for extension of time on or before the expiry of the six months period.

92. Ground Anchor Fees. Where ground anchors are proposed to support the proposed development, ground anchors fee is payable in accordance with Council's Management Plan. Accordingly, details regarding proposed ground anchors are to be submitted to Council for approval and applicable fees are to be paid prior to issue of Construction Certificate.

93. Driveway Grades. The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent.

94. Car Parking. All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and overhead clearances etc shall comply with AS 2890.1-2004 and AS 2890.2-2004 where applicable to ensure all vehicles using the site can enter and exit in a forward direction and that there is sufficient headroom clearance above all vehicles. Certification regarding compliance with this condition shall be obtained from a Traffic engineer.

Additionally, a chartered structural engineer shall certify that minimum headroom clearances of 2.2m and 4.5m along the travel paths of B85% car and an articulated (AV) vehicle respectively will be met when allowing for structural members thickness (e.g slab and beam depths)

95. Removalist Truck: A suitably sized space shall be made entirely on site for the safe loading and unloading of furniture removalist truck without impeding on traffic flows. The space shall be located in a position that has easy and close proximity access to a lift.

96. External Engineering Works. To facilitate safe access to and from the proposed development, the following external engineering works shall be constructed at no cost to Council prior to issue of Occupation Certificate.

- a. The decommissioning and under-grounding of all overhead electricity cables and poles along the entire Rowe Street frontage of the site.
- b. The provision of Smart poles along the Rowe Street frontage of the site.
- c. The reconstruction of existing kerb and gutter, including any affected drainage along the entire frontages of the site to Rowe Street and First Avenue.
- d. The reconstruction of existing footpath along the entire Rowe Street frontage of the site between the road boundary and the kerb and gutter with clay pavers, with special treatment being provided at driveway entry and exit.
- e. The construction of any other necessary Public Domain works, including any transition works to make the construction effective.

Detailed engineering plans prepared by a chartered and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan at the time of approval being given.

97. Dilapidation Report. To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

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

These reports shall be submitted to Council development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate.

98. Excavation. To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

- a) The likely impacts of the proposed excavations will have on structures and services of adjoining properties*
- b) Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*
- c) A copy of the report including geotechnical/structural engineer certification should be submitted to Council*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

99. Roadway Excavation. To ensure Council's road reserve and services within it are protected from damage, the applicant shall construct retaining wall and/or other structural systems as determined necessary within the property to protect the roadway (or road embankment) and services. The proposed excavation has been approved subject to the following matters being satisfied:-

- a) *The owner lodging with Council a \$50,000 cash bond or bank guarantee to ensure that the work is carried out in accordance with the approved plans. The bond will be refunded when the retaining wall and/or other structural systems have been completed to Council's satisfaction.*
- b) *Fully detailed design drawings and calculations shall be prepared by a chartered Geotechnical/structural Engineer for the retaining wall and/or other structural systems shall be submitted to Council for approval prior to the issue of a Construction Certificate*
- c) *On completion of construction of the retaining wall and/or other structural systems a Geotechnical/Structural Engineers Certificate shall be submitted to Council which states that the engineer has inspected the works during construction and that the works have been carried out in accordance with the approved design. If no certificate is produced on completion of the retaining wall, then no further work shall proceed on the site until such certification is produced.*
- d) *If the certificate referred to above is found to be unacceptable, no work shall proceed on the site until the applicant has satisfied Council's Group Manager Public Works that the retaining wall and/or other structural systems have been constructed in accordance with the approved design.*
- e) *The applicant shall inform Council at least seven (7) days before commencing any excavation works.*

These conditions are to ensure that the applicant complies with Section 91 of the Roads Act 1993 and provides adequate support and protection for the public road. The applicant should also be aware that under Section 93 of the Roads Act 1993 Council may direct the landowner to fill an excavation that threatens the stability of the roadway.

100. On-Site Stormwater Detention. Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Where this cannot be achieved, all gutters, downpipes and pipelines conveying runoff to the OSD system shall be sized for the 1 in 100 year ARI Storm. Runoff which

enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

The system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

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

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

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

102. **Traffic and Pedestrian Management Plan.** To ensure safety of pedestrian and also construction traffic flows to and from the site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted to and approved by Council prior to issue of Construction certificate.

The TMP shall be prepared in accordance with RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking. Accordingly, a detailed pedestrian and construction management plan including a Contractor/Staff Transport and Parking plan are to be submitted to Council for approval. The plans shall be prepared to minimise the disruption to the current operation of existing businesses and users of Rowe Street

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

Environmental Health Conditions Prior to Construction Certificate

103. **Garbage room details** - Details of the proposed garbage room(s) must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a. the specifications and layout of all proposed waste containers and equipment; and
 - b. the access to the collection point.
104. **Access details for waste collection vehicles** - Details of all driveways and manoeuvring areas for waste collection vehicles must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- a. vehicle turning circles and swept paths; and
 - b. overhead and side clearances (where appropriate).
105. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

106. **Carpark ventilation details** - Details of the proposed method of ventilating the basement carpark must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
107. **Details of provisions for kitchen exhaust systems** - Details of the provisions made for the installation of kitchen exhaust systems for food premises must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
108. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- (e) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - (f) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - (g) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - (h) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
109. **Cooling tower details** - Details of any proposed water-cooling systems, and alterations to any existing systems (including the installation of new cooling towers), must be submitted to and approved by Council before the issue of a Construction Certificate. Such details must include:
- (a) Certified plans and specifications of the proposed water cooling system;
 - (b) A site survey plan showing the location of the proposed cooling tower and any air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - (c) Access details for inspection and maintenance purposes;
 - (d) Details of the proposed water treatment system; and
 - (e) A Compliance Certificate from a suitably qualified person certifying that the design of the cooling tower(s) complies with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial Control – Design, installation and commissioning*.
110. **Grease trap room details** - Details of any proposed grease trap room must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
111. **Validation Report** – A final validation report, as required by the *Preliminary Underground Storage Tank (UST) Contamination Assessment*, Report No. E859.1AA, Environmental Investigations, 12 March, 2008, must be prepared and submitted to Council or an accredited private certifier for approval.

PRIOR TO COMMENCEMENT

112. 'Dial 1100 Before You Dig'

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgment of an application for a **Construction Certificate** if this is the case.

113. **Signage** is to be provided on the site as follows:

- a) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

114. The construction management of the neighbour's Tallowwood (***Eucalyptus microcorys***) to the rear of 14 First Ave, is to be in accordance with measures outlined in the Tree Management Report, prepared by Terrence Machin, amended 13th October 2010. Documentary evidence is to be submitted to the PCA regarding the installation of a fenced 6m Tree Protection Zone, which is to be installed prior to the commencement of demolition. The site arborist shall provide ongoing management and advice (as per the Tree Report), including advice on minimising impacts of construction within the 6m Tree Protection Zone.

115. All other trees to be retained on the site are to be protected in accordance with the requirements as identified in the arborist report prepared by Terrence Machin dated 13 October 2010.

Engineering Conditions to be complied with Prior to Commencement of Construction

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

117. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
118. **Vehicle Footpath Crossings.** To facilitate safe access to and from the site, new concrete layback and apron crossings are to be constructed at locations as indicated on the approved plan. The width, design and construction shall conform to Ryde City Council's *Environmental Standards Development Criteria – Section 1-Driveways-1999*. Additionally, crossings are to be constructed in plain reinforced concrete with finished levels comply with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the property boundary alignment and Bridge and pipe crossings will not be permitted.

Environmental Health Conditions

119. **Removal of underground storage tanks** - The decommissioning & removal of the underground storage tanks must be carried out in accordance with:
- (a) the recommendations of the *Preliminary Underground Storage Tank (UST) Contamination Assessment*, Report No. E859.1AA, Environmental Investigations, 12 March, 2008.
 - (b) Australian Institute of Petroleum Code of Practice CP22 - 1994 *The Removal and Disposal of Underground Petroleum Storage Tanks*; and
 - (c) the requirements of WorkCover New South Wales; and
 - (d) the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, as necessary.
120. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
121. **Asbestos work** - 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.
122. **Storage of asbestos wastes** - 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*.
123. **Disposal of asbestos wastes** - 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.

124. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
125. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
126. **Further requirements** - If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.

DURING CONSTRUCTION

127. The occasions on which building work must be inspected are:
- a) at the commencement of the building work, and
 - b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - c) prior to covering any stormwater drainage connections, and
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the mandatory inspections must be carried out.**

128. In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2006, Part 8.1 - "Construction Activities":
- a) Sediment control measures.
 - b) Tree Preservation and protection measures.
 - c) Security fencing.
 - d) Materials or waste containers upon the footway or road.
 - e) PCA and principal contractor (the coordinator of the building work) signage and site toilets.
129. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:

- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks.
 - b) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - c) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - d) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
130. **Concrete wastes** must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
131. **Only unpolluted water** is to be discharged to Council's stormwater drainage system.
132. **Noise Level:** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
133. **No fill:** All excavated material must be removed from the site. No fill is to be placed above the natural ground level.
134. **Construction hours:** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
135. **Stock pile:** No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
136. **Site toilets** shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
137. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
138. **Adaptable units** are to comply with the provisions of a Class A adaptable unit as specified in AS 4299.
139. **Car park colour:** The walls and ceilings of the car park areas should be painted in a light colour.
140. **Doors and windows** within the development are to comply with Australia / New Zealand Standard – Locksets to restrict unauthorised access:

- The main / entry exit points for this development should be fitted with single-cylinder locksets and are to be in compliance with the Building Code of Australia.
- Fire exit doors to the development should be fitted with single-cylinder locksets to restrict unauthorised access to the development.
- The main entry / exit doors to individual units should be fitted with single-cylinder locksets to restrict unauthorised access to the unit.
- The balcony doors to individual units should be fitted with single-cylinder locksets to restrict unauthorised access to the unit.
- The windows to individual units should be fitted with key operated locksets to restrict unauthorised access to the unit.

PRIOR TO OCCUPATION CERTIFICATE

141. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
142. A **Fire Safety Certificate/s** from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.
143. Prior to the issue of the **Occupation Certificate**, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. **NOTE:** Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
144. **Prior to an Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
145. **Undergrounding of Telecommunications Service.** The developer shall submit to Council a letter from Telstra and Optus confirming that the overhead cables have been under-grounded or satisfactory arrangements have been made for the provision of underground telephone service, prior to the release of the Subdivision Certificate or Occupation.

146. **Amalgamation:** All land titles within the site must be consolidated into one allotment. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
147. **Shopping Trolleys:** A mechanism, to the satisfaction of the Council, must be installed and maintained at all times, to prevent shopping trolleys being taken from the site.
148. **Access:** Prior to the issue of an Occupation Certificate a report is to be provided from a suitably qualified access consultant to confirm that the development complies with DCP 2006 Part 9.2 Access for People with Disabilities, the Building Code of Australia and AS1428 and the development complies with the *accessibility* requirements.
149. **Certification - Road Traffic Noise Intrusion:** The development is to incorporate all of the recommendations contained in the Road Traffic Noise Intrusion Report referenced 4014 Rev A, prepared by Day Design Pty Ltd and dated 3 August 2010. A certification must be submitted to the PCA confirming that the development has incorporated the recommendations contained in this report and that the development complies with AS3671-1989 and AS2107-2000.
150. **Connection to sewer** - The premises must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
151. **Certification of mechanical ventilation work** - A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.

Engineering Conditions to be complied with Prior to Occupation Certificate

152. **Compliance Certificates – Engineering.** To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Principal Certifying Authority shall ensure the following will be met.
- Compliance Certificate should be obtained from an accredited certifier Confirming that the constructed internal car park and associated drainage complies with AS 2890.1-2004, AS 2890.2-2002 , the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
 - Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management

- Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
- Compliance Certificate shall be obtained from Council confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council's satisfaction
- Compliance Certificate shall be obtained from Council confirming that all redundant vehicular crossings have been removed and replaced with concrete footpath and kerb and gutter with disturbed areas grassed where required to Council's satisfaction

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

153. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

154. **Work-as-Executed Plan.** To ensure stormwater drainage works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council (If Council is not the appointed PCA) 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.

155. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management section 3.10. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, RYDE.

156. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of

Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

157. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of concept stormwater drainage plan No. 5409_C01 to CO3 revision C, C04 & C05 Revision A, C06-C07 Revision D.

OPERATIONAL

158. **Roofing Materials:** The roof material being non-reflective.
159. **Glazing:** All external glazing having a maximum reflectivity of 18%.
160. **Lighting:** The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All existing and proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
161. **Parking First Avenue:** The building on 20 First Avenue is to provide 16 off street car parking spaces. Thirteen (13) of these spaces are to be available for resident parking and 3 spaces are to be available for visitor parking.
162. **Parking Rowe Street Building:** The building on 52-80 Rowe Street is to provide the following car parking spaces:
- 81 resident spaces (including 8 parking for disabled persons & 14 visitor parking)
 - 2 spaces appropriately located as car wash bays
 - A minimum of 134 retail spaces.

The parking for the retail uses is to be line marked and made freely available at all times during business hours of the site for staff and visitors.

163. **Opening Hours:** The use of the retail part of the development are restricted to the following hours of operation: 7.00am and 12.00am Monday to Saturday and 7.00am to 10.00pm on Sunday.
164. **Loading Dock restrictions:** The following restrictions and works are to apply to the loading dock:
- Clear, legible and useful signage is to be used to indicate entrances and exits to both the building and car park areas.
 - Noise generated by the loading dock must comply with the EPA Industrial Noise Policy requirements, or create an offensive noise as defined in the Protection of the Environment Operations Act, 1997.
 - Truck engines must be turned off during loading and unloading.
 - Vehicles must enter and exit the loading dock in a forward direction.
 - All loading and unloading in relation to the use of the premises shall take place wholly within the property.

- Loading areas are to be used for the loading and unloading of goods and materials, waste collection and general servicing access only and for no other purposes.

165. **Controlled Access:** Areas that are not used after business hours should be controlled using a system of bollards, ropes and other devices which restrict access into these areas. This avoids people roaming through empty sections of the space at late hours. Also, sectioning off areas of the car park using boom gates, particularly areas that are unused, can limit the areas people can use for parking, maximising the natural surveillance of the area.
166. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
167. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
168. **Garbage containers** - All waste containers used for the storage of garbage or putrescible wastes must be constructed of a rigid impervious material that is capable of being effectively cleaned, leak-proof and fitted with a vermin-proof lid.

Any container that cannot be turned upside down to drain after cleaning must be fitted with drainage bungs.
169. **Cleanliness of garbage containers** - The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).
170. **Transfer of waste containers to emptying point** - Staff or contractors must be employed to take the waste containers from garbage storage areas to the servicing point and to return the containers to the storage area after servicing.
171. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
172. **Trade waste permit** - The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
173. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
174. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
175. Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

176. Council will only issue a Subdivision Certificate pursuant to the Environmental Planning and Assessment Act 1979 Section 109J when this development consent are complied with and Council or an accredited certifier has lodged documentary evidence of completion of a final inspection of any building or engineering works with Council.