

## **ATTACHMENT 1**

Recommended Conditions of Consent  
1-9 Monash Road & 407-417 Victoria Road  
LDA2011/0648 (2012SYE001)

### **GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

<b>Plan Numbers:</b>	<b>Document Description</b>	<b>Date</b>	<b>Issue</b>
Drawing #: A-008	Lower Basement Floor – B3 Car Parking	3/4/12	5
Drawing #: A-009	Middle Basement Floor – B2 Car Parking	3/4/12	5
Drawing #: A-010	Upper Basement Floor Plan	3/4/12	5
Drawing #: A-011	Ground Floor Plan - Retail	3/4/12	5
Drawing #: A-012	First Floor Plan	3/4/12	5
Drawing #: A-013	Second Floor Plan	3/4/12	5
Drawing #: A-014	Third Floor Plan	3/4/12	5
Drawing #: A-015	Fourth Floor Plan	3/4/12	5
Drawing #: A-016	Fifth Level - Loft	3/4/12	5
Drawing #: A-017	Roof & Site Plan	3/4/12	5
Drawing #: A-018	Elevations (Monash & Victoria Rd)	3/4/12	5
Drawing #: A-019	Elevations (South & East)	3/4/12	5
Drawing #: A-020	Section AA	3/4/12	5
Drawing #: A-021	Adaptable/ Access Plan	13/12/2011	-
Drawing #: A-022	Adaptable/Access Plan	13/12/2011	-
Drwg #: IS0104DA1	Landscape Plan	March 2012	C
Drwg #: IS0104DA2	Landscape Plan	March 2012	C
Drwg #: IS0104DA3	Landscape Plan	March 2012	C
	Colour Scheme/Montage		
385805M_02	BASIX Certificate	21/11/2011	-

Prior to the issue of a Construction Certificate, the following amendments shall be made (or as marked in red on the approved plans where applicable):

- (a) Unit numbers A6, A7, C10, C16, A10, C21, and A11 are to be designed as adaptable units. Each of these units is to be allocated an *accessible* parking bay.
- (b) The height of the street awning is to be a minimum of 3m measured from the finished pavement level of the footpath.

- (c) The street awning should continue the full length of the Victoria Road street frontage. The awning must not be glazed.
- (d) The planters along the Monash Road footpath (between the front boundary and building wall) are to be deleted. The glazed street front on Monash should not be impeded. The setback area can be paved/ concreted as suited.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Excavation Works.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
4. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
5. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
6. **Public Domain Works & Landscaping–** Public domain improvement works including (but not limited to) footpath paving, street tree planting, provision of street lighting along the Victoria Road and Monash Road reserve fronting the subject site is to be carried out by the applicant (at applicant's/developer's cost). Full engineering details, including plans, sections, finished levels and material schedules are to be submitted and approved by Council prior to the issue of any Occupation Certificate. These works are to be completed prior to issue of any Occupation Certificate. All works must be carried out in accordance with the Ryde Public Domain Technical Manual and relevant street tree master plan. The design plans to be submitted to Council are to incorporate the following:
  - (a) Street lighting and footpath paving to be constructed in accordance with DCP2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor and Ryde Public Domain Technical Manual and specifications provided by Council's Urban landscape Architect.
  - (b) Overhead powerlines are to be undergrounded along Victoria Road and Monash Road frontages of the property. The developer or the owner shall arrange for electricity and telecommunications utilities to be under-grounded. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia) and cost borne by the applicant.
  - (c) The developer or the owner is required to install multifunction poles along the Victoria Road frontage. These poles are to incorporate street lights.
  - (d) Street trees along Victoria Road frontage:
    - The street trees are to be 200L *Platanus acerifolia* (London Plane Tree).

- The planting details are to comply with the drawing 'Vic Rd Planting Details'
  - The groundcover in each tree pit is to be *Liriope muscari* 'Royal Purple'
- (e) Street trees along Monash Road frontage:
- The street trees are to be 200L. Species to be decided in consultation with Council.
  - Tree pit size and treatment to be decided in consultation with Council.
- (f) The following will apply to the paving to be carried out as part of the public domain works:
- The grey granite paving is to comply with Council's written specification.
  - Victoria Road, Monash Road and Eltham Street are to be paved in grey granite in accordance with Council's *Ryde Public Domain Technical Manual* (paving type 2).
  - The paving at the corner of Victoria Road and Monash Road and the corner of Monash Road and Eltham Street is to be angled as in the drawing 'Vic Rd Surface Finishes'.
- (g) The developer /owner must ensure that the health of the street trees is guaranteed for a minimum of 2 years to ensure that the character and appearance of the streetscape is established and maintained. Any species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.
- (h) The footpath must be constructed in accordance with the site-specific street and footpath alignment levels obtained from Council.
- (i) A 3m wide awning is to be erected along the Victoria Road and Monash Road frontage. The awning along Monash Road frontage must have 1m X1m cut outs to allow tree canopy.
7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Public place kept lit:** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
10. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
11. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

12. **Site construction.** The development is to be constructed entirely on the subject site and must not encroach on any other public, private or land owned by the Roads and Maritime Services.
13. **Works on public road.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Works in public road.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **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 drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
19. **Public Utilities** Should any public utilities, services and/or structures require alterations, relocation and/or removal, it shall be conducted at the applicant's expense, in consultation with the relevant public authority for approval.
20. **Vehicle accessing the site** To ensure that the proposed loading dock and the site access arrangements can be operate in a safe manner, the largest vehicle permitted to access the site, including the loading dock area is to be restricted to a Heavy Rigid Vehicle as defined under AS/NZS 2890.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

21. **Demolition work.** All demolition work must be carried out in accordance with Australian Standard AS 2601-1991 *The Demolition of Structures*.
22. **Notification of works to Council.** The applicant must notify Council of the following particulars in writing at least seven (7) days before demolition work commences:
  - (a) the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - (b) the date the work is due to commence and the expected completion date.
23. **Notification of works to adjoining property owners.** At least seven (7) days before demolition work commences the applicant must notify the occupiers of all neighbouring premises of the date the work is due to commence by placing a written notice in the letter box of each premises.
24. **Asbestos materials.** 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.
25. **Hours of work.** All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.00am and 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
26. **Noise.** Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.
27. **Noise monitoring.** Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the work.
28. **Removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.
29. **Recycling wastes.** All wastes nominated for recycling or re-use must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
30. **Contaminated soil.** All potentially contaminated soil excavated from the site must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
31. **Transportation of wastes.** All demolition and construction wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

32. **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.

## **PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$205,054.92
Open Space & Recreation Facilities	\$441,582.73
Civic & Urban Improvements	\$191,039.00
Roads & Traffic Management Facilities	\$31,995.33
Cycleways	\$16,279.63
Stormwater Management Facilities	\$56,581.44
Plan Administration	\$4,381.44
<b>The total contribution is</b>	<b>\$946,914.48</b>

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

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin

Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

34. **Damage security.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation).
35. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
36. **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 submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
37. **Comply with Australian Standards.**
  - (a) **Relevant Australian Standards:** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
  - (b) **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Architecture and Building Works Pty Ltd dated December 2011. Details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued.
38. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*).
39. **Road Opening Permit.** The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
40. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.
41. **Lighting.** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

42. **Basix Commitments.** The development must comply with all commitments listed in BASIX Certificate numbered 385805M\_02, dated 21/11/2011. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
43. **Motorcycle and bicycle parking.** An area shall be designated for motorbike and bicycle parking on the site within the basement levels. Bicycle parking racks must be provided. Details are to be submitted on the Construction Certificate.
44. **Disabled parking.** Disabled parking should be provided for both residential and commercial activities. At least twelve (12) parking spaces including an accessible parking space are to be provided evenly distributed over all 3 basement level. Details are to be submitted on the Construction Certificate plans.
45. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
46. **Driveway access in Monash Road.** The driveway access located between the existing heritage listed building and the proposed building, including the apron crossing on Monash Road shall be designed to incorporate, but not be limited to the following:
- (a) Limited in size, such that it can accommodate the turning manoeuvre of a HRV vehicle entering the site from Eltham Street and exiting via a left turn onto Monash Road only (HRV shall not be permitted to perform a right turn out and into the site from Monash Road). The turning manoeuvre must also allow for the docking manoeuvre of the HRV vehicle without encroaching onto Monash Road footpath. A schematic plan of this arrangement and computer plotted turning paths prepared by a traffic engineer is to be submitted to Council or the PCA prior to issue of a Construction Certificate.
47. **Intercom facility.** An intercom should be provided at the entry to the basement parking. In addition it will also be necessary to provide a median island at the entry to the basement parking so as to provide segregation to opposing traffic flows. Details are to be submitted on the Construction Certificate plans.
48. **Noise requirements.** In order to minimise unnecessary noise generated by the driveway the following measures are to be implemented:
- (a) The paving conditions of the car park and ramps shall be sufficiently smooth and level to ensure minimal vertical displacement and potential for noise generated by wheels to concrete impacts and floor grating impacts.
  - (b) The surface of the car park should be covered with surface coating that does not promote squealing of car tyres.
  - (c) An acoustic screen of masonry construction to be provided at the property boundary separating the development and 78 Eltham Street. This screen/ acoustic fence must not exceed 1.8m in height measured from existing ground level (pre-development level) on the affected common boundary. The height of the return fence should also be reduced to 1 metre to ensure that it complies with the Council's DCP for Fencing.



(d) The following is recommended to attenuate noise generated from the external sources:

- Glazing to achieve appropriate internal noise criteria as per table 11 included in the Acoustic Report prepared by SLR Global Environmental Solutions dated 29 November 2011 (Ref#610.07939.05469).
- To prevent sleep disturbance, no truck deliveries are to occur during the time period (9:00pm and 7:00am during weekdays and 5:00pm to 8:00am during weekday).

Details are to be submitted on the Construction Certificate plans demonstrating compliance with the above requirements.

49. **Photographic record.** A detailed Photographic Recording of the workshop (proposed for demolition) must be undertaken and submitted for Council's approval and keeping prior to any Construction Certificate being issued.
50. **Waste Storage and Handling Facilities:** A service compartment with a garbage chute hopper and containers for the intermediate storage of recyclables must be provided on each residential floor serviced by the garbage chutes. It is essential that the garbage chute and recycling receptacles are located in the same room. The proposed service compartments must comply with Schedule 4.4 of Part 7.2 of the City of Ryde Development Control Plan 2010. The garbage chutes must comply with Schedule 4.3 of Part 7.2 of the City of Ryde Development Control Plan 2010 and discharge into dedicated garbage rooms on the First Floor. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
51. **Garbage and recycling rooms** must be provided on the First Floor of each unit block for the exclusive use of the residents of that floor separate from the chute room. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
52. **Separate waste and recycling storage** rooms must be provided on the Ground Floor for the storage of residential and commercial waste. These rooms must have separate keys and locking systems to prevent commercial tenants from using the residential waste facilities. Details demonstrating compliance must be submitted on the Construction Certificate plans.
53. **Goods Lift:** A dedicated goods lift must be provided to convey the residential waste containers between the Ground and First Floors. Details demonstrating compliance must be submitted on the Construction Certificate plans.
54. **Garbage room construction:** All garbage rooms, garbage and recycling rooms, and waste storage and recycling rooms must comply with the requirements for waste storage and recycling rooms specified in Schedule 4.2 of Part 7.2 of the City of Ryde Development Control Plan 2010. Details demonstrating compliance must be submitted on the Construction Certificate plans.
55. **Bulky Discarded Items:** A separate room must be provided in a convenient location on the premises for the storage of bulky discarded items such as furniture and white goods. Details demonstrating compliance must be submitted on the Construction Certificate plans.

56. **Full Details for Waste Storage Facility:** Full details of the proposed waste storage and handling facilities must be submitted with the plans and specifications for the **Construction Certificate**.
57. **Road traffic noise.** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, and AS3671-1989 – Traffic Noise Intrusion, when the windows and doors are closed. If the noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
- A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria must be submitted with the plans and specifications for the **Construction Certificate**.
58. **Mechanical ventilation.** Details of all proposed mechanical ventilation systems must be submitted with the plans and specifications for the **Construction Certificate**. Such details must include:
- (a) Plans and specifications of the mechanical ventilation systems;
  - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
  - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications.
59. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
60. **Hoarding Fees.** Where applicable fees shall be paid to Council in accordance with Council's Management Plan, prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this, an adjustment of the fee will be made on completion of the works.
61. **Road Anchors Fee** Where proposed road anchors are required to support the basement excavation, the applicant shall submit detailed structural plans including certification from a structural engineer specifying the number of proposed anchors to be applied and fees applicable based on Council's Management Plan are to be paid to Council.

62. **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. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
63. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions including headroom clearances and driveway gradients etc shall be designed to comply with relevant sections of AS 2890 for the applicable class. Plans including engineering **certification** indicating compliance with this requirement are to be submitted with the construction certificate application.
64. **Excavation.** The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties.

The applicant shall:-

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

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

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

65. **On-Site Stormwater Detention.** Stormwater runoff from the site shall be collected and piped by gravity flow to the existing or new public drainage system via a suitable on-site detention system designed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Accordingly, amended detailed stormwater plans incorporating, but not be limited to the following matters are to be incorporate into the site drainage design.
- a. The stormwater analysis shall be designed using Drains or IIsax computer programs.
  - b. The design shall ensure pre-development flows equal post development values for all storm event and durations up to and including the 100 year storm event. With the pre-development flows calculated by assuming the site is 100% grassed pre-development.
  - c. All gutters, downpipes and pipeline conveying the runoff to the OSD system shall be designed to cater for the 1 in 100 year storm event.

- d. The OSD design shall incorporate an overflow mechanism to ensure surcharged flow from the OSD system will travel safely to the public road drainage system.

Revised detailed engineering plans, including certification indicating compliance with this condition is to be submitted with the Construction Certificate application. The system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

66. **Pump System.** The wet well shall be designed and constructed in accordance with section 7.3 of AS 3500.3. The pumps shall be dual submersible and shall be sized and constructed in accordance with section 7.3 of AS 3500.3.

Direct connection of the pumps rising main into the kerb will not be permitted. The rising main is to be connected into the on site detention tank. Details shall be submitted with the Construction Certificate application.

In the event of pump failure, all runoff that otherwise would have been pumped from the property is to be stored on the site for up to the 100 year Average Recurrence Interval 3 hour storm event. A detailed drainage design by a qualified Civil Engineer is to be submitted with the **Construction Certificate application**. The tank volume is to be determined using the ILSAX drainage program or its equivalent. The rational method is not permitted.

67. **External Road & Drainage Works.** To facilitate safe access to and from the proposed development, the following works are to be constructed at no cost to Council along the entire site frontage to the public roads.

- a. The reconstruction of all damaged and or dilapidated sections of kerb and gutters, footpath.
- b. The removal and replacement of all redundant vehicular lay back and crossing with vertical kerb and gutter and concrete footpath including turfing all disturbed areas as directed by Council's engineer.
- c. The upgrade and amplification of all Council's drainage system where determined necessary under engineering assessment and design to ensure the system will have adequate capacity to accept flows from the subject development.
- d. The relocation and adjustment, including reconstruction and/or construction of new public utilities where determined necessary by Council's engineer.

Detailed engineering plans prepared by a qualified and experienced chartered civil engineer with NPER registration with Engineers Australia, 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 prior to the issue of **Construction Certificate**.

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

68. **Proposed Laneway To be Dedicated.** The proposed laneway to be dedicated to Council shall be designed to incorporate but not be limited to the following:

- a. The proposed road formation shall be 9m wide comprising of 6m wide carriageway and between face of kerbs and 1.5m full width concrete footpath on both sides.
- b. The road pavement shall be a flexible pavement
- c. Provision of underground piped drainage designed to collect and piped runoff from the site, laneway including any upstream catchments where applicable for a minimum 1:20 year ARI storm event to Council's existing drainage system in Monash Road.
- d. The connection of the laneway piped drainage system to the existing Council's drainage system in Monash Road. Accordingly, the Council's drainage system in Monash Road shall be amplified where determined necessary under engineering design and assessment to ensure it has capacity to convey the 1 in 20 storm event.
- e. An easement of at least 2.5m wide shall be created over the section of Council's pipeline where it traverse over private land located between the existing heritage building the basement carpark. The easement shall be located clear of any structures including eaves etc. Accordingly, the basement western wall will need to be relocated further west by at least approximately 0.5m to comply with this requirement. An unobstructed overland flow path shall be provided above the pipeline for conveyance of overland flows from the Laneway to Monash Road
- f. Provision of a turning area at the end of the laneway near the entrance to the basement to enable a small rigid vehicle (SRV) to enter and leave in a forward direction.
- g. Provision of signage prohibiting left turn from Monash Road into the site, including limiting the largest vehicle accessing the site and loading dock area to a Heavy Rigid Vehicle (HRV) as per AS 2890
- h. The construction of any other necessary works where required to make the construction effective.
- i. Provision of lighting of the laneway to relevant Australian Standards for street lighting.

Detailed engineering plans prepared by a qualified and experienced chartered civil engineer with NPER registration with Engineers Australia, in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works are to be submitted to Council for approval prior to the issue of Construction Certificate and works completed prior to the issue of any Occupation Certificate.

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

**69. 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 \$40000 shall be lodged with City of**

**Ryde 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.

70. **Construction & Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted to and approved by Council and RMS prior to issue of Construction certificate.

The TMP shall be prepared in accordance with Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, the RTA’s Manual – “Traffic Control at Work Sites” and City of Ryde, Development Control Plan 2006: - 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

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.

71. **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.

## **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

**72. Site Sign**

- (a) A sign must be erected in a prominent position on site:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**73. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An 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 condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**74. Site Fencing.** The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**75. 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.

**76. 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.

**77. Pre Construction meeting.** A pre-construction meeting shall be arranged with Council's public works engineer in relation to the staging and inspections requirement for external road and drainage works.

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**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

78. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
79. **Noise and Vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
80. **Noise and Vibration.** The L<sub>10</sub> 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.
81. **Survey of footings and walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
82. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
83. **Excavation material.** Excavated material must not be reused on the property except as follows:
  - (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
84. **Site Facilities.** The following facilities must be provided on the site:
  - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
85. **Site maintenance.** The applicant must ensure that:
  - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
86. **Work within a public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".



87. **Surveillance cameras** must be installed in and around the property to maximise surveillance opportunities. Digital technology should be used to record images from the cameras. Recording equipment is to be installed in a secure area to avoid tampering. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. It should be maintained in working order and regularly tested. Staff should be trained in the correct use of the system. Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
88. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
89. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents.
90. **Signage.** Signage must be provided at entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.  
**Warning:** these premises are under constant surveillance  
**Warning: trespassers** will be prosecuted
91. **Use of lifts.** Lifts B & C to be restricted to resident use only. Signage or appropriate control mechanism/ barrier should be implemented to alert the retail customers that those lifts are for residents use only.
92. **Entry exit doors.** The main entry/exit doors to individual units to be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
93. **Balcony doors.** The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
94. **Windows.** The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
95. **Fire exit doors.** Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
96. **Security of doors.** To prevent forced entry and manipulation of the lockset on doors FS-A1 A2, A3 and FS-A4, a metal covering plate should be fitted on the door.
97. **Lighting of pedestrian pathways.** The lighting of pedestrian pathways within the development shall be designed, installed and maintained to Australian Standard
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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 communal courtyards and letterbox areas.

98. **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.
99. **Intercom facilities.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
100. **Heritage works.** All works in relation to the heritage cottage including restoration, removal of air conditioning units, boundary wall treatment and replacing the existing carport must be carried out in accordance with the Conservation Management Plan prepared by Weir Phillips, dated November 2011.
101. **Food Premises:** All proposed food premises must comply with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.
102. **Plumbing and drainage works.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
103. **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 dedicated 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.
104. **Air handling and water 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*.
105. **Relocation of bus stop.** To facilitate construction works it may be necessary to temporarily relocate the bus stop on Victoria Road. Prior to this work occurring, the applicant is to consult with and gain approval from the relevant authorities including Council. All costs associated with the relocation and reinstatement are to be covered by the applicant. The bus stop is to be reinstated prior to the issue of any Occupation Certificate.

## PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

106. **Basix commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
107. **Public domain.** All landscaping & public domain improvement works required to be carried out under **condition 6** are to be completed.
108. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.
109. **Disabled access.** Access for disabled people shall be provided in the building or portion of the building in accordance with the applicable standards and the requirements set out in AS 1428.1. Documentary evidence is to be submitted from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
110. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

111. **Road opening permit.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.
112. **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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://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

Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

113. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.
114. **Works as executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council.
115. **Letterboxes and street house numbering.** All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
116. **Connection to Sewer:** All sanitary fixtures 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 any **Occupation Certificate**.
117. **Acoustic report required.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
118. **Mechanical ventilation.** Where mechanical ventilation systems have been installed a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
119. **Design verification.** 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 a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the Environmental Planning and Assessment Act, 1979.
120. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
  - 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*.

- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and* Development Control Plan 2010: - Part 8.2; Stormwater Management
- 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
- Confirming 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.
- 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).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- From Council Confirming that external public works including works and laneway to be dedicated to Council have been completed to Council's satisfaction

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

122. **Work-as-Executed Plan.** To ensure all external and internal road and drainage works have been completed in accordance with approved plans, a Work-as-Executed plan for the constructed site drainage system including external road and drainage works 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

123. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

124. **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.

125. **Dedication of Road and Creation Of Easement.** The proposed laneway is to be dedicated to Council as public road, including the creation of a minimum 2.5m wide drainage easement over that section of the Council's pipeline traversing over private land, at no cost to Council, prior to the issue of any Occupation Certificate.
126. **Positive Covenant, Vehicle Size Limitation.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to ensure the largest vehicle utilising the loading dock and garbage facility be limited to a Heavy Rigid Vehicle (HRV) as defined under AS 2890

## PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

127. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
128. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
129. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
130. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
131. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
132. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

## OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

133. **Traffic, parking and loading dock requirements.** The following conditions apply to the development on the site in relation to traffic, parking & loading dock management on the site:

- (a) The number of car parking spaces to be provided in the basement car parking area for the retail component shall not exceed 101 spaces and for residential/visitor it must not exceed 103 spaces.
- (b) Residential garbage is to be prepared for collection by the caretaker who will place bins in the loading area where they can be accessed by the garbage collectors. When the residential garbage has been collected the bins are to be returned to the bin room by the caretaker.
- (c) All trucks & vehicles accessing the site must do so from Eltham Street entry
- (d) The number of HRV deliveries to the retail tenancy be limited to 2 per day.
- (e) The largest truck to service the site must not exceed 12.5m in length (heavy rigid vehicle).
- (f) Delivery vehicles must be properly docked in the loading/ unloading area before loading or unloading goods.
- (g) Delivery vehicles must not encroach onto the Monash Road reserve or the footpath at any time while loading or unloading goods.
- (h) Delivery of goods to and from the site must not occur outside the hours between 7:00am – 9:00pm Monday to Friday and 8:00am – 5:00pm during weekends.
- (i) Measures must be taken to ensure pedestrian safety and minimum disruption to the flow of pedestrian traffic along the footpath in front of the site and next to the kiosk/ heritage cottage, when delivery vehicle is leaving the site via Monash Road.
- (j) Heavy vehicles wishing to enter the site must approach the site via Monash Road and then a right-turn into the site from Eltham Street. Appropriate permanent signage is to be displayed on the site at all times to ensure compliance with this requirement.
- (k) Under no circumstances shall heavy vehicles approach the site via a left-turn entry from Eltham Street (east). Appropriate permanent signage and traffic management plan/policy is to be displayed on the site at all times to ensure compliance with this requirement.
- (l) All heavy vehicles will enter the loading dock in a forward direction only.
- (m) Trucks shall not encroach on the pedestrian footpath in Monash Road, except when departing the site.
- (n) All heavy vehicles shall exit the loading dock whilst travelling in a forward direction only.
- (o) All heavy vehicles shall depart the site via a *Left-Turn Only* into Monash Road and proceed directly to Victoria Road.
- (p) HRV shall not be permitted to perform a right turn out and into the site from Monash Road.
- (q) A sign shall be erected at the exit driveway (in Eltham Street) indicating “TO VICTORIA ROAD” with an arrow pointing towards the left to discourage traffic departing the site from using Eltham Street (east).
- (r) A maximum speed limit of driveway is to be 10km/h within the site.
- (s) Prominent notices shall be placed on the site to remind people that minimum amount of noise is to be generated when entering or leaving the premises during night time period.

134. **Traffic and Parking Management Plan.** Prior to the occupation of the retail tenancy, a comprehensive Traffic and Parking Management Plan (TPMP)

incorporating (but not limited to) the requirements under condition 133) must be developed by a qualified Traffic Engineer for the owner/ occupier and submitted to Council for approval prior to the occupation of the site. The comprehensive TPMP must provide the following:

- (a) Provision of signage, written instructions, monitoring and training in place to ensure compliance with the TPMP.
- (b) Provision of physical barrier such as a boom gate or the like to prevent vehicles other than heavy vehicles (delivery trucks) from entering the loading area or exiting the site via the driveway on Monash Road.
- (c) Incorporate a Loading Dock Management Plan to adequately manage the loading dock and deliveries of goods to and from the site so as to minimise traffic impact on the locality.
- (d) Provision of Signage to ensure vehicle entry/egress management. This may include (but not be limited to):
  - Signs to be erected on the site in accordance with Australian Standard AS1742: including NO ENTRY, EXIT ONLY, NO RIGHT TURN & LEFT TURN ONLY.
  - Directional arrows at the entry and exit of the development site
  - Traffic Management System put in place to avoid vehicles entering the site via Monash Road.
  - Use of different coloured paving to delineate the laneway, loading dock, manoeuvring area adjacent to the loading dock and the pedestrian/ shared zone adjacent to the Monash Road exit driveway.

135. **Waste Management.** Arrangements must be made with Council for the provision of garbage services to the residential units before occupation commences.

136. **Waste management.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

137. **Waste management.** An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes likely to be generated between collections.

138. **Waste management.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

139. **Waste management.** Staff or contractors must be employed to:

- (a) Take the recyclables from the service compartments to the residential waste storage and recycling room.
- (b) Take the waste containers from garbage rooms and garbage and recycling rooms to the residential waste storage and recycling room and to replace the containers as required.
- (c) Take the waste containers from residential waste storage and recycling room to the container emptying point for servicing and to return the containers to the room after servicing.



140. **Liquid waste.** 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.
141. **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.
142. **Maintenance of waste storage area.** All waste storage areas must be maintained in a clean and tidy condition at all times.
143. **Use of the premises.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
144. **Any discharges to the atmosphere.** Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
145. **Noise pollution.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
146. **Restriction to delivery truck movements.** Delivery truck movements must be restricted to between the times of 7.00am and 10.00pm.
147. **Operation of plant or machinery.** The operation of any plant or machinery 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 the most affected noise sensitive location in the vicinity. 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.
148. **Satisfaction of noise requirements.** A report from a qualified acoustical consultant demonstrating compliance with the above noise criteria must be submitted if requested by Council.
149. **Water pollution.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

150. **Duty to notify pollution incidents.** Pollution incidents causing or threatening harm to the environment must be reported immediately to all relevant authorities in accordance with Section 148 of the Protection of the Environment Operations Act 1997.
151. **Traffic and Parking Management Plan.** Owner/ operator must ensure compliance with the Traffic and Parking Management Plan.
152. **Public Health Act.** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
153. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
154. **Service infrastructure/ utilities.** All service infrastructure/ utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/ utilities are to be approved prior to the issue of the Construction Certificate.
155. **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.

**End of consent**