

ANNEXURE 3

CONDITIONS OF CONSENT

Part A – Deferred Commencement Consent

The consent will not operate and it may not be acted upon until the Council's Group Manager Environment and Planning is satisfied and has advised the applicant in writing as to the following matters:

1. The applicant is to enter into a revised Voluntary Planning Agreement with the Council in the terms of an offer made by the applicant and that addresses the issues raised in Council's resolution dated 25 June 2013. Prior to this condition being satisfied, the Voluntary Planning Agreement must be signed by Council.
2. The public roads shown marked on the Road Closure Plan Issue C 30/4/12 are to be closed and acquired by the applicant in accordance with the approved Put and Call Deed.

Part B – Conditions of consent

Once operative the consent is subject to the following conditions:

GENERAL

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

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the plans listed below in the condition and the Statement of Environmental Effects and all supporting documents lodged by the Applicant with or for the purposes of the development application.

Document Description	Date	Plan No/Reference
Basement level 3	October 2013	DA2.02 Rev E
Basement level 2	October 2013	DA2.03 Rev E
Basement level 1	October 2013	DA2.04 Rev F
Level 01	October 2013	DA2.05 Rev E
Level 02	October 2013	DA2.06 Rev D
Level 03	October 2013	DA2.07 Rev D
Level 04	October 2013	DA2.08 Rev D
Level 05	October 2013	DA2.09 Rev D
Level 06	October 2013	DA2.10 Rev D
Level 07	October 2013	DA2.11 Rev D

West Elevation A	September 2013	DA3.01 Rev D
West Elevation B	September 2013	DA3.02 Rev B
East Elevation	September 2013	DA3.03 Rev B
North Elevation A	September 2013	DA3.04 Rev B
North Elevation B	September 2013	DA3.05 Rev B
South Elevation	September 2013	DA3.06 Rev B
Section A-A	October 2013	DA4.01 Rev D
Section BB	October 2013	DA4.02 Rev G
Section BB		DA4.02A Rev E
Plaza Landscape Plan	2 April 2013	LP01/P10
Plaza Landscape Plan	2 April 2013	LP02/P10
Rooftop Landscape Plan	28 June 2012	LP03/P6

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

- (a) The laneway finished level shall have a minimum height above basement 2 roof slab of 1.2m to accommodate future utility mains.
- (b) The wintergardens to units 08-10 on levels 2-7 are to include an obscure fixed panel or similar as part of the exterior wall, to a height of 1.2 metres above floor level, so as to prevent overlooking from a seated position within the wintergardens to the rear of No 5 Wharf Road.

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

2. **Voluntary Planning Agreement** - Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Windesea Build Pty Limited and Xcel Pty Limited and that relates to the development application the subject of this consent required under deferred commencement condition 1), must be lodged for registration on the title of the property within 3 months following issue of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979 and registration on the title of the property prior to the issue of any interim Occupation Certificate.
3. The Applicant must at its expense and before the issue of any Construction Certificate execute in favour of the Council and register against the title to the development site a public positive covenant binding successive owners of that land (including any Owners or Owners Corporation of any Strata Plan) to ensure compliance with the Applicant's obligations under condition 92.
4. **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.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 402177M_03, dated 14 October 2013.

6. **Support for neighbouring buildings.** 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.
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) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Signage – not approved unless shown on plans.** 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”.
10. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on any shopfront. Separate approval must be obtained for any such security grilles or barriers.
11. **Public space.** Any road or public land vested in the Council must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Illumination of public place.** 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.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Roads Act.** 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 any Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

15. **Public Benefit Works.** All public benefit works as described in the Voluntary Planning Agreement required under deferred commencement condition 1 are to be completed in compliance with that Agreement and the Strata Management Plan.
16. **Design and Construction Standards.** All engineering plans shall be prepared and all engineering works 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.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant's expense and to the satisfaction of the service provider. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
18. **Restoration.** To ensure public areas will be safely maintained at all times all disturbed public areas must be restored to Council's satisfaction. All restoration of disturbed road, footway areas, kerb and gutters, redundant vehicular crossings etc arising from the proposed development works will be carried out at the cost of the Applicant by Council (which for the purposes of this condition shall include the Council's agents and contractors) subject to the lodgement of a Road Opening Permit application to Council with payment of fees in accordance with Council's Management Plan, prior to commencement of works.
19. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being issued and all fees paid in connection therewith. A copy of any such permit shall be kept on the site.
20. **RTA Requirements.** All new buildings and structures (other than pedestrian footpath awnings) are to be clear of the Victoria Road reserve (unlimited in height or depth).
21. **RTA Requirements.** The developer is to comply with the requirements of the Technical Direction (GTD 2012/001). This will require the developer to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of Victoria Road and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of Victoria Road.

- c. Any other issues that may need to be addressed. (Contact: Geotechnical Engineer on phone 8837 0246 or 8837 0245 for details).

DURING DEMOLITION

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.

22. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
23. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
24. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
25. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
26. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

27. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
28. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
29. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
30. **Asbestos Material.** All Asbestos containing materials shall be removed and a licensed removal contractor under the Work Health and Safety Regulation 2011 shall carry out these works. These removal works are to be completed in accordance with the requirements of Work Cover.

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.

31. **Satisfaction of VPA Requirements.** Documentary evidence of payment of the monetary contribution as identified in the Voluntary Planning Agreement required under deferred commencement condition 1 is to be provided to the PCA prior to the issue of any Construction Certificate.
32. **Compliance with 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**.
33. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
34. **Security deposit.** 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 prior to the

release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

35. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (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. **Glare & 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 with the Construction Certificate. The roof material is to be finished in a non reflective surface.
38. **Disabled access:** Prior to the issue of a **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities, the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
39. **Adaptable Units:** A total of 6 adaptable units are to be provided within the apartment building. These apartments are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2010 Part 9.2 and AS4299.
40. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this 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 143 of the *Environmental Planning and Assessment Regulation 2000*.
41. **Internal Storage Facility:** Each apartment is to be provided with the minimum internal storage area as required by the Residential Flat Design Code. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate.

42. **Parking/Bicycle Spaces:** At least 8 bicycle parking spaces are to be provided for the residential units. A maximum of 82 car parking spaces are to be provided within the development. Of these spaces, 6 are to be allocated as commercial/retail car parking spaces, 64 for residential parking and 12 as residential visitor car parking. The car parking spaces are to be clearly linemarked with the visitor spaces clearly marked "Visitor Parking." Details to be shown on the Construction Certificate plans.
43. **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 may 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**.
44. **BASIX Details to be included on the Construction Certificate:** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
45. **Waste and Recycling Services.** All garbage and recycling 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 with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details are to be submitted on the Construction Certificate plans.

46. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
 - Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

47. **Mechanical Ventilation Systems.** Details of all proposed mechanical ventilation systems must be submitted to Council or an accredited private certifier with the application 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 of the premises; 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
48. **Future Kitchen Exhaust System.** Adequate provision must be made for the possible future installation of kitchen exhaust systems to the proposed commercial/ retail occupancies. Details are to be submitted with the Construction Certificate.
49. **Acoustic Report.** The acoustic report prepared by Acoustic Logic for “1-3 Wharf Road, Gladesville DA Assessment” (undated) shall be adopted to achieve the internal amenity of apartments through the acoustic treatment measures recommended in the report. The recommendations of this report are to be incorporated into the design and construction of the premises and reflected on the Construction Certificate plans.

The building shall also be designed in accordance with the *Department of the Environment (Environmental Protection Authority NSW) Environmental Criteria for Road Traffic Noise*, and meet the criteria recommended as “Satisfactory” in Table 1 of Australian Standard AS 2107 2000. *Note: If the applicant chooses to install air conditioning to meet the mechanical ventilation requirement the installation must be designed to meet the additional requirements applying to*

air conditioners on residential properties contained in the Protection of the Environment Operations (Noise Control) Regulation 2000.

50. **Construction Drawings to be Provided.** Where applicable, all public benefits and public facilities as detailed in the Voluntary Planning Agreement referred to in condition 2 are to be constructed in accordance with the Council's Ryde Public Domain Plan. Full construction details are to be submitted prior to the issue of any Construction Certificate for the development.
51. **Stormwater Drainage - Detailed Plans.** Plans of the proposed drainage system, including the rainwater retention and reuse system must be submitted to and approved by Ryde City Council prior to the issue of a Construction Certificate. The plans must be prepared in accordance with the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management and the related Schedule and must be prepared by a suitably qualified and experienced drainage engineer.

The plans must generally be in accordance with the Stormwater plans and information prepared by Que Aqua (Refer to Project 011 -021 Dwg C02 Rev A dated 28 September 2012) subject to inclusion of the following;

- Details relating to the rainwater tank system, particularly the retention and reuse of rainwater in the development.
- A first flush system, designed in accordance with Sydney Water guidelines is also to be implemented in the system.

The drainage plans and certification are to be submitted to and approved by Ryde City Council prior to issuing of any Construction Certificate.

Any drainage pit within a road reserve, a Council easement, or land that may be placed under Councils' control in the future, shall be constructed of cast in situ concrete and details are to be noted on the plans.

52. **Pump System.** The wet well shall be designed and constructed in accordance with section 9.3 of AS 3500.3. The pumps shall be dual submersible and shall be sized and constructed in accordance with section 9.3 of AS 3500.3.

Direct connection of the pumps rising main into the kerb will not be permitted. The rising main is to discharge to the rainwater tank on site, following water treatment. 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.

53. **Hoarding Fees.** A fee in accordance with Council's Fees and Charges shall be paid to Council 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 or road varies from this an adjustment of the fee will be made on completion of the works.
54. **Excavation – Support of private property.** The development will result in substantial excavation that has the potential to affect the foundations of adjoining properties.

The applicant shall:-

- seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties
- detail what measures are to be taken to protect those properties from undermining during construction
- 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 any 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.

55. **Roadway Excavation.** The development will result in substantial excavation adjacent to the roadway (or road embankment). The applicant must support the roadway and ensure it is adequately supported and maintained safe for public access throughout the course of construction and on completion of development works. Accordingly the applicant must comply with the following conditions;
- a) Fully detailed structural design drawings and calculations shall be prepared by a Geotechnical Engineer for the retaining wall and submitted to Council for approval prior to the issue of any Construction Certificate.
 - b) The owner lodging with Council a \$50,000 cash bond or bank guarantee, prior to the issue of a construction certificate, to ensure that the work is carried out in accordance with the approved plans. The bond will be refunded upon satisfactory completion of the retaining wall.
 - c) On completion of construction of the retaining wall a Geotechnical Engineers Certificate shall be submitted to Council which states that the engineer has inspected the work 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 certificate 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 has 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 and or landowner complies with Section 91 of the Roads Act 1993 and provides adequate support 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.

56. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* 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. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- Existing and final contours
 - The location of all earthworks, including roads, areas of cut and fill
 - Location of all impervious areas
 - Location and design criteria of erosion and sediment control structures,
 - Location and description of existing vegetation
 - Site access point/s and means of limiting material leaving the site
 - Location of proposed vegetated buffer strips
 - Location of critical areas (drainage lines, water bodies and unstable slopes)
 - Location of stockpiles
 - Means of diversion of uncontaminated upper catchment around disturbed areas
 - Procedures for maintenance of erosion and sediment controls
 - Details for any staging of works
 - Details and procedures for dust control.
57. **Traffic Management.** Traffic management procedures and systems must be in place and implemented and complied with practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities
58. **Public Infrastructure Works:** To facilitate safe access to and from the proposed development detailed engineering plans prepared by a chartered civil engineer for the following works are to be submitted to Council for approval prior to issue of any Construction Certificate. The works shall be in accordance

with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works, the Gladesville Public Domain Technical Manual and DCP 2010 Part 8.2 and must be completed at no cost to Council, prior to issue of any occupation certificate.

- a. The construction of the new lane way having a road formation width of 8m, comprising of 0.5m full width concrete footpath on south side, 5.5m carriage width between face of kerbs and 2m wide paved footpath on the north side. The laneway finished level shall have a minimum height above basement 2 roof slab of 1.2m to accommodate future utility mains.

The above construction shall include kerb and gutter, road pavement, underground piped stormwater drainage, under awning street lighting (installed and maintained by the proprietor of the land) and any other necessary works where required to make the construction effective.

- b. The geometric design of the intersection of the new lane way with Meriton Street shall ensure a Heavy Rigid Vehicle can safely perform a left turn into the laneway without mounting the kerb or encroaching onto the wrong side of the road in Meriton Street.
- c. The undergrounding of power in Meriton Street, Wharf Road and the intersection of Wharf Road with Pearson Lane & the new Lane way.
- d. New street lighting in Meriton Street shall be designed and installed to A.S. 1158.3.1 Categories P2 and V5 and to Ausgrid requirements. Plans of the new lighting scheme are to be submitted to Council for approval prior to lodgement with Ausgrid for their approval.
- e. The paving & landscaping of all public benefits and public facilities in accordance with DCP 2010 Part 4.6 Gladesville Town Centre & Victoria Road Corridor including the Gladesville Public Domain Technical Manual.

59. **Engineering plans assessment and works inspection** fees are payable to Council for the works required by the preceding condition, in accordance with Council's Management Plan prior to any approval being granted by Council.
60. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction certificate.

The TMP shall be prepared in accordance with Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, the RMS's Manual – “Traffic Control at Work Sites” where applicable. 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.

61. **Car Parking.** The carparking facility (including service bays and accessible parking) shall be designed to ensure all vehicles can enter and exit in a forward direction and comply with all relevant sections of AS 2890. Traffic engineer certification, indicating compliance is to be submitted with the Construction Certificate application.
62. **Vehicular Manoeuvrability.** The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSROADS. In this regard, a plan shall be submitted to council for approval, which shows that the proposed development complies with this requirement. This is to be submitted prior to the issue of any Construction Certificate.

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.

63. **Site Sign**
 - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (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.
64. **Safety fencing.** The site must be kept fenced prior to and during all demolition, excavation and construction with fencing that complies with WorkCover New South Wales requirements and which must be a minimum of 1.8m in height.
65. **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 Applicant must ensure that 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.
66. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by any demolition or construction work namely 5 Wharf Road. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the commencement of any work on the site.
67. **Dilapidation Report.** The applicant must submit a dilapidation report of existing public infrastructure within 100m of the boundaries of the development site. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.
- a) Road pavement
 - b) Kerb and gutter
 - c) Constructed footpath.
 - d) Drainage pits.
 - e) Traffic signs
 - f) Any other relevant infrastructure

The report is also to be submitted to City of Ryde, attention Senior Development Engineer Major Development, prior to the commencement of works on the site. 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 any Occupation Certificate.

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

68. **Pre Construction Meeting.** To establish a program of required inspections including construction standards expectation and clarifying possible issues, a pre-construction meeting shall be established with Council's Section Manager – Asset Networks, prior to commencement any works being on the external public infrastructure works.

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.

69. **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*.
70. **Construction noise.** 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.
71. **Impact to adjoining or nearby properties:** 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.
72. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
73. **Construction materials.** All materials associated with construction must be retained within the site.
74. **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.
75. **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.
76. **Work within 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".

77. **CCTV Cameras:** CCTV cameras must be installed and maintained in the following locations:
- The ground floor residential lobby;
 - The car park entry and exit points.
- Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.
78. **Car parking security.** Vehicular entry to residential flat building parking is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.
79. **Lighting:** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
 - To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
 - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
 - Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
80. **Graffiti:** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
81. **Audio Intercom System:** Intercom facilities should be incorporated into the entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
82. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
83. **Grease Arrestor.** Grease arrestors shall not be located in areas where food, equipment or packaging material are displayed, prepared, handled or stored. Access to grease arrestors for emptying shall not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

84. **Plumbing and Drainage Works.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and a Trade Waste application is to be submitted and approved by the Sydney Water Corporation for the installation of any proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment and of the Trade Waste Agreement shall be furnished to Council.
85. **Grease Trap Requirements.** Where a grease trap is installed internally, the room 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 (eg. coolroom type) door.
 - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
 - (d) The room must be provided with intrinsically safe artificial lighting.
 - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.
 - (f) A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap
86. **Site Contamination.** Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.
87. **Imported Fill.** All imported fill shall be validated in accordance with Department of Environment and Conservation approved guidelines to ensure that it is suitable for the proposed development from a contamination perspective. Imported fill should be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed land use and not contaminated based upon analyses of the material.
88. **Excavated Soil to be Disposed of off site.** Any soil disposed of off site shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment . Classification and Management of Liquid and Non Liquid Wastes(1999).
89. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
90. **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.

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.

91. **Public Benefit Works.** All public benefit works as identified in the VPA are to be completed to Council's satisfaction prior to the issue of any Occupation Certificate unless varied by any other condition of consent.
92. **Completion of the Plaza.** The approved development must not be occupied unless and until:
 - (a) The Applicant, which for the purposes of this consent shall include any other person carrying out the approved development, has to the satisfaction of the Council, complied with the obligations contained in Voluntary Planning Agreement between the Council of one part and Xcel Pty Limited and Windesea Build Pty Limited of the other part referred to in condition 2 for the delivery of the "Public Benefits" as defined in such Agreement; and
 - (b) Without limiting the terms of paragraph (a) hereof but subject to paragraph (c) hereof, the completion to the satisfaction of the Council of the whole of the works for the construction of a publicly accessible plaza (Plaza Works) and the roadworks identified as "Pearson Lane" and "New Lane" as shown in plans by Black Beetle Pty Ltd, drawing numbers LP01/P10, revision P10 dated 02 April 2013 and LP02/P10, revision P10 dated 02 April 2013.
 - (c) Despite paragraph (b) hereof the Applicant may by notice in writing to the Council not later than one month after the commencement of the Plaza Works inform the Council that despite its best endeavours it will not be able

to coordinate the construction of the whole of the Plaza Works and that it has elected to carry out the temporary landscaping works with handrail and balustrade and concrete footpath works referred to in paragraph (d) hereof (Plaza Notice).

- (d) Upon the Applicant giving the Plaza Notice, the Applicant shall be obliged to continue to carry out and complete that part of the Plaza Works as comprises 50% of such works adjoining the development site together with the temporary landscaping works with handrail and balustrade and works identified as “extend concrete footpath” as shown in the plan by Black Beetle Pty Ltd, drawing number LP04/P1 revision P1 dated 09 September 2013, prior to occupation of the approved development.
 - (e) The Applicant must at its cost maintain to the satisfaction of the Council the temporary landscaping works with handrail and balustrade and concrete footpath works referred to in paragraph (d) hereof.
 - (f) The Applicant must at its expense and before the issue of a Construction Certificate execute in favour of the Council and register against the title to the development site a public positive covenant binding successive owners of that land (including any Owners or Owners Corporation of any Strata Plan) to ensure compliance with the Applicant’s obligations under this condition.
93. **BASIX Commitments:** Prior to the issue of the Occupation Certificate, the Principle 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 Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
94. **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 the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
95. **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.

96. **Sydney Water – Section 73.** 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 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.

97. **Public domain – work-as-executed plan.** A works as executed plan for all public benefit works as identified in the VPA must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
98. **Street/house numbering:** To assist with way finding for emergency services, numbering of street numbers, building numbers, levels of the building and unit numbers should be clearly displayed. Street numbering is to be designed to be visible from the street. Council must be contacted in relation to any specific requirements for street numbering. All letterboxes and house numbering are to be designed and constructed to be accessible from the public way.
99. **CCTV Footage.** A CCTV footage covering the pipeline section from the OSD basin to the pit in Victoria Road must be provided to Council prior to the issue of any Occupation Certificate.
100. **Mechanical Ventilation Systems.** Where any mechanical ventilation systems have been installed or altered, 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**.

101. **Garbage Services.** Arrangements must be made with Council for the provision of residential garbage services to the premises before occupation commences.
102. **Noise Reduction Measures.** The noise reduction measures specified in the acoustic report prepared by Acoustic Logic for “1-3 Wharf Road, Gladesville DA Assessment” (undated) shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the above acoustic report shall be complied with at all times during the operation of the premises.
103. **Traffic Signal System on Basement Garage.** To ensure that pedestrian safety is maintained at the exit to the loading bay, a traffic signal system and parabolic mirror is to be installed at the point of exit to Wharf Road.

The system (comprised of mirrors and yellow flashing lights) must be designed and installed to;

- clearly indicate to pedestrians that a vehicle is about to exit.
- ensure that service delivery drivers have clear views of the footpath on either side of the exit.

Prior to the issue of the final Occupation Certificate, the Traffic Engineer must provide certification to the Accredited Certifier, certifying that the system has been designed and is functioning to satisfy the intention of this condition of consent.

104. **Positive Covenant - Rainwater Tank System.** To ensure the constructed rainwater Tank system will be maintained in operable condition a Positive Covenant under Section 88 E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor of the land to maintain the constructed rainwater tank system.

The terms of the 88 E instruments are to be generally in accordance with the Council's draft terms for Maintenance of Rainwater Tank Systems as specified in City of Ryde, Development Control Plan 2010: - Part 8.4; Title Encumbrances, Section 7 and to the satisfaction of Council.

105. **Positive Covenant – Pump System.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the pump 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 Pump-out Systems and to the satisfaction of Council.
106. **Compliance Certificates – Engineering.** Compliance Certificates must 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 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*.
- Confirming that the site drainage system (including rainwater tank system) servicing the development complies with the requirements of the City of Ryde, Development Control Plan 2006: - 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.

107. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

108. **Engineering Inspections.** To ensure all engineering works within the public road and/or drainage reserve (both existing and those to be dedicated) will be completed to Council's satisfaction, Engineering Compliance Certificates must be obtained from Council for the following works at the specified stage where applicable and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

- a. Prior to backfilling of Council's stormwater pipelines.
- b. Prior to backfilling of drainage connections to Council's stormwater drainage systems
- c. After trimming and compaction of sub-grade
- d. After placement and compaction of the applicable sub-base course
- e. After completion of formwork and Prior to pouring of concrete for Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.
- f. After placement and compaction of the base course and prior to laying the asphalt wearing course.
- g. Final inspection, after completion of all works with all disturbed areas satisfactorily restored.

109. **Work-as-Executed Plan.** To ensure public infrastructure works are completed in accordance with approved plans and specifications, a Work-as-Executed plan for the works certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectifications being completed prior to issue of any Occupation Certificate.

The W.A.E plans are 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 plans.

110. **Maintenance Bond.** To ensure satisfactory performance of the completed external public engineering works, a maintenance period of six (6) months shall apply to all external public 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 \$25,000 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.

111. **Road Dedication.** The new laneway shall be dedicated as Public Road, prior to issue of any Occupation Certificate. The cost of dedication and associated administrative registration where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works.
112. **Line Marking and Signage Plan for the new road.** To safely manage traffic flows on site, a line marking and signage plan prepared by a traffic engineer for the existing and new public road is to be submitted to Council for approval by the Local Traffic Committee. Once approved the line marking and signage is to be completed prior to the issue of an Occupation Certificate.
113. **Right of Way in Meriton Street.** Prior to the issue of any Occupation Certificate, a 3 metre wide right of way is to be created adjacent to Meriton Street. This right of way is to be accessible at all times to members of the public. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council prior to the issue of any Occupation Certificate.
114. **Right of Way to be created.** A 3 metre right of way for public access shall be created within the plaza. The location of the ROW is to be along the eastern boundary of the site as shown on level 01 plan numbered DA2.05 Rev E. The ROW is to be accessible at all times to members of the public. Terms regarding the creation of the ROW as well as the location of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council prior to the issue of any Occupation Certificate.

115. **Easement for Power Poles.** For any power poles located on the applicant's site, an easement is to be created in favour of the appropriate service provider. The terms of the easement are to be to the service provider's satisfaction. Details of this easement and the service provider's satisfaction is to be submitted to Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council prior to the issue of any Occupation Certificate.

OPERATIONAL

116. **Hours of operation.** The hours of operation for the retail premises are to be restricted to:
- 7am to 10pm (7 days a week).
117. **Air Handling and Water Systems.** All air-handling and water systems regulated under the *Public Health Act 2010* and must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.
118. **Water Cooling and Warm Water Systems.** All water-cooling and warm-water systems regulated under the *Public Health Act 2010* and must be notified to Council within one (1) month of installation and comply with the requirements of the *Public Health Regulation 2012*.
119. **Wastes Generated on the Premises.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. 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.
120. **Liquid Wastes Generated on the Premises.** 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.
121. **Waste and Recycling Containers.** All waste and recycling containers shall be stored in the designated waste storage area. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The Owners Corporation or building owner shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Owners Corporation or building owner shall be responsible for cleaning the waste storage area, dry arrestor pit and waste collection containers.
122. **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) The use of the premises and any plant or mechanical equipment to cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
- (c) 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*.
- (d) The transmission of vibration to any place of different occupancy and all machinery shall be installed and/or housed in such a manner as to minimise the emission of noise and transmission of vibration outside the premises.
- (e) For assessment purposes, the above L_{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary. **Note** "sensitive" positions should be selected to reflect the typical use of a property unless other positions can be shown to be more relevant.

123. 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. Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

124. Waste storage/disposal – hours of collection. Waste and recyclable material generated by the retail premises must not be collected between the hours of 10pm and 7am on any day.

125. Delivery and loading/unloading – hours. No deliveries, loading or unloading associated with the premises are to take place between the hours of 9pm and 8am on any day.

126. Delivery and loading/unloading – location. All loading and unloading in relation to the use of the premises shall take place wholly within the property.

127. Loading areas. Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.