

DRAFT CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Detailed site investigation report.** The proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

2. **Council may require site audit of detailed investigation report.** If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the detailed site investigation report.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

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 following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Plan Level 1	1/10/2015	12 Issue D
Plan Level 2	1/10/2015	13 Issue D
Plan Level 3	1/10/2015	14 Issue D
Plan Level 4	1/10/2015	15 Issue D
Roof Plan	1/10/2015	16 Issue D
Elevations	15/9/2015	17 Issue C
Sections	15/9/2015	18 Issue C

Landscape Concept Plan	14/9/15	L-SD-01 Rev C
Landscape Concept Level 3 Terraces	11/9/15	L-SD-04 Rev C
Landscape Concept Level 4 Terraces	14/9/15	L-SD-05 Rev C
Tree Protection and Removal Plan	14/9/15	T-02 Rev C

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) The retaining wall on the southern boundary of the site is to be moved 1 metre away from Trees 43, 44, 45 and 51. This is to minimise the impact on the tree root zone.
- (b) The screen hedging along the southern boundary of the site adjacent to 84 Mons Avenue is to be extended so that it is in line with the front of the staff terrace area.
- (c) Privacy screening to a height of 1.5m is to be provided along the southern edge of the courtyard located at level 2, the terrace at level 3 adjacent to the dining rooms and the terrace at level 4 also adjacent to the dining room.

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. **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.
4. **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 to this consent is to be removed when the work has been completed.
5. **Signage.** This development consent does not authorise the erection of any signs or advertising structures not approved under this consent. Any general advertising or advertising relating to a business activity not approved on the site is prohibited.
6. **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.

7. **Development to be 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. Any gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, 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.
10. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **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.
13. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
 - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a

Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.

- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

14. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
15. **Restrictions on occupation of the development.** Only the kinds of people referred below may occupy the residential care facility:
- a) Seniors or people who have a disability
 - b) People who live within the same household with seniors or people who have a disability
 - c) Staff employed to assist in the administration of and provision of services to housing provided under this policy.

For the purposes of this condition, Seniors is defined as any of the following:

- a) People aged 55 or more years,
- b) People who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- c) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

For the purposes of this condition, people with a disability is defined as people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affects their capacity to participate in everyday life.

16. **Further restriction on occupation of the development.** Notwithstanding the above condition, the development may only be occupied by residents which require high level care. For the purposes of this condition, high level care means care provided either by registered nurses, or under the supervision of registered nurses, on a 24 hour / day basis to people who need almost complete assistance with most activities of daily living. Nursing care is combined with accommodation, support services (cleaning, laundry and meals), personal care services (help with dressing, eating, toileting, bathing and moving around), and allied health services (such as physiotherapy, occupational therapy, recreational therapy and podiatry).

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.

17. **Transplanting of trees.** The following trees are to be transplanted on the site. These trees are to be moved during the demolition phase of the development. The trees are to be transplanted to a location unaffected by the proposed construction works. (Note – the location shown on the landscape plans will not be suitable due to disruption from the construction process). Transplanting should be carried out under the direction of the Project Consulting Arborist.

Tree 50 – Archontophoenix alexandrae

Tree 52 - Archontophoenix alexandrae

Tree 53 - Archontophoenix alexandrae

Tree 54 - Archontophoenix alexandrae

18. **Photographic Archival Recording.** Prior to the commencement of demolition works, a Photographic Archival Recording of 'Fernleigh' (inclusive of the interior and exterior) together with the landscaped gardens shall be undertaken in accordance with the guidelines of the Heritage Division of the Office of Environment and Heritage (OEH).

A copy of the Photographic Archival Recording shall be submitted to Council's Local Studies catalogue.

19. **Salvage of materials and building elements.** Traditional building materials and architectural elements surplus to the requirements of this project are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

20. **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.

21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **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.
23. **Hazardous Materials.** The report prepared by Noel Arnold & Associates dated December 2011 titled "Asbestos Materials Re-Inspection Report, Domain Principal Group Fernleigh Nursing Home 8 Sherbrook Road West Ryde NSW" shall be adopted including the following recommendations:
- a) Maintain all labels on Asbestos containing materials (ACM) to warn of the dangers of disturbing these materials as per the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)]
 - b) Prepare an Asbestos Management Plan (AMP) for the site – as per the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)] to ensure that ACM remaining in situ are effectively managed and are not inadvertently disturbed through normal building operation/maintenance etc. The AMP would include such issues as in situ warning signage and labelling of ACM (ie Asbestos Containing Materials) work procedures on, or in the vicinity of ACM; the requirements for the re0-assessment of ACM at least annually; provision for information to occupants, contractors etc and key personnel responsibilities.
 - c) Schedule annual reassessment of the ACM remaining on-site to monitor their aging/deterioration – as per the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC: 2018 (2005)]
24. **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.
25. **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.
26. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

27. **Disposal of demolition and construction waste.** All demolition and construction waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

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.

28. **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**.
29. **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**.
30. **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).
31. **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

32. **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**.
33. **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 namely 84 Mons Avenue, West Ryde and 4-6 Sherbrooke Road, West Ryde. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
34. **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.

35. **Interpretation.** 'Fernleigh' shall be appropriately interpreted through an interpretation strategy which shall include such interpretive measures as signage or plaques which illustrate the historical development of the site. The interpretation strategy shall be prepared by a suitably qualified consultant with experience in heritage interpretation strategies. Details are to be submitted to Council for Council's approval prior to the issue of any Construction Certificate. The Construction Certificate plans are to include details of interpretation strategy.
36. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
37. **Driveway Access Levels** - The applicant is to apply to Council for site specific driveway access levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the

frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

38. **Vehicle Footpath Crossings** - Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform to the driveway access levels issued by Council's Public Works Division. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

39. **Public Domain Works - Footpath Landscaping** - Public domain improvement works including the provision of street trees, are to be undertaken along the Sherbrooke Road and Mons Avenue frontages of the development site. A Public Domain plan is to be submitted to Council for approval prior to the issue of the Construction Certificate. Full details, including plans, specifications, sections, finished levels and material schedules shall be submitted to Council for approval prior to the issue of any Construction Certificate. These plans shall incorporate street tree planting and public domain embellishment: The plans shall also address the grades and cross falls on the pathway from Sherbrooke Road to the entry of the building. These grades and cross falls are not to exceed those specified in AS1428.1. Details confirming compliance with the above Australian Standard is to be submitted with the Construction Certificate.
40. **Public Domain Works – Infrastructure** - Detailed engineering plans for the public domain infrastructure works, prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia), are to be submitted to Council for approval prior to the issue of any Construction Certificate.

The works shall be in accordance with the City of Ryde Development Control Plan 2014 Parts 8.2 - Stormwater Management and 8.5 - Public Civil Works, and the City of Ryde Public Domain Technical Manual, Section 2 Gladesville.

The following works shall be completed at no cost to Council, prior to the issue of any Occupation Certificate;

- a) The removal of all redundant vehicular crossings in Sherbrooke Road and Mons Avenue and replacement with new kerb and gutter.
- b) The construction of a new vehicular crossing on the Mons Avenue frontage of the site perpendicular to the kerblines, in accordance with City of Ryde DCP2014 Part 8.3 Driveways.
- c) The provision of new concrete footpath 1.2m wide along the Mons Ave frontage of the development site.
- d) The provision of two standard concrete kerb ramps at the tangent points of the kerb return at the Intersection of Mons Avenue and Sherbrooke Road.
- e) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to council and their requirements being fully complied with.
- f) Adjustment of levels and grades of all infrastructure (footpath, kerb and gutter, road pavement, etc.) and provide a smooth transition to existing infrastructure.

Where the ground level adjacent to the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

41. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) To facilitate and ensure that visitors vehicles may overtake any service vehicles in the loading bay (car space "22"), the area is to be marked "Loading Bay" on the surface adjoining the columns. Signage is also to be installed on one of the columns at the service drivers height, advising service drivers to park in proximity to the columns to allow traffic to pass.
- b) To improve sight distance from a vehicle exiting from the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the

region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

42. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in either Mons Avenue or Constitution Road, generally in accordance with the plans by Taylor Thomson Whitting Consulting Engineers Pty Ltd. (Refer to Job No. 121141 Dwgs C01,C05,C20 & C21 Issued 29 April 2015) subject to the amendments marked in red on the approved plans, noted as follows;

- OSD 1 is to be relocated slightly east, to be positioned under the walkway. The nominated dimensions of OSD 1 are unable to comply with the given discharge invert and proposed surface levels. To address this, the tank is to be relocated east slightly to be position under the adjoining walkway which is at an elevated level. Measures to address surcharge flow (ie possibly a piped overflow) is to be implemented with this revised location.
- Both OSD tanks must incorporate sediment weep holes in the collection sumps.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Both onsite detention storage tanks have been approved based on the conservative volumes provided and that they may be readily adjusted to accommodate further volume storage if required. To enable Councils endorsement of the OSD system as required by the endorsement of the Positive Covenant, the consultant is to submit detailed analysis/ calculations (detailing the area of catchment allocated to each tank) verifying the final storage capacity is adequate and certification in alignment with this.

43. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
- provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

44. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The consultant is to liaise with Council's Public Works - Stormwater Asset Management section concerning the determination of an appropriate rate of discharge to the public inground drainage system. Consideration will be given to the capacity of the downstream system and the ability of the site to detain stormwater during the construction period. Should there be no public inground drainage infrastructure in which to drain to, the maximum rate of discharge is to be limited to 30L/s to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

45. **Loading Dock.** The loading dock facility shall be designed to a minimum Small Rigid Vehicle in accordance with AS 2890.2-2004. Accordingly, minimum headroom clearance of 3.5m along with adequate turning area shall be provided to ensure an SRV can enters and leave safely in a forward direction. This will require the lifting of level 2 FFL to accommodate for structural beam and slab thickness.

Amended architectural plans along with Traffic Engineer's certification indicating compliance with the requirement of this condition are to be submitted with the construction Certificate application.

46. **Traffic Management Plan - Approval.** As a result of the site constraints, 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 a Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The TMP

is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The TMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the combined construction activities of other developments in the surrounding area. To this end, the consultant preparing the TMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site, to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS's Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

47. **Kitchen fitout plans.** The kitchen fitout plans submitted with the development application do not meet the requirements of Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fitout of food premises*.

Plans demonstrating compliance with AS 4674 and Standard 3.2.3 must be submitted for approval with the application for the Construction Certificate. The plans must include:

- (a) The proposed floor layout and use of each room or area;
- (b) The proposed floor, wall and ceiling finishes;
- (c) Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and
- (d) Lighting, ventilation and drainage details.

In this respect, your attention is drawn to the following requirements:

- Construction of walls. The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
- Provision for installation of kitchen exhaust systems. Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

48. **Hair Salon.** The hair salon plans submitted with the development application do not show the fit out of the hair dressing salon. Amended plans demonstrating compliance with Schedule 2 Local Government (General) Regulation 2005, Public Health Regulation 2012 shall be submitted for approval with the Construction Certificate. The amended plans must include

- a. The proposed floor layout and use of each room or area;
- b. The proposed floor, wall and ceiling finishes;
- c. Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and
- d. Lighting, ventilation and drainage details.

In this respect your attention is drawn to the following requirements:

- Floors of work areas. The floors of all work areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.
- Tiling of walls. All walls adjoining wash basins, sinks and similar fixtures must be finished with glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur.
- Hand washing facilities in work area. A hand basin supplied with hot and cold running water through a common spout, together with an

adequate supply of soap and clean single-use towels, must be provided in a readily accessible location within the work area.

- Equipment cleaning sink. A sink of adequate size to enable equipment to be scrubbed under water and supplied with adequate hot and cold running water must be provided on the premises for washing equipment.
- Washing facilities for eating and drinking utensils. If tea or coffee are provided for customers, a dishwashing machine or a double-bowl sink supplied with adequate hot and cold running water must be provided on the premises for washing and sanitising eating and drinking utensils. Alternatively, only disposable eating and drinking utensils should be provided for customers.
- Shelves, fittings and furniture. All shelves, fittings and furniture in work areas must be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

49. **Hand washing facilities in medical consulting rooms.** A hand basin fitted with hands-free taps and supplied with hot and cold running water through a common spout must be provided in a readily accessible location in each consulting room. The walls adjacent to each hand basin must be finished with evenly laid glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

50. **Bundling of above ground storage tanks and grease arrestors.** All above ground liquid storage tanks must be banded to prevent the escape of spills or leaks. Where required, bands shall be constructed in the following manner:

- (a) The band must have a capacity of at least 110% of the largest tank plus the volume displaced by any additional tanks within the banded area.
- (b) The walls and floor of the band must be constructed of materials impervious to the contents of any container within the band and be structurally adequate to contain any liquid spilled within the band.
- (c) A collection sump must be provided in the floor of the band to facilitate the removal of liquids and the floor of the band graded to the sump.
- (d) Drain valves must not be provided in the band.
- (e) Pipework from the enclosed tanks and any associated pumps must pass over the band walls.
- (f) Hose couplings for tanks enclosed within the band must be located so that leaks or spills are contained within the band.
- (g) The band must be roofed where practicable to prevent the entry of rainwater.

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

51. **Construction of garbage rooms.** All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details of the proposed garbage room must be submitted on the Construction Certificate plans.

52. **Remediation of land following detailed site investigation.** If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

53. **Remediation of land.** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

54. **Notice of remediation work.** Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

55. **Remediation work.** All remediation work must be carried out in accordance with the requirements of:

- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
- (b) any relevant guidelines published by the NSW Environment Protection Authority; and
- (c) any council policy or development control plan relating to the remediation of land.

56. **Council may require site audit of validation report.** If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

57. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:

- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
- (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

In this respect your attention is drawn to the following requirements:

- Fresh air intake vents - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
- Exhaust air discharge vents - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
- Carpark exhaust vent - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
- Kitchen exhaust vent - The kitchen exhaust vent must be located above roof level:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8 metres from any cooling tower.

58. **Windows to dementia patients rooms.** To ensure that the amenity of the neighbouring properties are not adversely affected, all windows to the dementia patients rooms are to be provided with double glazing and be accompanied by a separate management plan detailing how use of these rooms will be operated and managed to minimise any resident noise disturbance arising from the use of these rooms on the nearest residential receptor. The double glazing is to be demonstrated on the Construction Certificate plans and the management plan must be approved by Council prior to the issue of any Construction Certificate.
59. **Windows above the roller door.** Double glazing is to be used in the rooms located immediately above the driveway. This is to ensure that the amenity of these rooms will not be affected by the use of the roller door to the car parking level.
60. **Acoustic report.** A further report from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate plans. This report is to address methods for reducing the impact from resident noise such as screaming while using the southern dementia courtyard. The report is to consider the use of acoustic barriers along the edge of the courtyard or propose other suitable noise control or attenuating measures to protect the acoustic amenity of the nearest most affected residential receptor. Details are to be

shown on the Construction Certificate plans or in associated documentation and approved for any recommended solution, prior to the issue of any Construction Certificate.

61. **Roller door noise.** The noise created from the opening and closing of the roller doors to the car parking area is not to exceed more than 5dBA above the background noise level at any time. Details are to be provided with the Construction Certificate plans to verify that this condition can be satisfied.
62. **Tree planting along 84 Mons Avenue.** To ensure the privacy of the neighbouring property at 84 Mons Avenue, the mature trees to be planted for screening purposes along the shared boundary are to have a minimum height of 4.5m above ground level at the installation time. These trees are to be located a minimum of 2m off the shared property boundary with 84 Mons Avenue. Details are to be submitted on the landscaping plans that form part of the Construction Certificate drawings.
63. **Lighting of external areas.** Details of lighting for all external areas are to be submitted for council approval prior to the issue of any Construction Certificate. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residences. The pathway lighting must provide at least 20lux at ground level. The lighting system for the pathways must be on a sensor system.
64. **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 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).

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.

65. **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.
66. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
67. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.
68. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.
- (a) Road pavement
 - (b) Kerb and gutter
 - (c) Footpath
 - (d) Drainage pits
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure
- The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.
69. **Tree works - provision of Arborist details.** Prior to works commencing on the site, Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. The Arborist is to be a Level 5 Arborist. Should these details change during the course of works, or

the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days.

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.

70. **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*.
71. **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.
72. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
73. **Use of fill/excavated 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.
74. **Construction materials.** All materials associated with construction must be retained within the site.
75. **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.
76. **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.

77. **Tree Removal.** The following trees are authorised to be removed:

- Tree 2 – *Cinnamomum camphora*
- Tree 3 – *Jacaranda mimosifolia*
- Tree 8 – *Ficus elastic variegata*
- Tree 12 – *Jacaranda mimosifolia*
- Tree 13 – *Callistemon viminalis*
- Tree 14 – *Lophostemon confertus*
- Tree 15 – *Eucalyptus citriodora*
- Tree 16 – *Livistona australis*
- Tree 17 – *Jacaranda mimosifolia*
- Tree 18 – *Cupressus macrocarpa*
- Tree 19 – *Cupressus macrocarpa*
- Tree 20 – *Cupressus macrocarpa*
- Tree 21 – *Cedrus deodara*
- Tree 22 – *Lagerstroemia indica*
- Tree 23 – *Cinnamomum camphora*
- Tree 28 – *Angophora costata*
- Tree 32 – *Callistemon viminalis*
- Tree 33 – *Prunus cerasifera*
- Tree 36 – *Arecastrum romanzoffianum*
- Tree 37 – *Arecastrum romanzoffianum*
- Tree 38 – *Cupressus macrocarpa*
- Tree 39 – *Ceratopetalum gummiferum*
- Tree 40 – *Acacia baileyana*
- Tree 41 – *Jacaranda mimosifolia*
- Tree 42 – *Tibouchina* sp.
- Tree 49 – *Olea* sp.
- Tree 55 – *Laurus nobilis*
- Tree 56 – *Arecastrum romanzoffianum*
- Tree 57 – *Arecastrum romanzoffianum*
- Tree 58 – *Plumeria* sp.

All tree removal work is to be carried out in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

78. **Tree Protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction. Trees must be protected in accordance with the Arboricultural Impact Assessment Report prepared by

Arterra Design dated 27 April 2015. Trees to be retained as identified in this report include the following trees:

Tree 1 – Pinus roxburghii
 Tree 4 – Jacaranda mimosifolia
 Tree 5 – Jacaranda mimosifolia
 Tree 6 – Stenocarpus sinuatus
 Tree 7 – Eucalyptus cinerea
 Tree 9 – Araucaria columnaris
 Tree 10 –Araucaria hererophylla
 Tree 11 – Pittosporum undulatum
 Tree 24 – Erythrina sykei
 Tree 25 – Jacaranda mimosifolia
 Tree 26 – Lophostemon confertus
 Tree 27 – Angophora costata
 Tree 29 – Angophora costata
 Tree 30 – Angophora costata
 Tree 31 – Grevillea robusta
 Tree 34 –Jacaranda mimosifolia
 Tree 35 – Arbutus unedo
 Tree 43 – Melaleuca bracteata
 Tree 44 – Leptospermum pettersonii
 Tree 45 – Grevillea sp.
 Tree 46 – Grevillea sp.
 Tree 47 – Cupressus macrocarpa
 Tree 48 – Sapium sebiferum
 Tree 51 – Callistemon viminalis

79. **Tree works - Arborist supervision.** During pre construction, construction and post construction, the site is to be inspected by an AQF Level 5 Arborist at the various hold points indicated in the following table. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold point	Task	Responsibility	Certification	Timing of Insepction
1	Indicate clearly with (with spray paint on trunks) trees approved for removal	Principal Contractor	Project Arborist	Prior to demolition and site establishment

	only.			
2	Establishment of tree protection fencing and additional root, trunk and/ or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree.
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	B-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

80. **Archaeology.** Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and/or disturbances of the site is to immediately cease and City of Ryde Council notified.

Additional archaeological assessment may be required prior to works recommencing and continuing in the affected area/s based on the nature of the discovery.

81. **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".
82. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

83. **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.
84. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Taylor Thomson Whitting Consulting Engineers Pty Ltd. (Refer to Job No. 121141 Dwgs C02 Issued 29 April 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
85. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP 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.
86. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled "Site Dewatering Plan.", the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
87. **Construction Traffic Management Plan - Implementation.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
88. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Taylor Thomson Whitting Consulting Engineers Pty Ltd. (Refer to Job No. 121141 Dwgs C01,C05,C20 &

C21 Issued 29 April 2015) submitted in compliance to the condition labelled "Stormwater Management."

89. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
90. **Installation of grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a 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.
91. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
92. **Storage and removal of wastes.** All construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
93. **Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
94. **Imported fill.** All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
95. **CCTV Cameras.**
 - a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the building including the basement car park. Recordings should be made twenty four (24) hours a day seven (7) days a week.
 - b) As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.

- c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

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.

- 96. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
- 97. **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 Fire and Rescue NSW.

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

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

98. **Road opening permit – compliance document.** 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, prior to the issue of any **Occupation Certificate**.
99. **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 Occupation Certificate.

100. **Public domain – work as executed plan** – A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council’s satisfaction prior to the issue of the Occupation Certificate.
101. **Constitution Road Parking Area - Signal System.** To avoid any vehicle having to reverse in the access driveway from Constitution Road in the event of opposing traffic flow, a signal system must be installed at the vehicle entry, warning an approaching driver of a vehicle about to exit the parking area. The signal must be clearly visible from the roadway to both pedestrians and vehicles approaching the vehicle entry and is to indicate to an approaching driver, by way of red light or wording, that a vehicle is exiting the parking area. The signal system is to default to green for entering traffic. The system is to be operational prior to the issue of any Occupation Certificate. Details of the system, including the system operation, components and placement within the

development, must be detailed by a practising Traffic Engineer. This engineer is to submit these details and certify that the system has been installed accordingly, to the Accredited Certifier prior to the issue of the Final Occupation Certificate.

102. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
103. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's draft terms for these systems as specified in Council's DCP 2014 Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate for that title. The application is to include the Stormwater Engineers certification related to the adequacy of the OSD storage volume, as required by the condition "Stormwater Management".
104. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of the Final Occupation certificate.
105. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
 - a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and

- Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any 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.
 - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - e) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

106. On-Site Stormwater Detention System - Marker Plate. To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

107. Certification of kitchen fit-out work. Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies 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*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

Note: Prior to issuing a compliance certificate, the PCA is advised to engage a consultant eligible to hold full membership with Environmental Health Australia (EHA) to prepare a report including premises inspections, outlining the compliance of the fitout of the subject premises with AS4674:2004 and Food Standards Code 3.2.2. A copy of this report shall be submitted to Council.

108. **Certification of mechanical ventilation work.** Where any mechanical ventilation systems have been installed, an installation 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.
109. **Registration of premises.** The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.
110. **Driveway delineation of Mons Avenue.** Prior to the issue of any Occupation Certificate, driveway delineation is to be provided to Mons Avenue. A plan showing the linemarking is to be submitted to and approved by Council's Traffic Engineer prior to this work occurring.

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.

111. **Registration of Restriction to User.** Written evidence is to be submitted to council and the PCA prior to the issue of any Occupation Certificate showing that a Restriction to User restricting the kind of persons that may occupy any of the development as per condition 14 and 15 of this consent has been registered against the title of the property.
112. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
113. **Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.

114. **Noise Limits.** Noise generated at the premises must not exceed the noise limits specified in the noise impact assessment report submitted with the development application.
- To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver's premises
- 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).
115. **Compliance with noise management plan.** The occupier must ensure that the requirements of the noise management plans are complied with. The condensers shall be installed using waffle pad isolators as required by the Acoustic report prepared by Acoustic Logic Consultancy "Condenser Noise Assessment" dated 27 March 2015.
116. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria within the Acoustic reports submitted with the application. The report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
117. **Use of the southern dementia courtyard.** The southern dementia courtyard is only to be used during the hours of 9am to 7.30m 7 days a week.
118. **Use of the terraces on levels 2, 3 and 4.** The use of the terraces located immediately adjacent to the dining areas on levels 2, 3 and 4 is to be restricted to the hours of 8am to 7.30pm 7 days a week. This condition has been imposed to ensure the amenity of the adjoining residential properties.
119. **Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
120. **Duty to notify.** Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
121. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
122. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

123. **Recyclable wastes.** 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.
124. **Hazardous wastes.** All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.
125. **Clinical wastes.** The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.
126. **Used sharps.** Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 '*Non-reusable containers for the collection of sharp medical items used in health care areas*' or AS 4261-1994 '*Reusable containers for the collection of sharp medical items used in health care areas*' and be securely sealed with a lid before disposal.
127. **Non-sharps clinical wastes.** Non-sharps clinical wastes must be placed in a dedicated waste container with a yellow plastic liner clearly labelled 'contaminated waste'.
128. **Storage of clinical wastes.** All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
129. **Disposal of liquid wastes.** All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
130. **Trade waste permit.** The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
131. **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
132. **Air pollution.** 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.
133. **Standards of air impurities not to be exceeded.** Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

134. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 8pm and 7am on any day.
135. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
136. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
137. **Staff terrace area.** The staff terrace area on level 1 is to be designated as a no smoking area.

ADVISORY NOTES

- **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.
The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.
- **Saturated and trans fats.** To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.