

Attachment 1 – 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 following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Cover Sheet	Received 17 June 2016	Issue B
Basement 2	17/06/2016	DA2100 Rev C
Basement 1	17/06/2016	DA2101 Rev C
Lower Ground Floor	17/06/2016	DA2102 Rev D
Ground Floor	17/06/2016	DA2103 Rev B
Level 1	17/06/2016	DA2104 Rev A
Level 2 - 5	17/06/2016	DA2105 Rev A
Level 6	17/06/2016	DA2106 Rev A
Elevations North/South/West/East	17/06/2016	DA3000 Rev A
Sections AA/BB	17/06/2016	DA3001 Rev A
Sections CC/DD	17/06/2016	DA3002 Rev A
Roof Terrace/Roof Plan	17/06/2016	DA1003 Rev A
Landscape Plan Key Plan	04/02/2016	LS01 Issue C
Landscape Plan Lower Ground Floor	04/02/2016	LS02 Issue C
Landscape Plan Ground Floor/Level 6	04/02/2016	LS02 Issue C

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

- (a) **Tree Retention:** Tree 1 located adjacent to the southern boundary of the site within the neighbouring allotment at 1-7 Jordan Street (Brush Box) is to be retained and protected. Appropriate protection of the tree, in accordance with Condition 95 of the consent is to be carried out.
- (b) **Privacy Planting.** The following provisions must be made to address privacy to the adjoining property (5 Western Crescent) and to future residents:
The external north west facing terraces of Apartment BLG02, BLG03 & BLG04 (Lower Ground floor of Building B) is to be provided with raised planters capable of providing screen planting of 1.5m high. The planters are to have a minimum depth and width of 600mm and 500mm, respectively.

(c) **Roof Shading.** The proposed communal open space on Building A's roof is to be provided with some shading device. Details of such is to be shown on the plans for the Construction Certification and are not to extend beyond the maximum height control.

(d) **Articulation.** Greater articulation of the southern wall of Building A is required. This is to be achieved by the use of different contrasting materials and/or use of decorative architectural elements. Details of the amended treatment/material are to be submitted and approved by Council's Manager – Assessment prior to the issue of the Construction Certificate.

Details of (a), (b) and (c) amendments are to be submitted to and approved by the Principal Certifying Authority. Details of point (d) are to be submitted and approved by Council prior to the approval of the Construction Certificate.

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. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 656382M_02, dated 17 June 2016.
4. **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.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.

- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **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.
10. **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.
11. **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.
12. **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.
13. **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 the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
14. **Roads and Maritime Services (RMS)** - A strip of land has previously acquired & dedicated as road along the Victoria Road frontage of the subject property, as shown by grey colour on the attached Aerial /Plan /Sketch - "X".
- All building and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Victoria Road boundary.
15. **RMS.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A "Works Zone" will not be permitted on Victoria Road.
16. **RMS.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBO 2124.
Telephone (02) 8849 2114
Fax (02) 88492766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

17. **Mechanical ventilation of carparks.** The basement carpark shall be adequately ventilated in compliance with the Building Code of Australia and Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and air conditioning in buildings — Mechanical ventilation in buildings*.
18. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3m 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.
19. **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.
20. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
21. **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.
22. **Certification.** A Tree Protection Schedule, as indicated below, which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. 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 prior to the issue of any Occupation Certificate.

1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	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	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

23. 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.

24. Compliance with Australian Standards. All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

25. 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.

- 26. **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.
- 27. **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.
- 28. **Waste Management Plan.** Demolition material must be managed in accordance with the approved Waste Management Plan.
- 29. **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.
- 30. **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.
- 31. **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, Part 1: Classifying Waste*” NSW DECC (2014) before being transported from the site.
- 32. **Storage and removal of wastes.** All demolition and 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.
- 33. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to any works commencing. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of demolition activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The DTMP 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/truck movements are not to travel along Hepburn Avenue beyond Gerard Lane. Access will be restrained to the following routes: Victoria Road to Hepburn Avenue to Gerard lane for ingress and Gerard Lane to Hepburn Avenue to Victoria Road for egress. This means that no trucks should be travelling along Hepburn Avenue West of Gerard Lane which removes any conflicts between trucks and passing cars along Hepburn Avenue. Trucks coming from the north will need to use Monash Road, Ryde Road and Pittwater Road to head to the subject site via Victoria Road. Trucks wanting to head south from the site are expected to use the same route.
- 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 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.
- All parking requirements, including construction employee parking, must be kept on-site during all stages of works where practical. Additionally once basement levels are constructed, appropriate lighting must be provided within the basement carpark and all tradespersons associated with the site shall be required to park within the basement to avoid parking in local streets. A maximum number of spaces will be required to encourage the continued use of public transport.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP 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.
- No access to adjoining properties is to be impeded/blocked during the construction works.

The DTMP 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.

All aspects of the approved DTMP must be adhered to at all times. Failure to do so will result in cancellation of the DTMP approval and non-compliance with the conditions of consent.

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.

34. Section 94. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$240,070.28
Open Space & Recreation Facilities	\$561,263.66
Civic & Urban Improvements	\$210,104.50
Roads & Traffic Management Facilities	\$ 28,747.91
Cycleways	\$17,902.90
Stormwater Management Facilities	\$55,442.25
Plan Administration	\$4,825.52
The total contribution is	\$1,118,357.02

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

35. **Traffic Management – Traffic Calming Works Bond.** To allow for the construction of traffic calming measures which may be required in Gerard Lane or Hepburn Avenue, pending on the outcome of the post-development traffic impact study (Refer to the condition “*Traffic Management – Post-development Traffic Study*”), the applicant must submit a bond in the form of a cash deposit or Bank Guarantee of \$40,000 to Council. The bond shall be lodged prior to the issue of a Construction Certificate to guarantee any traffic calming works as determined in the outcome of the aforementioned condition are implemented.
36. **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**.
37. **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**.
38. **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)
39. **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

40. **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**.
41. **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.

42. Sydney Water Tap in™. The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

43. Road and rail noise and vibration criteria for sensitive developments. The buildings must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the building(s) comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed. Road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.

Verification is to be submitted with the Construction Certificate by an appropriately qualified person that the Construction Certificate plans will meet this requirement.

44. **Compliance with Acoustic Report.** The development is to comply with the recommendations contained in the Acoustic Report prepared by Acoustics Noise and Vibration Solutions P/I dated 17 August 2015 and all other relevant BCA acoustic requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

45. **Compliance with Geotechnical Report** Designed and constructed in accordance with the various recommendations as contained in the report dated August 2015 by STS Geoenvironmental Pty Ltd.

The following requirements are also required:

- a. All footings are to be founded on Class V or better shales.
- b. All retaining walls are to be designed to resist the soil loads as recommended by STS GeoEnvironmental plus relevant surcharge loadings to take account of adjacent buildings, roads and the use of neighbouring properties.
- c. When retaining walls are on or adjacent to site boundaries full depth retention systems, such as spaced bored piers with shotcrete infills, shall be installed.
- d. Temporary batters are not to exceed 1V to 1H.
- e. All retaining walls are to incorporate subsoil drainage complete with appropriate flushing facilities.
- f. All retaining walls shall be temporarily laterally supported by rock anchors or internal props and finally laterally supported by the permanent structure

46. **Compliance with Access Report.** The amended development is to comply with the requirements contained in the Statement of Compliance Access for People with a Disability prepared by Accessible Building Solutions and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

47. **Reflectivity of materials.** 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 prior to the release of the **Construction Certificate**.

48. **Awning over Council verge.** The awning proposed to extend over Council's verge and footway area must provide no less than 3m clearance above the footpath and setback 600mm from the vertical alignment of the kerb fronting the site. The structure is to be designed and certified by an appropriately qualified Structural Engineer. This engineer is to provide certification with the application

for a Construction Certificate that the structure has been designed in accordance with the relevant Australian Standards to ensure public safety. In addition:

- The awning is to protect pedestrians from sun and rain. Glazed awnings will not be permitted unless it can be demonstrated that:
 - Cleaning and maintenance regime will be established; and
 - Solar protection (shade) can be achieved;
- Lighting will be installed to the underside of the awning that will light the footpath. The light is to be recessed and sufficient to ensure a high level of safety for pedestrians at night.

49. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

50. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. 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.
- 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.

51. **Irrigation watering system.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens to ensure adequate water is available to all planting beds and raised planters. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of **Construction Certificate**.

52. **Adaptable Units.** Nine adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in 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 requirements of AS4299.

53. **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*.

54. **Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, all service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval, such infrastructure shall be located on the subject site and appropriately screened from view. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.
55. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
56. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. 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**.
57. **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.
58. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
59. **Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the Construction Certificate.
60. **Garbage/Recycling Rooms.**
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 of the final waste storage and handling facilities must be submitted to and approved by Council's Waste Department before the issue of a Construction Certificate. Details of the proposed garbage room area must be submitted for approval with the application for the **Construction Certificate**. Such details must include:

- (a) the specifications and layout of all proposed waste storage and handling equipment;
- (b) details of the separate commercial waste storage areas; and
- (c) the access to the collection point.

All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through the opening including the door.

- (a) 1100L Bins – width 1.4m, depth 1.1m, height 1.4m

61. Waste Collection. Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions for a medium rigid truck of 11m

in length, and maximum weight 24 tonne. The collection vehicles are to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate. A convex mirror should be placed at the driveway in a convenient location to ensure vehicles entering and exiting the building can see the waste truck and vice versa. Details to be submitted to Council's Waste and Traffic Officer for approval prior to the release of the Construction Certificate.

62. 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) Spaces adjoining walls or storage units must provide a further 300mm clearance from the structures to allow for access and manoeuvrability. This includes the listed spaces on each of the levels - B2 (1,26 & 31), B1 (1,53,58,59 & 70) and LG (COM1, COM4 & COM10).
- b) In accordance with the condition "*Parking Allocation*", the following alterations are required to satisfy the minimum parking requirements;
 - An additional 3 visitor spaces are to be provided on Basement Level 1, including 1 disabled space. The existing visitor space no. "14" can be reverted to a disabled space, where the adjoining area can be arranged as a shared space.
 - An additional adaptable parking space is to be provided for and may be achieved by reverting space "62" on Basement Level 1 to a disabled space, converting the adjoining area as a shared area.
 - Up to 5 resident spaces on Basement Level 1 may need to be allocated to the ground floor retail/ commercial area if it is intended to be utilised as a retail use.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

63. Loading Bay Management. A Safety hazard is noted when waste truck is crossing trafficable lanes within the basement. A loading bay management plan will need to be prepared to identify how this movement/conflict will be managed. The plan will include the use of a lighting system that will restrict vehicular movements whilst any truck is undertaking the manoeuvre. The lighting system will cease once the truck is wholly contained within the 'Garbage Truck Loading Zone'. This plan is to be submitted to and approved by Traffic Council's Traffic Engineer prior to release of the Construction Certificate.

64. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to Watson Street, generally in accordance with the

plans by Alpha Engineering & Development Pty Ltd. (Refer to Project No. A5335 Dwgs SW02 to SW05 Rev B dated 24/8/15) subject to the following variation(s);

- The plans must be revised to align with the final approved architectural plans and will require the relocation of the onsite detention unit. To this end, the detention system is to be located in the void area located above the internal basement ramp leading from LG to B1 or above the adjacent residential storage area on B1.
- Further to the above, due to the altered footprint, the OSD design parameters are to be revised. Based on the approved architectural plans, the proposed system is estimated to have an impermeable area of 1604m² draining to the OSD, 238m² impermeable area bypassing the OSD and 796m² of permeable area bypassing the OSD. Utilising Council's simplified method for OSD design, the onsite detention storage warrants a SSR of 57.20m³ and a PSD of 40.38 L/s. The OSD parameters must be confirmed by submission of a detailed plan nominating the catchment areas and calculations undertaking in accordance with Council's simplified design procedure.
- The proposed system is to implement a water treatment component that satisfies the pollutant target controls listed in the DCP Part 8.2 – Technical Manual (Stormwater and Floodplain Management) Section 3.3.1 – control (b), prior to the point of discharge. To comply with this, the consultant preparing the design is to nominate the system, submit the accompanying MUSIC analysis demonstrating the pollutant targets have been met and any maintenance requirements are to be noted on the plan. The WSUD component must be located wholly in the property and is to be positioned such to permit ready access to the components to allow for maintenance.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and 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 WSUD measures, 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.

65. 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.

66. 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 maximum rate of discharge must be limited to 30L/s unless it can be directed to the public inground drainage system in which case it is not to exceed the determined PSD, as estimated in the condition “Stormwater Management”.
- 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.

67. Dilapidation Survey. A dilapidation survey is to be undertaken that addresses all structures that may be affected by the construction work, namely those located upon (but not limited to) 226 Victoria Road, 1-7 Jordan Street, 9 Jordan Street, 232 to 236 Victoria Road, 2 Hepburn Avenue and 1 to 5 Western Crescent. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.

68. Dilapidation Report – Pre Construction. 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 applicant is to engage a suitably qualified person to prepare the report prior to works commencing. The report is to be submitted to and approved by Council’s Traffic Development Engineer, prior to works commencing. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council’s Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

69. **Public domain** – Public domain improvement works are to be undertaken along the Victoria Road frontage of the development site in accordance with the City of Ryde Development Control Plan 2014 Part 4.6 Gladesville Town Centre and Victoria Road Corridor, **Town Centre Precinct**, and the City of Ryde Public Domain Technical Manual, Section 2 – Gladesville. This work is to include paving, multifunction light poles, street furniture and plantings. A public domain plan is to be submitted to Council for approval by Council, prior to the issue of the Construction Certificate.

(a) All telecommunication and utility services are to be placed underground along the Victoria Road frontage of the site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.

(b) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V3 and pedestrian luminance category P2 along Victoria Road.

The lighting consultant will be required to confirm the lighting layout has achieved compliance with the illumination levels required by this condition of consent. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

Note: Council has prepared a schema for the provision of the street lighting on MFPs. The consultant shall liaise with Council's Public Works Group in obtaining Council's street lighting schema, requirements and specifications for the MFP's and components, including the appropriate LED luminaire and location of the meter box. As a guide, Council's schema has identified one (1) MFP along the Victoria Road frontage.

(c) Street furniture. Advice to be sought from Council's Public Works Group for any specific additional requirements in regards to seats, bins or other street furniture.

70. **Public Infrastructure Works** – Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, and other relevant details for the following works:

- (a) 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.

Note: Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

- 71. Driveway and Boundary Alignment Levels** - The applicant is to apply to Council for site specific driveway and boundary alignment levels prior to the issue of the Construction Certificate. The Council issued levels shall be incorporated into the design of the internal driveway, publicly accessible bicycle lane, car parking areas, landscaping and stormwater drainage plans.

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.

As access to the site is from Gerard Lane a threshold shall be constructed in the private property to delineate the private access road from the Council owned Gerard Lane.

- 72. Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. 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 (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

- 73. Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. 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 \$10,000 shall be lodged with the City of Ryde prior to the issue of a 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.

74. Construction Traffic Management Plan. As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP 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 CTMP 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/truck movements are not to travel along Hepburn Avenue beyond Gerard Lane. Access will be restrained to the following routes: Victoria Road to Hepburn Avenue to Gerard lane for ingress and Gerard Lane to Hepburn Avenue to Victoria Road for egress. This means that no trucks should be travelling along Hepburn Avenue West of Gerard Lane which removes any conflicts between trucks and passing cars along Hepburn Avenue. Trucks coming from the north will need to use Monash Road, Ryde Road and Pittwater Road to head to the subject site via Victoria Road. Trucks wanting to head south from the site are expected to use the same route.
- 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 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.
- All parking requirements, including construction employee parking, must be kept on-site during all stages of works where practical. Additionally once basement levels are constructed, appropriate lighting must be provided within the basement carpark and all tradespersons associated with the site shall be required to park within the basement to avoid parking in local streets. A maximum number of spaces will be required to encourage the continued use of public transport.

- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP 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.
- No access to adjoining properties is to be impeded/blocked during the construction works.

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.

All aspects of the approved CTMP must be adhered to at all times. Failure to do so will result in cancellation of the CTMP approval and non-compliance with the conditions of consent.

NOTE: This CTMP does not provide approval for works in the road reserve. All permits must still be sought from Council’s Customer Service relating to any and all activities in the road reserve. These fees must be paid at least 2 weeks prior to associated works being undertaken. Such works include, but are not limited to; Concrete pours, crane erection, work zones, road closure, lane closures, etc. A list of all applicable permits can be found on Council’s Website.

75. Work Zones and Permits. The applicant is to pay to Council for the assessment of all applications of road use permits, work zone permits, crane permits and/or concrete pump permits, in accordance with Council’s Schedule of Fees & Charges, prior to any approval being granted by Council.

76. Traffic Management. Traffic management procedures and systems must be in place and 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. A plan of traffic management is to be submitted to and approved by City of Ryde prior to issue of the 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.

77. Traffic Management – Pre-development Traffic Study. In order to gauge the level of change in traffic conditions produced by the development and the potential need to implement future traffic calming measures, the applicant must undertake traffic count surveys of the surrounding road network prior to the commencement of any work, in the following locations;

- Gerard Lane at the existing vehicle entry to the development site (across the boundary alignment).
- Gerard Lane at the intersection with Hepburn Avenue so as to capture traffic flows from the southern leg of Gerard Lane.
- Hepburn Avenue at the intersection with Victoria Road.
- Hepburn Avenue, midway between the intersection of Gerard Lane and the slight curve towards the western end (ie in the region of No. 14 Hepburn Avenue).

The traffic counts must be able to differentiate traffic flow directions (eg northbound/ southbound), record vehicle speeds, vehicle classification (eg standard passenger vehicle, heavy vehicle, etc.). The timing of the survey is to be such to capture typical traffic conditions. They are to be undertaken 24 hours over a 7 day period, midway through the school term, outside of any peak events and unaffected by extreme weather conditions. The traffic counts *may* be supplemented by peak hour turning movement counts at the intersection of Gerard Lane and Hepburn Avenue.

The traffic count data must be provided to Council in a report format with the electronic data for approval in meeting the requirements of this condition, prior to commencement of works.

Note: The intention of this is to capture the pre-existing development traffic conditions. Therefore it is advised that the surveys should be undertaken as early as possible.

78. 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.

79. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

80. 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.

81. 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.

82. 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

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.

83. 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*.

84. Construction noise. The L₁₀ 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.

85. Sediment/dust control. No sediment, dust, soil or similar material shall leave the site during construction work.

86. Use of fill/excavated material. Excavated material must not be reused on the property except as follows:

- (c) Fill is allowed under this consent;
- (d) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (e) the material is reused only to the extent that fill is allowed by the consent.

87. Construction materials. All materials associated with construction must be retained within the site.

88. 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.

89. Site maintenance

The applicant must ensure that:

- (f) approved sediment and erosion control measures are installed and maintained during the construction period;
- (g) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (h) the site is clear of waste and debris at the completion of the works.

90. 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".

91. Tree protection – no unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

92. Tree works – Australian Standards. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

93. Tree removal. Trees 5, 7-11, 12-18 & 31 to be removed are to be removed in accordance with NSW WorkCover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

94. **Tree Retention.** Trees 1, 21, 22, 25 & 29 are to be retained and protected during construction, in accordance with the recommendations contained in the Arboricultural Assessment Report.
95. **Project Arborist and supervision.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and recommendations contained within Arboricultural Assessment Report dated 6 August 2015 prepared by Tree And Landscape Consultants (TALC) are carried out. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction. The Arborist is to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
96. **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
97. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Alpha Engineering & Development Pty Ltd. (Refer to Project No. A5335 Dwgs SW01 Rev B dated 24/8/15) 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.
98. **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.
99. **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.
100. **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 Alpha Engineering & Development Pty Ltd. (Refer to Project No. A5335 Dwgs SW02 to SW05 Rev B dated 24/8/15) submitted in compliance to the condition labelled "Stormwater Management."

101. Hold Points during construction - Inspections shall be required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), at the following hold points: -

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Applicant shall submit certification from the Engineer, at each stage of the inspections listed above, confirming that the works have been constructed in accordance with the RMS and Council approved drawings and City of Ryde standards and specifications.

A final inspection for the purpose of the handover to Council, of the public infrastructure assets, shall be conducted in conjunction with Council Engineer following the completion of the external works. Additional inspections, if required, shall be subject of additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.

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.

102. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- a. Regular maintenance and trimming of shrubs and plantings.
 - b. Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - c. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
 - d. Maintenance for the vertical garden is to be in accordance with the Inspection and Maintenance Matrix and letter from the Landscape Architect submitted to Council on 4 February 2016. This is to include details of access arrangement with the adjoining property.
103. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 656382M_02, dated 17 June 2016.
104. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.
105. **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**.
106. **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.
107. **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 and WSUD 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 terms for these systems as specified in City of Ryde 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 the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.

108. **Stormwater Management – Maintenance program.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, without imposition on the public domain, the applicant is to prepare a drainage system maintenance plan (DSMP) which is to contain;
- (a) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
 - (b) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
 - (c) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
 - (d) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
 - (e) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

109. **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 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.
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

110. 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).

111. 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.

112. Post-construction dilapidation report. The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

113. **Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
114. **Compliance Certificate – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
115. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, works as executed plan for works carried out in the public domain must be provided to and endorsed by Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans..

116. **Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all external works have been completed to Council's satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
117. **Signage and Linemarking – Existing & Proposed.** A plan demonstrating the existing and proposed signage and line marking within Council's Public Domain is to be submitted to Council's Traffic Engineer. The proposed signage and line marking shall be prepared by a suitably qualified person and will be required to be approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

118. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate at no cost to Council.

119. **Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Acoustic Report prepared by Marshall Day Acoustics dated 27 August 2014 must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

120. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:

- The residents carpark;
- The ground floor lobby and lifts
- The car park entry/exit points.

The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

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. 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.

If requested by police, the applicant is to archive any recording until such time as they are no longer required. 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.

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

121. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas 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. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

122. **Lighting.** Certification from a qualified lighting consultant certifying compliance with the lighting requirements are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

123. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details

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

124. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

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

125. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

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

126. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

127. **Unit windows.** The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

129. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, 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.

130. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be

submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.

131. **Garbage Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences. Private waste contractors are not permitted for collection of domestic waste
132. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

OPERATIONAL CONDITIONS

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

133. **Proposed commercial (food) premises** - A separate development application must be submitted to Council to fitout and use the proposed commercial premises for any food premises.
134. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- A minimum of 73 to a maximum of 102 resident spaces (including 10 adaptable spaces)
 - 18 visitor spaces (including 1 disabled space)
 - For the area labelled "COMMERCIAL", a minimum of 8 spaces are to be provided for in the event the area is utilised as office/ business premises (based on 1 / 40m² GFA) or 13 spaces if utilised as retail/ restaurant use (based on 1 space / 25m² GFA).
 - A minimum of 13 bicycle spaces and 5 motorbike spaces are also to be provided within the development.
 - The car parking spaces are to be clearly line marked with the visitor and commercial spaces clearly marked "Visitor" or "commercial" parking

Refer to condition "Vehicle Access and Parking" in regards to amendments to the parking allocation required to address this.

135. **Lower Ground Level Carpark Access.** To assure there is public access to the lower ground level carpark, the security grate/ door of the parking area is to remain open during business operating hours, no less than 8am to 5pm, Monday to Friday.
136. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

137. Traffic Management – Post-development Traffic Study. A Traffic Impact Study (TIS) must be undertaken, 6 months following the issue of any occupation certificate for the development or when the development has reached 80% occupancy, in order to address traffic impacts that may arise from the development. Accordingly this will require the applicant submit a TIS prepared by a suitably qualified and practising Traffic Engineer to Council, addressing the following requirements;

- (a) A post-development traffic count survey is required in order to make a comparison between “pre-developed” and “post-developed” traffic conditions. The traffic count survey must be taken exactly in accordance with the requirements outlined in the condition of deferred commencement in this consent labelled “*Traffic Management – Pre-development Traffic Study*”.
- (b) The TIS is to note and consider any recorded vehicle incidents occurring after the initial traffic survey.
- (c) Where the study reveals a discernible increase in traffic speeds in the south end of Hepburn Avenue (eg the 85th percentile speeds recorded midblock in Hepburn Avenue increase by 5km/hr and are attributed to the development) the TIS is to include at least three recommended traffic calming treatments addressing speeding issues.
- (d) Where the study reveals there is a significant level of traffic from the development in peak commute periods in the southern leg of Hepburn Avenue (eg greatly exceeds the estimated level of traffic generation, say a net of 40vtph in Hepburn Avenue attributed to the site) the TIS is to be extended to include at least three recommended traffic calming treatments addressing the level of through traffic.

The recommendations of the TIS are to be reviewed and approved by Council’s City Works and Infrastructure section (CWI) prior to undertaking any further action.

Where there is a warrant for further traffic calming measures as considered by Council’s CWI, the applicant must;

- (e) Prepare concept plans of the recommended traffic calming measures,
- (f) Undertake public consultation of residents in Hepburn Avenue and Gerard Lane, presenting the concept measures within a minimum 3 week notification period, and
- (g) Submit conceptual plans and the outcome of the public consultation to Council.

Provided Council’s CWI is in agreement with the final concept plans and consultation outcome, the proposed traffic calming measures must be implemented, warranting Local Traffic Committee (or other relevant Committee) approval, the subsequent preparation of detailed civil plans for approval by Councils CWI under the Roads Act and construction of the approved measures. All costs associated with the investigation (including both pre and post-development studies), preparation of plans/ documentation and civil works must be borne by the applicant. Council will elect to refund the bond held as required by the condition

“Traffic Management – Traffic Calming Works Bond” following completion of the required works or on the basis the works are not considered warranted.

138. **Storage of commercial wastes.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.
139. **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.
140. **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.
141. **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*.
142. **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.
143. **Waste storage/disposal** . All wastes generated on the premises:
- must be stored and disposed of in an environmentally acceptable manner.
 - must not be collected between the hours of 9pm and 8am on any day.
 - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
 - Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
144. **Delivery and loading/unloading.** All loading and unloading in relation to the use of the premises shall take place wholly within the property. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.

145. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
146. **Hard Waste Area.** Access to the hard waste area must be provided for collection contractors. The door way must be wide enough to allow a lounge or fridge to be taken in and out of the room in a safe and easy manner.
147. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
148. **Access.** Where there is a lockable door to access a bin room or hard waste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household clean-up items.
149. **Recycling.** Staff or contractors must be employed to take the recyclable materials from the service compartments and sort the materials into the containers provided in the garbage and recycling room.
150. **Signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
151. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

152. **Provision for installation of kitchen exhaust systems.** Adequate provision must be made for the installation of kitchen exhaust systems for any future food premises.

ADVISORY CONDITIONS

1. Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences.

Please note that the proposal must not incorporate provision for permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.

End