

Mr Stephen Barry
Planning Director
Independent Planning Commission

via email: [REDACTED]

18 December 2023

Ref: ENV/21/148

Dear Mr Barry,

RE: Talavera Road Data Centre Campus Expansion (SSD-24299707)
Questions on Notice

I refer to the State Significant Development Application for the Talavera Road Data Centre Campus Expansion currently before the NSW Independent Planning Commission (Commission) for determination. In respect of the Commission's letter dated 12 December 2023, I wish to provide the following responses.

1. Voluntary Planning Agreement

The current value is \$305/m² (**Incentive Contribution**).

The incentive contribution in relation to height is calculated on the basis of the space between the applicable base height and the incentive height provisions in LEP 2014 that relate to the subject land.

This methodology was also applied to LDA2018/322 where the applicant and Council executed a VPA that required a monetary contribution of \$795,000 for 3,000m² of GFA at the applicable rate at the time of \$265/m².

That contribution was for the estimated floor area of Stage 1 and Stage 2 of the development. As only Stage 1 has been completed (as approved by the Land and Environment Court), a credit for Stage 2 can be applied for this application.

The current SSD, results in the floor area of levels 5 and 6 being delivered in the space accessed under the incentive height provisions. This is equivalent to 4,493m². However, applying the credit from Stage 2 (i.e. 4,493m² - 1,363m²) equates to 3,130m², which when multiplied at the current rate of \$305/m² requires the payment of a Contribution Incentive of \$954,650 pursuant to a planning agreement.

The contribution is required for Council to be able to acquire and / or construct the fine grain roads and recreation areas envisaged under the relevant DCP provisions.

While the proposal before the Commission does not require the provision of a fine grain road or recreation area within the confines of the subject land, the development does stand to benefit from the proposed fine grain roads adjoining the site. In this regard, it should be noted that the delivery of the fine grain roads and recreation areas identified in the DCP, are not identified within the relevant 7.11 Contribution Plan as they are above and beyond

what is contemplated by that plan. They are indeed, consequential of the floor space and height incentive provisions contained within clause 6.9 of the Ryde Local Environmental Plan 2014. Hence the need for a separate contribution by virtue of a planning agreement.

2. Recommended conditions of consent

a) Table 1 attached to this letter identifies additional conditions requested by Council to be included in any consent. These conditions relate to urban design, flooding and overland flow protection, public domain and stormwater works. This table also includes the reason why Council believes that these conditions are warranted.

b) In terms of the draft consent prepared by the Department, Council is of the view that two conditions need modification as discussed below.

Condition A8 can be deleted. This condition is already covered in the Deed between Council and the applicant.

Condition B2 is required to be amended. The applicant has sought to undertake construction and fit out of the development during extended construction hours. Council appreciates and supports the Department's view that the extended hours of construction are likely to interfere with the convenience and comfort of the nearby receivers. However, Condition B2 will permit work to occur beyond the hours in condition B1.

The wording of the condition is difficult for Council's Rangers to enforce. This wording has been used on other SSD approvals within Macquarie Park and Council's Rangers have experienced difficulties in enforcing the condition. What is happening on sites, is that builders are relying upon part (a) of the condition and advises the Ranger that the works are inaudible at the nearest receiver so works can occur. The condition does not specify who the nearest audible receiver is and with more than one site working extended hours it can become difficult to determine which site is creating noise. As such, the Rangers have not been able to enforce the condition.

There are a significant number of residential dwellings either existing or proposed to be constructed in Macquarie Park. Council is of the view that part (a) needs to be deleted from this condition to ensure construction does not interfere with the convenience and amenity of nearby receivers.

c) A copy of the development consent issued by the Land and Environment Court for LDA2018/0322 has been attached for your information.

If you require any further information, please do not hesitate to contact me,

[Redacted signature]

Yours sincerely,

[Redacted signature]

Sandra Bailey
Executive Manager City Development

Table 1 Additional conditions as requested by Council in any consent

Additional Condition Requested by Council to be included in any Consent	Council's reasoning for the condition
<p>1. Urban Design Condition. Prior to the issue of a Construction Certificate– Details of a continuous screening structure in the form of horizontal or vertical louvres with a consistent height at RL 96.88 is to be provided on the roof level, so that the rooftop plant (including electrical plant, generator rooms and data hall) will not be directly visible at street level from the public domain of Talavera Road and the future DCP Road 1. Details are to be provided prior to the issue of Construction certificate. (Reason: To ensure the visual impact of the rooftop plant is minimised)</p>	<p>The reason for this condition is to improve the appearance of the building as viewed from both Talavera Road and the new road that will be constructed adjacent to the rear boundary. It requires the screening of the rooftop plant.</p>
<p>2. Stormwater – Security Bond of the existing 1.8m stormwater pipeline. Prior to the issue any Construction Certificate, the Applicant shall provide to Council a security bond of \$450,000.00. This bond is to for any damage incurred to the existing 1.8m stormwater pipeline during works. The bond must be provided to Council in the form of a bank cheque or unconditional bank guarantee with no expiry date, in favour of City of Ryde. The security bond will only be released following the extinguish of the existing easement over the 1.8m stormwater pipe. (Reason: Security to ensure satisfactory work is completed).</p>	<p>The 1.8m pipe is the pipe that runs diagonally through the site. This pipe will be retained and continue to operate until the new 2.1m pipe is constructed around the boundary of the site. At this stage the existing 1.8m pipe will be grout filled and will no longer be operational. The bond is interned to ensure that if any damage occurs during construction of the development, there will be adequate funding to fix the pipe. Once the pipe is no longer in service, the bond would be able to be returned.</p>
<p>3. Flooding - Flood and Overland Flow Protection. The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:</p>	<p>The site is affected by overland flow. Part of the information submitted with the SSD application was a Flood Impact Assessment Report which made certain recommendations. The Departments conditions do not make any reference to compliance with the recommendations in the report. This is not one of the documents included in condition A2. This condition is calling up the recommendations of the report and it needs to be included in any consent.</p>

- a) The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment Report prepared by Northrop ref. SY212798 dated 27/10/2022 revision C.
- b) The habitable floor levels of the development encompassed under this approval must not be constructed less than the approved Flood Impact Assessment Report prepared by Northrop ref. SY212798 dated 27/10/2022 revision C.
- c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard.

Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.

- d) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties.

To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).

- e) If any underground chamber or room is proposed shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

<p>A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:</p> <ul style="list-style-type: none"> a) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard. b) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event c) Any portion of the development which is to be suspended above the estimated flooding and overland flow must be designed and constructed to allow for the free passage of flood waters. To ensure that a clear flowpath is maintained for the life of the dwelling, the ground surface in the region of the undercroft must be stripped of vegetation, levelled and coated with blue metal (or similar aggregate) to prevent the growth of vegetation under the structure. <p>To ensure the area is maintained and kept clear, a placard is to be installed on the underside of the structure advising the undercroft is to be kept clear at all times to allow for the conveyance of overland flow during extreme storm events.</p> <p>(Reason: to ensure flood protection measures are as per approved flood report).</p>	
<p>4. Public Infrastructure Works – Design for Construction Certificate. Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.</p>	<p>This condition identifies what public domain is required to be completed with this development. Although public domain has already been completed in respect of LDA2018/0322, the condition is calling up other work that has not</p>

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council's City Works Directorate prior to the issue of the 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, drainage pit configurations, kerb returns, existing and proposed signage and line marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed road pavement widening into the remaining street scape.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The full reconstruction of half road width for the Talavera Road frontage of the development site in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Clause 1.1.4 – Constructing Half Road, and current standard drawings specifying road pavement reconstruction requirements.
- (b) Line marking plan and details.
- (c) Staging of the public civil works, if any, and transitions between the stages.
- (d) Any stormwater drainage works approved under this SSD Application.

Notes:

1. 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*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
2. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated.

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards)

been completed or needs to be amended to reflect the current development.

The first requirement is the full reconstruction of the half road width for Talavera Road. During construction it is typical for damage of the road immediately adjacent to the site to occur. This condition will allow for the reconstruction of the road prior to the Occupation Certificate. The second requirement also relates to the road. Due to the access arrangement the line marking on the road will be changed.

Without this condition, Council cannot control the post development arrangement with the public domain.

<p>5. Stormwater - Council Drainage - Structural Adequacy. Council stormwater pits which are being connected into shall be surveyed and confirmed to be capable as being structurally adequate for receiving the upstream connection from the development and satisfy durability requirements. If it is deemed appropriate to replace the pit, kerb inlet pits shall be cast in-situ and conforming to Council's standard drainage pit details.</p> <p>A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority, prior to the commencement of any works, certifying compliance with this condition.</p> <p>(Reason: to verify the structural integrity of the pit).</p>	<p>This condition is important to ensure potential works on any existing Council pit on Talavera Road, do not adversely impact structural integrity.</p>
<p>6. Pre-construction inspection. A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.</p> <p>(Reason: Ensure compliance and communicate Council's requirements).</p>	<p>This condition is important to ensure that the developer and contractor are aware of Council's requirements and assists in ensuring the correct scope of works is undertaken and delivery of quality Council infrastructure.</p>
<p>7. Public Domain Security Bond –Existing Assets. Prior to the commencement of Construction, the Applicant shall provide to Council a security bond of \$433,000 to cover any potential damage to the public domain assets constructed as part of the LDA2018/322 consent (including any modification applications). The bond must be provided to Council in the form of a bank cheque or unconditional bank guarantee with no expiry date, in favour of City of Ryde. Any public domain security bonds will only be released following the issue of a Final Compliance Certificate for External Works to be issued by Council on confirmation of completion of the full scope of public domain works, submission of required documentation and adequate rectification of any identified defects.</p> <p>(Reason: Protection of Council's infrastructure)</p>	<p>This condition is required to ensure that Council asset is not damaged during adjacent construction works. These assets were previously delivered under LDA2018/322.</p>
<p>8. Hold Points during construction - Public Domain Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of</p>	<p>This is a standard condition required to demonstrate that new public infrastructure in Talavera Road, eg,</p>

<p>Engineers Australia), for the public domain, at the hold points shown below.</p> <p>The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.</p> <ol style="list-style-type: none"> 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. Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings. Upon compaction of the applicable sub-base course. Upon compaction or construction 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). Upon installation of any formwork and reinforcement for footpath concrete works; as part of any possible damage to the existing Civil works. Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored. <p>(Reason: Ensure compliance with relevant standards).</p>	<p>new driveway, road upgrade works has been constructed in accordance with Council's DCP 2014, Part 8.2 and 8.5, and Australian Standards.</p>
<p>9. Stormwater - Council Drainage Works – Post Construction Certifications. Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater - Hold Points during construction – Council Drainage Works", to Council's City Works Directorate for written acceptance.</p> <p>The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.</p>	<p>This is a standard condition required to demonstrate that new drainage infrastructure has been constructed in accordance with Council's DCP 2014, Part 8.2 and 8.5, and Australian Standards.</p>

<p>(Reason: To ensure the public infrastructure works have been completed following all quality requirements).</p>	
<p>10. Compliance Certificate – Council Drainage Works – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all Council drainage and associated restoration works have been completed to Council's satisfaction and in accordance with the Council approved drawings.</p> <p>Note: The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.</p> <p>(Reason: to ensure drainage and its consequent restoration works have been conducted as per Australian and Council's standards).</p>	<p>This condition must be retained in order to ensure compliance with Council's DCP 2014, Part 8.5 – Public Civil Works.</p>
<p>11. Flooding – Engineering Compliance Certificate – A certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Occupation Certificate, confirming that all requirements of condition "<i>Flooding - Flood and Overland Flow Protection</i>" have been satisfied.</p> <p>The qualified and practising Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) shall have experience in the area respective of the certification unless stated otherwise.</p> <p>(Reason: To ensure that all flood and overland flow protection requirements are satisfied).</p>	<p>The site is affected by overland flow. Part of the information submitted with the SSD application was a Flood Impact Assessment Report which made certain recommendations. The Departments conditions do not make any reference to compliance with the recommendations in the report. This is not one of the documents included in condition A2.</p> <p>This condition is to ensure all recommendations from the Flood Assessment Report have been endorsed and certified by suitably qualified Chartered Engineer.</p>
<p>12. Public Domain Improvements and Infrastructure Works – Completion – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.</p> <p>(Reason: Ensure Compliance)</p>	<p>This is a standard condition required to demonstrate that new public infrastructure in Talavera Road, eg, new driveway, road upgrade works has been constructed in accordance with Council's DCP 2014, Part 8.2 and 8.5, and Australian Standards.</p>

<p>13. Public Domain Works-as-Executed Plans. To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate. In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.</p> <p>(Reason: Record of Completed Works).</p>	<p>This is a requirement of Council's DCP 2014, Part 8.5 – Public Civil Works. Given that Council will be responsible for the public domain, it is essential to get the plans to verify how it has been constructed.</p>
<p>14. Final Inspection – Assets Handover. For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.</p> <p>A minimum 48 hours' notice will be required when booking for the final inspection.</p> <p>(Reason: Ensure Compliance).</p>	<p>This is required to enable Council to assess the quality of completed works and identify any defects to be rectified prior to acceptance confirmed via issue of compliance certification.</p>
<p>15. Compliance Certificate – External Works and Public Infrastructure Restoration. Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the</p>	<p>This condition must be retained in order to ensure compliance with Council's DCP 2014, Part 8.5 – Public Civil Works.</p>

issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

(Reason: Ensure Compliance).



Land and Environment Court New South Wales

Case Name: Macquarie Telecom Pty Ltd v Council of the City of Ryde

Medium Neutral Citation: **[2019] NSWLEC 1470**

Hearing Date(s): Conciliation conference on 17 September 2019

Date of Orders: 3 October 2019

Date of Decision: 3 October 2019

Jurisdiction: Class 1

Before: Dickson C

Decision: See orders at [9] below

Catchwords: DEVELOPMENT APPLICATION – extension to existing facility – conciliation conference – agreement between the parties – orders

Legislation Cited: Environmental Planning and Assessment Act 1979
Land and Environment Court Act 1979
Ryde Local Environmental Plan 2014

Cases Cited:

Texts Cited:

Category: Principal judgment

Parties: Macquarie Telecom Pty Ltd (Applicant)
Council of the City of Ryde(Respondent)

Representation: Counsel:
S Duggan (Applicant)
P Kapetas (Solicitor) (Respondent)

Solicitors:
Allens (Applicant)
City of Ryde (Respondent)

File Number(s): 2019/89912

Publication Restriction: No

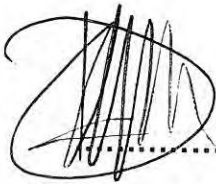
JUDGMENT

- 1 **COMMISSIONER:** This is an appeal pursuant to s 8.9 of the *Environmental Planning and Assessment Act 1979* (EPA Act) by the applicant against the deemed refusal of its development application LDA/2018/0322. The original development application sought approval for alterations and additions to the existing data centre warehouse involving a new six storey addition at the rear of the data centre. The works are proposed at 17-23 Talavera Road, Macquarie Park.
- 2 On 13 August 2018, the Applicant lodged a development application with Council. Following expiration of the deemed refusal period an appeal was filed.
- 3 The Court arranged a conciliation conference under s 34(1) of the *Land and Environment Court Act 1979* (the LEC Act) between the parties, which was held on 17 September 2019. Through the conciliation process the parties have agreed an amended design development.
- 4 In exercising the functions of the consent authority on the appeal, the Court has the power to determine the development application pursuant to s 4.55 of the EPA Act.
- 5 Following the conciliation, an agreement under s 34(3) of the LEC Act was reached between the parties as to the terms of a decision in the proceedings that would be acceptable to them. The decision agreed upon is to uphold the appeal and to grant development consent subject to conditions of consent, pursuant to s 4.55(1A) of the EPA Act.
- 6 As the presiding Commissioner, I am satisfied that the decision is one that the Court can make in the proper exercise of its functions (this being the test applied by s 34(3) of the LEC Act). I have formed this state of satisfaction for the following reasons:

- (1) The development application is made with the consent in writing of the owner of the property.
 - (2) The land to which the development relates is zoned B7 Business Park zone pursuant to the Ryde Local Environmental Plan 2014 (LEP 2014). The development is defined as 'high technology industry' and is permissible within the zone as 'light industry'. The proposed development complies with the development standards within LEP 2014.
- 7 As the parties' decision is a decision that the Court could have made in the proper exercise of its functions, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 8 In making the orders to give effect to the agreement between the parties, the parties have not raised, and I am not aware of any jurisdictional impediment to the making of these orders. Further, I was not required to make, and have not made, any assessment of the merits of the development application against the discretionary matters that arise pursuant to an assessment under s 4.15 of the EPA Act.
- 9 The final orders to give effect to the parties' agreement under s 34(3) of the Court Act are:
- (1) The Applicant is granted leave to amend Development Application No. LDA2018/0322 and rely upon the following additional amended documents:

Document	Prepared By	Dated
Updates to previously submitted Flood Impact Assessment	Northrop	28.06.2019
Civil Engineering Design Package – Trunk Drainage Works (Job Number: 170095, Revision 01)	Northrop	08.09.2017

- (2) The Appeal is upheld.
- (3) Deferred commencement development consent is granted to Development Application No. LDA2018/0322 for alterations and additions to the existing data centre involving the construction of a 6 storey rear addition, landscaping and on-grade parking at 17-23 Talavera Road, Macquarie Park, subject to the conditions of consent annexed hereto and marked 'A'.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by several vertical strokes, positioned above a horizontal dotted line.

D M Dickson
Commissioner of the Court

Annexure 'A'
Macquarie Telecom Pty Ltd v Council of the City of Ryde
Conditions of Consent

GRANTED TO DEVELOPMENT APPLICATION NO. LDA2018/0322
FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DATA CENTRE INVOLVING THE
CONSTRUCTION OF A 6 STOREY REAR ADDITION, LANDSCAPING AND ON-GRADE PARKING
AT LOT 527 DP 752035 KNOWN AS 17-23 TALAVERA ROAD, MACQUARIE PARK

Deferred Commencement Conditions

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to 17 – 23 Talavera Road, Macquarie Park for the alterations and additions to the existing data centre involving a new 6 storey addition at the rear, subject to the following conditions of consent:

1. **Voluntary Planning Agreement.** The Planning Agreement between The Council of the City of Ryde and Macquarie Telecom Pty Limited in the terms set out via offer on 8 October 2018 and placed on public exhibition between approximately 23 January 2019 and 26 February being entered into with Council.
2. **Variation to Council's Easement.** The terms of the existing 3.5m wide public drainage traversing the property is to be amended to include a right in favour of the Council for relocation of the easement.

The amended terms are to include an option for an easement in favour of Council to be created over the proposed alignment of the future 2100 mm diameter trunk drainage pipeline, or equivalent, and associated pits traversing the site generally in accordance with Civil Engineering Design Package – Trunk Drainage Works (Job Number: 170095, Revision 01) prepared by Northrop. The easement shall be centrally located over the future 2100 mm diameter pipeline, or equivalent.

The minimum total easement width shall be 4.0 m wide at all locations. A plan of the proposed new location of the easement must be registered at NSW Land Registry at the same time as the variation, as a plan of proposed easement.

A Variation of Easement shall be registered over the existing 1800 mm trunk drainage pipeline with provision for the new easement to be made operational once the future 2100 mm diameter pipeline is constructed.

The Variation of Easement shall include provision of a Construction Licence to facilitate construction of the future 2100 mm pipeline including storage of goods within the site boundary and access by plant machinery.

The wording of the easement shall be submitted to, and approved by Council's City Works Directorate and General Counsel prior to lodgement at NSW Land Registry, and is to include:

- a. the Council as the authority empowered to vary the terms of the easement,
- b. provision to vary the site of the easement to reflect the as-built pipe location prior to registration of the replacement easement.
- c. the ability for Council to procure registration of the replacement easement without further reference to the servient owner

Documentary evidence of registration of the variation to the easement, must be submitted to Council to demonstrate the requirements of this condition have been satisfied.

- (B) Written evidence that the matter identified in deferred commencement conditions (A) 1 & 2 above has been satisfied, must be submitted to Council within 12 months from the date of this development consent, failing which, this development consent will lapse pursuant to Section 4.53 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent conditions (A) 1 & 2 above have been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) 1 & 2 above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

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
Coversheet	06/08/2018	DA2-000 Issue 6
Site Plan	09/08/2018	DA2-003 Issue 12
Interim Site Plan	09/08/2018	DA2-004 Issue 4
Ground Floor Plan	06/08/2018	DA2-100 Issue 10
Level 1 Plan	06/08/2018	DA2-102 Issue 9
Level 2 Floor Plan	06/08/2018	DA2-103 Issue 9
Level 3 Plan	06/08/2018	DA2-104 Issue 9
Level 4 Plan	06/08/2018	DA2-105 Issue 9
Plant Plan	06/08/2018	DA2-106 Issue 9
Roof Plan	06/08/2018	DA2-107 Issue 9
IC3 SE Elevation	06/08/2018	DA2-155 Issue 5
IC3 – SW Elevation	06/08/2018	DA2-156 Issue 8
IC3 – NW Elevation	06/08/2018	DA2-157 Issue 8
IC3 – NE Elevation	06/08/2018	DA2-158 Issue 8
NW Interim Elevation	06/08/2018	DA2-160 Issue 5
Sections	06/08/2018	DA2-200 Issue 7
Sections	06/08/2018	DA2-201 Issue 7
Construction Staging Diagrams	06/08/2018	DA2-010 Issue 4

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. **Staged Construction & Occupation of the Development.** Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates to be issued for the development and approved by this consent authority in phases, provided that all conditions of consent relevant to the development incorporated with each phase have been complied with prior to the release of the relevant Construction Certificate.

This development consent permits the staged Construction of the development in phases hereby approved as indicated below.

Stage 1:

- Tree removal and site preparation works.
- Construction of Stage 1 building
- 101 parking spaces

Stage 2:

- Construction of Stage 2 component, adjacent to the south western part of the building.
- Removal of 30 parking spaces leaving a total of 71 parking spaces for the site.

Construction Staging – For any staging of the Public Domain works, the applicant shall provide detailed construction management and staging plan.

4. **Voluntary Planning Agreement (VPA).** The applicant is to comply with all of the VPA obligations entered into between Council and Macquarie Telecom Pty Ltd as referred to in the deferred commencement condition (A) (1).
5. **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.
6. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
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. **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. Gates must be installed so they do not open onto any footpath.
9. **Public Utilities and Service Alterations.** All mains, services, power poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc.) in relation to any service connections, works, repairs, relocation, replacement and/or adjustments to the public infrastructure or services affected by the development.
10. **Works on Public Roads.** Any works performed in, on or over a public road reserve 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 Sections 138 and 139 of the Roads Act 1993. 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".

Note: Restoration charges associated with the application for the Road Opening Permit shall not apply in the event that the person who has the benefit of this consent undertakes the restoration works (Refer to Condition 12.).

11. **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.
12. **Public areas and restoration works.** 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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council.

The specifications for the restoration works is available on Council's website.

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

13. **Construction of tank bunds.** All fuel or dangerous liquid tank bunds must be designed and constructed in accordance with the following requirements:
 - (a) The bund must have a capacity of at least 110% of the largest tank plus the volume displaced by any additional tanks within the bunded area.
 - (b) The walls and floor of the bund must be constructed of materials impervious to the contents of any container within the bund and be structurally adequate to contain any liquid spilled within the bund.
 - (c) A collection sump must be provided in the floor of the bund to facilitate the removal of liquids and the floor of the bund graded to the sump.
 - (d) Drain valves must not be provided in the bund.
 - (e) Pipework from the enclosed tanks and any associated pumps must pass over the bund walls.
 - (f) Hose couplings for tanks enclosed within the bund must be located so that leaks or spills are contained within the bund.
 - (g) Where necessary, the bund must be roofed where practicable to prevent the entry of rainwater.
 - (h) Proprietary self-bunded tanks that deal with the above are acceptable
14. **Bunding of drum storage areas.** Any drum storage areas must be bunded to prevent the escape of spills or leaks.
15. **Bunding of above ground storage tanks.** All above ground fuel or dangerous liquid storage tanks must be bunded to prevent the escape of spills or leaks.
16. **Storage of hazardous substances.** The storage of any hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*.
17. **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.

18. **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.
19. Deleted.
20. Deleted.
21. **Tree Retention.** The following trees as identified within Arboricultural Impact Assessment prepared by Arboreport dated 11 May 2018 must be retained and protected: Tree 1, 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 & 98.
22. **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. All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.
23. **Tree Protection Fencing.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development site. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
24. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
25. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
26. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
27. **Root and Canopy Pruning.** All canopy pruning work required shall be carried out in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees. All pruning work shall be carried out by an experienced Arborist with minimum AQF Level 3 qualifications. No branches of greater than 100mm in

diameter should be removed or pruned without further advice from the Project Arborist.

Where possible tree branches overhanging the construction zones are to be tied back to the main trunk rather than pruned.

Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical.

Severed roots shall be treated with a suitable root growth hormone.

28. **Soil Moisture within TPZ.** Soil moisture levels within all TPZs are to be regularly monitored by the Project Arborist. If temporary irrigation or watering is required within the TPZ, then any above-ground irrigation system is to be installed and maintained by a suitably qualified individual.
29. **A Tree Protection Schedule.** A Tree Protection Schedule is to be prepared to document the activities detailed in the table below. The Tree Protection Schedule is to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final Crown Certificate. A copy of the final certification is to be made available to the City of Ryde Council upon request.

Hold Point	Task	Responsibility	Certification	Timing of Inspection
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

30. **Tree Removal.** The trees which are 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. 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.

31. **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 2009 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

PRIOR TO CONSTRUCTION CERTIFICATE

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

32. **Section 7.11 - Stage 1.** 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	\$124,673.31
Open Space & Recreation Facilities	-
Civic & Urban Improvements	\$122,136.57
Roads & Traffic Management Facilities	\$321,121.44
Cycleways	\$16,936.47
Stormwater Management Facilities	\$37,379.61
Plan Administration	\$4,551.21
The total contribution is	\$626,798.61

These are contributions under the provisions of Section 7.11 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 contribution must be paid **prior to the issue of the Construction Certificate for Stage 1**. 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.

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.

Section 7.11 – Stage 2. 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	\$100,276.71
Open Space & Recreation Facilities	-
Civic & Urban Improvements	\$98,236.37
Roads & Traffic Management Facilities	\$258,283.04
Cycleways	\$13,622.27
Stormwater Management Facilities	\$30,065.01
Plan Administration	\$3,660.61
The total contribution is	\$504,144.01

These are contributions under the provisions of Section 7.11 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 the Construction Certificate for Stage 2**. 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 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service 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>.

Note: The section 7.11 contributions may be reduced by the amount of any offset agreed under a Works in Kind Agreement with Council in respect of the public domain works required to be undertaken pursuant to Condition 54. The Works in Kind Agreement, must be entered into with Council prior to the commencement of any works the subject matter of the Works in Kind Agreement. Council is also under no obligation to refund monetary contributions paid 12 months after their receipt.

33. **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 Certifier prior to the issue of the **Construction Certificate** for each of the stages.

34. **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** for each of the stages.
35. **Security deposit – Stage 1.** Prior to the release of the **Construction Certificate** for Stage 1, Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Schedule of Fees and Charges. (category: other buildings with delivery of bricks or concrete or machine excavation)

This security deposit will be released following the issue of the Occupation Certificate for Stage 1.

- 35A **Security deposit – Stage 2.** Prior to the release of the **Construction Certificate** for Stage 2, Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Schedule of Fees and Charges. (category: other buildings with delivery of bricks or concrete or machine excavation).

This security deposit will be released following the issue of the Occupation Certificate for Stage 2.

36. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate** for each of the stages.
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
37. **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 Certifier prior to the issuing of the **Construction Certificate** for each of the stages.
38. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificates must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
39. **Compliance with Access Report.** The development is to comply with the requirements contained in the Access Report by Obvious Access Consultants and all other relevant BCA access requirements. The recommendations within the tabular Access Report on pages 14 to 42 of the Access Report are to be implemented and are to be submitted on the **Construction Certificates** for Stages 1 & 2.

In accordance with the Access Report, any decision to utilise Clause D3.4 would need to be documented with information from the building operators about the role of personnel using the spaces and the occupational health and safety restraints. This would then need to be submitted to the Principal Certifier for approval.

40. **Energy Efficiency..** Recommendations of the Environmental Sustainability & Energy Efficiency Report by Hurley Palmer Flatt dated February 2018 Issue 2 are to be included in the final building design.

Details are to be noted on the plans submitted with the **Construction Certificates for Stage 1 & Stage 2** and approved by the Principal Certifying Authority prior to the issue of the relevant CCs.

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

42. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground public drainage infrastructure, generally in accordance with the approved Stormwater Management plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the 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.
- Onsite detention must be incorporated in the stormwater management system having a minimum SSR of 101.89m³ and PSD 39 L/s at the completion of Stage 1 Works and a minimum SSR of 203.78m³ and a maximum PSD of 67L/s at the completion of Stage 2 Works. Any variations to these values attributed to changes required by conditions of this consent, must be in accordance with Council's DCP requirements for onsite detention and must validated in the certification of the design required by this condition.

43. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by NSW Department – Office of Environment and Heritage and must contain the following information;

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation

- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for the Construction Certificate for each of the stages. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

44. **Flooding – Boundary Fencing.** All new boundary fencing located across the overland flow path shall be designed to be permeable up to the 1 in 100 year ARI flood level plus 300 mm freeboard (minimum 300 mm from the ground) and constructed in materials that allow unobstructed passage of surface stormwater flows.

The design shall be carried out by a suitably qualified Civil Engineer (registered on the NER of Engineers Australia), or equivalent. Fencing details shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1.

45. **Council's Existing Easement – Building Foundation Clearances - Detailed Design and Certifications.** Footings and foundations of all proposed structures adjacent to the existing 1800 mm Council trunk drainage pipeline must be founded outside the zone of influence to provide stability to both the structure and the trunk drainage system during maintenance operations of the pipeline.

The applicant shall submit to Council for approval detailed design drawings and a design certificate prepared by a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, confirming compliance with the below requirements, prior to the issue of the Construction Certificate for the Stage 1 works and the Stage 2 works:

- a) The existing 1800 mm diameter pipeline shall be physically located by suitable techniques and surveyed by a registered surveyor and shall be clearly shown on the submitted plans.
- b) A minimum of 500mm horizontal clearance is to be provided from the outside edges of Council's existing 1800 mm diameter pipeline to the proposed structures. All setbacks of the proposed structures including internal services of the proposed building from Council's drainage line shall be shown on the submitted plans.
- c) Special footings shall be provided where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert of the drainage structure or to solid rock, whichever is the lesser. The footing may be reduced in depth by 500mm for every 1000mm increment in distance the proposed/existing structure is from the easement boundary.

- d) Any piers shall be bored, not driven.
- e) Foundations must extend to at least 1.0 m below the zone of influence of the trunk drainage asset.
- f) The building structure including all structural support elements are designed in such a way that no building loads are transmitted to the existing 1800mm diameter drainage conduit and that the conduit can be repaired at any time without affecting the stability of the building structure or its foundations.

46. **Protection of Existing Trunk Drainage – Security Bond.** To ensure satisfactory performance of the excavation, support of the trunk drainage infrastructure during the proposed construction activities, back filling, and associated restoration works, a defects liability period of twelve (12) months shall apply following the completion of the works for the Stage 1 and the Stage 2.

The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the relevant stages for the Existing Trunk Drainage. The applicant shall be liable for any part of the work (listed above) which fails to perform in a satisfactory manner as outlined in Council's standard specification and/or relevant Australian Standards, during the twelve (12) months' defects liability period.

A bond in the form of a cash deposit or Bank Guarantee of \$100,000 shall be lodged with the City of Ryde prior to the issue of the Construction Certificate for Stage 1 and \$500,000 prior to the issue of the construction certificate for Stage 2 to guarantee this requirement will be met.

Any new defects (not present in the Pre-construction CCTV Report for any stage) in the Existing Trunk Drainage caused by the construction works identified during the relevant defects liability period shall be rectified by the Applicant within a period of thirty (30) days or other reasonable time frame agreed with Council following notification from Council. The details of the defects and repairs shall be documented and certified by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent. Council reserves its right to call upon the bond should the Applicant fail to undertake the rectification works as required by Council.

In order to confirm the integrity of the existing trunk drainage, a new CCTV inspection and report on the pipeline shall be provided to Council's City Works Directorate one month prior to the expiry of the defects liability period. This report shall be prepared by an accredited contractor and shall include the date of the inspection and commentary on the defects, if any. The report shall be used by Council to compare with the post- construction CCTV footage report, and to assess whether the pipeline has deteriorated (due to the construction works or operation of the facility) and if any further rectification works are required to be undertaken prior to the release of the security bond.

The bond will only be refunded when the works are determined to be satisfactory to Council, and written confirmation is provided by Council, after the expiry of the twelve (12) months defects liability period for the Stage 1 and the Stage 2.

47. **Tree Planting – rear boundary.** Five (5) *Angophora floribunda* (Rough- barked Apple) are to be planted adjacent to the rear boundary of the subject site. The trees to be planted must be a minimum 75 litre pot size and be spaced at 10m centres. Details of compliance are to be shown on the plans for **Construction**

Certificate for Stage 1.

48. **Tree Planting – car park.** Medium size trees capable of reaching a minimum mature height of 6 metres are to be provided within the planting beds located within the proposed Stage 2 carpark planted at a minimum 75 litre pot size. The species selected is to be chosen from Ryde Council's tree planting list available at: <https://www.ryde.nsw.gov.au/Environment-and-Waste/Trees/Tree-Selection-and-Establishment/Tree-Planting-Lists>. Details of compliance are to be shown on the plans for **Construction Certificate for Stage 2.**
49. **Tree Planting.** One (1) Eucalyptus pilularis (Blackbutt) is to be planted within the western corner of the subject site at a minimum 100 litre pot size. Details of compliance are to be shown on the plans for **Construction Certificate for Stage 1.**
50. **Bund details.** Details of the proposed tank bunds must be submitted for approval with the application for the relevant Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the tank bunds complies with the conditions of this Consent.
51. **A Construction Traffic Management Plan (CTMP).** Prior to the issue of the Construction Certificate for each of the building works for Stages 1 & 2, a CTMP shall be submitted and approved by Council's Traffic, Transport and Development Department. The CTMP shall be prepared by an RMS accredited person in consultation with Transport for NSW, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

Any further enquiry related with the CTMP should be directed to Joel Azzopardi on 0466 427 016 or e-mail at <Joel.Azzopardi@transport.nsw.gov.au> or David Collaguazo on 0435 658 792 or e-mail at <David.Collaguazo@transport.nsw.gov.au> for their attention.

Please note that due to heavy traffic congestion throughout Macquarie Park, truck movements (with the exception of concrete delivery trucks as below) is restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

During major commuter peak times, the maximum number of concrete delivery trucks permitted in any one hour is 10 movements.

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 are to be paid at the time that the Construction Pedestrian and Traffic Management Plan is submitted.

The CTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by

Council's City Works Directorate.

- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- vi. 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 trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with developers undertaking major development works on Talavera Rd within a 250m distance 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 submitted to Council prior to work commencing on site.

- viii. Specify spoil management process and facilities to be used on site.
- ix. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- x. Comply with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites", Council's DCP 2014 Part 8.1 (Construction Activities) and Council's CPTMP checklist. A copy of Council's CPTMP checklist shall be obtained from Council's Traffic, Transport and Development Department prior to submission of CPTMP.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP 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 to the site.

52. **Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed to comply with forward in and forward out access of an 8.8m Medium Rigid Vehicle (MRV), as a minimum requirement. The height clearance required is 4.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m MRV shall be submitted to and approved by the principal certifying authority prior to the issue of the relevant Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

53. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of any temporary ground anchors into public reserve including any easement, if required, may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993, prior to the issue of the Construction Certificate for the Stage 1 works and the Stage 2 works. The application for the approval must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the property boundary alignment (including boundary alignments for any easements) and the angle of installation for anchors. The approval will be subject to:
- Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
 - the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the application, and
 - the provision of a copy of the Public Liability insurance cover of not less than \$20 million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.
54. **Public domain improvements.** The public domain is to be upgraded along the Talavera Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 6 - Macquarie Park.
- A Public Domain design for the following works shall be submitted for approval to be issued by Council's City Works Directorate prior to commencement of the public domain works. The works shall be completed to Council's satisfaction at no cost to Council prior to the issue of the any Occupation Certificate.
- Footpath paving and driveway crossings, as specified in condition 55 of this consent for public infrastructure works.
 - All telecommunication and utility services are to be placed underground along the Talavera Road frontage. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development 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, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.
 - The light fittings on the existing multi function poles (MFPs) along the Talavera Road frontage of the development site, shall be upgraded using LED luminaires, in accordance with the Council's *Design Guide for Council-owned Street Lighting*.

- (d) Installation of an additional street light on multi-function pole (MFP) is required towards the north-western boundary of the site with a minimum distance of 2.0m from the existing drainage line. The new light shall be serviced by the existing metered underground power and shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*.

The lighting along the Talavera Road frontage shall be designed to achieve a minimum vehicular luminance category **V3** and pedestrian luminance category **P2**.

The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and are to be submitted to relevant utility authorities and Council's City Works Directorate for approval, prior to commencement of the work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

Note: Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide and schema can be made available to the Electrical Design Consultant upon request to Council's City Works Directorate.

- 55. **Public Infrastructure Works.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent.

Engineering drawings for the Public Domain design shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) and approved by Council's City Works Directorate, prior to the commencement of the Public Infrastructure Works. The works shall be designed 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 plan view, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The approved works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate for the works in part (b) of this condition. The reconstruction of the two vehicular crossings shall be completed prior to the issue of the Occupation Certificate for Stage 2.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) Construction of granite footpath with the implementation of the shared user path, along the Talavera Road frontage of the development site, in accordance with the City of Ryde Public Domain Technical Manual Section 6 – Macquarie Park Corridor and the City of Ryde specification for the Shared Use Path.

The reconstruction of the two existing vehicular crossings on the Talavera Road frontage of the development site to granite pavement finish to match the adjacent footway. The design must match the existing levels of kerb and gutter on Talavera Road and include transition works to the existing driveways within the property. The design plan is to also demonstrate the temporary connection between the existing vehicular crossings and the new granite footpath to ensure safe pedestrian thoroughfare is provided along the Talavera Road frontage of this development site.

- (b) The reconstruction of any damaged kerb, gutter, road pavement, stormwater lintel and pit along the Talavera Road frontage of the development site.
- (c) Stormwater drainage installations within the road reserve in accordance with the DA approved plans.
- (d) Signage and line marking details, including the required line marking for the Shared Use Path along the entire frontage of the development site. New line marking for the shared use path shall provide for a minimum 3m wide path and a clearance of 500 minimum 300mm from the MFPs, meter box and Ausgrid pillar.
- (e) Staging of the public civil works, if any, and transitions between the stages and other details that are relevant to the construction.
- (f) 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 along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain infrastructure, including new or existing footpaths, prior to setting any internal levels within the property.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission of Public Domain design 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*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for Public Domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the Public Domain design submissions; however Council's title block shall not be replicated.

56. **Driveway Access and Boundary Alignment Levels.** The applicant shall apply to Council for site specific driveway access and boundary alignment levels prior to any submission for Public Domain design plans. The application shall be accompanied by preliminary engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the detail design plans for the Public Domain improvements and infrastructure works, and the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
57. **Vehicle Footpath Crossings.** To protect the footpath from damage resulting from the vehicular traffic, the footpath crossing/s shall be designed and constructed in accordance 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 (AS2890.1). The crossings shall match the paving style along the frontage of the development site.

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 all relevant Australian standards, prior to the issue of the Construction Certificate for Stage 2.

58. **Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. 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, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee, unconditional and with no expiry date, in amount of **\$50,000** shall be lodged with the City of Ryde prior to the approval by Council's City Works Directorate nominated in Condition 55, 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 twelve (12) months defects liability period.
59. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

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.

60. **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 Certifier 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.

61. **Project Arborist.** A Project Arborist with minimum AQF level 3 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 in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment & Tree Protection Specification prepared by Arboreport dated 11 May 2018. 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 by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

62. **Work Zones and Permits.** Prior to commencement of the associated works, 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.

63. **Notice of Intention to Commence Public Domain Works.** Prior to commencement of the Public Domain works, a Notice of Intention to Commence Public Domain Works shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Note: Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

64. **Notification of adjoining owners & occupiers – Public Domain works.** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.
65. **Pre-construction inspection.** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.
66. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits and lintels,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report is to be dated and submitted to and accepted by Council's City Works Directorate, prior to any work commencing on the site.

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

Following completion of the public domain works, the Applicant is required to submit another pre-construction dilapidation report for the above listed public infrastructure, prior to any work commencing for the Stage 2 of the development.

67. **Pre-Construction CCTV Report.** To ensure Council's trunk drainage infrastructures are adequately protected, a pre-construction CCTV report on the existing Council trunk drainage infrastructure running through the development site is to be submitted to Council prior to the commencement of any construction works for the Stage 1 and the Stage 2.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing Council trunk drainage infrastructure adjacent and within the site is required. This report shall include the date of CCTV inspection and any defects in the existing pipeline and shall be submitted to Council's City Works Directorate for acceptance 30 days prior to commencement of any construction works.

Note: The applicant shall contact Council's City Works Directorate to obtain a map of Council's existing trunk drainage network in the vicinity prior to conducting the CCTV survey.

68. **Pipeline Location** - Council's existing trunk drainage pipeline within the site must be located physically and the position and line of the pipe shall be pegged out on site prior to commencing any site works for the Stage 1 and the Stage 2. The survey and set out of the existing pipe shall be carried out by a suitably qualified Surveyor.
69. **Work Method Statement** - To ensure Council's trunk drainage line is protected through the proposed construction activities, a 'Work Method Statement' prepared and certified by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent. The engineer shall have appropriate expertise and experience in constructing around stormwater assets.

The Work Method Statement shall include the following as a minimum:

- a) The construction methodology and sequence including controlling vibration and ground movement.
- b) The details of area of excavation and heavy construction equipment to be used in the construction, if any.
- c) The location, depth and as-constructed details of the trunk drainage line in the vicinity of the works.
- d) The details of any temporary or permanent protection works required to safeguard the pipe from damage.
- e) Expert specialist advice such as geotechnical and other areas as required by the works
- f) A monitoring plan outlining how the impact of the building works on the existing trunk drainage line will be monitored with appropriate warning thresholds to allow enough time to implement actions to avoid damage or failure of the trunk drainage system

The Work Method Statement shall be submitted to Council for acceptance by Council in writing 30 days prior to the commencement of any construction works for the Stage 1 and the Stage 2.

70. **Supervising Site Engineer.** A Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, with appropriate expertise and experience shall act as Supervising Site Engineer to supervise the proposed construction activities within the zone of influence or over Council's trunk drainage system.

The engineer shall ensure that all civil and structural construction works will be executed as detailed in the stamped approved plans, conditions of this consent, Work Method Statement, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications.

The applicant shall submit the details of the Supervising Site Engineer to Council for acceptance 30 days prior to commencement of any construction works for the Stage 1 works and the Stage 2 work.

71. **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 the commencement of the relevant works and considering the lead times required for each application, 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 Public Domain Works.
- 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 Road Occupancy Licence 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 replacement of existing pipeline or construction of a new pipeline is to be built within the road reserve. 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 be 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.

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.

72. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifier during construction to ensure that the critical stage inspections are undertaken, as specified under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
73. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.
74. **Construction materials.** All materials associated with construction must be retained within the site.
75. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
76. **Site Maintenance**
The applicant must ensure that:
 - a. approved sediment and erosion control measures are installed and maintained during the construction period;
 - b. building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - c. the site is clear of waste and debris at the completion of the works.
77. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
78. **Tree Damage.** In the event of any tree being damaged during the construction period, the Project Arborist is to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.
79. **Machinery Damage.** Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy & construction activities, the advice of the Project Arborist must be sought.

80. **Implementation of Construction Pedestrian and Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Pedestrian and Traffic Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

81. **Hold Points during construction - Public Domain.** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain works, at the hold points shown below.

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- 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 or construction 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.

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

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

83. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by

vehicles leaving the subject site is to be swept up immediately.

84. **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 submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
85. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. 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.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifier 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 Certifier 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 Certifier 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 Certifier.

86. **Public Domain Improvements and Infrastructure Works –Completion.** All Public Domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.
- 86A. **Vehicular Crossings – Completion.** The reconstruction of the two vehicular crossings shall be completed prior to the issue of the Occupation Certificate for Stage 2. The finish of the vehicular crossings shall match that of the adjacent granite footpath that is required to be provided pursuant to condition 55 of this consent.
87. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate for every approved Stage of the development, the Applicant shall submit to Council a Certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.
88. **Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and 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.
89. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

90. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
91. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and in colour photographic record of any observable defects to the following infrastructure where applicable.
 - a) Road pavement,
 - b) Kerb and gutter,
 - c) Footpath,
 - d) Drainage pits and lintels,
 - e) Traffic signs, and
 - f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to and accepted by Council's City Works Directorate, prior to issue of any Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate as required by Condition 94.

After completion of the **Stage 2** works, the Applicant is required to submit another post-construction dilapidation report on the above listed civil infrastructure the issue of the Compliance Certificate as required by Condition 94A.

The refund of any damage/security deposit for the relevant stages will be subject to satisfactory restoration and rectification of any civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, following the issue of the Occupation Certificate for each of the stages.

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

92. **Decommissioning of Ground Anchors.** Prior to the issue of any Occupation Certificate for Stage 1 works and the Stage 2 works, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
93. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works for each of the stages. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

94. **Compliance Certificate – External Works and Public Infrastructure Restoration Stage 1–** Prior to the issue of any Occupation Certificate for the Stage 1 works, a Compliance Certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works required in stage 1, and restoration of infrastructure assets that have been dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
- 94A. **Compliance Certificate – External Works and Public Infrastructure Restoration Stage 2–** Prior to the issue of any Occupation Certificate for the Stage 2 works, a Compliance Certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have been dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
95. Deleted.
96. **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, including the area of land which will be subject to flooding and overland flow.

97. **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.

98. **Restriction as to User – Undercroft.** A restriction as to user is to be placed on the property title to prevent the closure of openings or storage of any materials other than as shown and modeled on the DA approved drawings within undercroft areas which are intended to accommodate the conveyance of overland flows that may occur during extreme storm events. The terms of the restriction shall be prepared to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate.
99. **Positive Covenant(s) - Stormwater Management.** 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 standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

100. **Positive Covenant - Access to easement.** A positive covenant registered in accordance with Section 88 of the Conveyancing Act 1919 shall be placed on the property title, requiring the property owner to remove all structures spanning the easement up to a height of 10m above the finished surface level in the property at their cost, when requested to do so by Council or other service provider, in accordance with Council's DCP Part 8.4 (Title Encumbrances) Section 2.1.3. The terms of the restriction shall be generally in accordance with Council's draft terms for such measures.
101. **Engineering Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Engineering 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 the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - e) 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).
 - f) Deleted
102. **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).

103. **Post-Construction Certification – Structures / Excavations near Council's Easements.** A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be prepared to state that:

- a) All footings and structural support elements adjacent to the existing 1800 mm diameter Council's pipeline have been constructed outside the zone of influence to provide stability to both the structure and drainage system.
- b) All footings for buildings and/or other structures located adjacent to easements and/or Council drainage pipes have been constructed outside of Council's easement in such a way that no building loads are transmitted to the drainage conduit.
- c) All footings and structures adjacent to Council's pipeline and/or easement have been constructed at least 100 mm below the invert of the Council's pipe or have been placed on competent bedrock.
- d) The conduit can be repaired at any time without affecting the stability of the building structure or its foundations.

The certificate shall be provided to Council's City Works Directorate for acceptance prior to issue of any Occupation Certificate for the Stage 1 works and the Stage 2 works.

104. **Post-Construction CCTV Report - Existing Trunk Drainage.** To ensure Council's existing trunk drainage infrastructures through the development site are adequately protected, and there are no damages due to the proposed construction activities a post-construction CCTV report on the Council's existing trunk drainage pipeline is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council. The report is to be dated and submitted to Council's City Works Directorate in writing, prior to the release of the bonds applicable to the existing trunk drainage pipeline .

105. **Compliance Certificate – Existing Trunk Drainage.** Prior to the release of the bonds applicable to the existing trunk drainage pipeline , a compliance certificate shall be obtained, following the completion of each of the stages of development, from Council's City Works Directorate confirming that the requirements in the following conditions have been completed to Council's satisfaction:
- a) "Post-Construction Certification – Structures / Excavations near Council's Easements"
 - b) "Post-Construction CCTV Report – Existing Trunk Drainage"

The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

Note: An invoice will be issued to the Applicant for the amount payable.

106. **Flooding - Flood Impact Statement.** The applicant shall comply with the flood recommendations provided in the Flood Impact Assessment (Project Ref: SY170095, Revision B) prepared by Northrop dated 17 May 2018 and Supplementary Letter "Updates to previously submitted Flood Impact Assessment" prepared by Northrop dated 28 June 2019.

A certificate from a suitably qualified Drainage Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with these recommendations prior to the issue of any Occupation Certificate for the Stage 1 works and the Stage 2 works.

107. **Flooding – Building Components.** A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate for the Stage 1 works and the

Stage 2 works, confirming that all new building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard have been designed to be flood compatible.

108. **Flooding – Boundary Fencing.** A certificate from a suitably qualified Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate for Stage 1, confirming that all new boundary fences located in the overland flow path are permeable up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).

109. **Flooding – Building Components – Structural Design.** A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of any Occupation Certificate for the Stage 1 works and the Stage 2 works, confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.

110. **Flood Emergency Response Plan.** A Detailed Flood Emergency Response Plan (FERP) is to be developed for the commercial office building.

The FERP shall consider floods up to and including the Probable Maximum Flood (PMF). Implementation and maintenance of the FERP shall be the responsibility of building management. All owners and tenants of the building must be made aware of the FERP.

Details of the FERP prepared by a suitably qualified Engineer (registered on the NER of Engineers Australia), or equivalent, are to be submitted to Council for acceptance prior to issue of any Occupation Certificate for the Stage 1 works and the Stage 2 works.

111. **Creation of a Floodway Restriction.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 Year Average Recurrence Interval (ARI) flow path and also not to have any structure placed inside without Council permission.

The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council. The extent of the identified overland flow path within the subject site shall be shown on a scale sketch, attached as an annexure to the request forms. City of Ryde Council shall be the authority empowered to release or modify the Restriction.

Documentary evidence of registration of the instrument with the Land Registry Services shall be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate for **Stage 1**/use of the building

112. **Post-Construction CCTV Report – Private Drainage Easements and Pipelines:**

To ensure any private inter-allotment drainage system through the development site are adequately protected, and there are no damages due to the proposed construction activities a post-construction CCTV report shall be submitted to Council.

The Applicant shall prepare an electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing private drainage lines within the site.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required. Where the post construction CCTV footage discloses that rectification work is required to restore any private inter-allotment drainage system to its pre-construction state, the applicant shall carry out that work at no cost to Council..

113. **Final Assessment of Trees.** At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any occupation certificate for the development for Stage 1 works and Stage 2 works. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.

114. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of the Public Domain Works approval.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.

115. **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 any Occupation Certificate for Stage 2.

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116. **Flood Emergency Response Matters.** The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for the proposed development in condition "Flood Emergency Response Plan".

Implementation and maintenance of the FERP shall be the responsibility of building management and all owners, tenants and users of the building must be made aware of the FERP. FERP shall include details of the proposed 'on-site' refuge area. Permanent signage shall be installed in all staff common areas informing the future occupants of the emergency evacuation procedures and refuge area.

117. **Loading Management Plan.** A Loading Management Plan shall be prepared by an appropriately qualified person and submitted to Council prior to the issue of any Occupation Certificate. The Plan needs to demonstrate how loading area will be managed to accommodate a 19m articulated vehicle. The Plan needs to ensure that potential conflict between truck and car movements is minimised. Vehicle queuing on Talavera Road is not permitted.
118. **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).
119. **Registration of water-cooling systems.** All water-cooling systems regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

120. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
121. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
122. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
123. **Air pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
124. **Standards of air impurities not to be exceeded.** Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
125. **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.

126. **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 noise amenity levels as defined in the Noise Policy for Industry (EPA 2017), being a noise level of 65 dBA, when measured at the boundary of any affected industrial or commercial premises in the vicinity .
 - (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.

127. **Noise from emergency generator.** The noise emitted by the emergency generator must comply with the following criteria:

- (a) The LA10 noise level must not exceed a noise level of 65 dBA, when measured at the boundary of any affected industrial or commercial premises in the vicinity.

Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with Noise Policy for Industry (EPA, 2017)

128. **Clean water only to stormwater system.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
129. **Installation, operating and maintenance requirements.** All air-handling and water systems regulated under the Public Health Act 2010 must be installed, operated and maintained in accordance with the requirements of the Public Health Regulation 2012.
130. **Access for maintenance purposes.** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Operation and maintenance.
131. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner. An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
132. **Duty to notify.** Pollution incidents causing or threatening harm to the environment must be reported immediately to all relevant authorities in accordance with Section 148 of the Protection of the Environment Operations Act 1997.