

JRPP No:	2011SYE006
DA No:	LDA2010/0671
PROPOSED DEVELOPMENT:	Alterations and additions to existing building and commence use as data centre and research & development facility.
APPLICANT:	GIDDIS Pty Ltd
REPORT BY:	Sanju Reddy - Senior Town Planner, CITY OF RYDE

Assessment Report and Recommendation

1. **EXECUTIVE SUMMARY**

The application proposes to carry out alterations and additions to the existing office building at 17-23 Talavera Road, Macquarie Park and commence use as data centre and research & development facility.

The facility is being developed by Macquarie Telecom for design, sourcing and delivery of customised hosting solutions for critical online computer applications for private and government organisations in a secure, flexible, scalable and reliable environment.

The proposal involves various internal and external alterations including a two storey addition to the eastern side of the existing two storey building. The equipment to be installed in connection to the proposed use will include 2 X 45,000L diesel tanks, generators and electricity substations, switching equipment, chillers, uninterrupted power supply systems & various office equipment.

As the application has a capital investment value in excess of \$10 million, the development is of regional significance under the provisions of State Environmental Planning Policy (Major Developments 2005). The consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel.

The application was notified and advertised for a period of 14 days ending on 17 February 2011. During the notification period, no submissions were received.

The development complies with all of the planning requirements and is unlikely to result in any significant adverse impact on the amenity of the locality.

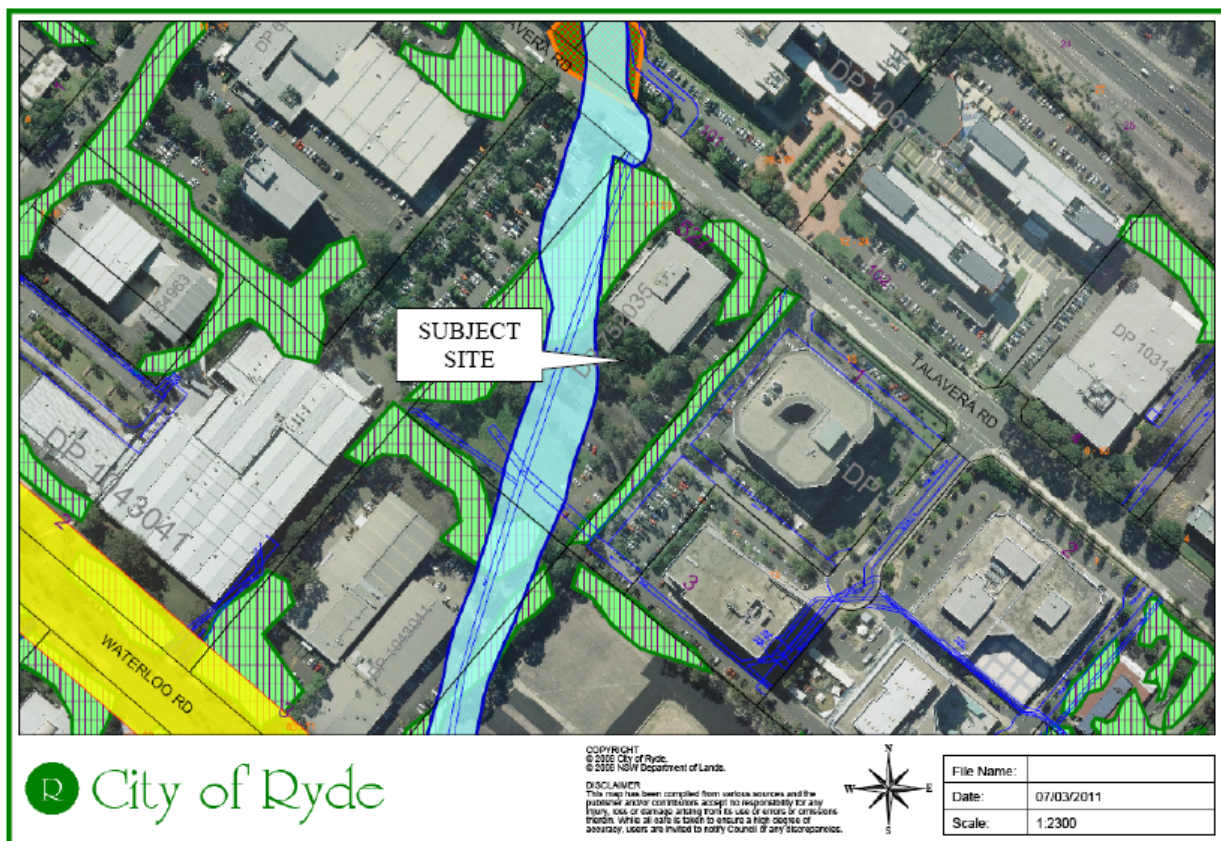
The development application is recommended for approval subject to appropriate conditions of consent.

2. SITE DESCRIPTION

The subject site is known as 17 – 23 Talavera Road, Macquarie Park and includes the land contained in Lot 527, Deposited Plan 752035. The site has an area of approximately 20,030m², a frontage of 110.5m and a depth of 181m. The location of the site is demonstrated in Figure 1.

The site is earmarked for part of the future fine grain road network as identified under Council's Development Control Plan 2010. The land is also affected by an overland flow path traversing the site and there are various trees located around the rear and western boundaries of the site. A two storey commercial building currently occupies the site and this building is currently vacant. The majority of the site is level with a moderate fall to the Talavera Road.

Figure 1 below indicates that the site is affected by overland flow path and urban bush land.



Legend

	Overland flow path
	Urban bushland - non-conservation

3. PROPOSAL

Alterations and additions to an existing building and commence use as a data centre, and a research and development facility.

Additional details regarding the proposal are included below:

Building Works:

The following works are proposed:

- 2 storey addition to the existing building;
 - western elevation to accommodate a new security entry, meeting rooms, storerooms, operational facilities, staff facilities and a loading dock;
 - southern elevation to accommodate an internal pedestrian access corridor, electricity substations, switch rooms and uninterrupted power supply system;
 - eastern elevation to accommodate communications equipment, generator rooms, a high voltage control room, chiller rooms and storerooms; and
- Internal re-configuration to suit the proposed use;
- Installation of lift;
- Installation of 2 x 45,000 litre underground diesel tanks within the car parking area;
- Stormwater management works including diversion of overland flows;
- Erection of 2.5m high security fence along part of the boundaries;
- Construction of electricity substation, generator room and high voltage control room and installation of switching equipment, chillers, uninterrupted power supply systems, computers, office equipments; and
- Erection of a business identification sign.

Hours of Operation:

The data centre is required to be operational 24 hours/day, 365 days a year.

Staffing Details:

The number of people employed in the building at any one time will vary markedly. In its normal operational mode the data centre will employ fifteen (15) people.

In addition to this:

- up to fifty (50) people would be employed when systems upgrading works associated with the centre are undertaken; plus
- up to twenty (20) people would be employed when computer hosting facilities are being pre-assembled for installation; and
- up to ninety-five (95) people may be need to be employed during any business continuity operations.

4. BACKGROUND

- The application was lodged on 23 December 2010.
- 22 February 2011 & 1 March 2011: The applicant was requested to provide additional information in relation to:
 - Stormwater management on the site.
 - Drainage details of the proposed overland flow diversion.

- A flood study (HECRAS model)
- Impact on trees and possible Endangered Ecological Community on the site.
- Additional treatment and articulation of building façade.
- Council staff has meeting with the applicant and his Engineer. Applicant agreed to provide all the required information by 23 March 2011.
- 9 March 2011 – the applicant submitted additional information regarding the impact on trees.
- A JRPP briefing was held on 10 March 2011 where it was decided to book 29 April 2011 for determination of the application.
- 23 March 2011 – contacted applicant regarding submission of required information. The required information had not been sent to Council.
- 28 March 2011- further reminder sent to the applicant to submit the Flood Study.
- 4 April 2011- contacted applicant and sent further reminder to submit the required drainage information.
- 6 April 2011 – contacted applicant again requesting submission of the required information (email).
- 8 April 2011 – contacted applicant again requesting submission of the required information to allow further assessment.
- 11 April 2011 – Assessment Officer contacted JRPP Secretariat informing of the above situation.
- The information that is outstanding being a detailed flood study will be required to be submitted & reviewed by Council as a deferred commencement condition (see Attachment 1, Part 1, Condition 1).

5. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Section 5A of the Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Major Developments) 2005;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Ryde Local Environmental Plan 2010
- Ryde Development Control Plan 2010;

6. PLANNING ASSESSMENT

6.1 Section 5A of the Environmental Planning and Assessment Act 1979

Section 5A requires various factors that must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development.

A total of 245 trees have been assessed by an Arborist to ascertain the conditions of the trees and possible impact of the proposed development on the trees. The application proposes removal of 79 trees most of which occur within the development

area and the car parking islands. The trees proposed for removal are shown on Plan Number A001 and described in the Arborists report prepared by Stuart Pittendrigh.

The trees and shrubs on the site occurs in rows in the traffic islands or scattered around the site boundaries outside of the at grade car park in the rear yard. Historical aerial photograph (1970 & 1972) kept by Council indicates that there was no vegetation on the site (site was probably cleared).

PHOTO TAKEN MARCH 2011 (trees within traffic island)



Council's mapping shows that the site has urban bushland with non-conservation status. The applicant was requested to carry out ecological survey to determine the presence of any Endangered Ecological Communities (EECs) on the site as required under the NSW *Threatened Species Conservation Act 1995* (TSC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and if required conduct a seven part test to determine impact as provided for under Part 5A of the *EP&A Act*.

The applicant commissioned Eco Logical Australia Pty Ltd to conduct an ecological survey (and 7 part test if required) and provide response to Council. The proponent's response indicated that the seven part test was not required which is summarised below:

Site Assessment

A site assessment was undertaken on 28 February 2011 to validate the vegetation found across the site and to determine if any EECs, particularly Blue Gum High Forest in the Sydney Basin Bioregion, are present on the site, and if a 7-part test under the TSC Act or assessment of significance under the EPBC Act is required.

*The site assessment confirmed that several species of native trees occur on site, including Sydney Blue Gum, Smooth-barked Apple (*Angophora costata*), Rough-barked Apple (*Angophora floribunda*) and Sweet Pittosporum (*Pittosporum undulatum*). These trees were all relatively young, 10-20 years old, and no tree hollows were observed in any of these trees. Other native trees present in the car park and across the property include Swamp*

Mahogany (*Eucalyptus robusta*), Brush Box (*Lophostemon confertus*), Grey Gum (*Eucalyptus punctata*), Lemon Scented Gum (*Corymbia citriodora*) and Swamp Oak (*Casuarina glauca*). No indigenous species were observed in the understorey, with the ground layer being dominated by Couch (*Cynodon dactylon*) and Kikuyu (*Pennisetum clandestinum*). No threatened flora species listed under the TSC Act or the EPBC Act were observed within the site.

The vegetation within the site was observed in rows in the traffic islands or as scattered trees outside of the car park. Additionally, the understorey is dominated by non-indigenous vegetation. This provides strong evidence to suggest that the vegetation within the site has been planted as amenity plantings and that it is not naturally regenerating vegetation.

Literature Review

Vegetation mapping of western Sydney produced by DECCW (NSW Scientific Committee 2008) maps native vegetation across much of the site, and is identified as Sydney Turpentine Ironbark Forest (STIF). DECCW mapping of STIF across the site extends parallel to the M2 and runs southwards across Talavera Rd and through 17-23 Talavera Rd (NSW Scientific Committee 2008). The arborist report identifies that no Turpentine (*Syncarpia glomulifera*) trees are present on the site (Pittendrigh 2010). However, a number of Sydney Blue Gums (*Eucalyptus saligna*) and other species which are indicative species of the Blue Gum High Forest in the Sydney Basin Bioregion are present on the site. This suggests that the vegetation mapping is incorrect and that this vegetation could be Blue Gum High Forest in the Sydney Basin Bioregion. This vegetation community is listed as a Critically Endangered Ecological Community under the TSC Act and EPBC Act.

Discussion

A review of the previous land use of the site has been undertaken by HLA (2004). This provides extensive detail regarding the historical ownership and land use of the site, and illustrates that the native vegetation of the site has been highly compromised, and that the vegetation that occurs on the site is not remnant vegetation but amenity plantings. Aerial images of the site provided in the Environmental Site Assessment (HLA 2004) show that between 1935- 1978 the site was a market garden and contained little or no native vegetation. During this time herbicide and fertiliser applications were regularly made to manage the site for food production (HLA 2004) and this would have severely impacted upon any native vegetation on the site. Further still, the regular tilling of the site would have severely disrupted the soil seed bank and prevented native vegetation from regenerating.

The combined effects of this land management eliminated remnant vegetation from the site and the severe disturbance to the soil seed bank resulted in native vegetation being unable to regenerate from the soil seed bank by the late 1970 s.

Furthermore, since 1978 the site has been used as a commercial property and large amounts of fill material has been imported. This has severely compromised the soil profile (including the soil seed bank) and further prevented the natural regeneration of native vegetation across the site.

Due to the historic land use of the site as a market garden, it is highly unlikely that the trees present within the site today (Sydney Blue Gum, Rough-barked Apple, Smooth-barked Apple and Sweet Pittosporum) have regenerated from the soil seed bank and it is highly likely that these trees were planted as amenity plantings once the land use changed from a market garden to a commercial business district. Several additional observations suggest that these trees were planted and are discussed below in further detail.

Throughout the car park area there are several small and narrow traffic islands. Throughout these traffic islands many species of trees can be observed, including a mix of Sydney Blue

Gum, Brush Box, Swamp Oak and Swamp Mahogany. These traffic islands are small and narrow and it is likely that all trees found in these traffic islands have been established as amenity plantings. This is further demonstrated by the presence of other vegetation that is not indigenous to the region or found in the Blue Gum High Forest EEC and suggests that the Sydney Blue Gums were planted around the same time in this area.

Further supporting evidence occurs towards the rear of the property, where a series of three Sydney Blue Gums occur in a line, approximately 5-metres apart. This is a common practice of landscaping projects. The understorey around these Sydney Blue Gums is dominated by a mix of grasses including Couch and Kikuyu both of which are maintained through a slashing program. As these trees occur in a line and no other native species in the understorey were observed, it provides further evidence these trees were planted as amenity plantings.

Finally, as the site is an existing car park, it would have been graded and flattened during construction. This is yet another action that would have disturbed the soil seed bank preventing the natural regeneration of native vegetation. Hence, it is highly unlikely that any native vegetation would have been able to regenerate through natural processes and that all of the trees present in the car park are amenity plantings.

Conclusion

The evidence provided above indicates that the vegetation present has been established as amenity plantings, and is not remnant vegetation and has not been planted for revegetation or conservation purposes. While several of the tree species within the site are species indicative of the Blue Gum High Forest EEC, the evidence presented above indicates that they have been planted as amenity plantings and do not represent the EEC.

The removal of the trees, particularly the Sydney Blue Gum trees, that have been identified in the arborist report (Pittendrigh 2010) are amenity plantings associated with the earlier development of the site as a commercial property. It has been determined that the vegetation on the site is not the Blue Gum High Forest Critically Endangered Community and further assessment of these trees (i.e. a 7-part test) is not required under the Environmental Planning and Assessment Act 1979.

Comments from Council's Consultant Landscape Architect,

Council's Landscape Architect provided the following comments after reviewing the applicant's submission:

Having reviewed the aerial photographs of the site going back to 1970, I would agree that the site was highly modified possibly through intensive agriculture or other significant ground modification (possibly a building platform or parking hardstand). Whatever the land-use was, there were no areas of natural ground or remnant vegetation apparent, therefore all vegetation occurring on the site is a result of landscaping installed at the time of the construction of the present building (refer to the figure below):

While it is true the site supports some vegetation from STIF it is clear that they are all specimen trees planted within the last 35 years, and have no genetic or ecological association with local provenance or occurrences of STIF. The survey supports the assertion by the Ecologist that the current vegetation is not remnant therefore a 7 part test is not required.



*No objection is raised to the removal of the 79 trees from the site. Of the trees that are proposed for removal, 7 are considered dead, 14 are over mature **E.nicholii** and another 19 are Bottlebrushes and over half the trees to be removed have limited (or even no) amenity value. Other native trees to be removed are typically in poor condition as shown in the photos below:*



The arborist has identified the tree on the left as a Sydney Blue Gum, but it is in such poor health it is barely recognisable as such. This is symptomatic of much of the

native tree planting which has resulted from over planting and lack of subsequent arboricultural management.

Conclusion

Most of the 79 trees proposed for removal have very little merit or amenity value, and reflect a time when they were planted when little thought was given to plant groupings so long as they were “native”. This application should be seen as an opportunity for a rationalization of existing plantings, that will eventually benefit those trees that are to be retained, therefore I have no issue with the schedule of tree removal which should be in accordance with the Stuart Pittendrigh Tree Assessment, dated November 2010. The landscape plan which outlines a program of replacement planting is considered satisfactory.

Note:

The requirement to comply with tree protection measures have been included under condition 1 & 33.

6.2 State Environmental Planning Policy (Major Developments) 2005

The provisions of State Environmental Planning Policy (Major Developments) 2005 apply to the proposed development as the capital investment value is in excess of \$10 million. In accordance with the requirements of Section 13B(1)(a) of the SEPP, the application is defined as ‘regional development’. In this case the consent authority is the Joint Regional Planning Panel (Region East).

6.3 State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The building on the site has been used as an office premises for an IT company. As the existing building will continue to be used an office and data centre (which is also IT related usage), the site is considered to be appropriate for the development.

6.4 Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2006. The proposed development raises no

other issues and otherwise satisfies the aims and objectives of the planning instrument.

6.5 Ryde Local Environmental Plan 2010

The following is an assessment of the proposed development against the applicable provisions of the Ryde Local Environmental Plan 2010.

Zoning

The subject site is zoned – B7 – Business Park under the provisions of the LEP2010. The proposed development would constitute a “*light industry*” which is permitted in the zone with the consent of Council.

Other Mandatory Requirements

Clause 4.3 (2): Height of Buildings

The height of any building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The Height of Buildings Map shows a maximum height of 30m for the subject site.

The maximum height of the proposed addition will not exceed 17.2m and therefore complies with the LEP.

Clause 4.4 (2)– Floor Space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for the site is 1:1.

The site area is an area of 20,030m². A total of 4779.4m² gross floor area (includes new floor area of 958.7m² & excludes 2862m² for plant rooms) have been proposed. This equates to a floor space ratio of 0.23:1. This is well under the maximum permitted on the site. No issues are raised.

Clause 4.4B Macquarie Park Corridor – Floor Space ratio

Consent Authority may consent to development that result in a floor space ratio in excess of the floor space ratio shown for that land on the Floor Space Ratio Map, if:

- (a) the land contains part of the proposed access network shown on the Macquarie Park Corridor Proposed Access Network Map, and*
- (b) the excess floor space does not exceed the equivalent of the site area provided for the portion of the access network shown in relation to the land.*

The development does not seek a floor space ratio over the maximum permitted on the site.

Clause 4.5E(2) Off Street Parking

The maximum off-street parking for commercial and industrial development in the Macquarie Park Corridor are those shown on the Macquarie Park Corridor Parking Restrictions Map.

As per the Macquarie Park Corridor Parking Restrictions Map, parking cannot exceed the rate of 1 space per 46m² of gross floor area. Based on the gross floor area of 4779.4m², a maximum of 104 parking spaces can be provided on the site.

Council's record shows that a total of 192 car parking spaces were approved on the site under a previous consent (for existing building which was occupied by HP Computing).

No additional parking spaces are being created for the increase in floor space as a result of the proposed additional works. Therefore this does not result in a breach of the above Clause. In fact the existing car parking spaces on the site will be reduced from 192 spaces (existing) to 146 spaces (proposed). Parking facilities for disabled persons will be provided on the site.

Clause 4.6(6) Retail Activity in Commercial Core Zone

Development for the purposes of retail premises must not be carried out on land that is in Zone B3 Commercial Core in the Macquarie Park Corridor, unless the premises are located on the ground floor level of a building and do not exceed 2,000 square metres, or in the case of a pub, 250 square metres in floor space.

This Clause is not applicable as the proposal is not for retail use.

Clause 6.6 Objectives for Macquarie Park Corridor

(1) This clause applies to land within the Macquarie Park Corridor.

(2) The objectives for the land to which this clause applies are as follows:

(a) to promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity,

(b) to implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,

(c) to guide the quality of future development in the corridor,

(d) to ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points,

(e) to ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.

(3) The consent authority must not grant consent for development on the land to which this clause applies unless it has considered whether the proposed development is consistent with the objectives stated in subclause (2).

The development is not inconsistent with the above objectives and will contribute positively to the character of Macquarie Park Corridor and will help identify the building.

6.6 City of Ryde Development Control Plan 2010

The following sections of DCP 2010 are relevant to the proposed development:

Part 4.5 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit. The following compliance table indicates the proposal's compliance with this part:

Control	Comments	Satisfactory
s3.0 – Structure Plan		
Street Network Provide new public streets as shown in the Street Network Structure Plan.	The Street Network Structure Plan requires new roads on the site. However, the requirement for the provision of road can only be imposed if the proponents claim bonus provisions under the LEP (as an incentive). In this instance, the proposal is only an alteration and addition of a minor nature and does not rely on the bonus provisions. Therefore, new roads will not be provided under the current application. However, the proposal ensures that the building does not encroach within the area earmarked for the future road construction.	N/A
Open Space Network Provide public open space as shown in Figure 4.5.06 Open Space Network.	The site (especially the rear) has been earmarked for open space. Again the bonus provisions have not been relied on by the applicant to warrant the development & dedication of open space to Council. This is so because the development mainly relies on the existing building/ floor space for the proposed use. The proposal ensures that the building does not encroach within the area earmarked for the future public open space.	N/A
S4.0 – Special Precinct		
Must comply with special precinct requirements	The site does not form part of any special precinct identified in the Macquarie Park Corridor.	N/A
s5.0 – Public Domain		
5.3 – General Public Domain Controls		

Control	Comments	Satisfactory
Cycle Strategy Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007.	This plan identifies Talavera Road as a local bike route and Khartoum Road as a regional bike route. The site fronts on to the Talavera Road. The bike routes will not be affected by the development. Additionally at this stage (based on the nature of the development) the development will not generate the need to provide any cycle access or lockable bicycle storage and end of trip facilities.	Yes
Street Furniture 1. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual. 2. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual.	As mentioned earlier, roads will not be constructed as part of the current development. Applicant will be required to upgrade the footpath/ paving along the Talavera road frontage (condition 31).	N/A Yes
Street Tree & Front Setback Tree Planting Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years.	There are a number of trees within the front setback area providing adequate amenity. No changes are proposed to the front setback of the existing building. The applicant will be required to provide street trees in accordance with the Macquarie Park Public Domain Technical Manual (see condition 31).	Yes
Community Facilities Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan.	The issue of Section 94 has been discussed further in the report. The development will not generate the need for any increase in community facilities other than envisaged by the Section 94 Contributions Plan 2007.	N/A

Control	Comments	Satisfactory
Public Art Public art must be included in all new development on sites over 15,000sqm.	The development is not a new development for the site and does not exceed a site area greater than 15000sqm. This clause is not applicable to the development.	N/A
s6.0 – Site & Building Design		
6.1 – General Built Form Controls		
Height Controls Building heights are to comply with Ryde LEP.	The development complies with the height requirements under the LEP2010 as discussed earlier in this report.	Yes
Floor Space Ratio Controls Floor space ratios are to comply with the Ryde LEP 2010	The application proposes an FSR of 0.23:1 whereas a FSR of 1:1 is permitted on the site. The development complies with the floor space ratio requirements in the RPSO.	Yes
Street Setbacks & Built-To Lines Minimum setbacks and built-to lines must be provided as shown in Figure 4.5.83 of the DCP.	The DCP identifies the setback to Talavera Road as being a minimum of 10 metres. The current setback which is greater than 10m does not change under the current application. The development would also be required to provide a setback along the future Road 8 which is 5m from the road. The development can comply with this requirement as 13.5m clear setback will be maintained along the eastern boundary.	Yes
Side & Rear Setbacks Buildings are to be set back 10m from a rear and 5m from a side site boundary.	The proposed development complies with this requirement as setbacks are achieved as follows: Rear: 80m Eastern side: 13.5m Western side: 30m	Yes
Building Separation Provide a minimum 20m separation between buildings facing each other within a site.	This requirement is only applicable where buildings face each other within the same site and its objective is to ensure adequate separation to allow for visual privacy and solar access to buildings. No new building is proposed. As there will be single building on the site (existing) with adequate setbacks, no issues are raised in relation to this matter.	Yes

Control	Comments	Satisfactory
Site Coverage & Deep Soil Areas A minimum 20% of a site must be provided as deep soil area.	Approximately (7,135m ²) or 35.5% of the site will remain as deep soil area. The development complies with this requirement.	Yes
Building Articulation Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character.	Building articulation refers to the three dimensional modulation and modelling of a building façade. It is distinct from the building massing and form. It is recognised that this is an alteration to an existing building which limits the opportunities to fully comply with the DCP. The external works proposed on the building facades are acceptable.	Yes
Ceiling Heights Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level: <ul style="list-style-type: none"> • Ground level – 3.6m • Upper levels – 2.7m 	The works are proposed on existing two storey office building As the development proposes the upgrading of the existing services, the ceiling height requirements are not relevant to the development.	Yes
Active Frontages 1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. 2. Active ground level uses are encouraged where secondary active frontages are shown in figure 4.5.94.	The DCP does not identify Talavera Road as a primary or secondary active frontage. These controls are not applicable to the development.	N/A
Awnings & Canopies Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP.	As the site has not been identified as having a primary active frontage, there is no requirement for an awning or canopy. This control is not applicable to the development.	N/A

Control	Comments	Satisfactory
<p>Topography & Building Interface</p> <p>Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.</p>	<p>The development will involve excavation to the rear section of the site to allow diversion of the overland flow. The excavation will be clear of the 4m zone from the side and rear boundaries. The development complies with the requirements of this clause.</p>	<p>Yes</p>
<p>Advertising Signage</p> <p>Signage shall comply with Part 9.1 of the DCP.</p>	<p>A Panel Sign to display the name of the business on the site is proposed. The size of the sign will be 2.5m X 2.5m area.</p> <p>Another two directional signs are proposed to be erected at the two entrances to provide information to the visitors/employees arriving at the site. These signs are consistent with Part 9.1 of the DCP.</p>	<p>Yes</p>
<p>Environmental Performance</p> <p>Additional floor space may be permitted within a development where the building can demonstrate design excellence and environmental sustainability. For consideration of the additional floor space a minimum 5 Green Star – Green Building Council of Australia (GBCA) should be provided.</p>	<p>The development does not propose any additional floor space over the maximum permitted on the site. For this reason, the provisions of this control is not applicable.</p> <p>However, The application proposes various energy and water efficiency measures such as:</p> <ul style="list-style-type: none"> - cogeneration, provision of 4 rain water tanks, use of thermal insulation, compliance with Part J of BCA - Provision has been made in the building to accommodate the future establishment of a tri-generation power plant that will significantly reduce the data centre's carbon footprint in relation to its energy consumption needs. - Various other works as indicated in the ESD Report on file. 	<p>Yes</p>

Control	Comments	Satisfactory
Noise & Vibration 1. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. 2. Development is to comply with all relevant statutory regulations.	<p>The applicant has submitted an acoustic report prepared by an appropriately qualified acoustic consultant. The assessment included consideration of noise emissions from mechanical plants such as chillers, DRUPS, power transformers etc. Noise attenuation measures have been recommended to be included in the design to ensure that noise emitted from the development complies with the NSW Industrial Noise Policy</p> <p>There are no residential developments nearby. The nearest residential properties are located on the northern side of the M2 on the northern side.</p> <p>The noise levels for the nearest commercial property will achieve the upper limits on the permitted range in the NSW Industrial Noise Policy.</p> <p>It is proposed to include a condition on the consent to ensure that the development will meet the acceptable levels as contained in this policy. This will ensure that the amenity of the locality will be maintained. (See condition numbers 20 -22).</p>	Yes
6.2 – Private & Communal Open Space		
6.3 – Services & Site Management		
Stormwater Drainage Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP and is to provide a stormwater drainage system in accordance with the “major/minor” system concept set out in Australian Rainfall and Runoff.	<p>Council's Development Engineer has assessed the development application and has raised a number of issues.</p> <p>Various requests have been made to the applicant to submit required drainage information, However, the applicant has not responded to date.</p> <p>It would however, be possible to address the issues raised by Councils Development Engineer as a Deferred Commencement Consent.</p>	No (but deferred commencement condition recommended to ensure compliance – see Attachment 1 - Part 1 – Condition 1).

Control	Comments	Satisfactory
Waste Management All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.	A waste management plan was submitted with the development application. This has been reviewed by Council's Environmental Health Officer and no objections have been raised.	Yes
Soil Management Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss.	Appropriate conditions of consent will be imposed to require the submission of an erosion and sediment control plan that meets the Council's requirements (refer condition 6, 45, 54, 59).	
Site Contamination Prior to the submission of subdivision and development applications, a suitably qualified environmental engineer on behalf of the applicant is to assess whether the subject land is contaminated.	The building on the site has been used as an office premises for an IT company. As the existing building will continue to be used as an office and data centre (which is also IT related usage), the site is considered to be appropriate for the development. Council's Environmental Health Officer has reviewed the application and raised no objection to the proposal.	Yes
Site Facilities Adequate loading facilities to be provided	Adequate loading/ unloading and access provisions have been provided.	Yes
Vehicular Access Vehicular access is not permitted along streets identified as 'Active Frontages'.	The existing vehicular access from Talavera Rd is considered satisfactory.	Yes
Work Place Travel Plan (WPTP) A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees.	This clause is not applicable to the development.	N/A

Part 9.1 - Advertising Signs

Three signs are proposed on the site. These include 1 Panel Sign on the western façade of the building and 2 Directional signs at the entrance to the driveways along the Talavera Road frontage.

The Panel Sign:

Is a sign with an advertisement area that is greater than 5m² but no more than 12m². The development proposes a Panel Sign to display the name of the business on the site. The size of the sign will be 2.5m X 2.5m area. This equates to an area of 6.25m².

The following controls apply:

- a. only permitted in business and industrial zones;*
- b. shall not extend laterally beyond the wall of the building to which it is attached;*
- c. shall not project above the top of the wall to which it is attached;*
- d. shall not project horizontally more than 300mm from the wall.*

The proposal complies with all of the above requirements under this part.

Pylon/ Directional Signs

Additional signs are proposed in the form of directory boards at the entrance to the driveways located on the subject site. The signs are proposed adjacent to the two driveway to provide the property address, business name with directional information for drivers/ pedestrians to identify the site and enter.

Proposed signs will be 1.2m high and 1m wide with the display area of approximately 1.2m². Council's control sets a maximum height of 3.5m and a total maximum area of 6.2m².

This signs comply with the requirements under Council's DCP.

Part 9.2 Access for People with Disabilities

The DCP requires where there is a minor refurbishment to an existing building that accessibility for people with disabilities shall not be made worse. The development complies with this requirement as the development will not affect the access to the building from either the street or car parking areas.

The applicant has submitted an Access Report which confirms that the development can comply with the accessibility requirements under Council's DCP, the BCA and DDA. Also access between the levels of the building will be improved through provision of new lift. Adequate entry ramp and continuous accessible path of travel be provided. Conditions 1 & 2 are recommended to ensure compliance with this requirement.

Part 9.3 - Car Parking

Car parking issue has been discussed under the LEP section of this report.

6.7 Any Draft Planning Instruments

There are no draft Planning Instruments that affect this application.

6.8 Section 94 Development Contributions Plan 2007 (2010 Amendment)

The Section 94 Contributions Plan – 2007 allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density/ floor area.

The development proposes an additional *gross floor area* of 958.7m² to the existing building. This excludes all the plant & chilling areas.

The contributions that are payable with respect to the increased floor area (floor area for the purposes of S94 contribution excludes the plant rooms) on the subject site (being for non-residential use inside Macquarie Park area – commercial) are as follows:

CONTRIBUTION PLAN	Contributions – \$115.74 per m² gross floor area	
Community & Cultural Facilities	\$33,610.06	
Open Space & Recreation Facilities	\$0	
Civic & Urban Improvements	\$32,927.78	
Roads and Traffic Management Facilities	\$34,628.23	
Cycleways	\$4,545.02	
Stormwater Management	\$4,030.69	
Plan Administration	\$1,217.60	
Contribution for increased floor area		\$110,959.37

NOTE:

1. The above calculation has been reviewed by the Team Leader – Major Development Team. A copy of rates & calculation spreadsheet is on file.
2. The December 2010 rates have been applied to the development.
3. Condition 25 requiring the payment of a Section 94 contribution of **\$110,959.37** has been included in the recommendation of this report.

7 LIKELY IMPACTS OF THE DEVELOPMENT

Built Form

The proposed development will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

The building is sited 20m away from the Talavera Road street boundary. It is screened from the road by existing vegetation. The height of this building is within the permitted height. The massing of the proposal is largely determined by the existing building.

The proposed renovation and addition to the building incorporates architectural features to re-brand the building as a data centre. Council's requests for additional

articulation and improved finishing has been incorporated in the design to a large extent despite the primary focus for a secure building for use as data centre. The applicant has shown a number of finishes and material samples in support of the application. These are supported by Council's Urban Design Planner.

The proposed 2.5m fence will be palisade fence with anti-climb feature. The height of the fence will match with the existing 2.5m high side boundary fence. The proposed fence is required to make the site more secure.

The proposal will improve the landscaping and public domain area as part of this application.

Noise Impact

Any possible noise impact emanating from the site as a result of operating the plants have been addressed via Noise report which recommended noise attenuation measures in the design. Appropriate condition has been recommended to ensure the required measures are incorporated in the design (see condition 19 & 20).

Traffic Impact

Applicant will rely on existing driveways and car parking spaces on the site with slight modifications. Council's Traffic Engineer has reviewed the proposal and has advised that the traffic generation/ attraction for alterations and additions for a Data Centre is not considered significant. The Traffic Impact statement by the applicant is considered satisfactory and further information is not considered warranted unless the development details change. A Traffic and Pedestrian Construction Management Plans will be submitted as part of Construction Certificate application. (refer condition 49).

Safety by Design

In assessing this development application Council must have regard for the "*Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979*" issued by the Department of Planning in April 2001. These guidelines include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner.

Hours of Operation

The data centre is required to be operational 24 hours/ day, 365 days a year. Given the nature of use it is unlikely to result in any significant adverse impact on the locality, no objection is raised. No conditions are recommended to restrict the hours of operation.

8 COMMENTS FROM COUNCIL DEPARTMENTS

Development Engineer, 12 April 2011:

The following comments were received:

The site is affected by overland flow. The site is also burdened by an existing drainage easement containing an 1800 diameter Council's pipeline as well as being affected by future road dedication under the Macquarie Park DCP.

The applicant's engineer has submitted a very rudimentary flood study and drainage design for the site. The flood study has been referred to Public Works division for comments and after many unsuccessful attempts in securing a satisfactory flood study report, Public Works has agreed that these information can be requested to be addressed under a deferred commencement consent.

The submitted drainage design indicated the proposal to provide 4 large underground rainwater tanks to collect roof areas runoff and utilize the water for the cooling of computers. Additionally, the proposal also provide for an underground OSD system of 100m³. The design is also considered rudimentary with a number of non compliances, that will be conditioned for rectification prior to construction certificate.

Access to the site is proposed via two existing driveways entry and exit to existing carparking spaces which will be modified slightly to facilitate access is considered to be satisfactory and accordance with AS 2890.1 – 2004.

It is also noted an awning located at the south west corner of the proposed building will encroached over an existing 3.5m wide Council's drainage easement. To address this the applicant has proposed to registered a positive covenant on the subject site, requiring the proprietor of the land to bear the cost of dismantling and reinstallation of the awning should access to Council's pipeline is required at any time in the future. This proposal is considered satisfactory subject to recommended conditions (refer conditions 10-13, 49-50 & 66-71).

Catchments & Assets Team, 12 April 2011:

An Overland Flow Path Study shall be submitted to the Council including the following information as minimum.

- A HECRAS or TUFLOW model (preferred) to determine the 100 year overland flow path extent for the proposed development conditions;
- The risks to the pedestrians at Talavera Road shall be assessed and addressed; and
- Cross sectional details of the overland flow path at the Council pipe crossing.

Recommended deferred commencement consent to achieve compliance with the above requirement (refer conditions under Part 1 of Attachment 1).

Traffic Engineer, 25 February 2011:

The following comment was provided from the Traffic Engineer:

- *The traffic generation/ attraction for alterations and additions for a Data Centre is not considered significant. The Traffic Impact statement by the applicant is considered satisfactory and further information is not considered warranted unless the development details change.*
- *Traffic and Pedestrian Construction Management Plans including traffic control plans should be submitted and approved by Council. Demolition and construction vehicles should be fully contained within the site before stopping (refer condition 49).*

Environmental Health Officer, 19 January 2011:

No objection was raised from Council's Environmental health Officer subject to standard environmental health conditions (refer conditions 14-24).

Urban Design Planner, 4 April 2011:

The following comments were provided by Council's Urban Design Planner:

It is recognised that this proposal is an addition to an existing building which places a number of constraints on how the proposal can respond to the DCP. Therefore, the proposed project does not meet all of the urban design and public domain outcomes of the Macquarie Park DCP that would be expected of a new building. The applicant has shown a number of finishes and material samples in support of the application.

The building is sited 20m away from the Talavera Road street boundary. It is screened from the road by existing vegetation. The height of this building is within the permitted height. The massing of the proposal is largely determined by the existing building.

Building articulation: Building articulation refers to the three dimensional modulation and modelling of a building façade. It is distinct from the building massing and form. It is recognised that this is an alteration to an existing building which limits the opportunities to fully comply with the DCP:

9 PUBLIC NOTIFICATION AND SUBMISSIONS

The application was advertised and notified between 2 February 2011 and 17 February 2011. No submissions were received in relation to the proposed development.

10 CONCLUSION

The proposed development works and the use of the vacant building at 17-23 Talavera Rd for data centre and research facility are permitted under Council's planning controls.

No submissions have been received after a public notification of the application.

The proposed additions and renovations works on the site generally complies with Council's planning controls except for the drainage works on the site. The applicant has not submitted the required flood modelling for the proposed diversion of overland

flow on the site. For this reason, it is recommended that a Deferred Commencement Consent be issued to ensure compliance with Council's requirements.

11 APPLICATION DETAILS

The applicant is: GIDDIS Pty Ltd

The owner is. Macquarie Telecom

The estimated value of works is \$20,152,282.00.

No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made.

12 RECOMMENDATION

- (a) That in accordance with Section 80(3) of the EP&A Act, 1979 the Sydney East Region Joint Regional Planning panel grant approval to the Development Application Number 2010/0671 for the proposed data centre at 17 – 23 Talavera Road, Macquarie Park subject to the deferred commencement conditions contained under Part 1 and general conditions of Consent contained under Part 2 in the attachment 1 of this report.
- (b) That the information required under Part 1 of the Attachment 1 shall be submitted to Council within 3 months from the date of Consent, in accordance with the requirements of Section 95(6) of the Environmental Planning & Assessment Act.
- (c) This consent shall not become operative until the proposal demonstrates satisfactory compliance with the matters referred to in Part 1 of the Attachment 1 to the satisfaction of the Group Manager Environment & Planning, City of Ryde and the applicant is notified in writing that the Consent has become operative.

Report Prepared By:

Sanju Reddy
Senior Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager – Environment & Planning

ATTACHMENT 1
PROPOSED CONDITIONS OF CONSENT (LDA2010/0671)

PART 1 – Conditions relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

DEFERRED COMMENCEMENT CONDITIONS

This consent shall not become operative until the proposal demonstrates satisfactory compliance with the following, to the satisfaction of the Group Manager Environment & Planning and the applicant is advised in writing.

1. This consent shall not operate until the following matters have been addressed satisfactorily to Council's satisfaction via submission of additional information, plans, reports & data.
 - a. A detailed flood study report prepared and certified by a chartered civil engineer with NPER registration with Engineers Australia. The report shall incorporate but not be limited to the following:
 - i. A Hec-ras or preferably a Tufflow model is to be submitted to determine the 1 in 100 year and PMF overland flow path extent under the post development conditions.
 - ii. The report shall also consider and address the potential risks to pedestrian and vehicles using Talavera Road and the carpark on site.
 - iii. Detailed design cross-sections of the overland flow path diversion through the site is to be submitted along with proposed treatment of building footings adjacent to Council's existing drainage easement.

PART 2 - The following requirements shall apply upon satisfactory completion of the requirements outlined in Part 1 of this consent (above).

GENERAL CONDITIONS

1. Development is to be carried out in accordance with the following plans and support information submitted to Council, and as amended by the subsequent conditions and plans submitted under Part 1 of the Consent.

Plan Number	Title	Issue/ Version	Date
A001	Site Plan	6	2/03/2011
A004	Area Calculation	3	2/03/2011
A100	Ground Floor Plan	8	2/03/2011
A101	First Floor Plan	7	2/03/2011
A105	Roof Plan	3	2/03/2011
A200	East & West Elevations	6	2/03/2011
A201	North & South Elevations	6	2/03/2011
A210	Fence Elevation	3	2/03/2011
A301	Sections AA & BB	4	2/03/2011
A302	Section CC & DD	2	2/03.2011

228.10/454'C'	Landscape Plan	C	21.12.2010
	Access Report by Accessibility Solutions		20.12.1010
TF144-01F02	Environmental Noise Assessment Report	Rev 2	13.12.2010
	Tree Assessment Report		Nov 2010
C01	Stormwater Services	02-0	21.12.10
C02	Stormwater Drainage & grading	02-0	21.12.10
C03	Drainage & Roof Plan	02-0	21.12.10
C04	Drainage - Longitudinal	02-0	21.12.10
C06	Soil & Water Management Plan	02-0	

2. **BCA:** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. **Construction Certificate:** Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. **Accredited Certifier:** The applicant may apply to the Council or an accredited certifier for the issuing of a Construction Certificate and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).

5. **Excavations and backfilling**
 - a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
6. **Retaining walls and drainage**

If the soil conditions require it:

 - a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.

- b) adequate provision must be made for drainage.
7. **Security Lighting:** Where security lighting is provided within the development, it should not illuminate observers or vantage points. Light should be projected outwards towards pathways and gates, not towards windows and doors. Passing motorists, police and pedestrians will be the likely observers.
8. **Surveillance Equipment:** Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.
9. **Access for Waste Collection Vehicles -** Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.
- Additional clearances must be provided for overhead and side loading where appropriate.

General Engineering Conditions

10. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment.
13. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

General Environmental Health Conditions

14. **External garbage storage areas** - External areas used for the storage of garbage must be roofed and paved with concrete graded to a grated drain connected to the sewerage system. A hose cock must be provided adjacent to the garbage storage area to facilitate cleaning of the containers and storage area.
15. **Ventilation of rooms** - Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
16. **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.
17. **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.
18. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
19. **Noise and vibration from plant and equipment** - Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) 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.
20. **Noise from emergency generator** - The noise emitted by an emergency generator must comply with the following criteria:
 - (a) The L_{A10} noise level must not exceed the background noise level by more than 15 dBA and, in any case, a noise level of 65 dBA, when measured at the boundary of any affected industrial or commercial premises in the vicinity.
 - (b) Between 7.00am and 10.00pm the L_{A10} noise level must not exceed the background noise level by more than 10 dBA and, in any case, a noise level of 55 dBA, when measured at the boundary of any affected residential premises in the vicinity.
 - (c) Between 10.00pm and 7.00am the L_{A10} noise level must not exceed the background noise level by more than 5 dBA and, in any case, a noise level of 45 dBA, when measured at the boundary of any affected residential premises in the vicinity.

- (d) Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
21. **Noise Attenuation:** Appropriate acoustic treatment measures must be incorporated in the design of the proposed development to meet the 65dB(A) noise criteria at the boundary of the property. To ensure this is achieved, the recommendations and design measures suggested in the Environmental Noise Assessment Report prepared by Renzo Tonin & Associates – Reference TF144-01F02 (Rev 2) dated 13 December 2010.
 22. **Noise impacts from premises** – Recommendations from the Environmental Noise Assessment report prepared by Renzo Tonin & Associates (NSW) Pty Ltd dated 13 December 2010 to be incorporated into the development.
 23. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
 24. **Underground storage tanks** – In accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems (UPSS)) Regulation 2008 , the site owner/operator is required to have in place:
 - a system for detecting and monitoring leaks;
 - groundwater monitoring wells at sensitive locations and a program to test them;
 - an Environment Protection Plan for the facility; and
 - systems in place for record keeping, reporting of leaks and notifying the local council when a UPSS is decommissioned.

PRIOR TO CONSTRUCTION CERTIFICATE

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

A	B
Community & Cultural Facilities	\$33,610.06
Open Space & Recreation Facilities	\$0
Civic & Urban Improvements	\$32,927.78
Roads & Traffic Management Facilities	\$34,628.23
Cycleways	\$4,545.02
Stormwater Management Facilities	\$4,030.69
Plan Administration	\$1,217.60
The total contribution is	\$110,959.37

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section

94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of the contribution rates that are applicable at time of payment.

26. **A security deposit** (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
27. An **Enforcement levy** is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).
28. **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 received prior to the issuing of the **Construction Certificate**.
29. **Documentary evidence** of compliance with Conditions 25 - 28 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.
30. **Sydney Water Requirements**: A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

31. **Public Domain Works** – Public domain improvement works including footpath paving, street tree planting with suitable plant species & lighting along the Talavera Road reserve fronting the subject site and the like shall be in accordance with the Macquarie Park Public Domain Technical Manual. Full

details, including samples, schedules and plans are to be submitted and approved by Council prior to the construction of the development. Applicants must ensure that the health of the street trees are guaranteed for a minimum of 2 years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

32. **Fence:** The proposed boundary fence on the site must be at least 50% open (transparent/ see through) and must not exceed the height of the existing fence.
33. **Tree Protection on the site:** Trees that are to remain on site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a fence erected around their drip line. A qualified arborist shall inspect the tree protection measures and documentary evidence of tree protection measures is to be submitted prior to the issuing of the **Construction Certificate**.
34. A **site works plan** indicating compliance with Council's DCP 2006, Part 8.1 – Construction Activities, in relation to:
 - c) sedimentation and pollution controls;
 - d) tree preservation and protection measures;
 - e) security fencing;
 - f) builder's identification signage and demolition in progress signage; and
 - g) provision of site toiletsto the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.
35. **Substations:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Details of all service infrastructure/utilities are to be approved prior to issue of the **Construction Certificate**.
36. A "**Fire Safety Schedule**" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the Construction Certificate.
37. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
 - (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
 - (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;

- (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
38. **Cooling tower details** - Details of any proposed water-cooling systems, and alterations to any existing systems (including the installation of new cooling towers), must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:
- (a) Certified plans and specifications of the proposed water cooling system;
 - (b) A site survey plan showing the location of the proposed cooling tower and any air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - (c) Access details for inspection and maintenance purposes;
 - (d) Details of the proposed water treatment system; and
 - (e) A Compliance Certificate from a suitably qualified person certifying that the design of the cooling tower(s) complies with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial Control – Design, installation and commissioning*.

Engineering Conditions Prior To Construction Certificate

39. **Water Tanks System.** A minimum 100m³ rainwater tank system shall be provided for the site. The rainwater tank system shall be connected for internal reuse in toilet flushing, cooling of computers equipments and irrigation purposes etc. A first flush system is to be incorporated into the design.
40. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas of the site not affected by 1 in 100 year overland flow are to be collected and piped by gravity flow to an On-site detention system with outlet and overflow being piped directly connected to Council's existing stormwater drainage system in accordance with PCD 2010 Part 8.2. The design shall incorporate but not be limited to the following:
- a. The OSD system shall be designed to ensure the permissible site discharge from the development for all storm events and durations up to and including the 1 in 100 year ARI storm be equivalent to the status of nature (grassed area) flow from the proposed catchment area draining to it. The minimum catchment area draining to the OSD system shall be all impervious areas of the site, excluding those determined as being affected by overland flow.
 - b. The design shall ensure that the OSD system will operate as designed under all storm events. Accordingly, the orifice or outlet control pipe shall be designed to ensure it will not be subjected to backwater flow from the stormwater pipeline where the proposed connection is made.
 - c. The design shall be performed using a recognized computer modelling software similar to the Drains or IISax model.
 - d. All roof gutters, downpipes and pipeline conveying runoff to the OSD system are to be sized for the 1 in 100 year storm event.

- e. Detailed engineering plans including certification indicating compliance with this condition are to be submitted with the construction certificate application.
41. **Car Parking.** All internal driveways, vehicle turning areas, parking space dimensions etc shall comply with AS 2890.1-2004 & 2890.2-2002 where applicable. Accordingly adjustment shall be made to the carpark where necessary to ensure all vehicles visiting the site can enter and leave the site in a forward direction.
42. **External Engineering Works.** The construction of external public infrastructure works as specified under The Macquarie Park DCP Technical Design Manual at the applicant's expense. Detailed engineering plans prepared by a chartered civil engineer shall be submitted for Council's approval, prior to issue of Construction Certificate. Engineering plans assessment and works inspection fees are payable in accordance with Council's Management Plan, prior to approval being granted by Council.
43. **Construction near Easements, Pipelines, Culverts, or Watercourses.** Except for the proposed awning located at the southwest corner of the proposed building all other buildings and structures shall be kept clear of natural watercourses, drainage easements, pipelines and culverts in which Council has an interest.
44. **Construction near Pipeline in Drainage Easement.** The footings for buildings and other structures adjacent Council's existing 3.5m wide drainage easement shall be taken a minimum of 100 mm below the invert of the existing pipeline. The location and depth of the pipeline, along with the design of the footings, are to be shown on the plans including structural engineering certification indicating compliance with this condition is to be submitted with the construction certificate application.
45. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan* (ESCP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. These devices shall be maintained during the construction works and replaced where considered necessary.
46. **Erosion Control:** The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*
- a) Existing and final contours
 - b) The location of all earthworks, including roads, areas of cut and fill
 - c) Location of all impervious areas
 - d) Location and design criteria of erosion and sediment control structures,
 - e) Location and description of existing vegetation
 - f) Site access point/s and means of limiting material leaving the site
 - g) Location of proposed vegetated buffer strips
 - h) Location of critical areas (drainage lines, water bodies and unstable slopes)

- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT

47. 'Dial 1100 Before You Dig'

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgment of an application for a **Construction Certificate** if this is the case.

49. **Construction Traffic Management:** The TMP shall be prepared in accordance with the relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

48. **Construction Signage:** Signage is to be provided on the site as follows:
- a) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

Engineering Conditions to be complied with Prior to Commencement of Construction

49. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
50. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply

with the construction plan and the City of Ryde, Development Control Plan 2006:
- Part 8.1; Construction Activities.

DURING DEMOLITION AND CONSTRUCTION

51. **Demolition:** In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).
52. **Security Fencing:** Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
53. **Construction Hours:** All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
54. **Dust Control:** Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
55. **Asbestos:** All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
56. The occasions on which building work must be inspected are:
 - a) after excavation for, and before the placement of, any footings.
 - b) prior to covering any stormwater drainage connections, and
 - c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

57. In addition to the abovestated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2006, Part 8.1 - "Construction Activities":
 - a) Sediment control measures.
 - b) Tree Preservation and protection measures.
 - c) Security fencing.
 - d) Materials or waste containers upon the footway or road.

- e) PCA and principal contractor (the coordinator of the building work) signage and site toilets.
- 58. The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
- 59. No fill is to be placed above the natural ground level beyond the footprint of the building except for the works authorised under this consent.
- 60. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
- 61. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".

PRIOR TO OCCUPATION CERTIFICATE

- 62. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
- 63. A **Fire Safety Certificate/s** from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.
- 64. **Certification of mechanical ventilation work** - A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.
- 65. **Certification of cooling towers** - A Compliance Certificate must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) on completion and commissioning of all cooling towers approved under this consent and before the issue of an Occupation Certificate.

The certificate must be from a suitably qualified person and certify that the cooling towers have been installed in accordance with the approved plans and specifications and comply with Australian/New Zealand Standard AS/NZS 3666.1:2002 *Air-handling and water systems of buildings – Microbial control – Design, installation and commissioning*.

Engineering Conditions to be complied with Prior to Occupation Certificate

66. **Compliance Certificates – Engineering.** Compliance Certificates must be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- From Council confirming external public infrastructure works have been completed to Council's satisfaction
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that all internal site drainage works including flood mitigation works as recommended or proposed by the flood study report have been completed in accordance with such report
 - Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management
67. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date for the site stormwater drainage system including any external public works engineering works **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
68. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
69. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of

Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

70. **Restriction as to User, Floodway.** 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 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
71. **Positive Covenant For Stormwater Access.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the proprietor of the land to bear the cost of dismantling and reinstatement of the awning encroaching onto Council's 3.5m wide drainage easement located at the building southwest corner should access to Council's pipeline is required in the future.

The wording of the instrument is to be approved by Council prior to lodgement at the Land and Property information Office.

OPERATIONAL REQUIREMENTS

72. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste for proper disposal.
73. **Recyclable wastes** - Wastes for recycling should be stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
74. **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*.
75. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
76. **Duty to notify pollution incidents** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.

End.